

U. S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
Washington, D. C.

WAGE-HOUR OVERTIME NOT LIMITED TO MINIMUM WAGE, FLEMING MAINTAINS

The Wage and Hour Division does not agree with the decision in an employee suit made by Federal Judge William C. Coleman of Baltimore, Maryland, today, holding that overtime compensation under the Fair Labor Standards Act (Wage and Hour Law) is to be computed at the rate of one and one-half times the 30-cent minimum. This was made plain by General Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor, in a brief statement when he was asked to comment upon Federal Judge Coleman's decision in the case of Missel versus Overnight Transportation Company, that an employee who had received \$25 for an average 65-hour workweek had received more than the minimum wages prescribed in the Act.

"The Wage and Hour Division, which took no part in this case, has always maintained that when Congress said an employee was entitled to overtime at the rate of time and one-half the regular rate of pay, it meant exactly that, and not time and one-half the minimum rate," General Fleming said.

"This view has been upheld by three Federal judges, one state supreme court and several lower state courts, after trials in each case, even though the regular rate of pay was substantially higher than 30 cents an hour. In one other Federal decision to the contrary, the Dallas News case, the Wage and Hour Division has taken an appeal to the United States Circuit Court of Appeals for the Fifth Circuit."

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