

UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
WASHINGTON, D. C.

ADMINISTRATIVE ORDER NO. 100

IN THE MATTER OF THE RECOMMENDATIONS OF
INDUSTRY COMMITTEE NO. 17 FOR MINIMUM
WAGE RATES IN THE JEWELRY MANUFACTURING
INDUSTRY

and

APPOINTMENT OF INDUSTRY COMMITTEE NO. 26
FOR THE JEWELRY MANUFACTURING INDUSTRY

WHEREAS, the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to Section 5(b) of the Fair Labor Standards Act of 1938, on October 23, 1940, by Administrative Order No. 66, appointed Industry Committee No. 17 for the jewelry manufacturing industry, composed of an equal number of representatives of the public, employers in the industry, and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

WHEREAS, on November 26, 1940, the Administrator amended the definition of the jewelry manufacturing industry by issuing Administrative Order No. 74; and

WHEREAS, Industry Committee No. 17 on December 17, 1940, recommended minimum wage rates for the jewelry manufacturing industry and duly adopted a report containing said recommendations and reasons therefor, and filed such report with the Administrator on December 18, 1940, pursuant to Section 8(d) of the Act and Section 511.19 of the Regulations issued under the Act; and

WHEREAS, after due notice published in the Federal Register Henry T. Hunt, Esquire, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendations at Washington, D. C., on January 21 to 24, inclusive, and February 3, 1941, at which all interested persons were given an opportunity to be heard; and

WHEREAS, the complete record of the proceedings before the Presiding Officer was transmitted to the Administrator; and

WHEREAS, all persons appearing at said public hearing before the Presiding Officer were given leave to file briefs before March 6, 1941, and to offer oral argument before the Administrator on March 19, 1941; and

WHEREAS, the Administrator, upon reviewing all the evidence adduced in these proceedings and giving consideration to the provisions of the Act with special reference to Sections 5 and 8, has concluded that the Industry Committee's recommendations for the jewelry manufacturing industry as defined in Administrative Order No. 74 are not made in accordance with law; and

WHEREAS, the Administrator has set forth his decision in an opinion entitled "Administrator's Findings and Opinion in the Matter of the Recommendations of Industry Committee No. 17 for Minimum Wage Rates in the Jewelry Manufacturing Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, Washington, D. C.;

NOW, THEREFORE, It is hereby ordered that

A. The recommendations of Industry Committee No. 17 for the jewelry manufacturing industry are hereby disapproved; and

B. Industry Committee No. 17 for the jewelry manufacturing industry is hereby dissolved; and

C. Industry Committee No. 26, composed of the following representatives, is hereby appointed and convened for the jewelry manufacturing industry (as such industry is defined in paragraph 1 below):

For the Public:

Alexander H. Frey, Chairman, Philadelphia, Pennsylvania
Teresa M. Crowley, New York, New York
C. Emanuel Ekstrom, Providence, Rhode Island
Robert R. R. Brooks, Williamstown, Massachusetts
Dr. Harry Schulman, New Haven, Connecticut
Mrs. Elizabeth B. Raushenbush, Madison, Wisconsin

For the Employees:

Leon Williams, Bronx, New York
Samuel E. Beardsley, New York, New York
A. J. Gaul, Chicago, Illinois
Erwin Spiegel, Teaneck, New Jersey
Morris Borodkin, New York, New York
John R. Maurillo, Providence, Rhode Island

For the Employers:

Charles John Simeon, Providence, Rhode Island
Sturgis G. Rice, Plainville, Massachusetts
Rawson L. Wood, New York, New York
August Kappel, New York, New York
Leo F. Krussman, New York, New York
F. B. Stegman, Dayton, Kentucky

Such representatives have been appointed with due regard to the geographical regions in which such industry is carried on.

1. For the purpose of this order the term "jewelry manufacturing industry" means:

(a) The manufacturing, processing, or assembling, wholly or partially from any material, of jewelry, commonly or commercially so known. Jewelry as used herein includes, without limitation, religious, school, college, and fraternal insignia; articles of ornament or adornment designed to be worn on apparel or carried on or about the person, including without limitation, cigar and cigarette cases, holders, and lighters; watch cases; metal mesh bags and metal watch bracelets; and chain, mesh, and parts for use in the manufacture of any of the articles included in this definition. Jewelry as used herein does not include pocket knives, cigar cutters, badges, emblems, military and naval insignia, belt buckles, and handbag and pocket-book frames and clasps, or commercial compacts and vanity cases, except when made from or embellished with precious metals or precious, semiprecious, synthetic, or imitation stones; and the assaying, refining, and smelting of base or precious metals.

The term "parts" as used in the foregoing paragraph does not include parts which are used predominantly for products other than jewelry, such as springs, blades, and nail files. The term "commercial compacts and vanity cases" as used means compacts and vanity cases which bear the trade name or mark of a cosmetic manufacturer and are made for the purpose of distributing or advertising said cosmetics.

(b) The manufacturing, cutting, polishing, encrusting, engraving, and setting of precious, semiprecious, synthetic, and imitation stones.

(c) The manufacturing, drilling, and stringing of pearls, imitation pearls, and beads designed for use in the manufacture of jewelry.

2. The definition of the jewelry manufacturing industry covers all occupations in the industry which are necessary to the production of the products covered in the definition, including clerical, maintenance, shipping, and selling occupations, provided, however, that this definition does not cover employees of a manufacturer, assembler, processor, or independent wholesaler who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale, and provided further that where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

3. The Industry Committee herein created shall meet on May 19, 1941, in Washington, D. C., and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce" excepting employees exempted by virtue of the provisions of Section 13(a) and employees coming under the provisions of Section 14.

Signed at Washington, D. C. this 24th day of April, 1941.



Administrator
Wage and Hour Division
U. S. Department of Labor

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