

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

IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY
COMMITTEE NO. 16 FOR A MINIMUM WAGE RATE IN THE
PORTABLE LAMP AND SHADE INDUSTRY

WAGE ORDER

Effective July 1, 1941

Part 595 - Minimum Wage Rates in the Portable Lamp and Shade Industry

WHEREAS, On October 23, 1940, pursuant to Section 5 of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 65, appointed Industry Committee No. 16 for the Portable Lamp and Shade Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Portable Lamp and Shade Industry in accordance with Section 8 of the Act; and

WHEREAS, the Committee included six disinterested persons representing the public and a like number of persons representing employers in the Portable Lamp and Shade Industry and a like number of persons representing employees in the industry, and each group was appointed with due regard to the geographical regions in which the Portable Lamp and Shade Industry is carried on; and

WHEREAS, on November 18, 1940, the Committee, after investigation of economic and competitive conditions in the industry, filed with the Administrator a report containing its recommendation for a 40 cent minimum hourly wage rate for each of the separable divisions of the Portable Lamp and Shade Industry, namely, the Portable Lamp Division and the Shade Division; and

WHEREAS, after notice published in the Federal Register on November 26, 1940, Henry T. Hunt, Esquire, Principal Hearings Examiner, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on December 11 and 12, 1940, at which all interested persons were given an opportunity to be heard; and

WHEREAS, the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

WHEREAS, all persons who appeared at the hearing were given leave to file briefs on or before January 22, 1941; and

WHEREAS, oral argument of persons who appeared at the hearing

was heard by the Administrator on January 27, 1941; and

WHEREAS, the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act, with special reference to Sections 5 and 8, concludes that the Industry Committee's recommendation for the Portable Lamp and Shade Industry, as defined by Administrative Order No. 65, is made in accordance with law, is supported by the evidence adduced at the hearing and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purpose of the Act; and

WHEREAS, the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 16 for a Minimum Wage Rate in the Portable Lamp and Shade Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington, D. C.;

NOW, THEREFORE, it is ordered that

Section 595.1 - Approval of Recommendation of Industry Committee

The Committee's recommendation is hereby approved, and in accordance with such recommendation,

Section 595.2 - Wage Rates

Wages at a rate of not less than 40 cents per hour shall be paid under Section 6 of the Act by every employer to each of his employees either in the Portable Lamp Division or in the Shade Division of the Portable Lamp and Shade Industry who is engaged in commerce or in the production of goods for commerce; and

Section 595.3 - Posting of Notices

Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Portable Lamp and Shade Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

Section 595.4 - Definition of the Portable Lamp and Shade Industry

The Portable Lamp and Shade Industry and the divisions thereof to which this Order and its several provisions shall apply are hereby defined as follows:

Portable Lamp Division: The manufacturing, assembling, and decorating of lamps for illuminating purposes which can be moved from place to place and which can be plugged into electrical outlets by means of an extension cord and plug, excluding the manufacturing of parts for such lamps

by any person other than the manufacturer, assembler or decorator of such lamps.

Lamp Shade Division: The manufacturing, assembling, and decorating of lamp shades of any material except metal, glass, or plastic.

Section 595.5 - Scope of the Definition

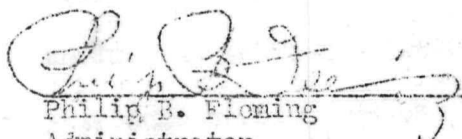
The definition of the Portable Lamp and Shade Industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping, and selling occupations, provided, however, that this definition does not include employees of an independent wholesaler or employees of a manufacturer, assembler, or decorator, 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.

Section 595.6 - Effective Date

This Wage Order shall become effective July 1, 1941.

Signed at Washington, D. C., this 30th day of April, 1941.

Sections 595.1 to 595.6, inclusive, issued under the authority contained in Sec. 8, 52 Stat. 1064; 29 U.S.C., Sup. IV, 208.


Philip B. Fleming
Administrator
Wage and Hour Division
Department of Labor

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