

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

TITLE 29 - LABOR
CHAPTER V - WAGE AND HOUR DIVISION

IN THE MATTER OF THE RECOMMENDATION OF
INDUSTRY COMMITTEE NO. 22 FOR A MINIMUM
WAGE RATE IN THE RUBBER PRODUCTS MANU-
FACTURING INDUSTRY

WAGE ORDER

Effective July 28, 1941

Part 601 - Minimum Wage Rate in the Rubber Products Manufacturing Industry

WHEREAS, on February 17, 1941, pursuant to Section 5(b) 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. 85, appointed Industry Committee No. 22 for the Rubber Products Manufacturing Industry, herein called the Committee, and directed the Committee to recommend a minimum wage rate for the Rubber Products Manufacturing Industry in accordance with Section 8 of the Act; and

WHEREAS, the Committee included five disinterested persons representing the public, a like number of persons representing employers in the Rubber Products Manufacturing 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 Rubber Products Manufacturing Industry is carried on; and

WHEREAS, on March 27, 1941, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40 cent minimum hourly wage rate in the Rubber Products Manufacturing Industry; and

WHEREAS, after notice published in the Federal Register on April 5, 1941, Mr. Henry T. Hunt, Principal Hearings Examiner, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on April 21, 1941, 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, by notice given at the hearing and by publication, all persons who appeared at the hearing were given leave to file briefs on or before May 7, 1941; and

WHEREAS, no requests for oral argument having been received, oral argument on the Committee's recommendation was dispensed with in this proceeding; 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, has concluded that the Industry Committee's recommendation for the Rubber Products Manufacturing Industry, as defined by Administrative Order No. 85, 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 purposes 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. 22 for a Minimum Wage Rate in the Rubber Products Manufacturing 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 601.1 - Approval of Recommendation of Industry Committee

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

Section 601.2 - Wage Rate

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 in the Rubber Products Manufacturing Industry who is engaged in commerce or in the production of goods for commerce; and

Section 601.3 - Posting of Notices

Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Rubber Products Manufacturing 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 601.4 - Definition of the Rubber Products Manufacturing Industry

The Rubber Products Manufacturing Industry, to which this Wage Order shall apply, is defined as follows:

The manufacture of all products which have as an ingredient any form of natural rubber (including latex), reclaimed rubber, scrap rubber, compounded rubber, rubber derivatives, balata, gutta-percha, or synthetic rubber, including parts

for use in other products, and including footwear made by the vulcanizing of the entire article or the vulcanizing (as distinct from cementing) of the sole to the upper; the manufacture of reclaimed rubber; and the preparation of scrap rubber for use in the manufacture of reclaimed rubber or rubber products.

PROVIDED, HOWEVER, that the manufacture of the following shall not be included:

(a) Any product the manufacture of which is covered by an order of the Administrator defining an industry, and approving the recommendations of an industry committee or appointing an industry committee for such industry, issued prior to the signing of Administrative Order No. 85 appointing Industry Committee No. 22 for the Rubber Products Manufacturing Industry.

(b) Abrasive wheels, brake linings, and insulated wire and cable.

The term "synthetic rubber" as used herein means a synthetic substance which has physical properties resembling those of natural rubber.

The term "preparation" as used herein means all operations involved in making scrap rubber suitable for use in the manufacture of reclaimed rubber or rubber products, and includes, but not by way of limitation, the separating, sorting and assembling of scrap rubber. It does not include, however, the mere collection and handling of scrap rubber by waste material dealers who perform no operations changing the shape or form of such scrap rubber.

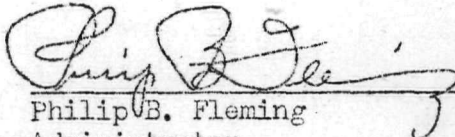
Section 601.5 - Scope of the Definition

The definition of the rubber products manufacturing industry covers all occupations in the industry which are necessary to the production of products covered by the definition, including clerical, maintenance, shipping, and selling occupations; provided, however, that this definition does not cover clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, or when carried on in an establishment, the greater part of whose sales are of products not covered in the definition; 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 601.6 - Effective Date

This Wage Order shall become effective July 28, 1941.

Signed at Washington, D. C., this 27th day of June, 1941. Sections 601.1 to 601.6, inclusive, issued under the authority contained in Section 8, 52 Stat. 1064; 29 U.S.C., Sup. IV, 208.



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