

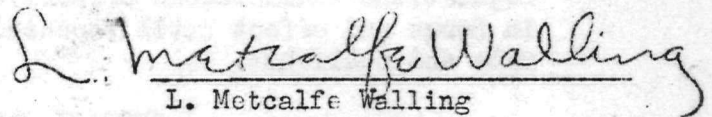
UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION

TITLE 29--LABOR
CHAPTER V--WAGE AND HOUR DIVISION

PART 617.100--REGULATIONS APPLICABLE TO
THE EMPLOYMENT OF HOME WORKERS IN THE
KNITTED OUTERWEAR INDUSTRY

The following Regulations, Part 617,100-112 applicable to the employment of industrial home workers in the Knitted Outerwear Industry are hereby issued pursuant to sections 8(f) and 11(c) of the Fair Labor Standards Act of 1938, and section 617.3 of the Regulations of the Wage and Hour Division. These regulations shall become effective December 1, 1942, and shall be in force and effect until repealed or modified by regulations hereafter made and published.

Signed at Washington, D. C. this 30th day of
March, 1942.


L. Metcalfe Walling
Administrator
Wage and Hour Division
United States Department of Labor

WHEREAS, section 8(f) of the Fair Labor Standards Act of 1938 provides as follows:

Orders issued under this section shall * * * contain such terms and conditions as the Administrator finds necessary to carry out the purposes of such orders, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rates established therein. * * *

and

WHEREAS, section 617.3 of the wage order for the Knitted Outerwear Industry issued pursuant to section 8(f) of the Act provides as follows:

No work in the Knitted Outerwear Industry, as defined herein, shall be done in or about a home, apartment, tenement, or room in a residential establishment after November 30, 1942, except by such persons as have obtained special home-work certificates issued pursuant to applicable regulations of the Wage and Hour Division, authorizing industrial home work by any worker who was engaged in industrial home work in the Knitted Outerwear Industry prior to August 20, 1941, or is at any time engaged in such industrial home work under the supervision of a State Vocational Rehabilitation Agency or of a Sheltered Workshop as defined in section 525.1, Part 525, Chapter V, Title 29, Code of Federal Regulations, and is unable to adjust to factory work because of age or physical or mental disability or is unable to leave home because his presence is required to care for an invalid in the home.

and

WHEREAS, section 11(c) of the Act provides as follows:

Every employer subject to any provision of this Act or of any order issued under this Act shall make, keep, and preserve such records of the persons employed by him and of the wages, hours, and other conditions and practices of employment maintained by him, and shall preserve such records for such periods of time, and shall make such reports therefrom to the Administrator as he shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of this Act or the regulations or orders thereunder.

NOW, THEREFORE, the following regulations are hereby issued. These regulations shall become effective on December 1, 1942, and shall be in force and effect until repealed or modified by regulations hereafter made and published.

SECTION 617.101 - DEFINITIONS

As used in these regulations, the term "industrial home work" means the production by any person in or about a home, apartment, tenement, or room in a residential establishment, for an employer, of goods from material furnished directly by or indirectly for such employer.

The term "Knitted Outerwear Industry" as used herein means:

The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections, or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; and the manufacture of bathing suits from any purchased fabric; provided that the manufacturing, dyeing or other finishing of the following shall not be included:

- (a) Knitted fabric, as distinguished from garment sections or garments, for sale as such.
- (b) Fulled suitings, coatings, topcoatings, and overcoatings.
- (c) Garments or garment accessories made from purchased fabric; except bathing suits.
- (d) Gloves or mittens.
- (e) Hosiery
- (f) Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.
- (g) Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 percent, by weight, of wool or animal fiber other than silk.
- (h) Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer, provided that this exception shall not be construed to exclude from the knitted outerwear industry the manufacturing, dyeing or other finishing of knitted shirts made in the same establishment as that where the knitting process is performed, if such shirts are made wholly or in part of fibers other than those specified in this clause, or if such shirts of any fiber are knit on machinery coarser than 10-cut.

SECTION 617.102--APPLICATIONS ON OFFICIAL FORMS

Certificates authorizing the employment of industrial homeworkers in the Knitted Outerwear Industry may be issued upon the following terms and conditions upon application therefor on forms provided by the Wage and Hour Division. Such forms shall be signed by both the home worker and the employer.

SECTION 617.103--TERMS AND CONDITIONS FOR THE ISSUANCE OF CERTIFICATES

If the application is in proper form and sets forth facts showing that the worker --

- (1) (a) Was engaged in industrial home work in the knitted outerwear industry prior to August 20, 1941; or
 (b) Is or will be engaged in such industrial home work under the supervision of a State Vocational Rehabilitation Agency or of a Sheltered Workshop as defined in section 525.1, Part 525, Chapter V, Title 29, Code of Federal Regulations; and
- (2) Is unable to adjust to factory work because of age or physical or mental disability; or
- (3) Is unable to leave home because the worker's presence is required to care for an invalid in the home,

a certificate may be issued authorizing the applicant employer to employ the worker in industrial home work in the Knitted Outerwear Industry.

No home worker shall perform industrial home work for more than one employer in the Knitted Outerwear Industry, but home work employment in another industry shall not be a bar to the issuance of a certificate for the Knitted Outerwear Industry.

SECTION 617.104--INVESTIGATION MAY BE ORDERED TO DETERMINE WHETHER THE FACTS JUSTIFY THE ISSUANCE OF A CERTIFICATE

An investigation may be ordered in any case to obtain additional data or facts. A medical examination of the worker or invalid may be ordered or a certification of facts concerning eligibility for the certificate by designated officers of the State or Federal Government may be required.

SECTION 617.105--TERMINATION OF CERTIFICATES

Certificates shall be valid under the terms set forth in the certificate for a period of not more than 12 months from the date of issuance or such shorter period as may be fixed in the certificate. Application for renewal of any certificate shall be filed in the same manner as an original application under these regulations.

SECTION 617.106--REVOCAION AND CANCELLATION

Any certificate may be revoked for cause at any time. Violation of any provision of the Fair Labor Standards Act shall be sufficient grounds for revocation of all certificates issued to an employer, in which event no certificates shall be issued to the offending employer for a period of one year. In any proceeding for the revocation or cancellation of a certificate, interested parties shall be provided an opportunity to be heard.

SECTION 617.107--PRESERVATION OF CERTIFICATE

A copy of the certificate shall be sent to the home worker, who shall keep such certificate on the premises on which the work is performed.

A copy of the certificate shall be sent to the employer, who shall keep this copy on file in the same place at which the worker's employment records are maintained.

SECTION 617.108--RECORDS AND REPORTS

The issuance of a certificate shall not relieve the employer of the duty of maintaining the records required by Regulations, Part 516, and failure to keep such records shall be sufficient cause for the cancellation of certificates issued to such an employer.

Each employer of industrial home workers in the Knitted Outerwear Industry shall submit to the regional office of the Wage and Hour Division for the region in which his place of business is located on April 1 and October 1 of each year, the home-work handbooks of each employee employed by him during the preceding six-month period in industrial home work in the Knitted Outerwear Industry. This report shall also include a list of the names, addresses, and certificate numbers of home workers for whom home work certificates have obtained pursuant to these regulations but who were not employed in industrial home work in the Knitted Outerwear Industry during such period.

SECTION 617.109--WAGE RATES

Wages at a rate of not less than 40 cents per hour shall be paid by every employer to each of his home work employees except as subminimum employment of specific handicapped workers has been provided for by special certificates issued by the Wage and Hour Division pursuant to Regulations, Part 524. All hours worked in excess of 40 in any workweek shall be compensated for at one and one-half times the regular rate of pay.

SECTION 617.110--DELEGATION OF AUTHORITY
TO GRANT, DENY OR CANCEL A CERTIFICATE

The Administrator may from time to time designate and appoint members of his staff or State agencies as his authorized representatives with full power and authority to grant, deny, or cancel home-work certificates.

SECTION 617.111--PETITION FOR REVIEW

Any person aggrieved by the action of an authorized representative of the Administrator in granting or denying a certificate may, within 15 days thereafter or within such additional time as the Administrator for cause shown may allow, file with the Administrator a petition for review of the action of such representative praying for such relief as is desired. Such petition for review, if duly filed, will be acted upon by the Administrator or an authorized representative of the Administrator who took no part in the proceeding being reviewed. All interested parties will be afforded an opportunity to present their views in support of or in opposition to the matters prayed for in the petition.

SECTION 617.112--PETITION FOR
ADMENDMENT OF REGULATIONS

Any person wishing a revision of any of the terms of the foregoing Regulations may submit in writing to the Administrator a petition setting forth

