

UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION

TITLE 29 - LABOR
CHAPTER V - WAGE AND HOUR DIVISION

IN THE MATTER OF THE RECOMMENDATION OF
INDUSTRY COMMITTEE NO. 39 FOR A MINIMUM
WAGE RATE IN THE TEXTILE INDUSTRY

WAGE ORDER

Effective April 20, 1942

Part 619--Minimum Wage Rate in the Textile Industry

WHEREAS, on January 5, 1942, 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. 136, appointed Industry Committee No. 39 for the Textile Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Textile Industry in accordance with section 8 of the Act; and

WHEREAS, the Committee included 8 disinterested persons representing the public, a like number of persons representing employers in the Textile 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 Textile Industry is carried on; and

WHEREAS, on January 22, 1942, the Committee, after investigating economic and competitive conditions in the Textile Industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Textile Industry; and

WHEREAS, after notice published in the Federal Register on January 30, 1942, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on February 20, 1942, 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, opportunity to request oral argument or submit written briefs was afforded all parties; and

WHEREAS, no request 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 Textile Industry, as defined by Administrative Order No. 136, 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. 39 for a Minimum Wage Rate in the Textile 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, New York, New York:

NOW, THEREFORE, it is ordered that:

Section 619.1--Approval of Recommendation of Industry Committee

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

Section 619.2--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 who is engaged in commerce or in the production of goods for commerce in the Textile Industry; and

Section 619.3--Posting of Notices

Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Textile 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 619.4--Definition of the Textile Industry

For the purpose of this order the term "Textile Industry" means:

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs containing any wool) from cotton, flax, jute, other vegetable fiber, silk, grass, or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in clauses (g) and (h); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(b) The manufacturing of batting, wadding, or filling and the processing of waste from the fibers enumerated in clause (a);

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics or cards (except carpets and rugs containing any wool) from any fiber or yarn;

(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze; bath mats and related articles; bedspreads; blankets; diapers; dish-cloths; scrubbing cloths and wash-cloths; sheets and pillow cases; table-cloths, lunch-cloths and napkins; towels; window curtains; shoe laces and similar laces;

(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn including the manufacturing of paper yarn and twine;

(g) The manufacturing, or processing of yarn (except carpet yarn containing any carpet wool) or thread by systems other than the woollen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in clause (a), containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in clause (a), with a margin of tolerance of 2 percent to meet the exigencies of manufacture;

(i) The manufacturing, dyeing, finishing or processing of rugs or carpets from grass, paper, or from any yarn or fiber except yarn containing any wool but not including the manufacturing by hand of such products.

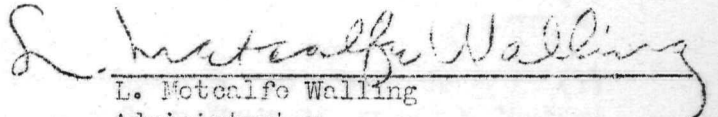
Section 619.5--Scope of the Definition

The definition of the Textile 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 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 619.6--Effective Date

This Wage Order shall become effective April 20, 1942.

Signed at New York, New York, this 2nd day of April, 1942. Sections 619.1 to 619.6, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Supp. IV, sec. 208.



L. Mottcalfe Walling

Administrator

Wage and Hour Division

United States Department of Labor

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