

UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
NEW YORK, NEW YORK

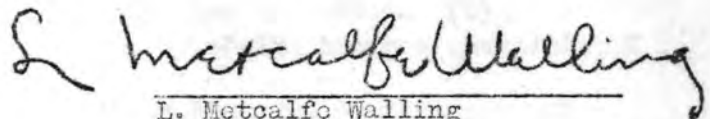
TITLE 29 - LABOR
CHAPTER V - WAGE AND HOUR DIVISION

PART 522 - SECTIONS 522.160 to 522.165 - REGULA-
TIONS APPLICABLE TO THE EMPLOYMENT OF LEARNERS
IN THE SINGLE PANTS, SHIRTS AND ALLIED GARMENTS,
WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND
LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF
THE APPAREL INDUSTRY

The following Regulations - Part 522, sections 522.160 to 522.165 are hereby issued.^{1/} These Regulations amend and supersede Part 522, sections 522.160 to section 522.178, Regulations Applicable to the Employment of Learners in the Single Pants, Shirts and Allied Garments and Women's Apparel Industries, published in the Federal Register on September 23, 1941, and made effective on September 29, 1941, by later amendment. These Regulations also amend and supersede sections 522.040 to 522.052 of the Regulations Applicable to the Employment of Learners in the Apparel Industry, published in the Federal Register on September 7, 1940, insofar as they apply to the employment of learners in the Sportswear, Rainwear, Robes, Leather and Sheep-Lined Garments Divisions of the Apparel Industry.

These Regulations shall become effective on July 20, 1942, and shall continue in force and effect until thereafter modified.

Signed at New York this 20th day of June 1942.



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

Published in Federal Register June 25, 1942.

^{1/} See Regulations, Part 522, Regulations Applicable to the Employment of Learners Pursuant to section 14 of the Fair Labor Standards Act of 1938 for provisions on the application for, issuance, and cancellation of learner certificates.

SECTION 522.160 - CONDITIONS UPON WHICH SPECIAL LEARNER
CERTIFICATES MAY BE GRANTED

Upon application to the Administrator of the Wage and Hour Division, special certificates authorizing the employment of learners at subminimum wage rates in the apparel industries specified below may be issued by the Administrator or his authorized representative under the following terms when it appears that experienced workers are not available to an employer making application for a special certificate and that the issuance of a special certificate will not create unfair competitive labor cost advantages or impair or depress working standards established for experienced workers for work of a like or comparable character in the industry.

SECTION 522.161 - APPAREL INDUSTRIES OR DIVISIONS THEREOF TO
WHICH THESE REGULATIONS APPLY

A. These regulations relate to the employment of learners at subminimum rates in the production of apparel of the following kinds:

(1) Women's Apparel, defined as follows in Regulations, section 605.4:

The production of women's, misses', and juniors' dresses, washable service garments, blouses, and neckwear from woven or purchased knit fabric; women's, misses', children's and infants' underwear, nightwear, and negligees from woven fabric; corsets and other body supporting garments from any material; other garments similar to the foregoing; and infants' and children's outerwear.

(2) Single pants, shirts, and allied garments, defined as follows in Regulations, section 606.4:

The production of men's and boys': Single pants, washable service garments, work shirts, overalls, overall jackets, and coveralls from any material; dress and sport shirts from woven fabric or purchased knit fabric; and collars and sleeping wear from woven fabric.

(3) Sportswear and other odd outerwear, defined as follows in Regulations, section 561.4:

The manufacture of men's, women's, and children's sportswear and other odd outerwear, including windbreakers, lumber-jackets, mackinaws, and mackinaw coats, molton jackets, blanket-lined and similar coats, leathorette coats and jackets, hunting coats and vests, riding clothing, ski-suits and snow-suits (except children's ski-suits and snow-suits), and similar garments not elsewhere specified in wage orders relating to the apparel industry as defined, from any woven materials or from purchased knitted materials.

(4) Rainwear, defined as follows in Regulations, section 563.4:

The manufacture of water-proofed garments and raincoats from oiled cloth or other materials, whether vulcanized, rubberized, cravonotted, or otherwise processed.

(5) Robes, defined as follows in Regulations, section 572.4:

The manufacture of men's, women's, and children's bath, lounging, and beach robes and dressing gowns, from any woven materials or purchased knitted materials.

(6) Leather and sheep-lined clothing, defined as follows in Regulations, section 562.4:

The manufacture of leather, leather-trimmed, and sheep-lined garments for men, women or children.

B. With respect to all branches of the apparel industry other than the branches specified above, the Apparel Learner Regulations dated September 4, 1940, shall remain in force and effect.

C. These regulations do not apply to Puerto Rico and the Virgin Islands.

SECTION 522.162 - TERMS OF SPECIAL CERTIFICATES

A. Special learner certificates may be issued authorizing the employment of learners in the branches of the apparel industry specified in section 527.161, subject to the following limitations as to occupation, duration of learning period, minimum rates of pay, and number of proportion:

A. Occupations for Which Certificates May Be Issued	B. Duration of Learning Period	C. Minimum Rates of Pay for Learners	D. Number of Proportion of Learners
	Maximum learning period of 480 hours <u>1/</u> for any occupation listed in Column A, but not more than a 320 hour learning period in such occupation if, within the previous two years, the worker had 160 hours or more of experience in another occupation listed.	A learner employed under the 480 hour authorized learning period, shall be paid not less than: 25¢ per hour for the first 320 hours, and not less than 32½¢ per hour for the next 160 hours. <u>2/</u>	<u>For Normal Labor Turnover:</u> not more than 10% of the productive factory workers. If total factory employment is less than 100 the certificate may authorize as many as 10 learners.
Machine Operating (Except Cutting)			
Pressing			
Handsewing			
Finishing Operations Involving Handsewing		An experienced worker in one of the occupations shown in Column A who is being re-trained in any one of the other occupations listed, shall be paid during such retraining not less than: 25¢ per hour for the first 160 hours and not less than 32½¢ per hour for the next 160 hours. <u>2/</u>	<u>For New and Expanding Plant:</u> to the extent of the needs of the plant.
		In the corsets and allied garments branch, learners shall be paid not less than: 30¢ per hour for the first 480 hours. <u>2/</u>	

1/ If, within the previous two years, the worker has been employed for less than 480 hours, in the same occupation for which he is being trained as a learner, the number of hours of previous employment should be deducted from the maximum learning period.

2/ In establishments where experienced workers are paid on a piece rate basis learners shall be paid the same piece rates that experienced workers engaged in the same occupations are paid and earnings shall be based on those piece rates if in excess of the subminimum rates established.

B. No experienced worker shall be employed under the terms of a special learner certificate, except as provided in Column C of section 522.162.

C. No learner shall be employed under a special learner certificate if an experienced worker who is capable of equaling the performance of a worker of ordinary or minimum skill is available for employment.

D. A special learner certificate authorizing the employment of learners for normal labor turnover may be issued for a period of one year. A special learner certificate authorizing the employment of learners by new or expanding plants shall be issued for a period not longer than necessary to complete the training of the total number of additional learners.

SECTION 522.163 - DEFINITIONS OF TERMS

A. "New Plant" means a plant which is newly established and is being operated for the first time, or which has not been operated more than eight months and in which a substantial number of workers must be trained for the manufacture of the products of the plant.

B. "Expanding Plant" means a plant which is being expanded by the installation of additional mechanical equipment or other production facilities, by again placing into operation machinery which has been idle for an appreciable period or by adding an additional shift.

C. "Experienced Worker" means a worker who has had 480 hours' experience in the occupation in which he is employed or who has had 320 hours' experience in such occupation and 160 hours or more of experience in any other of the learner occupations. Previous employment will be considered experience under these regulations only if it has been had within the past two years in any branch or division of the private apparel industry or in an apparel manufacturing establishment of a governmental agency which operates under production and employment standards reasonably comparable or superior to those of private industry.

D. "Experienced Worker Available for Employment" means an experienced worker residing within the area from which the employer customarily draws his labor supply or an experienced worker who has in fact made himself available to an employer at his plant or place of employment and has signified readiness to accept employment.

SECTION 522.164 - REMOVAL OF PLANT OR TRANSFER OF PRODUCTION

An applicant for a special learner certificate for expansion purposes, who is moving from a plant in another location or is transferring production from such plant, or who has recently so moved or transferred production, shall attach to his application a signed statement giving the following information for the purpose of enabling the Wage and Hour Division to determine whether there is satisfaction of the conditions prescribed by section 522.160:

(1) Name, location and products of the plant from which applicant is moving or is transferring production.

- (2) Average and minimum wage rates paid at such plant.
- (3) Reasons for removal or transfer of production.

SECTION 522.165 - STATUS OF CERTIFICATES ISSUED UNDER PREVIOUS REGULATIONS

Special certificates previously issued under Regulations Applicable to the Employment of Learners in the apparel industry since September 7, 1940, and under Regulations Applicable to the Employment of Learners in single pants, shirts, and allied garments and women's apparel industries, since September 29, 1941, shall remain in effect until they expire.

On and after July 20, 1942, special certificates issued to firms manufacturing products defined in section 522.161 shall be subject to the provisions of these regulations.

#####