

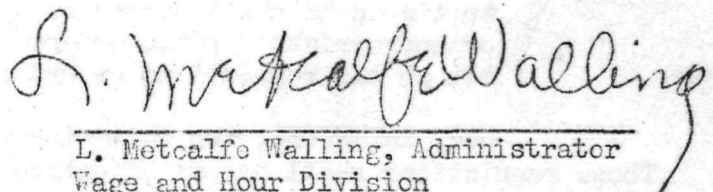
UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
NEW YORK, NEW YORK

TITLE 29 - LABOR
CHAPTER V - WAGE AND HOUR DIVISION

PART 628.100 - REGULATIONS APPLICABLE TO THE
EMPLOYMENT OF HOME WORKERS IN THE HANDKERCHIEF
MANUFACTURING INDUSTRY.

The following Regulations, Part 628.100-112 applicable to the employment of industrial home workers in the Handkerchief Manufacturing Industry are hereby issued pursuant to Sections 8(f) and 11(c) of the Fair Labor Standards Act of 1938, and Section 628.3 of the Regulations of the Wage and Hour Division. These regulations shall become effective, April 26, 1943, and shall be in force and effect until repealed or modified by regulations hereafter made and published.

Signed at New York, New York, this 22nd day of
January, 1943.


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

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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 purpose of such orders, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rates established therein * * *

and

WHEREAS, Section 628.3 of the wage order for the Handkerchief Manufacturing Industry issued pursuant to Section 8(f) of the Act provides as follows:

No work in the Handkerchief Manufacturing Industry as defined herein, shall be done in or about a home, apartment, tenement, or room in a residential establishment after April 25, 1943, 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 Handkerchief Manufacturing Industry prior to October 7, 1942, 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 April 26, 1943, and shall be in force and effect until repealed or modified by regulations hereafter made and published.

SECTION 628.101 - 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. As used in these regulations the term "Handkerchief Manufacturing Industry" means:

the manufacture of men's, women's and children's handkerchiefs, plain or ornamented, from any materials

SECTION 628.102 - APPLICATION ON OFFICIAL FORMS

Certificates authorizing the employment of industrial home workers in the Handkerchief Manufacturing 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 628.103 - 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 Handkerchief Manufacturing Industry prior to October 7, 1942; or

(b) Is or will be engaged in such industrial home work under the supervision of the 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 Handkerchief Manufacturing Industry.

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

SECTION 628.104 - INVESTIGATION MAY BE ORDERED TO DETERMINE WHETHER THE FACTS JUSTIFY THE ISSUANCE OF 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 628.105 - 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 628.106 - REVOCATION 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 proceedings for the revocation or cancellation of a certificate, interested parties shall be provided an opportunity to be heard.

SECTION 628.107 - PRESERVATION OF CERTIFICATE

A copy of the certificate shall be sent to the home workers, 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 628.108 - 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 Handkerchief Manufacturing 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 Handkerchief Manufacturing Industry. This report shall also include a list of the names, addresses, and certificate numbers of home workers for whom home work certificates have been obtained, but who were not employed in industrial home work in the Handkerchief Manufacturing Industry during such period.

SECTION 628.109 - 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, Parts 524, and 525. 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 628.110 - 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 628.111 - 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 628.112 - PETITION FOR AMENDMENT 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 the changes desired and reasons for proposing them. If upon inspection of the petition the Administrator believes that reasonable cause for amendment of the rules and regulations set forth, the Administrator will either schedule a hearing with due notice to interested persons or will make other provisions to afford interested persons opportunity to present their views in support of or in opposition to the proposed changes. The foregoing sections are issued pursuant to Section 628.3 of the Regulations of the Wage and Hour Division and Sections 8(f) and 11(c) of the Fair Labor Standards Act of 1938.