

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

TITLE - LABOR

CHAPTER V - WAGE AND HOUR DIVISION

IN THE MATTER OF THE RECOMMENDATION OF
INDUSTRY COMMITTEE NO. 46 FOR A MINIMUM
WAGE RATE IN THE HANDKERCHIEF MANUFACTURING
INDUSTRY

WAGE ORDER

Effective February 15, 1943

PART 628 - Minimum Wage Rate in the Handkerchief Manufacturing Industry.

WHEREAS, on July 23, 1942, by Administrative Order No. 149, the Acting Administrator, pursuant to Sections 5 and 8 of the Fair Labor Standards Act of 1938, appointed Industry Committee No. 46 for the Handkerchief Manufacturing Industry, and directed the Committee to recommend minimum wage rates for the Handkerchief Manufacturing Industry in accordance with Section 8 of the Act; and

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

WHEREAS, Industry Committee No. 46 on August 15, 1942, after investigation of conditions in the industry, filed with the Administrator a report containing its recommendations for a minimum wage rate of 40 cents an hour in the Handkerchief Manufacturing Industry; and

WHEREAS, after notice duly published in the Federal Register on September 5, 1942, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing on October 7, 1942 at New York, New York, upon the Committee's recommendation and upon the question of what, if any, prohibition, restriction or regulation of home work is necessary to carry out the purposes of the wage order for the Handkerchief Manufacturing Industry, to prevent the circumvention or evasion thereof and to safeguard the minimum wage rate established therein, in the event an order is issued approving the recommendations of the Committee, at which all interested persons were given an opportunity to be heard; and

WHEREAS, the complete record of the proceeding before the Presiding Officer was transmitted to the Administrator; and

WHEREAS, all persons who appeared at the hearing were given leave to file briefs on or before November 4, 1942, and to present oral argument before the Administrator on November 12, 1942; 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 Committee's recommendations for the Handkerchief Manufacturing Industry as defined by Administrative Order No. 149, are made in accordance with law, are supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of Section 8 of the Act and that it is necessary to include terms and conditions in the wage order for this industry with respect to industrial home work to carry out the purpose of such order, to prevent the circumvention or evasion thereof and to safeguard the minimum wage rate established therein; 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. 46 for a Minimum Wage Rate in the Handkerchief Manufacturing Industry and Industrial Home Work in the Handkerchief 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, 165 West 46th Street, New York, New York.

NOW, THEREFORE, it is ordered that:

Section 628.1--Approval of Recommendation of Industry Committee No. 46.

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

Section 628.2--Wage Rate

(a) 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 Handkerchief Manufacturing Industry who is engaged in commerce or in the production of goods for commerce; and

Section 628.3--Restriction of Home Work

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

Section 628.4--Posting of Notices

Every employer employing any employees engaged in commerce or in the production of goods for commerce in the Handkerchief 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 628.5--Definition of the Handkerchief Manufacturing Industry

For the purpose of this order the term "handkerchief manufacturing industry" means:

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

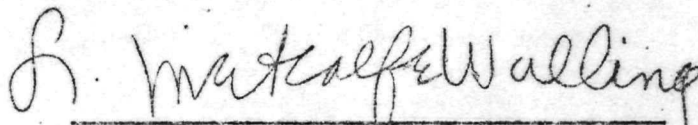
Section 628.6--Scope of the Definition

The definition of the Handkerchief Manufacturing 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 such clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this 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 628.7--Effective Date

This Wage Order shall become effective February 15, 1943.

Signed at New York, New York, this 22 day of January, 1943. Sections 628.1 to 628.7, inclusive, issued under the authority contained in section 8, 52 Stat. 1064; 29 U.S.C., Supp. IV, 208.


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

Published in Federal Register January 26, 1943.