

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

TITLE 29 - LABOR

CHAPTER V - WAGE AND HOUR DIVISION

IN THE MATTER OF THE RECOMMENDATION OF
INDUSTRY COMMITTEE NO. 21 FOR A MINIMUM
WAGE RATE IN THE SEAMLESS HOSIERY INDUSTRY

WAGE ORDER

Effective February 15, 1943

Part 629—Minimum Wage Rate in the Seamless Hosiery Industry

WHEREAS, on September 23, 1942, pursuant to section 5 of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Acting Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 158, reconvened Industry Committee No. 21 for the Seamless Hosiery Industry, which Committee had been previously appointed by Administrative Order No. 84 dated February 17, 1941, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Seamless Hosiery 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 Seamless Hosiery 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 Seamless Hosiery Industry is carried on; and

WHEREAS, on November 2, 1942, the Committee, after investigating economic and competitive conditions in the Seamless Hosiery Industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Seamless Hosiery Industry; and

WHEREAS, after notice published in the Federal Register on November 5, 1942, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at New York, New York on November 24, 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, 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 Seamless Hosiery Industry, as defined by Administrative Order No. 158, 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. 21 for a Minimum Wage Rate in the Seamless Hosiery 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 629.1—Approval of Recommendation of Industry Committee

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

Section 629.2—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 Seamless Hosiery Industry; and

Section 629.3—Posting of Notices

Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Seamless Hosiery 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 629.4—Definition of the Seamless Hosiery Industry

For the purpose of this order the term "Seamless Hosiery Industry" means:

The manufacturing or processing of seamless hosiery, including among other processes the knitting, dyeing, clocking and all phases of finishing seamless hosiery, but not including the manufacturing or processing of yarn or thread.

Section 629.5—Scope of the Definition

The definition of the seamless hosiery 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 629.6—Effective Date

This Wage Order shall become effective February 15, 1943.

Signed at New York, New York this 22 day of January, 1943. Sections 629.1 to 629.6, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Supp. IV, sec. 208.

L. Metcalfe Walling

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

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