

For Release Wednesday
January 27, 1943

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. 42 FOR A MINIMUM
WAGE RATE IN THE GRAIN PRODUCTS INDUSTRY

WAGE ORDER

Effective March 1, 1943

Part 626 - Minimum Wage Rate in the Grain Products Industry

WHEREAS, on February 13, 1942, pursuant to Section 5(b) 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. 141, appointed Industry Committee No. 42 for the Grain Products Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Grain Products Industry in accordance with Section 8 of the Act; and

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

WHEREAS, on March 12, 1942, the Committee, after investigating economic and competitive conditions in the industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Grain Products Industry; and

WHEREAS, after notice duly published in the Federal Register on April 4, 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 April 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 published in the Federal Register on May 5, 1942, opportunity to submit written briefs on or before June 17, 1942, 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 Committee's recommendation for the Grain Products Industry, as defined in Administrative Order No. 141, 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 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. 42 for a Minimum Wage Rate in the Grain Products 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 46 Street, New York, New York.

NOW, THEREFORE, it is ordered that:

Section 626.1 — Approval of Recommendation of Industry Committee No. 42

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

Section 626.2 — Wage Rates

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 Grain Products Industry who is engaged in commerce or in the production of goods for commerce; and

Section 626.3 — Posting of Notices

Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Grain Products 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 626.4 — Definition of the Grain Products Industry

For the purpose of this order the term "Grain Products Industry" means:

The handling, warehousing, and storing of grain when performed in conjunction with milling operations, and the processing of grain or alfalfa into food products or feeds. It includes, but without limitation, the production of flour, prepared or blended flours, breakfast cereals, coffee substitutes, pearl barley, hominy, flakes, grits, rice, meal, feeds and prepared or mixed feeds, including those made wholly or in part from such products as cottonseed, soy beans, or peanuts (but not the crushing of such products), except those made principally from meat products. It does not include the production of bakery products such as bread, cakes, pastries, and macaroni.

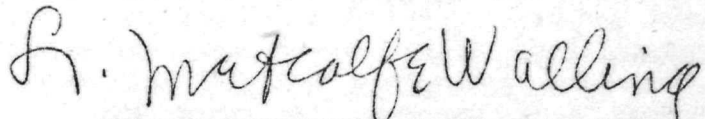
Section 626.5 — Scope of the Definition

The definition of the grain products industry covers all occupations in the industry which are necessary to the production of the products covered by 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 626.6 — Effective Date

This Wage Order shall become effective March 1, 1943.

Signed at New York, New York, this 22nd day of January 1943.
Sections 626.1 to 626.6, 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 27, 1943