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

TITLE 29 - LABOR  
CHAPTER V - WAGE AND HOUR DIVISION

ADMINISTRATIVE ORDER NO. 181

IN THE MATTER OF AMENDMENTS OF LEARNER REGULATIONS AND DETERMINATIONS APPLICABLE TO THE HOSIERY INDUSTRY, WOMEN'S APPAREL INDUSTRY, SINGLE PANTS, SHIRTS AND ALLIED GARMENTS INDUSTRY, TEXTILE INDUSTRY, KNITTED AND MEN'S WOVEN UNDERWEAR AND COMMERCIAL KNITTING INDUSTRY, KNITTED OUTERWEAR INDUSTRY, GLOVES AND MITTENS INDUSTRY, AND THE SPORTSWEAR AND OTHER ODD OUTERWEAR AND THE BELTS DIVISIONS OF THE APPAREL INDUSTRY

WHEREAS, written requests were received setting forth grounds for amendments of learner regulations and determinations applicable to the above industries to meet conditions of abnormal labor turnover in individual plants in these industries resulting from the war emergency, and it appeared to the Administrator that reasonable grounds exist for reconsidering the rates for learners established in the learner regulations and determinations applicable to these industries; and

WHEREAS, pursuant to notice (7 F.R. 8303) a public hearing was held on October 26 and 27, 1942, before Presiding Officer Merle D. Vincent, a duly authorized representative of the Administrator, who found that data were presented at the hearing which showed the need in the above industries for provision, within the regulations, for abnormal labor turnover which is occurring in certain localities, and for a change in the subminimum wage rate at which learners are to be employed, and recommended the following amendments of the learner regulations and determinations applicable to the aforementioned industries to be effective for the duration of the war emergency:

1. Special learner certificates may be issued upon individual applications of employers provided that it is satisfactorily shown that:

(a) Experienced labor is not available in the locality from which the employer customarily draws his labor supply;

(b) Learners are available for employment at the established subminimum learner wage rate;

(c) The issue of a certificate will not tend to impair working or wage standards established for experienced workers in the industry;

(d) The issue of such certificates will not create unfair competitive labor cost advantages;

(e) The number of learners applied for will not tend to impair the statutory minimum wage rate in such plant;

(f) The applicant's piece work or hourly wage rates yield average earnings to experienced workers substantially above the minimum wage rate.

2. The subminimum wage rate which may be provided in special learner certificates shall be not less than 35 cents per hour.

3. The effective period for special learner certificates shall not exceed six months.

4. Authorization to employ a number or percentage of learners for labor turnover in excess of that provided in industry regulations may be granted to the extent of the actual need of an individual applicant, when that need is due to an abnormal labor turnover resulting from the war emergency.

5. All outstanding certificates shall be amended by administrative order to change the subminimum wage rate for learners to 35 cents per hour.

WHEREAS, on January 27, 1943 I issued a notice (8 F.R. 1241) of opportunity to show cause on or before February 15, 1943 why the aforementioned recommendations of Presiding Officer Vincent should not be adopted; and

WHEREAS, I have examined all objections, statements and briefs filed on behalf of interested parties in response to said notice and, upon the basis of the entire record, find that the findings of Presiding Officer Vincent are supported by the evidence and that his recommendations should be adopted except for the six months limitation on the effective period of learner certificates,

NOW, THEREFORE, it is ordered that:

I. The regulations and determinations applicable to the employment of learners in the Hosiery Industry, Women's Apparel Industry, Single Pants, Shirts and Allied Garments Industry, Textile Industry, Knitted and Men's Woven Underwear and Commercial Knitting Industry, Knitted Outerwear Industry, Gloves and Mittens Industry, and the Sportswear and Other Odd Outerwear and the Belts Divisions of the Apparel Industry be and hereby are amended insofar as they are inconsistent with the following provisions, to be effective for the duration of the war emergency:

1. Special learner certificates may be issued upon individual applications of employers provided that it is satisfactorily shown that:

(a) Experienced labor is not available in the locality from which the employer customarily draws his labor supply;

(b) Learners are available for employment at the established subminimum learner wage rate;

(c) The issue of a certificate will not tend to impair working or wage standards established for experienced workers in the industry;

(d) The issue of such certificates will not create unfair competitive labor cost advantages;

(e) The number of learners applied for will not tend to impair the statutory minimum wage rate in such plant;

(f) The applicant's piece work or hourly wage rates yield average earnings to experienced workers substantially above the minimum wage rate.

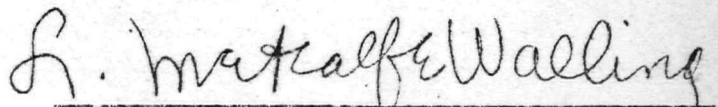
2. The subminimum wage rate which may be provided in special learner certificates shall be not less than 35 cents per hour.

3. Authorization to employ a number or percentage of learners for labor turnover in excess of that provided in learner industry regulations, issued pursuant to section 522.4 of the regulations of the Administrator of the Wage and Hour Division and presently in effect, may be granted to the extent of the actual need of an individual applicant, when that need is due to an abnormal labor turnover resulting from the war emergency.

II. These amendments shall be effective on and after March 22, 1943.

III. Certificates presently in effect in these industries shall be amended as of March 22, 1943 insofar as they are inconsistent with paragraph I(2) of this order.

Signed at New York, New York, this 10th day of March, 1943.



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

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