

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. 51 FOR A MINIMUM WAGE RATE IN  
THE COOKING AND HEATING APPLIANCES  
MANUFACTURING INDUSTRY

WAGE ORDER

Effective April 12, 1943

PART 632 - Minimum Wage Rate in the Cooking and Heating Appliances Manufacturing Industry

WHEREAS, on October 27, 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. 165, appointed Industry Committee No. 51 for the Cooking and Heating Appliances Manufacturing Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Cooking and Heating Appliances Manufacturing Industry in accordance with Section 8 of the Act; and

WHEREAS, the Committee included six disinterested persons representing the public, a like number of persons representing employers in the Cooking and Heating Appliances 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 Cooking and Heating Appliance Manufacturing Industry is carried on; and

WHEREAS, on November 20, 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 Cooking and Heating Appliances Manufacturing Industry; and

WHEREAS, after notice duly published in the Federal Register on December 1, 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 December 16, 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 December 22, 1942, opportunity to submit written briefs was afforded all parties; 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 Cooking and Heating Appliances Manufacturing Industry, as defined by Administrative Order No. 165, 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. 51 for a Minimum Wage Rate in the Cooking and Heating Appliances 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 632.1 - Approval of Recommendation of Industry Committee No. 51

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

Section 632.2 - 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 Cooking and Heating Appliances Manufacturing Industry; and

Section 632.3 - Posting of Notices

Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Cooking and Heating Appliances 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 632.4 - Definition of the Cooking and Heating Appliances Manufacturing Industry

For the purposes of this Order the term "Cooking and Heating Appliances Manufacturing Industry" means:

- (a) The manufacture of cooking and heating equipment and appliances, and parts and accessories thereof;
- (b) The term "manufacture" as used herein covers all operations involved in the production of any article covered by this definition, including foundry operations required to produce iron castings, the fabrication and surface treatment (including enameling) of sheet metal and castings parts, and the mounting and assembling of the parts;
- (c) Provided, however, that the manufacture of the following shall not be included: steam fittings and specialties such as thermostats and other temperature control devices, gauges, regulators, traps, and reducing valves; steam heating boilers using pressure in excess of 15 pounds per square inch; cooking utensils, electrical equipment and appliances; stove pipes; tanks for water heaters; or

any product covered by a wage order for the Gray Iron  
Jobbing Foundry Industry or Enameled Utensil Industry.

Section 632.5 - Scope of the Definition

The definition of the Cooking and Heating Appliances 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 632.6 - Effective Date

This Wage Order shall become effective April 12, 1943.

Signed at Washington, D. C. this 23rd day of March, 1943.

Sections 632.1 to 632.6, inclusive, issued under the authority contained in Section 8, 52 Stat. 1064; 29 U.S.C., Supp. IV, 208.

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