

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 PROHIBITION OF
INDUSTRIAL HOME WORK IN THE HANDKER-
CHIEF MANUFACTURING INDUSTRY--
AMENDMENTS TO TITLE 29, CHAPTER V,
CODE OF FEDERAL REGULATIONS, PARTS
628 and 628.100

WHEREAS, the Administrator of the Wage and Hour Division of the United States Department of Labor by Part 628, Chapter V, Title 29, Code of Federal Regulations, issued a wage order for the Handkerchief Manufacturing Industry establishing for such industry a minimum wage rate of 40 cents an hour effective February 15, 1943, and prescribing certain terms and conditions applicable to industrial home work employment; and

WHEREAS, the Administrator by Part 628.100-112, Title 29, Chapter V, Code of Federal Regulations, issued regulations applicable to industrial home work employment in the Handkerchief Manufacturing Industry, pursuant to Sections 8(f) and 11(c) of the Fair Labor Standards Act of 1938, effective April 26, 1943; and

WHEREAS, on April 3, 1943, the Administrator issued a Notice of Opportunity To Show Cause on or before April 24, 1943, why Section 628.3 of the wage order for, and Section 628.103 of the regulations applicable to the employment of home workers in, the Handkerchief Manufacturing Industry should not be amended to provide that the requirement of previous industrial home work employment shall not be applied, in considering an application for a home work certificate, where this requirement shall result in unusual hardship to the individual home worker; and

WHEREAS, after due consideration of the objections filed to the proposed amendments, I find that it is advisable to adopt these amendments and that the limited exception contained therein is consistent with the purposes of Section 628.3 of the wage order,

NOW, THEREFORE, it is ordered that Sections 628.3 and 628.103 of Part 628 of Chapter V, Title 29, Code of Federal Regulations, are hereby amended to read as follows:

Section 628.3--Restriction of Home Work

No work in the Handkerchief Manufacturing Industry, as defined in Sections 628.5 and 628.6, Part 628, Chapter V, Title 29, Code of Federal Regulations, 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 a worker who--

- (1) (a) is unable to adjust to factory work because of age or physical or mental disability; or
(b) is unable to leave home because his presence is required to care for an invalid in the home; and
- (2) (a) was engaged in industrial home work in the industry, as defined, prior to October 7, 1942 (except that if this requirement shall result in unusual hardship to the individual home worker it shall not be applied); or
(b) is at any time engaged in such industrial home work under the supervision of a State Vocational Rehabilitation Agency or of a Sheltered Work Shop, as defined in section 525.1, Part 525, Chapter V, Title 29, Code of Federal Regulations.

Section 628.103--Terms and Conditions for the Issuance of Certificates

If the application is in proper form and sets forth facts showing that the worker--

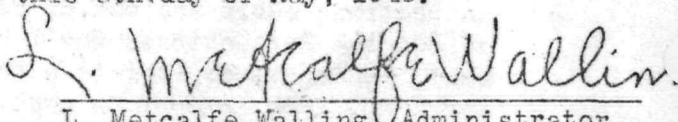
- (1) (a) is unable to adjust to factory work because of age or physical or mental disability; or
(b) is unable to leave home because his presence is required to care for an invalid in the home; and
- (2) (a) was engaged in industrial home work in the industry, as defined, prior to October 7, 1942 (except that if this requirement shall result in unusual hardship to the individual home worker it shall not be applied); or
(b) is at any time engaged in such industrial home work under the supervision of a State Vocational Rehabilitation Agency or of a Sheltered Work Shop, as defined in section 525.1, Part 525, Chapter V, Title 29, Code of Federal Regulations

a certificate may be issued authorizing the applicant employer to employ the worker in industrial home work in the Handkerchief Manufacturing Industry.

No home worker shall perform industrial home work for more than one employer in the Handkerchief Manufacturing Industry, but home work employment in another industry shall not be a bar to the issuance of a certificate for the Handkerchief Manufacturing Industry.

These amendments shall become effective upon publication in the Federal Register.

Signed at New York, New York this 5th day of May, 1943.


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