

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 JEWELRY  
MANUFACTURING INDUSTRY--AMENDMENTS  
TO TITLE 29, CHAPTER V, CODE OF  
FEDERAL REGULATIONS, PARTS 607 and  
607.100.

WHEREAS, the Administrator of the Wage and Hour Division of the United States Department of Labor by Part 607, Chapter V, Title 29, Code of Federal Regulations, issued a wage order for the Jewelry Manufacturing Industry establishing for such industry a minimum wage rate of 40 cents an hour effective November 3, 1941, and prescribing certain terms and conditions applicable to industrial home work employment; and

WHEREAS, the Administrator by Part 607.100-112, Title 29, Chapter V, Code of Federal Regulations, issued regulations applicable to industrial home work employment in the Jewelry Manufacturing Industry, pursuant to Sections 8(f) and 11(c) of the Fair Labor Standards Act of 1938, effective November 3, 1941; and

WHEREAS, On December 23, 1942, the Administrator issued a Notice of Opportunity To Show Cause on or before January 21, 1943, why Sections 607.3 of the wage order for, and Section 607.103 of the regulations applicable to the employment of home workers in, the Jewelry Manufacturing Industry should not be amended to allow the issuance of industrial home work certificates to any worker who is under the supervision of a State Vocational Rehabilitation Agency or of a Sheltered Work Shop in accordance with the above-mentioned wage order and regulations, notwithstanding that such worker was not employed in industrial home work in the Jewelry Manufacturing Industry prior to July 1, 1941, as required by Sections 607.3 and 607.103(1) thereof, respectively; and

WHEREAS, no objections to the proposed amendments have been received by the Administrator; and

WHEREAS, on April 3, 1943, the Administrator issued a Notice of Opportunity To Show Cause on or before April 24, 1943, why Section 607.3 of the wage order for, and Section 607.103 of the regulations applicable to the employment of home workers in, the Jewelry 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 amendments proposed in the Notice of April 3, 1943, I find that it is advisable to adopt these amendments and that the limited exception contained therein is consistent with the purposes of Section 607.3 of the wage order,

NOW, THEREFORE, it is ordered that Sections 607.3 and 607.103 of Part 607 of Chapter V, Title 29, Code of Federal Regulations, are hereby amended to read as follows:

Section 607.3--Restriction of Home Work

No work in the Jewelry Manufacturing Industry, as defined in Sections 607.5 and 607.6, Part 607, Chapter V, Title 29, Code of Federal Regulations, shall be done in or about a home, apartment, tenement, or room in a residential establishment 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 July 1, 1941 (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 607.103--Terms and Conditions for the Issuance of Certificates

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

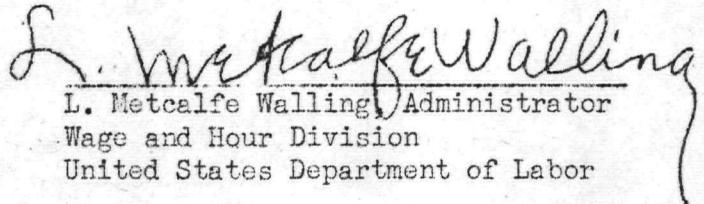
- (1) (a) is unable to adjust to factory work because of age or physical or mental disability; or  
(b) is unable to leave home because his presence is required to care for an invalid in the home; and
- (2) (a) was engaged in industrial home work in the industry, as defined, prior to July 1, 1941 (except 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 Jewelry Manufacturing Industry.

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

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

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

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

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