

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. 50 FOR A MINI-
MUM WAGE RATE IN THE SUGAR AND RELATED
PRODUCTS INDUSTRY

WAGE ORDER

Effective June 21, 1943

PART 635 - Minimum Wage Rate in the Sugar and Related Products Industry

WHEREAS, on October 5, 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. 162, appointed Industry Committee No. 50 for the Sugar and Related Products Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Sugar and Related Products 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 Sugar and Related 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 Sugar and Related Products Industry is carried on; and

WHEREAS, on January 8, 1943, 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 Sugar and Related Products Industry; and

WHEREAS, after notice duly published in the Federal Register on February 13, 1943, Major Robert W. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at New Orleans, Louisiana on March 4, 1943, 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, 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 Sugar and Related Products

Industry, as defined by Administrative Order No. 162, 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. 50 for Minimum Wage Rates in the Sugar and Related 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 46th Street, New York, New York,

NOW, THEREFORE, it is ordered that:

Section 635.1 - Approval of Recommendation of Industry Committee No. 50

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

Section 635.2 - 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 Sugar and Related Products Industry; and

Section 635.3 - Posting of Notices

Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Sugar and Related 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 proscribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

Section 635.4 - Definition of the Sugar and Related Products Industry

For the purposes of this Order the term "Sugar and Related Products Industry" means:

The production of sugar, molasses, and syrups, of all types, made wholly or in part from maple sap, sugar beets, sugarcane, sorgo, or any derivative therefrom, and the production of beet pulp, bagasse, line cake, and related by-products: Provided, however, That fountain syrups commonly and commercially so known shall not be included in this definition.

The production of any products covered under this definition shall be deemed to begin with the loading of the raw materials at the farm.

Section 635.5 - Scope of the Definition

The definition of the Sugar and Related Products Industry covers all occupations in the Industry which are necessary to the production of the products covered by this definition,

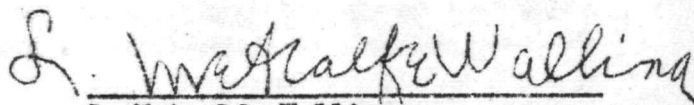
including clerical, maintenance, shipping and selling occupations: Provided, however, That in a wholesaling or selling department of a manufacturing establishment clerical, maintenance, shipping and selling employees, the greater part of whose work relates to the sale of articles which have been purchased for resale or of articles not covered by this definition, 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 635.6 - Effective Date

This Wage Order shall become effective June 21, 1943.

Signed at New York, New York, this 20th day of May, 1943.

Sections 635.1 to 635.6, inclusive, issued under the authority contained in Section 8, 52 Stat. 1064; 29 U.S.C., Supp. IV, sec. 208.



L. Metcalfe Walling
Administrator
Wage and Hour Division
U. S. Department of Labor

Published in
Federal Register
May 28, 1943