

UNITED STATES DEPARTMENT OF LABOR

Washington, D. C.

TITLE 41 - PUBLIC CONTRACTS

CHAPTER II - DIVISION OF PUBLIC CONTRACTS

----- x
: IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGE IN THE HANDKERCHIEF INDUSTRY : DETERMINATION OF THE SECRETARY

This matter is before me pursuant to Section 1(b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Supp. III, 35), entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act.

On March 2, 1943, the Administrator of the Division of Public Contracts of the United States Department of Labor issued a Notice of Opportunity To Show Cause on or before March 23, 1943, why I should not amend the prevailing minimum wage determination for the Handkerchief Industry, issued by me on January 10, 1938, by (1) increasing the prevailing minimum wage from 35 cents an hour to 40 cents an hour, (2) providing that learners may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division, and (3) adopting the definition of the Handkerchief Industry contained in the Wage Order for the Handkerchief Manufacturing Industry, effective February 15, 1943, issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938.

The Notice sets forth that: (1) The minimum wage required to be paid by handkerchief manufacturers subject to the provisions of the Fair Labor Standards Act of 1938 became 40 cents an hour on February 15, 1943, pursuant to the Wage Order of the Administrator of the Wage and Hour Division for the Handkerchief Manufacturing Industry; (2) substantially all employees subject to my prevailing minimum wage determination for the Handkerchief Industry are engaged in commerce or in the production of goods for commerce, and consequently the Wage Order has the effect of establishing 40 cents an hour as the prevailing minimum wage in the Handkerchief Industry; and (3) it appears desirable, for the purpose of coordinating the administration of the Fair Labor Standards Act of 1938 and the Public Contracts Act, to provide that learners may be employed at subminimum rates under this determination in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division, and to clarify my determination of January 10, 1938 by adopting the definition of the Handkerchief Industry contained in the afore-mentioned Wage Order of the Administrator of the Wage and Hour Division.

This Notice was sent to trade unions, trade associations, and publications and was duly published in the Federal Register on March 4, 1943

(8 F. R. 2743). No objections, protests, or any statements in opposition to the proposed amendments have been received.

Upon consideration of all the facts and circumstances, I HEREBY DETERMINE (Section 202.10):

1. That the Handkerchief Industry, for the purpose of this determination, is defined as follows:

The manufacture of men's, women's, and children's handkerchiefs, plain or ornamented, from any material.

2. That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. Supp. III, 35), for the manufacture or supply of the products of the Handkerchief Industry as herein defined shall be 40 cents per hour or \$16.00 per week of 40 hours, arrived at either upon a time or piece-work basis, provided that learners may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938 which I hereby adopt for the purposes of this determination.

This determination shall be effective and its provisions shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after July 8, 1943.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under any law or agreement more favorable to employees than the requirements of this determination.

Dated: June 8, 1943

(Signed) FRANCES PERKINS

Published in Federal Register June 15, 1943.