

UNITED STATES DEPARTMENT OF LABOR

Washington, D. C.

TITLE 41 - PUBLIC CONTRACTS

CHAPTER II - DIVISION OF PUBLIC CONTRACTS

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IN THE MATTER OF THE DETERMINATION :
OF THE PREVAILING MINIMUM WAGE IN : DETERMINATION OF
THE SEAMLESS HOSIERY INDUSTRY : THE SECRETARY
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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 Seamless Hosiery Industry, issued by me on July 28, 1937, and amended on March 12, 1942, and August 12, 1942, by increasing the prevailing minimum wage from 36 cents an hour to 40 cents an hour.

The Notice sets forth that: (1) The minimum wage required to be paid by seamless hosiery 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 Seamless Hosiery Industry; and (2) substantially all employees subject to my prevailing minimum wage determination for the Seamless Hosiery 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 Seamless Hosiery Industry.

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, nor any statements in opposition to the proposed amendment have been received.

Following issuance of this Notice, prevailing minimum wage determinations issued under the Public Contracts Act for a number of industries, including the Seamless Hosiery Industry, were amended by me to provide that learners may be employed at subminimum rates only in accordance with the applicable regulations issued by the Administrator of the Wage and Hour Division, as amended on March 22, 1943. This amendment was made applicable 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 March 22, 1943, except that learners

may be employed at subminimum rates, in accordance with the amended regulations of the Administrator of the Wage and Hour Division, on or after March 22, 1943, in the performance of contracts bids for which were solicited or negotiations otherwise commenced by the contracting agency prior to that date.

Upon consideration of all the facts and circumstances, I HEREBY DETERMINE (Section 202.6);

That the prevailing 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 furnishing of seamless hosiery is 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 only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act 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. In the performance of contracts bids for which were solicited or negotiations otherwise commenced by the contracting agency prior to July 8, 1943 learners may be employed on or after March 22, 1943, in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division.

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