

U. S. DEPARTMENT OF LABOR  
Wage and Hour and Public Contracts Divisions  
165 West 46th Street  
New York, New York

### STATUS OF WEEKLY AND SEMI-WEEKLY NEWSPAPERS UNDER WAGE-HOUR LAW CLARIFIED

Since the Printing and Publishing and Allied Graphic Arts Industry wage order became effective on June 14, 1943, establishing for the industry as defined a 40-cent minimum hourly wage rate, numerous inquiries have been received by the Wage and Hour and Public Contracts Divisions of the U. S. Department of Labor, according to L. Metcalfe Walling, Administrator, from country newspapers of the weekly and semiweekly type and from newspaper publishers' associations, asking whether newspaper employees are subject to the wage order in view of the newspaper exemption contained in the Fair Labor Standards Act, and particularly in connection with the possibility of employing student-learners, learners, and apprentices in the industry.

Section 13(a)(8) of the Fair Labor Standards Act exempts from its minimum wage and overtime provisions "any employee employed in connection with the publication of any weekly or semiweekly newspaper with a circulation of less than three thousand the major part of which circulation is within the county where printed and published." Insofar as newspapers are concerned, the wage order, issued upon the recommendation of an industry committee and after continued public hearings, applies only to employees of newspapers who are covered by the Wage and Hour Law and not within the scope of this exemption.

Very recently Administrator Walling said that for enforcement purposes the Wage and Hour Division would not consider that any small newspaper loses the exemption merely because of its willingness to supply the hometown newspaper either free or by paid subscription to members of the armed forces. For enforcement purposes, therefore, he has adopted the policy that the limits in circulation contained in section 13(a)(8) are to be exclusive of any and all subscriptions sent to members of the armed forces.

On the other hand, there are many small newspapers which engage in job printing, and in certain instances such printed matter or some portion of it eventually moves in interstate commerce. Any employee of these newspapers who works one-half or more of his time on job printing work in a particular week is not subject to the exemption and therefore is entitled to the minimum wage established by the wage order and to the overtime pay provisions of the Act for that week unless exempt under some other section of the Act. Employees of the printer (even though he also publishes a newspaper) fall within the general coverage of the Act where at the time the work is performed the employer has reason to believe that any unsegregated part of the printed material will later move, directly or indirectly, across State lines. Thus, coverage exists even where material is printed for a local purchaser if, at the time of production, the printing firm has reason to believe the goods will subsequently move, directly or indirectly, outside the State.

As to the employment of learners and apprentices in the Printing and Publishing and Allied Graphic Arts Industry at rates less than the basic minimum of 40 cents an hour, Mr. Walling pointed out that, although no

hearing has been held to determine the need for adopting subminimum rates in the industry, any employer is entitled under section 14 of the Act to file an application for employment of learners at subminimum rates in his plant, which application will be considered on its individual merits. Approval of the application depends upon the employer's showing that the occupation in which it is proposed to employ learners is a sufficiently skilled occupation to warrant a substantial learning period, that experienced workers are not available for employment in that occupation, and that curtailment of opportunities for employment will result if the application is denied.

A learner wage rate may be provided in a certificate in graduated steps up to the basic rate of 40 cents an hour. The learning period in a certificate is limited to a period of 4 to 12 weeks, except in unusual circumstances. It is not the policy of the Wage and Hour Division to issue learner certificates for such occupations as porter, sweeper, and watchman, which occupations require insufficient skill to warrant a learning period at subminimum rates.

Mr. Walling also pointed out that an apprentice under the Act is an employee at least 16 years of age engaged to learn a skilled trade under the terms of an apprenticeship agreement which provides for at least 4,000 hours of reasonably continuous employment, participation in an approved schedule of work experience through employment, and at least 144 hours of related classroom instruction for each year of the apprenticeship if such classes are available in the community. The rates agreed to must average over the apprenticeship period at least 50% of the wage rate paid skilled journeymen in the same occupation. Apprenticeship agreements which have been approved by a recognized local or state apprenticeship council are considered temporary certificates until final action has been taken on them by the Wage and Hour Division of the United States Department of Labor. If no approved local or state apprenticeship council exists, agreements may be filed directly with the Wage and Hour Division which, after consultation with the Federal Committee on Apprenticeship, may issue a certificate.

The Student-Learner Regulations were primarily designed to meet the needs of training students in vocational training programs by providing for the employment of student-learners for part of the working day or for alternating weeks; or for limited periods during the year. A student-learner application should be filed by a school official and the relation between the school work and the employment training on the job should be shown. The wage rate to be paid must average not less than 75% of the applicable minimum over the training period.

Until apprenticeship agreements have been approved by the appropriate authority or favorable action has been taken by the Wage and Hour Division on the learner or student-learner applications, learners, student-learners and apprentices as well as other employees covered by the Act and not exempt from the minimum wage provisions thereof must be paid at least the applicable minimum wage.

(July 24, 1943)

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