

UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
NEW YORK, NEW YORK

file

TITLE 29 - LABOR
CHAPTER V - WAGE AND HOUR DIVISION

IN THE MATTER OF THE RECOMMENDATION OF IN-
DUSTRY COMMITTEE NO. 53 FOR A MINIMUM WAGE
RATE IN THE METAL, PLASTICS, MACHINERY, IN-
STRUMENT, AND ALLIED INDUSTRIES

WAGE ORDER

Effective September 13, 1943

PART 636.- Minimum Wage Rate in the Metal, Plastics
Machinery, Instrument, and Allied Industries

WHEREAS, on January 27, 1943, 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. 173, appointed Industry Committee No. 53 for the Metal, Plastics, Machinery, Instrument, and Allied Industries, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Metal, Plastics, Machinery, Instrument and Allied Industries in accordance with Section 8 of the Act; and

WHEREAS, the Committee included twelve disinterested persons representing the public, a like number of persons representing employers in the Metal, Plastics, Machinery, Instrument, and Allied Industries, 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 Metal, Plastics, Machinery, Instrument, and Allied Industries are carried on; and

WHEREAS, on February 19, 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 Metal, Plastics, Machinery, Instrument, and Allied Industries; and

WHEREAS, after notice duly published in the Federal Register on February 26, 1943, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at New York, New York, on March 16, 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 Metal, Plastics, Machinery, Instrument, and Allied Industries, as defined by Administrative Order No. 173, 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. 53 for a Minimum Wage Rate in the Metal, Plastics, Machinery, Instrument, and Allied Industries," 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 636.1 - Approval of Recommendation of Industry Committee No. 53

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

Section 636.2 - 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 Metal, Plastics, Machinery, Instrument, and Allied Industries; and

Section 636.3 - Posting of Notices

Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Metal, Plastics, Machinery, Instrument, and Allied Industries 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 prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

Section 636.4 - Definition of the Metal, Plastics, Machinery, Instrument and Allied Industries

For the purposes of this Order the term "Metal, Plastics, Machinery, Instrument, and Allied Industries" means:

"The production of metals and the manufacture of any product or part made of metal or plastics; and the manufacture from any material of machinery, instruments, tools, electrical goods, transportation equipment, and ordnance; provided, however, the definition shall not include:

1. The mining or milling of metalliferous ores.

2. The production of any basic material other than metal.
3. The further processing of any basic material other than metal or plastics; provided, however, that such processing when performed by an establishment producing from such material a product of this industry or subassembly of such product shall be included within this definition.
4. Any product, the manufacture of which is covered by the definition of an industry for which the Administrator has already issued a wage order or appointed an industry committee."

Section 636.5 - Scope of the Definition

The definition of the Metal, Plastics, Machinery, Instrument, and Allied Industries covers all occupations in the industry which are necessary to the production of the articles covered by the definition, including clerical, maintenance, shipping, and selling occupations: Provided, however, that this definition does not cover clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department, physically segregated from the other departments of a manufacturing establishment the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale; 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 636.6 - Effective Date

This Wage Order shall become effective September 13, 1943.

Signed at New York, New York, this 12th day of August, 1943.

Sections 636.1 to 636.6, 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