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WEEKLY REPORT OF MAJOR OPERATING STATISTICS

WAGE AND HOUR DIVISION

WEEK ENDING NOVEMBER 7, 1939

Prepared by
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(2463)

WEEKLY REPORT OF
MAJOR OPERATING STATISTICS

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INTRODUCTORY NOTES

Weekly Field Office Activity Reports for the week ending October 21st showed that a total of 693 cases had been closed or dropped by the staff of the Wage and Hour Division. Revised reports for the week ending October 28th, upon which this report is based, indicate that only 692 cases have been closed or dropped. The revised figures eliminated duplications in cases reported closed or dropped where the case had been reported by both the regional and branch offices. During the week ending October 28th, 17 cases were closed or dropped.

Of the 692 cases closed or dropped, 132, or nearly one-fifth of the total (19.0 per cent), were in Region III, which has regional headquarters at Philadelphia, Pennsylvania. The region with the next highest number of cases closed or dropped is Region II, which has regional headquarters at New York. In this region 84 cases, or approximately one-eighth of the total (12.1 per cent), have been closed or dropped. Of the balance of the cases closed or dropped, 72 were in Region IV (Regional Office: Richmond, Va.); 67 in Region IX (Regional Office: Cleveland, Ohio); 58 in Region XIII (Regional Office: Dallas, Texas); 57 in Region I (Regional Office: Boston, Mass.); and the remaining 222 were scattered through the other 11 regions.

Of the total cases closed or dropped, 432, or 62 per cent, have been closed by the payment of restitution to the employees affected by the violations, and 260 have been dropped either because no violation was found or because the firm was not covered by the Act. The highest proportion of closed cases is in Region I. Out of the 57 cases closed or dropped in this region, 48, or 84 per cent, have been closed. Region IV (Regional Office: Richmond), Region VIII (Regional Office: Nashville), and

Region X (Regional Office: Chicago), are all above the average for the country as a whole in the proportion of cases closed to the total cases closed or dropped. The proportions range from 67 per cent to 77 per cent.

During the week ending October 28th restitution amounting to \$4,413 was made to 310 employees. This makes a total amount of restitution of \$203,257 to 14,363 employees in 432 closed cases. The average amount of restitution per case is \$471 and the average amount of restitution per employee is \$14.15.

Complete information is now available on the assignment of inspections and reinspections in the field offices and the forwarding of inspections and reinspections to Washington. This information is shown in Sections C and D of the report. As of October 28th there were 12,984 inspections required by the complaints found to indicate violations. Of these, 3,007, or 23.2 per cent, had been assigned to inspectors and 1,736 reports, or 57.7 per cent, on assigned inspections had been forwarded to Washington.

Of the 1,697 reinspections required, 772, or 64.5 per cent, had been assigned to inspectors and 465 reports on reinspections, or 60.2 per cent of the assigned reinspections, had been forwarded to Washington.

As shown in Section A, there were 770 complaints filed with the Wage and Hour Division during the week ending October 28th. This is an increase of 16.3 per cent over the receipt of the previous week. This may be due to the increased number of employees who were covered by the Act when the minimum hourly rate was increased to 30 cents per hour and the maximum hours without overtime pay decreased to 42 hours a week on October 24th.

The Department of Justice instituted criminal proceedings on four cases during the past week, making a total of 54 cases on which criminal proceedings have been instituted. Of these 54 cases, the proceedings were instituted by informations on 12 of them and by indictments on the other 42. During the week proceedings were closed on one case where the defendant plead guilty and a fine of \$6000 was imposed. This makes a total of 26 cases in which the defendant plead guilty, and a total of \$454,600 in fines has been imposed. The other 28 cases are pending.

During the past week, no change occurred in the status of the 45 cases in which civil action has been instituted. Of these 45 cases, consent decrees have been granted in 38, injunctions denied in two, and decisions are pending on five. An appeal is pending on one of the cases on which an injunction was denied.

The Handicapped Workers Unit of the Hearings and Exemptions Section received 126 applications for exemptions from the minimum wage provision of the Act for handicapped workers making a total of 5,682 applications received. During the week action was taken on 73 applications, making a total of 5,519 acted on. Of these 5,519 applications, 2,343 were granted; 2,491 were denied; 663 were held for further information; 9 were cancelled or withdrawn; and 13 were found not to require action. Applications are considered not to require action where the handicapped worker is found to be earning at least the minimum rate.

During the past week the Learners Unit of the Hearings and Exemptions Section received 84 applications for exemptions from the minimum wage provision of the Act for learners, making a total of 1,213 applications received, and took action on 61 making a total of 938 applications acted on. Of these 938 applications, certificates have been issued in 714 cases, certificates have been denied in 155, the applications held for the results of hearings or industry findings in 55, and applications were cancelled or withdrawn in 14.

WEEKLY REPORT OF MAJOR OPERATING STATISTICS
Cooperation and Inspection Branch
Week Ending November 7, 1939

Item	This Week	Cumulative Total
<u>A. Status of Complaints Received for Analysis</u> ^{1/}		
1. Total received	<u>770</u>	<u>25,850</u>
a. Establishments complained against	<u>551</u>	<u>20,241</u>
b. Multiple complaints	<u>219</u>	<u>5,609</u>
2. Analyzed	<u>574</u>	<u>23,673</u>
3. Per cent of receipts analyzed		<u>91.6%</u>
4. In process of analysis or on hand at close of business	<u>2,177</u>	
<u>B. Complaints Analyzed Classified by Type</u> ^{1/}		
1. Total analyzed (Same as A-2)	<u>574</u>	<u>23,673</u>
2. Violations indicated		
a. Number	<u>498</u>	<u>16,735</u>
b. Per cent of total analyzed		<u>70.7%</u>
3. No violations indicated		
a. Number	<u>64</u>	<u>3,743</u>
b. Per cent of total analyzed		<u>15.8%</u>
4. More information required		
a. Number	<u>38</u>	<u>2,145</u>
b. Per cent of total analyzed		<u>9.1%</u>
5. Doubtful		
a. Number	<u>-29</u>	<u>816</u>
b. Per cent of total analyzed		<u>3.4%</u>
6. Dropped		
a. Number	<u>3</u>	<u>234</u>
b. Per cent of total analyzed		<u>1.0%</u>

^{1/} Data presented is based on the CI-42 Reports received from Field Offices for the week ending October 28, 1939, the latest data available.

WEEKLY REPORT OF MAJOR OPERATING STATISTICS--Continued
Hearings and Exemptions Section
Handicapped Workers Unit
Week Ending November 7, 1939

Item	This Week	Cumulative Total
C <u>Status of Initial Inspection Cases</u>		
1. Case inspections required by complaints <u>1/</u> found to indicate violations	<u>396</u>	<u>12,984</u>
2. Case inspections assigned	<u>279</u>	<u>3,007</u>
3. Case inspections pending assignment	<u>9,977</u>	
4. Per cent of required case inspections assigned		<u>23.2%</u>
5. Assigned case inspections forwarded to Washington	<u>36</u>	<u>1,736</u>
6. Assigned case inspections under investiga- tion or completed but pending review by supervisor prior to transmittal to Washington	<u>1,271</u>	
7. Per cent of assigned inspections forwarded to Washington		<u>57.7%</u>
D. <u>Status of Reinspection Cases</u>		
1. Cases requiring further inspection	<u>32</u>	<u>1,197</u>
2. Cases assigned for further inspection	<u>36</u>	<u>772</u>
3. Case reinspections pending assignment	<u>425</u>	
4. Per cent of case reinspections assigned		<u>64.5%</u>
5. Assigned case reinspections under investigation <u>27</u> or completed but pending review by supervisor prior to transmittal to Washington		<u>465</u>
6. Assigned reinspections to be forwarded to Washington	<u>307</u>	
7. Per cent of assigned reinspections forwarded to Washington		<u>60.2%</u>

1/ Since multiple complaints are filed against individual establishments, the number of inspection in C-1 will always be less than the number of complaints found to indicate violations in B-2.

WEEKLY REPORT OF MAJOR OPERATING STATISTICS
 Cooperation and Inspection Branch
 Week Ending November 7, 1939

Item	This Week	Cumulative Total
E. Examination of Regular Inspection Reports		
1. Total Regular Inspection Reports <u>1/</u> received	<u>84</u>	<u>2,449</u>
2. Total reports examined	31	2,273
a. Original reports	<u>26</u>	<u>1,715</u>
b. Additional reports <u>2/</u>	<u>5</u>	<u>558</u>
3. Balance on hand at close of business	<u>176</u>	
4. Percent of reports examined to total received		<u>92.8%</u>
5. Per cent of reports returned for further investigation		<u>69.6%</u>
F. Cases Closed or Dropped by Type of Action Taken <u>3/</u>		
1. Total closed or dropped	<u>17</u>	<u>692</u>
2. Closed	14	432
a. On authority of field staff	<u>1</u>	<u>74</u>
b. On authority of central office	<u>13</u>	<u>358</u>
3. Dropped	3	260
a. Because no violation was found	<u>2</u>	<u>168</u>
b. Because firms were not covered	<u>1</u>	<u>92</u>

1/ Since the data shown in sections C and D are based on the Weekly Field Office Activity Report, Form CI-42, for the week ending October 21 and the data shown in Section E is based on the report of the Central Office Examining Unit, the number of reports received by the Central Office in E will be more than the sum of the reports forwarded to Washington in C and D.

2/ Additional reports are submitted on cases requiring further investigation after the original report on the inspection has been received.

3/ Reduced by twenty-two cases erroneously reported closed.

WEEKLY REPORT OF MAJOR OPERATING STATISTICS—Continued
 Cooperation and Inspection Branch
 Week Ending November 7, 1939

Item	This Week	Cumulative Total
G. <u>Status of Cases Under Investigation, Closed, Dropped, or on Hand</u>		
1. Cases requiring inspection by complaints found valid <u>1/</u> (Same as C 1)	<u>396</u>	<u>12,984</u>
2. Cases assigned (Same as C 2)	<u>279</u>	<u>3,007</u>
3. Cases closed or dropped <u>2/</u>	<u>16</u>	<u>692</u>
4. Assigned cases pending disposition	<u>9,977</u>	
5. Per cent of assigned cases on which final action has been taken		<u>23.0%</u>
6. Per cent of total cases on which final action has been taken		<u>5.3%</u>
H. <u>Number of Employees Affected and Amount of Back Payment Made in Cases Under Investigation</u>		
1. Number of cases closed (Same as F 2)	<u>14</u>	<u>432</u>
2. Employees receiving back payment	<u>310</u>	<u>14,363</u>
3. Amount of restitution	<u>\$4,413</u>	<u>\$203,257</u>
4. Average amount of restitution per case		<u>\$ 471</u>
5. Average amount of restitution per employee		<u>\$ 14.15</u>

1/ See footnote to Section C

2/ See footnote to Section E

WEEKLY REPORT OF MAJOR OPERATING STATISTICS--Continued
 Legal Branch
 Week Ending November 27, 1939

Item	This Week	Cumulative Total
I. <u>Status of Cases Referred to Legal Branch for Enforcement Proceedings</u>		
1. Total	<u>4</u>	<u>391</u>
2. Total acted On:	<u>1</u>	<u>281</u>
a. Cases referred to Department of Justice (J1 minus J5)	<u>1</u>	<u>75</u>
b. Civil actions instituted <u>1</u> / 	<u>0</u>	<u>45</u>
c. Cases returned to Cooperation and Inspection Branch	<u>0</u>	<u>161</u>
3. Pending action at end of week	<u>110</u>	
J. <u>Status of Cases Referred to Department of Justice by Legal Branch</u>		
1. Total	<u>1</u>	<u>80</u>
2. Criminal actions instituted	<u>4</u>	<u>54</u>
a. By information	<u>1</u>	<u>12</u>
b. By indictment	<u>3</u>	<u>42</u>
3. Criminal actions closed	<u>1</u>	<u>26</u>
a. Defendant plead guilty	<u>1</u>	<u>26</u>
b. Defendant found guilty (after trial)	<u>0</u>	<u>0</u>
c. Defendant acquitted (after trial)	<u>0</u>	<u>0</u>
d. Fines imposed (approximate)	<u>\$6,000</u>	<u>\$454,600</u>
(a) Collected	<u>1,000</u>	<u>82,850</u>
(b) Suspended	<u>5,000</u>	<u>371,750</u>
4. Criminal actions pending	<u>28</u>	
5. Number of cases returned to Legal Branch by Department of Justice	<u>0</u>	<u>5</u>
6. Number of cases under consideration by Department of Justice	<u>21</u>	

1/ Includes cases returned to Legal Branch by Department of Justice because not suitable for criminal action.

WEEKLY REPORT OF MAJOR OPERATING STATISTICS—Continued
 Legal Branch
 Week Ending November 7, 1939

Item	This Week	Cumulative Total
K. <u>Status of Civil Actions Instituted by</u> <u>Legal Branch</u>		
1. Total (Same as I 2b)	<u>0</u>	<u>45</u>
2. Cases closed (in district courts)	<u>0</u>	<u>40</u>
a. Injunction granted	<u>0</u>	<u>38</u>
(1) contested	<u>0</u>	<u>0</u>
(2) uncontested (consent decree)	<u>0</u>	<u>38</u>
b. Injunction denied	<u>0</u>	<u>2</u>
3. Cases pending (in district courts)	<u>5</u>	
4. Cases pending on appeal from adverse decisions	<u>0</u>	<u>1</u>
5. Appeals from adverse decisions under consideration	<u>0</u>	<u>1</u>

WEEKLY REPORT OF MAJOR OPERATING STATISTICS--Continued
Hearings and Exemptions Section
Handicapped Workers Unit
Week Ending November 7, 1939

Item	This Week	Cumulative Total
L. <u>Status of Applications Received</u>		
1. Received	<u>126</u>	<u>5,682</u>
2. Total acted on	<u>73</u>	<u>5,519</u>
3. Pending action at end of week	<u>163</u>	
4. Per cent of applications acted on		<u>97.1%</u>
M. <u>Status of Applications Acted on</u>		
1. Total number acted on (Same as L 2)	<u>73</u>	<u>5,519</u>
2. Certificates granted		
a. Number	<u>56</u>	<u>2,343</u>
b. Per cent		<u>42.5%</u>
3. Applications denied		
a. Number	<u>7</u>	<u>2,491</u>
b. Per cent		<u>45.2%</u>
4. Applications suspended		
a. Number	<u>1</u>	<u>663</u>
b. Per cent		<u>12.0%</u>
5. Applications cancelled or withdrawn		
a. Number	<u>0</u>	<u>9</u>
b. Per cent		<u>0.2</u>
6. No action necessary		
a. Number	<u>9</u>	<u>13</u>
b. Per cent		<u>0.1%</u>
N. <u>Requests for Reconsideration</u> (Figures used indicate number of employees involved)		
1. Received	<u>7</u>	<u>1,019</u>
2. Number reconsidered	<u>8</u>	<u>999</u>
3. Pending reconsideration at end of week	<u>20</u>	
4. Per cent of requests for reconsideration acted on		<u>98.0%</u>

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WEEKLY REPORT OF MAJOR OPERATING STATISTICS--Continued
Hearings and Exceptions Section
Handicapped Workers Unit
Week Ending November 7, 1939

Item	This Week	Cumulative Total
O. <u>Decisions After Reconsideration</u>		
1. Total reconsidered (Same as N-2)	<u>8</u>	<u>999</u>
a. Denials reversed	<u>5</u>	<u>510</u>
b. Denials sustained	<u>1</u>	<u>344</u>
c. Certificates cancelled	<u>0</u>	<u>8</u>
d. Certificates sustained	<u>0</u>	<u>34</u>
e. Certificate rate increased	<u>1</u>	<u>3</u>
f. Certificate rate decreased	<u>0</u>	<u>35</u>
g. Held for further information	<u>1</u>	<u>65</u>

WEEKLY REPORT ON OPERATING STATISTICS—Continued
 Hearings and Exemptions Section
 Learners' Application Unit
 Week Ending November 7, 1939

Item	This Week	Cumulative Total
P. <u>Status of Applications Received</u>		
1. Received	<u>84</u>	<u>1,213</u>
2. Total acted on	<u>61</u>	<u>938</u>
3. Pending action at end of week	<u>275</u>	
4. Per cent of applications acted on		<u>77.3%</u>
Q. <u>Action Taken on Original Applications</u>		
1. Total acted on (Same as P2)	<u>61</u>	<u>938</u>
2. Certificates issued		
a. Number	<u>59</u>	<u>714</u>
b. Per cent		<u>76.2%</u>
3. Applications denied		
a. Number	<u>2</u>	<u>155</u>
b. Per cent		<u>16.5%</u>
4. Applications suspended awaiting industry hearings and finding		
a. Number	<u>0</u>	<u>55</u>
b. Per cent		<u>5.8%</u>
5. Applications canceled (invalid or withdrawn)		
a. Number	<u>0</u>	<u>14</u>
b. Per cent		<u>1.5%</u>
R. <u>Status of Cases Held for Reconsideration After Approval or Denial</u>		
1. Held for reconsideration this week	<u>0</u>	<u>90</u>
2. Reconsideration cases acted on	<u>3</u>	<u>79</u>
3. On hand for reconsideration at end of week	<u>11</u>	
4. Per cent of cases held for reconsi- deration acted on		<u>87.6%</u>

WEEKLY REPORT ON OPERATING STATISTICS--Continued
 Hearings and Exemptions Section
 Learners' Application Unit
 Week Ending November 7, 1939

Item	This Week	Cumulative Total
<u>S. Decision after Reconsideration</u>		
1. Total cases acted on (Same as R-2)	<u>3</u>	<u>79</u>
2. Certificates affirmed	<u>0</u>	<u>26</u>
3. Certificates reversed	<u>0</u>	<u>1</u>
4. Denials affirmed	<u>0</u>	<u>16</u>
5. Denials reversed	<u>3</u>	<u>36</u>
<u>T. Conferences or Hearings Held</u>	<u>0</u>	<u>18</u>