

New Wage-Hour Law To Affect 11 Million Workers Next Week

44-Hour Ceiling on Working Time and 25-Cent Floor
On Hourly Pay Will Be Established;
Andrews Gives Interpretations.

(Editorial, Page 12)

WASHINGTON, Oct. 19 (U. P.).—Federal control over wages and hours in interstate industry becomes effective at 12:01 a. m. Monday, under the Fair Labor Standards Act of 1938.

After that hour it will be illegal for those covered by the statute to work more than 44 hours a week unless they are paid in money (not time off) at the rate of time and one-half for the overtime. The minimum hourly wage becomes 25 cents.

The act was passed by the last Congress and signed by President Roosevelt on June 25. It is estimated that 11 million workers will be affected by its provisions.

Ultimately the law will establish a ceiling of 40 hours over the standard work week for those covered by the act and a floor of 40 cents an hour under wages. Approach to that objective is gradual.

Standards automatically established Monday morning provide for a 44-hour week and minimum pay of 25 cents an hour.

The act also undertakes abolition of "oppressive child labor." Both with respect to child labor and the wage-hour standards imposed, enforcement of the act will bar from commerce all goods produced in violation of its terms or in violation of orders of the administrator, Elmer F. Andrews.

Fines, Sentences Provided
Several penalties may be assessed against violators. The maximum penalty for the first willful violation is a \$10,000 fine. Penalty of a second willful violation could be \$10,000 fine, imprisonment for not more than six months, or both.

The act provides for industry committees. Some businessmen are said to be under the impression that the wage-hour provisions do not become operative in any industry until its industry committee has been appointed and has made recommendations. That is a mistake. Actually only one industry committee has been appointed—for textiles—but the provisions of the act become effective generally at the appointed hour.

Application of wage-hour provisions presumably will invalidate parts of existing union labor contracts which do not conform to the law now about to become operative. Included in the act is a paragraph stipulating that the new legislation shall not justify an employer in reducing wages paid in excess of proposed minimum wages nor justify increasing hours of employment which now are less than the maximum hours provided by the act.

That language, however, does not forbid and evidently is not enforceable. Therefore, it represents merely the hope of Congress. Wage-Hour Administrator Andrews has urged that employers voluntarily conform to the policy suggested.

Indemnities Provided
In addition to fines and imprisonment, there is provision for double indemnity of employer to employee for violations. Recourse to courts may be had, as follows:

1. Employees may sue to recover unpaid minimum wages or unpaid overtime compensation. Violating employers are liable for unpaid sums plus an equal amount as damages, and court costs, including reasonable attorney fees.

2. Employers or employees aggrieved by a wage order may obtain review of the order in a U. S. Circuit Court, but the court's power of review is limited to questions of law.

3. The Federal Government may prosecute criminally for violations of the act or for discharge of, or discrimination against, any employee who has filed a complaint under the act or testified in a wage hearing. The administrator may ask a Federal District Court to restrain violations of the act by injunction.

The standard work week established by the act is as follows: Oct. 24, 1938, to Oct. 24, 1939, 44 hours; Oct. 24, 1939, to Oct. 24, 1940, 42 hours; thereafter, 40 hours. The law does not prohibit employment in excess of the standard work week provided the employee is compensated in money at a rate not less than one and one-half times the regular rate.

Higher Wages Possible
Established wage minimums:
1. Oct. 24, 1938 to Oct. 24, 1939, 25 cents an hour.

2. Six years from Oct. 24, 1939 to Oct. 24, 1945, 30 cents an hour.

3. Thereafter, 40 cents an hour.

But Congress held that it might be possible before 1945 to establish wages above 25 or 30 cents an hour "without substantially curtailing employment." So Congress authorized wage determination committees equally representative of employers, labor and the public. These committees may recommend rates higher than 25 or 30 cents but not higher than 40 cents an hour.

The Wage and Hour Division has defined generally employees covered by the act and general exemptions.

Those covered are:
1. Employees engaged in producing, manufacturing, mining, handling, transporting or in any manner working on goods moving in interstate commerce.

2. Employees engaged in any

dairy products, in the ginning and compressing of cotton, in the processing of cotton seed and in the processing of sugar beets, sugar beet molasses, sugar cane or maple sap into raw sugar or sirup.

There is a provision for seasonal employment without overtime penalty limited to a 12-hour day and 56-hour week for not more than 14 weeks a year.

And all maximum hours provisions for 14 weeks during any year are waived for such seasonal operations as packing fresh fruits and vegetables and dressing poultry or slaughtering livestock.

There also is partial exemption

from weekly maximum hours provisions for employees working under a bona-fide collective bargaining agreement. But annual hours under this collective bargaining agreement may not exceed 2000.

The act forbids regional differentials but directs that consideration be given to factors such as freight rates, living costs, cost of production, established wages, etc.

Individual certificates may be issued for underscale payment to learners, apprentices and "handicapped" workers.

All the foregoing is administered by the administrator of the Wage and Hour Division of the Labor

Department. Provisions relating to child labor are administered by Katherine F. Lenroot, chief of the Children's Bureau of the Labor Department.

"No producer," says the official explanation of the act, "manufacturer or dealer, after Oct. 24, 1938, may ship or deliver for shipment in interstate commerce any goods produced in an establishment which has employed 'oppressive child labor' within 30 days of removal of the goods."

Oppressive child labor is defined as:
1. Employment of children under 16 years of age in any occupation,

except for employment of children 14 or 15 years old at work, other than manufacturing or mining, which has been determined by the chief of the Children's Bureau not to interfere with their schooling, health or well-being.

2. Employment of children 16 or 17 years of age in any occupation founded and declared by order of the chief of the Children's Bureau to be particularly hazardous or detrimental to health or well-being.

Exempted are: Movie and theatrical child actors; children under 16 employed by parents or persons standing in place of parents in non-manufacturing, nonmining occupa-

tions; children employed in agriculture while not legally required to attend school.

The Children's Bureau will fix a minimum age higher than 16 years for employment in hazardous occupations but "reasonable time will be given for adjustment by employers before any such orders become effective."

POLITICAL BOOKLET CASE IS POSTPONED

Trial of Morris Moss and Ralph Hitch, indicted six months ago on charges of libel and violation of the

corrupt practices act, has been delayed. It originally was set for next Monday.

Moss and Hitch were indicted in connection with publication of a political pamphlet before the primary election.

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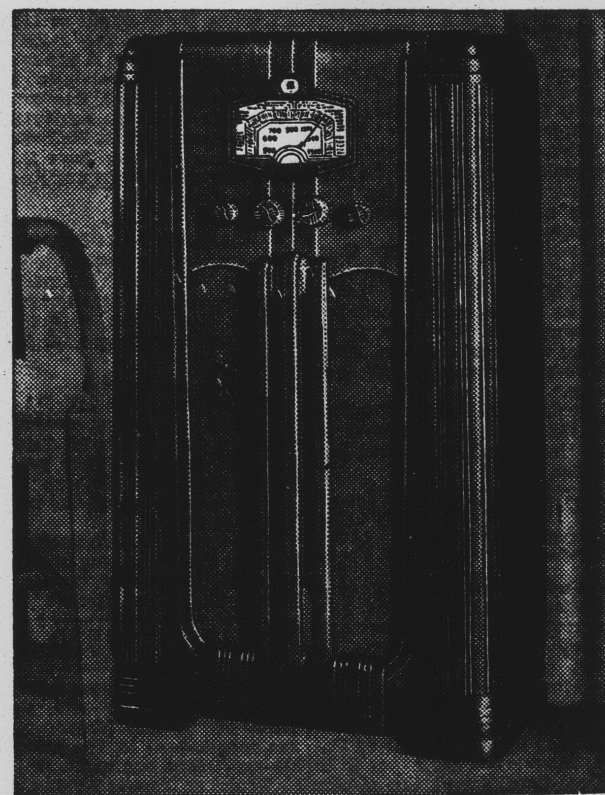


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