INDEX—THE WAGE AND HOUR LAW

*FLSA is used throughout this index for Fair Labor Standards Act of 1938.

Adkins v. Children's Hospital, 327, 329.

Administration of FLSA

devices made use of in, 334; function of industry committees in, 353, 359; in general, 368-390; policy of, 368; contrasted with National Labor Relations Act, 368; appropriation for, 370; fundamental problems of, stated, 372; utilization of state and local agencies, 376-377; part played by labor unions and trade associations, 377-378; policy of, 368; contrasted with National Labor Relations Act, 368; appropriation for, 370; fundamental problems of, stated, 372; utilization of state and local agencies, 376-377; part played by labor unions and trade associations, 377-378; function of Interpretative Bulletins in, 378-380; process of issuing regulations, 380-383; complaint procedure, 383-385; powers of investigation and inspection, 384; public opinion of, 388-389; effect of proposed amendments on, 389-390; economic coverage and, 406; economic difficulties in, 425.

Administrative Law

review of wage orders issued by Administrator, 360.

Administrative Provisions of FLSA

legislative history of, 475-478.

Agricultural Processors

exemption from hours provisions, 347, 350.

Agriculture

exemption of employees in, 350; child labor in, 402, 403-404.

Amendments of FLSA

See FLSA.

American Federation of Labor (AFL)

position on minimum wage laws, 326; organization set up for enforcing FLSA, 377, 385; attitude on amendment of FLSA, 390; state law drafted by, patterned after FLSA, 455, 459; support given state bills, 462; attitude of, expressed by Green at hearings, 468; split on Bill in Senate, 469; opposition to House Bill, 470; Bill drafted by, rejected, 471.

Apprentices

exemption from wage provisions, 343, 344.

Area of Production

difficulty of defining, 347, 350; hearings in connection with, 383.

Australia

minimum wage law in, 326.

Bailey v. Drexel Furniture Co., 446.

"Back Shop" Employees

question whether engaged in commerce, 335.

Brookings Institution

criticism of "purchasing-power" theory, 423; quoted on 30-hour week, 428.


Carver, Dr. Thomas N., quoted, 429.

Casell, Dr. Gustav, quoted, 424.

Child Labor Amendment

purpose of, 391; ratification of, after prior rejection, 392; necessity for in spite of FLSA, stated, 403.

Child Labor Cases


Child Labor Provisions of FLSA

in general, 391-405; federal regulation, prior to, 391; exemptions, 393; administration of, by Chief of Children's Bureau, 393; issuing of age certificates, 394-396; investigations, 396; determination of hazardous occupations under, 396-397; regulations pertaining to employment of children under sixteen, 397-398; newspaper work under, 400; inadequacies, stated, 402-403; economic adjustments under, 404; legislative history of, 486-489.

Civil Aeronautics Act

wage regulation under, 332.

Civil Recovery

by employees under FLSA, 385, 386.

Clark, Prof. J. M., quoted, 429.

Clerical Employees

production of goods and, 440.

Collective Bargaining Agreements

as basis of exemption from hours provisions, 346; wage obtained under, contrasted with FLSA provisions, 368.

Commerce

See Interstate Commerce.

Complaints

method of handling under FLSA, 383-386.

Congress of Industrial Organizations (CIO)

position on minimum wage legislation, 326; organization set up for enforcing FLSA, 377, 385; attitude on amendment of FLSA, 390; state law drafted by, patterned after FLSA, 455, 458; support given state bills, 462.

Constitutional Law

extension of concepts of, to cover employees producing goods for commerce, 340; validity of FLSA under, in general, 431-453; commerce clause and §§15 (a) (1) and 15 (a) (4) of FLSA, 433, and 15(a) (2), 438-444; regulation of intrastate transactions, 438-439; division of governmental powers, 440; Tenth Amendment, stated to be no restriction on granted powers, 441-442; Fifth Amendment, held to be no restriction on granted powers, 441-442; issue stated to be whether FLSA is primarily regulation of commerce or of local matters, 445; regulation of practices affecting commerce, 448-453.

*FLSA is used throughout this index for Fair Labor Standards Act of 1938.
Contracts, Government
regulation of hours and wages in work done on, 325. See Walsh-Healey Act.

Coverage of FLSA
in general, 332-352; employees engaged in interstate commerce, 335-337; employees engaged in production of goods for interstate commerce, 337-342; segregation of employees' work, 342; exemptions, from wage provisions, 343-346, from hours provisions, 345-347, from wage and hours provisions, 347-350; defects in, stated, 352; economic, see Economic Coverage.

Criminal Prosecution under FLSA
handled by Justice Department, 376; experience with, 386.

Davis, Geo. H.
testimony at hearings, 468.

Democratic Party
1936 plank on wage and hour laws, 464.

Differentials
consideration of, by industry committees, 357-358; difficulty in arriving at, 425. See Legislative History.

District of Columbia
minimum wage law invalidated, 327, 328.

Eccles, M. S.
quoted, 428-429.

Economic Coverage of FLSA
in general, 406-415; estimate of number of employees, 407; distribution of covered employees by industries, 407-408; distribution by states, 408; sources of shortage in estimate, 409-410; employees receiving less than statutory minima, 410; average earnings by minima, 411-412; average hours worked by industries, 413; effect of unemployment on, 414-415.

Economic Implications of FLSA
in general, favorable, 416-421, unfavorable, 422-420; theory of free market stated, 416, and criticized, 416-417; distinction between labor and other commodities, 417; marginal productivity theory criticized, 417-418; protection afforded worker under FLSA, 418; contribution of FLSA to efficiency of industry, 418-420, and of workers, 420; beneficial effect of FLSA on wages in general, 420-421; ineffectiveness of FLSA to reach sweat shop conditions, 422; forced unemployment of marginal workers under FLSA, 422; "purchasing-power" theory criticized, 423, 424; planning of entire economy necessitated by wage regulation, 424; difficulty of establishing differentials, 425; elimination of wage spread between skilled and unskilled because of, 426; rigidities flowing from, 426; work-sharing criticized, 428; competition with foreign producers and, 429; stated to be favorable to large businesses, 429-430; disturbance of geographic trend of industry by, 430; unfavorable, summarized, 430.

Eight-Hour Day
on Government contracts, 325; on railroads, 325, 330.

Electric Bond and Share Case, 433.

Employees
See Coverage of FLSA.

Employers
See Coverage of FLSA.

England
establishment of wage boards in, 326; economic effect of minimum wage law in, 418, 419.

Executive and Administrative Workers
exemption of, 348.

Exemptions
See Coverage of FLSA.

Fair Labor Standards Act

Federal Government
regulations of hours and wages in work done for, 325.

Federal Trade Commission
powers of, used in administering FLSA, 384.

Freedom of Contract
hour legislation and, 325.

Goods
for commerce, interpretation of, 340-342; destination of, materiality, 341; defined, 342.

Green, William L.
testimony at hearings, 467-468.


Hansen, Dr. Alvin H.
quoted, 425.

Handicapped Workers
exemption from wage provisions, 345.

Hearings
in connection with regulations, 381-383; on FLSA, see Legislative History.

Hillmann, Sidney
testimony at hearings, 468.

History of FLSA
See Legislative History of FLSA.

Hour Provisions of FLSA
exemptions from, 345; local nature of, stated, 451-452; legislative history of, 478-486.

Hours
motives for legislation concerning, 323-324; regulation of, prior to 1938, 324-326; determination of number worked under FLSA, 350.

Industry Committees
in general, 353-367; recommendations of, 353; statutory provisions concerning, 354, 356, 357, 369; scope of, 355; appointment of members, 355-356; function of, 357; classifications by, 357; dissolution of, 358, 359; relations with Administrator, 360; evidence submitted to, 361; function of, in providing due process of law, 362-363; curtailing mem-
bership of, 365-364; representation of unorganized employers and workers on, 364; responsibility of public members, 365; suggestions for improvement of, 365-367.

**Injunction Proceedings**

as remedy under FLSA, 385.

**Interpretative Bulletins**

use of in administering FLSA, 334, 378; grew out of lack of rule-making power, 378-380.

**Interstate Commerce**

employees engaged in, 335-337; employees engaged in production of goods for, 337-342; part of goods sold in, 340; passage of title prior to sale of goods in, 341; constitutionality of FLSA provisions concerning, 433-434; power of Congress to govern competition in, 435-438; "harmful" commodities in, 436; growth of, as explanation of expansion of commerce clause, 440; power to prohibit, 444; practices affecting, federal power to regulate, 448-453.

**Interstate Commerce Commission**

power of over certain employments as basis of exemption from hours provision, 347.

**Interstate Compact**

for wage and hour regulation, 330.

**Jones & Laughlin Case. See National Labor Relations Board v. Jones & Laughlin Steel Corp.**

**Justice, Department of**

relations with Wage and Hour Division, 376.

**Kentucky Whip & Collar Co. v. Illinois Central R. R., 444, 489.**

**Kidd v. Pearson, 448.**

King, Dr. Willford, I. quoted 427.

**Labor, Secretary of**

control over Wage and Hour Division, 373.

**Labor Unions**

part played in enforcement of FLSA, 377, 385.

**Learners**

exemption from wage provisions, 343; administrative procedure for handling, 382-383.

**Legislative History of FLSA**

narrowing of the powers of the Administrator, 334; in general, 464-490; Original Bill, drafting, 465; provisions of, 466; hearings on, 467-469; Senate Committee Bill, provisions of, 469; split in ranks of AFL toward, 469; Senate Bill, provisions of, 469-470; First House Committee Bill, provisions of, 470; development at Special Session, 470; Second House Committee Bill, provisions, 471; AFL Bill, provisions, 471; Third House Committee Bill, provisions, 472; Ramspeck Bill, provisions, 472; Conference Bill, provisions, 473, enacted into law, 373; table of bills, 474; administrative provisions, analysis of the several bills, 475-478; wage and hour standards, analysis of the several bills, 478-487; child labor provisions, analysis of the several bills, 487-489.

**Lewig, John L.**

quoted, 427; testimony at hearings, 467.

**Massachusetts**

first minimum wage law in, 327.

**Maximum Hour Regulation**

See Hours.

**Merchant Marine Act of 1936**

wage regulation under, 332.

**Messengers**

exemption from wage provisions, 343.

**Minimum Wages**

See Wages

**Morehead v. People ex rel. Tipaldo, 327.**

**Mulford v. Smith, 434, 435, 444, 446.**

**Myers Case (Myers v. State Journal Co.), 401.**

**National Consumers League**

activity in behalf of minimum wage laws, 327.

**National Industrial Recovery Act (N. I. R. A.)**

relation of FLSA to, 464.

**National Labor Relations Board**

certification of bona fide employee representatives by, 346; criticism of, contrasted with reception of FLSA, 368.

**National Labor Relations Board v. Jones & Laughlin Steel Corp., 438, 448, 449, 451.**

**National Recovery Administration (NRA)**

wage rate determination under, 330; deliberate pace of industry committees contrasted with, 354; differentials under, 358; child labor regulation under, 391; FLSA distinguished from, 467.

**Newspapers**

child labor provisions and, 400.

**Offenses under FLSA**

summarized, 386-387.

**Organized Labor**

See American Federation of Labor and Congress of Industrial Organizations.

**Overtime Provisions of FLSA**

difficulty of compliance with, in case of non-productive workers, 339; application of, to employees receiving more than minimum, 351-352, 369.

**Pay, Regular Rate of**

interpretation of provisions concerning, 351-352.

**Prices**

effect of FLSA on, 421, 423; necessity of controlling because of wage regulation, 424.

**Production**

employees engaged in, 337-340; statutory definition of, 337; work necessary to, criticism of administrative interpretation, 338-340; clerical employees and, 440; FLSA stated to be primarily concerned with, 447.

**Professional Employees**

exemption of, 348.

**Public Opinion**

attitude toward administration of FLSA, 338-389.
QUESTIONS AND ANSWERS
use of in administering FLSA, 334.

RAILROADS
Eight-hour day law for, 325.

REGULATIONS
procedure followed in issuing, 380-383; revision of, 381.

REMEDIES UNDER FLSA
See CRIMINAL PROSECUTION, INJUNCTION PROCEEDINGS, and CIVIL RECOVERY.

RETAILING, LOCAL
exemption of employees in, 349; segregation from wholesaling, 350.

ROOSEVELT, FRANKLIN D.
attitude toward wage and hour legislation, 464; message to Congress concerning, 465-466.

SALESMEN
exemption of, 349.

Schechter Poultry Corp. v. United States, 441, 448, 449, 450, 452, 464.

SEASONAL INDUSTRIES
exemption from hours provisions, 345; lumbering as, 346; burden of proof in determining, 382.

SERVICE, VALUE OF
as basis of minimum wage laws, 339.

SERVICE ESTABLISHMENTS
exemption of employees in, 349.

STATE LABOR STANDARDS LEGISLATION
in general, 454-463; early laws, 454; non-existence of laws patterned after FLSA, 454-455; drafting of model bill for, 455, and provisions of, 456; constitutional basis of, 456; exemptions from model bill, 457; absence of child labor provisions in model bill, 458; analysis of bills introduced in state legislatures in 1939, 459-462; reasons for failure suggested, 462-463.

STATE REGULATION OF HOURS AND WAGES
prior to 1938. See Hours and Wages.

Stettler v. O'Hara, 328.

SUGAR ACT OF 1937
Wage standards under, 331, 332.

SUPREME COURT OF THE UNITED STATES
decision on hour regulation, 324; decisions on minimum wage legislation, 327; decisions on child labor laws, 391; decision on ratification of Child Labor Amendment, 392; prophecies as to treatment of FLSA by—opinion upholding, 433-443, invalidating, 444, 453; “reorganization” of, relation with wage and hour legislation, 464-465.

SWEAT SHOPS
drive to eliminate in England, 326; effect of non-mandatory laws on, 327; ineffectiveness of FLSA to eliminate, 422.

TEXTILE INDUSTRY
survey of wages in, 361.

TRADE ASSOCIATIONS
part played in administering Act, 377.

TRANSPORTATION
engaged in, contrasted with interstate commerce, 335.

UNEMPLOYMENT
industry committee recommendations and, 365; effect of, on economic coverage of FLSA, 414-415; of marginal workers through operation of FLSA, 422.

United States v. Ferger, 439.

UNITED STATES HOUSING ACT
wages paid under, 331.

WAGE AND HOUR DIVISION
appropriation for, 370; number of employees, 371; relations with Labor Department, 373; organization of, 374-375; relations with Department of Justice, 374.

WAGE PROVISIONS OF FLSA
exemptions from, 343; effect of, on interstate commerce, 439; local nature of, stated, 451-452; legislative history of, 478-486.

WAGES
regulation of, prior to 1938, 326-332; notices for legislation concerning, 324; early state legislation, 327; value of services and, 329; under NRA codes, 330-331; under Walsh-Healey Act, 331; multitude of factors affecting, 365; effect of FLSA on general level of, 420-421; control of, necessity for control of other factors as well, 424; effect of FLSA on, 426.

Walsh-Healey Act, 325, 331, 339.

West Coast Hotel Co. v. Parrish, 327, 329.