

TERRITORY OF HAWAII
OFFICE OF THE MILITARY GOVERNOR
IOLANI PALACE
HONOLULU, T. H.

* Indicates Amendment.

INFORMATION COPY

GENERAL ORDERS }
NO. 10 }AS AMENDED 1 NOVEMBER 1943LABOR

1. Policy.
2. Registration.
3. Employment.
4. Wages.
5. Hours of Work and Overtime.
6. Use of Labor.
7. Appeal Agency.
8. Child Labor.
9. Subsistence and Quarters.

1. POLICY.

* 1.01. The following policies are announced for the information and guidance of employers employing the services of (a) employees of the United States under the War Department or the Navy Department; (b) workers employed on construction and other projects under the War Department or the Navy Department; (c) stevedores and other workers employed on docks and dock facilities; and (d) employees of public utilities. The same policies shall be equally applicable to employees of the above-mentioned employing agencies. Nothing herein shall be construed as superseding or in conflict with the provisions of the Fair Labor Standards Act of 1938 or the Walsh Healey Public Contracts Act.

2. REGISTRATION.

* 2.01. Any person now or hereafter employed by any of the employers to whom reference is made in Paragraph 1.01 and who ceases to be so employed, shall, within two (2) days after ceasing to be so employed, register or re-register at the nearest office of the U. S. Employment Service and shall not accept employment with any other employer in the Territory of Hawaii, regardless of whether such employer is or is not an employer described in Paragraph 1.01, until so directed by the U. S. Employment Service.

* 2.02. Every employer described in Paragraph 1.01 shall notify the nearest office of the United States Employment Service on Form 14-E, Section of Labor Control, Office of the Military Governor, of any employee dropped from such employer's pay roll, within two (2) days thereafter.

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2.03. Any person, firm, or corporation who violates, refuses, fails or neglects to comply with any of the provisions of Paragraphs 2.01 and 2.02 above, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00), or be imprisoned for not more than one (1) year, or both.

3. EMPLOYMENT

3.01. Employers described in Paragraph 1.01 may maintain their own labor recruiting facilities.

3.02. The United States Employment Service hereby is designated as the central employment agency for the distribution of civilian labor hereby required to register, and shall allocate labor in the fulfillment of employers' requisitions in accordance with priorities established by the Office of the Military Governor.

* 3.03. No employer described in Paragraph 1.01 shall employ or offer to employ an individual formerly, now, or hereafter in the employment of other such employers, unless and until, such individual shall have presented to the employing agency a bona fide release, without prejudice, on Form 14-E, Section of Labor Control, Office of the Military Governor, from his last previous employer, or from the Director of Labor Control and evidence of referral on Form USES 508.

3.04. Any individual, who is, has been, or hereafter shall be, employed by any employer described in Paragraph 1.01, who presents himself to any other such agency and secures or attempts to secure employment without having a bona fide release without prejudice from his last previous employer, or from the Director of Labor Control, or in any way misrepresents his employment status with regard to such release, shall, upon conviction, be fined not more than two hundred dollars (\$200.00), or be imprisoned for not more than two (2) months, or both.

3.05. Any employer or employer's agent who shall cause any individual to be employed in contravention of Paragraph 3.03 hereof, shall, upon conviction, be fined not more than two hundred dollars (\$200.00), or be imprisoned for not more than two (2) months, or both.

4. WAGES.

* 4.01. Revised Wage Schedule No. 9, (Fourth Re-Issue), dated 1 November 1943, and effective at the beginning of the first pay roll period after 1 November 1943, hereby is designated as the standard wage scale, except as noted in Paragraph 4.03, for workers engaged in work on construction and other projects under the War Department or the Navy Department and employers of such other employees as may be designated from time to time by the Military Governor. No persons seeking work or employed on construction or other projects under the War Department or the Navy Department, or with other employers designated by the Military Governor, shall be employed at a rate less than, or in excess of, the standard rate

for the job as listed in said Revised Wage Schedule No. 9, (Fourth Re-Issue), as now established or as the same may be revised from time to time as approved by the Military Governor.

4.02. Federal Agencies under the War Department or the Navy Department shall continue their regularly established wage schedules.

* 4.03. The provisions of contracts, or extension thereof, between individuals and employers engaged on construction or other projects under the War Department or the Navy Department, relative to wages shall not be abrogated without the written consent of the individual.

5. HOURS OF WORK AND OVERTIME.

5.01. Normal work week for employees on construction and other projects under the War Department or the Navy Department shall be six (6) days of eight (8) hours each. The maximum number of hours worked in any seven (7) consecutive days shall not exceed fifty-six (56), except in cases of emergency and with the approval of the Chief or Military or Naval Service concerned.

5.02. Normal work week for employees of the United States under the War Department or the Navy Department shall conform to applicable Federal regulations.

* 5.03. Employees on construction and other projects under the War Department or the Navy Department shall be paid overtime at the rate of one and one-half the regular rate, for overtime in excess of forty (40) hours per week, or in excess of eight (8) hours in any one day except as noted in Paragraphs 5.08 and 5.09. Where, because of emergency conditions, an employee is required to work for seven consecutive days in any regularly scheduled work-week, a premium wage of double time compensation shall be paid for work on the seventh day. One and one-half regular rate will be paid for work performed on any of the following days only: New Year's Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day and Memorial Day.

5.04. Paragraph 5.03 above shall not apply to employees who are in supervisory capacity on a monthly salary basis.

5.05. Employees of the United States under the War Department and the Navy Department shall be paid overtime in accordance with applicable Federal regulations.

* 5.06. For employees engaged on construction and other projects under the War Department or the Navy Department, work shall be so scheduled that all employees shall receive one (1) day off in seven (7). Sunday work per se shall not be considered overtime, and no overtime shall be paid for Sunday except when it is worked consecutively in excess of five (5) days.

5.07. The provisions of any contract between individual employees, labor unions, and employers engaged on construction and other projects under the War Department or the Navy Department, in conflict with the provisions of this General Orders hereby are suspended.

* 5.08. Persons employed on construction or other projects under the War Department or the Navy Department in connection with derricks, dredges, drill rigs and tugs shall be paid overtime on the basis of one and one-half times the regular rate of pay for hours worked in excess of eight (8) hours in any one day or hours in excess of forty-eight (48) hours per week.

* 5.09. The provisions of contracts, or extensions thereof, between individuals and employers engaged on construction or other projects under the War Department or the Navy Department relative to hours of work and overtime shall not be abrogated without the written consent of the individual.

6. USE OF LABOR.

6.01. Terms of labor contracts between individuals and employers engaged on construction and other projects under the War Department or the Navy Department which restrict or specify the nature of work to be performed, hereby are suspended.

6.02. Any person now or hereafter employed by any employer described in Paragraph 1.01 hereof shall report regularly to the job to which he is ordered by said employer.

6.03. Employers and employers' agents described in Paragraph 1.01 are directed to refrain from discriminatory practices toward employees with regard to releases or other matters relating to termination of employment.

6.04. No employer or employers' agent shall fail or refuse to abide by the decisions of the Director of Labor Control on any matters within the meaning of Paragraph 6.03.

6.05. Any person, firm, or corporation who or which violates, refuses, fails, or neglects to comply with any of the provisions of Paragraphs 6.01 to 6.04 inclusive, or who or which evades or attempts to evade any of the provisions of said Paragraphs 6.01 to 6.04, inclusive, upon conviction thereof, if a natural person, shall be punished by confinement, with or without hard labor, not to exceed two (2) months, or by a fine not to exceed two hundred dollars (\$200.00), or by both such confinement and fine, or, if a corporation or other than a natural person, by a fine not to exceed two hundred dollars (\$200.00).

7. APPEAL AGENCY.

7.01. Persons discharged with prejudice from employment with employers

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mentioned in Paragraph 1.01 hereof, may appeal their cases to the Appeal Agency, Office of the Director of Labor Control, for decision as to whether or not they may be allowed to continue work with another employer.

7.02. The Director of Labor Control, Office of the Military Governor, hereby is designated as the Appeal Agency for persons discharged with prejudice by employers described in Paragraph 1.01. Any individual not satisfied with the decision of the Appeal Agency may appeal his case to the Labor Control Board of the Military Governor.

8. CHILD LABOR.

8.01. Employers described in Paragraph 1.01 shall comply with the provisions of Section 18 of Chapter 259-B of the Revised Laws of Hawaii 1935, as enacted by Act 237 of the Session Laws of Hawaii 1939, as amended by Act 319, Session Laws of Hawaii, Regular Session 1941.

9. SUBSISTENCE AND QUARTERS.

* 9.01. The provisions of contracts, or extensions thereof, between individuals and employers engaged on construction and other projects under the War Department or the Navy Department relative to subsistence and quarters shall not be abrogated without the written consent of the individual.

* 9.02. The practice of furnishing free board and lodging, or cash payment in lieu thereof, to persons employed locally or on new contracts shall be discontinued effective 1 November 1943.

By order of the Military Governor of the Territory of Hawaii:

W. R. C. MORRISON
Colonel, J.A.G.D.
Executive

TERRITORY OF HAWAII
OFFICE OF THE MILITARY GOVERNOR
IOLANI PALACE
HONOLULU, T. H.

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Handling of Labor Disputes in Firms

or Agencies Subject to

General Orders of the Military Governor

As Amended, 5 January 1944

1. Dispute is referred to Military Governor stating clearly and specifically, points in dispute.
2. Management and Union representatives are called in and asked to submit letter that they are willing to abide by decision of Military Governor.
3. Panel is named by Military Governor, consisting of representatives of Industry, Labor and the Office of the Military Governor.
4. Acknowledgment of receipt of dispute is sent to both parties and they are directed to submit to the Office of the Military Governor, within ten (10) days, a statement, in triplicate, containing their respective stands on each issue in dispute. Copies of each party's statement shall be transmitted to the other simultaneously with submission of statements to the Office of the Military Governor.
5. Ten (10) days will be allowed for each party to analyze the statement of the other and to file a written reply thereto.
6. Panel hearings will be attended by not more than three (3) persons, representing the Company and not more than three (3) persons, representing the Union.
7. Panel recommends bases for settlement to the Military Governor. On Military Governor's approval the bases for settlement are incorporated into the contract and presented to parties for signature.

5 January 1944

APPROVED:

/S/ Robert C. Richardson, Jr.
ROBERT C. RICHARDSON, JR.
Lieutenant General, United States Army
Military Governor, Territory of Hawaii

A TRUE COPY:

Wm R C Morrison
Wm. R. C. MORRISON
Colonel, J.A.G.D.
Executive