

## **FLSA-1099**

August 6, 1987

This is in reference to our August 8, 1983, letter to you from former Administrator William M. Otter (copy enclosed) in which you were informed that certain products manufactured by your firm were subject to the restrictions on homework under the Fair Labor Standards Act.

The Department of Labor has been engaged in an ongoing review of these restrictions. This review, which has involved a thorough examination of historical documents, hearings records, and studies which generated the original regulations, has resulted in reevaluation of the position expressed in that letter.

This position states that when no distinction can be made between men's and women's garments and the sex of the ultimate wearer of the garment is not known at the time of manufacture, the manufacture of such garments, sometimes referred to as unisex garments, is subject to the homemaker restrictions applicable to the women's apparel industry.

We have since determined that the men's athletic wear which your firm manufactures, including such items as football jerseys, football pants, track shorts, wrestling suits, and warmup suits, is part of the former Single Pants, Shirts, and Allied Garments Industry as that industry was defined by previous Regulation, Part 605, dated September 29, 1941. Thus, the manufacturing of athletic wear for men, i.e., designed in the first instance to be worn primarily by men, is enclosed from the women's apparel industry as defined in Part 530.1(d), and is not subject to the restrictions on the employment of homeworkers found in Part 530.2.

We have concluded that our previous position which included unisex garments in the women's apparel industry represented an expansion of the definition of this industry which should appropriately be done by a revision of the homemaker regulations, and this position has been reversed.

Should you have any questions on this matter, please contact Ms. \*\*\* of my staff at (202)523-8727.

Sincerely,

Paula V. Smith  
Administrator

Enclosures