

UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
WASHINGTON, D. C.

NOTICE OF HEARING ON MINIMUM WAGE
RECOMMENDATION OF THE MILLINERY
INDUSTRY COMMITTEE

WHEREAS, the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to Section 5(b) of the Fair Labor Standards Act of 1938, on March 7, 1939, appointed Industry Committee No. 5 for the Millinery Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on, and

WHEREAS, Industry Committee No. 5, which was convened by the Administrator on April 20, 1939, has duly adopted a report containing recommendations and reasons therefor with respect to the matters referred to it and has filed such report with the Administrator on September 13, 1939, pursuant to Section 8(d) of the Act and Section 511.19 of the Regulations issued under the Act, and

WHEREAS, the Administrator is required by Section 8(d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendations of Industry Committee No. 5 if he finds that the recommendations are made in accordance with law and are supported by the evidence adduced at the hearing before him, and taking into consideration the same factors as the Industry Committee is required to consider by Sections 8(b) and 8(c) of the Act, will carry out the purposes of Section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation.

NOW, THEREFORE, notice is hereby given that:

1. The full text of the recommendations of Industry Committee No. 5 is as follows:

Forty cents (40 cents) per hour shall be the minimum wage rate to be paid all employees in the millinery industry defined (by Administrative Order No. 23, dated May 6, 1939) as follows:

The manufacture of all headwear, except knitted headwear, for ladies, misses, girls and infants, from any material, but not including the manufacture of felt hat bodies of fur or wool.

II. The full text of the report and recommendations of Industry Committee No. 5 is available for inspection by any person between the hours of 9:00 a.m. and 4:30 p.m. at the following places:

Boston, Mass.
120 Boylston Street

New York, N. Y.
412 Federal Building
641 Washington St.

Philadelphia, Pennsylvania
1630 Widener Building

Pittsburgh, Pennsylvania
216 Old Post Office Bldg.

Newark, N. J.
424 Federal Bldg.

Cleveland, Ohio
728 Standard Bldg.
1370 Ontario Avenue

Detroit, Michigan
358 Federal Building

Chicago, Illinois
964 Merchandise Mart

Indianapolis, Indiana
450 Century Building

Richmond, Virginia
215 Richmond Trust Building

Baltimore, Maryland
6th Floor-Snow Building
Calvert & Lombard Streets

Washington, D. C.
5th Floor-Department of Labor

Atlanta, Georgia
314 Witt Building
249 Peachtree Street

Birmingham, Alabama
818 Comer Building

Jacksonville, Florida
225 Post Office Building

Charlotte, North Carolina
235 Post Office Building

Nashville, Tennessee
119 Seventh Avenue, North

St. Louis, Missouri
314 Old Federal Building
815 Olive Street

Kansas City, Missouri
563 General Post Office Building

Minneapolis, Minnesota
406 New Post Office Building

Dallas, Texas
618-621 Wilson Building

San Antonio, Texas
716 Maverick Building

New Orleans, Louisiana
516 Carondelet Building

San Francisco, California
785 Market Street

San Juan, P. R.
Box 1431 Post Office

Juneau, Alaska
B. D. Stewart, Commissioner of Mines

Copies of the Committee's report and recommendations may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washinton, D. C.

- III. A public hearing on the question of whether the recommendations of Industry Committee No. 5 shall be approved or disapproved pursuant to

Section 8 of the Act will be held on October 2, 1939, at Room 208, 939 D St., N. W., Washington, D. C., at 10:00 A.M. before Paul Sifton, Deputy Administrator of the Wage and Hour Division, hereby duly authorized to conduct said hearing, to review the evidence adduced therein and to approve or disapprove said recommendation in accordance with the Act. If Mr. Sifton approves said recommendation, a wage order carrying into effect the recommendation will be promulgated by the Administrator of the Wage and Hour Division. If Mr. Sifton disapproves said recommendation, the Administrator will refer the matter to Industry Committee No. 5 or to another industry committee for the millinery industry for further consideration and recommendations.

IV. Any interested person supporting or opposing the recommendations of Industry Committee No. 5 may appear at the aforesaid hearing to offer evidence, either on his own behalf, or on behalf of any other person, provided that not later than September 27, 1939, such person shall file with Mr. Sifton at Washington, D.C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. Whether such person proposes to appear for or against the recommendations of Industry Committee No. 5 and a brief summary of what he intends to show.
4. The approximate length of time requested for his presentation.

Such notice may be mailed to Paul Sifton, Deputy Administrator, Wage and Hour Division, Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

V. The hearing will be conducted in accordance with the following rules, subject, however, to such modifications as are subsequently

deemed appropriate by Mr. Sifton:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request made to the official reporter.

2. Mr. Sifton may call for production of evidence upon any issue and may continue the hearing from time to time and to a place which shall be shown in the record of the proceedings.

3. In order to maintain orderly and expeditious procedure, Mr. Sifton will notify each person filing a notice of intention to appear of the day on and place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice, he will not be permitted to offer evidence at any other time except by special permission of Mr. Sifton.

4. Mr. Sifton may permit any person appearing in accordance with paragraph IV to cross-examine any witness offered by another person in so far as is practicable and to object to the admission or exclusion of evidence by Mr. Sifton. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the grounds of objection relied on. The record shall not include argument thereon except as ordered by Mr. Sifton. The rules of evidence prevailing in courts of law or equity shall not be controlling.

5. The Industry Committee will be represented at the hearing by its counsel who will open and close the proceeding.

6. Written documents and exhibits shall be tendered in duplicate, and the person presenting the same shall be prepared to supply additional copies if such are ordered by Mr. Sifton.

7. All evidence must be presented under oath or affirmation. Written documents or exhibits, except as otherwise permitted by Mr. Sifton, must be offered in evidence by a person who is prepared to testify with respect to the authenticity and trustworthiness thereof and who shall, at the time of offering the document or exhibit, make a brief statement as to the contents and manner of preparation

thereof. Where evidence is embraced in a document containing matter not intended to be put in evidence, such document will not be received, but the person offering the same may present to Mr. Sifton the original document together with true copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form, the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of documents at the hearing may be issued by the Administrator of the Wage and Hour Division of the United States Department of Labor in his discretion and any person may apply in writing for the issuance by the Administrator of a subpoena. Any application for a subpoena must describe as exactly as practicable the evidence proposed to be secured by the subpoena. Witnesses summoned before Mr. Sifton shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

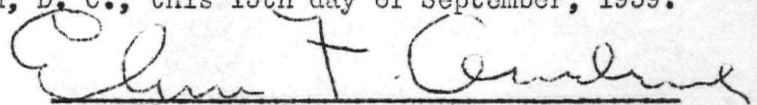
9. Before the close of the hearing, Mr. Sifton may in his discretion offer to all persons who have appeared in the proceeding an opportunity to give oral argument in which case Mr. Sifton shall designate a time and place for such oral argument and shall place such restrictions with respect to time and order of appearance upon persons giving oral argument as he deems appropriate to further the orderly and expeditious conduct of the proceeding.

10. Any person who has appeared in the proceeding may file written briefs (not fewer than 12 copies) with Mr. Sifton within such time and subject to such limitations and restrictions as are prescribed at the hearing. Such briefs shall be available for inspection at the office of the Administrator in Washington, D. C., and copies may be obtained from the official reporter at the prescribed rates. Except upon cause shown, no reply briefs will be accepted.

11. Except as may be expressly permitted in particular instances, Mr. Sifton will not receive in evidence any documents, letters or other written statements submitted for consideration in connection with the proceeding after the close of testimony.

12. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the Federal Register.

Signed at Washington, D. C., this 13th day of September, 1939.



Elmer F. Andrews, Administrator
Wage and Hour Division
Department of Labor

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