

Thursday, September 28, 1939

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

NOTICE OF HEARING ON MINIMUM WAGE
RECOMMENDATION OF THE APPAREL
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 December 19, 1938, appointed Industry Committee No. 2 for the Apparel 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. 2 on June 16, 1939, recommended minimum wage rates for the apparel industry and has thereafter duly adopted a report containing said recommendations and reasons therefor and has filed such report with the Administrator on September 27, 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. 2 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:

I. The recommendation of Industry Committee No. 2 is as follows:

The Committee recommends for the manufacture of all apparel, apparel furnishings and accessories made by the cutting, sewing, or embroidery processes, (except knitted outerwear, knitted underwear, hosiery, men's fur-felt, wool-felt, straw and silk hats, and bodies, ladies' and children's millinery, furs, and boots and shoes) the following minimum wage rates to be applicable to the following divisions of the industry in all states of the United States, the District of Columbia and each territory and possession of the United States except Puerto Rico:

MEN'S WEAR

Men's and Boy's Clothing (40 Cents)

The manufacture of men's and boy's suits, overcoats, topcoats, tailored uniforms, and men's summer wash suits, not elsewhere specified, from any woven materials or from purchased knitted materials.

Sportswear and Other Odd Outerwear (40 Cents)

The manufacture of men's, women's, and children's sportswear and other odd outerwear, including windbreakers, lumberjackets, mackinaws and mackinaw coats, melton jackets, blanket-lined and similar coats, leatherette coats and jackets, hunting coats and vests, riding clothing, ski-suits and snow-suits (except children's ski-suits and snow-suits), and similar garments not elsewhere specified, from any woven materials or from purchased knitted materials.

Leather and Sheep-Lined Garments (40 Cents)

The manufacture of leather, leather trimmed, and sheep-lined garments for men, women or children.

Rainwear (40 Cents)

The manufacture of water-proofed garments and raincoats from oiled cloth or other materials, whether vulcanized, rubberized, cravenetted, or otherwise processed.

Single Pants and Breeches Other Than Those of 100 Percent Cotton Fabric (37½ Cents)

The manufacture of men's and boys' separate trousers or pants, breeches and knickers from any fabric except that consisting of 100 percent cotton.

Single Pants of 100 Percent Cotton Fabric, Overalls, Coveralls and Work Shirts (32½ Cents)

The manufacture of single pants made of 100 percent cotton fabric; overalls; overall jackets (regardless of type of fabric used in lining); men's, boys' and children's coveralls; and work shirts.

Dress Shirts, Collars and Sleeping Wear (32½ Cents)

The manufacture of men's and boys' dress shirts, sport shirts, flannel shirts, blouses, collars and sleeping wear from any woven fabric or from any purchased knit fabric.

Men's and Boys' Underwear of Woven Fabric (32½ Cents)

The manufacture of men's and boys' underwear from any woven fabric.

WOMEN'S WEAR

Cloaks, Suits and Separate Skirts (40 Cents)

The manufacture of women's, misses', juniors' and children's coats, reefers, jackets, capes, wraps, riding habits, knickers, suits, tailored ensembles, skirts and jumper skirts, from any woven materials or from purchased knitted materials.

Dresses (35 Cents)

The manufacture of women's, misses' and juniors' dresses, frocks, gowns and dressmaker ensembles, for whatever use, from any woven materials or from purchased knitted materials.

Blouses, Shirtwaists, Neckwear and Scarfs (35 Cents)

The manufacture of women's, misses' and juniors' blouses, blousettes, waists, shirtwaists, tunic blouses, vestees, guimpes, gilets; women's, misses', juniors' and children's neckwear, toppers, scarfs,

rufflings and ruchings, and similar garments from any woven material or from purchased knitted materials.

Corsets and Allied Garments (35 Cents)

The manufacture of corsets, step-in-corsets, brassieres, bandeau-brassieres, garter-belts, girdle corsets or step-in-corsets attached to brassieres or bandeau-brassieres, corselets, foundation garments, all similar body-supporting garments and corset accessories from whatever material.

Underwear, Nightwear and Negligees made of Woven Fabric (35 Cents)

The manufacture of women's, misses', and children's under-shirts, panties, bloomers, step-ins, athletic underwear, slips, petti-coats, chemises, nightgowns, pajamas, negligees, housecoats, bed jackets, waist suits, and infants' underwear, from any woven materials.

Infants' and Children's Outerwear (35 Cents)

The manufacture of infants' and children's dresses, skirt and blouse suits, rompers, creepers, sportswear and play apparel, including sun-suits, gym-suits, snow-suits, ski-suits, slacks and beachwear, infants' outerwear, brother and sister suits, baby boys' and boys' wash suits and similar infants' and children's garments not elsewhere specified, from any woven materials or from purchased knitted materials.

Robes (35 Cents)

The manufacture of men's, women's and children's bath, lounging and beach robes and dressing gowns, from any woven materials or purchased knitted materials.

Washable Service Apparel (35 Cents)

The manufacture of women's washable service uniforms, including waitresses', nurses', and maids' uniforms, aprons, jackets, and smocks, and similar washable service garments not elsewhere specified; and the manufacture of men's washable service uniforms (except tailored uniforms) whether as separate coats or trousers, or as combinations thereof, and similar washable service garments not elsewhere specified.

ACCESSORIES AND SPECIAL PRODUCTS

Caps and Cloth Hats (40 Cents)

The manufacture of men's and boys' hats or caps, (except men's and boys' fur-felt, wool-felt, straw, and silk and opera hats and bodies) from any woven material, any purchased knitted material, leather, leatherette, or any combination of such materials, including, but without limitation, uniform caps, aviation caps, and shop and railroad caps;

and including the manufacture of cap visors, bands and brims, and the manufacture of sweat bands from any material other than leather.

Belts (40 Cents)

The manufacture of men's, boys', women's, misses' and children's separate belts from leather, imitation leather, or other material or fabric.

Embroideries (40 Cents)

The production for use in the apparel industry of pleating, tucking, shirring, hemstitching, handrolling, fagotting, stitching, bonnaz embroidery, crocheting, crochet beading, hand drawing, machine drawing, rhinestone trimming, eyelets (except automatic eyelets), nailheads, binding, piping, and all other embroidery and stitching, not elsewhere specified.

Hand Embroidery, Hand-machine Embroidery and Schiffli Embroidery and Laces (32½ Cents)

The production for use in the apparel industry of hand embroidery, hand-machine embroidery and Schiffli embroidery and laces.

Covered Buttons and Buckles (35 Cents)

The manufacturing process of covering buttons and buckles with cloth, leather or similar materials.

Garters, Suspenders and Arm Bands (35 Cents)

The manufacture of garters, suspenders, arm bands, and other elastic woven products (except orthopedic and athletic) from webbing, leather, or other material.

Ladies' Handbags (35 Cents)

The manufacture of ladies', misses' and children's handbags, pocketbooks and purses from any material of any kind or nature; except metal handbags, pocketbooks, purses and mesh bags.

Artificial Flowers and Feathers (35 Cents)

The manufacture, processing and fabrication of artificial flowers, buds, foliage, fruits, plants, and feathers, or parts thereof from any material; and the preservation and processing of natural flowers and feathers.

Men's Neckwear and Scarfs (35 Cents)

The manufacture of men's and boys' neckties, scarfs and mufflers from any woven materials or from purchased knitted materials.

Gloves and Mittens Other Than Work Gloves and Mittens (35 Cents)

The manufacture of all gloves and mittens, (except athletic) other than work gloves and mittens, from leather, woven or knitted fabrics or from any combinations of these materials.

Work Gloves and Mittens (32 $\frac{1}{2}$ Cents)

The manufacture of work gloves and mittens from fabric, leather, or fabric and leather combined, or knitted materials.

Handkerchiefs (32 $\frac{1}{2}$ Cents)

The manufacture of men's, women's and children's handkerchiefs, plain or ornamented, from any materials.

IN PUERTO RICO

All Products Made in Puerto Rico (30 Cents)

All products made in Puerto Rico included within the definition of the apparel industry.

- II. The full text of the report and recommendations of Industry Committee No. 2 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, Washington, D. C.

III. A public hearing on the question of whether the recommendation of Industry Committee No. 2 shall be approved or disapproved pursuant to Section 8 of the Act will be held on October 23, 1939, at the Raleigh Hotel, Pennsylvania Avenue and Twelfth Street, N. W., Washington, D. C. at 10:00 a.m. before the Administrator of the Wage and Hour Division or a trial examiner designated to prepare for the Administrator an intermediate report approving or disapproving said recommendation. Should the hearing be held before a trial examiner, the Administrator

will publish in the Federal Register on or before October 18, 1939, an order designating a person to act as trial examiner and setting forth the procedure for review of the trial examiner's intermediate report.

IV. Any interested person supporting or opposing the recommendations of Industry Committee No. 2 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 October 18, 1939, such person shall file with the Administrator 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. The division or divisions of the recommendation of Industry Committee No. 2 with respect to which such person proposes to appear and whether such person proposes to appear for or against such recommendation 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 the 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 the presiding officer:

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. The presiding officer 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, the presiding officer 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 the presiding officer.

4. The presiding officer may permit any person appearing in accordance with paragraph IV to cross-examine any witness offered by another person insofar as is practicable and to object to the admission or exclusion of evidence by the presiding officer. 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 the presiding officer. 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 the presiding officer.

7. All evidence must be presented under oath or affirmation. Written documents or exhibits, except as otherwise permitted by the presiding officer, 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 the presiding officer 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 the presiding officer 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, the presiding officer may in his discretion offer to all persons who have appeared in the proceeding an opportunity to give oral argument in which case the presiding officer 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 the presiding officer 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, the presiding officer 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 27th day of September, 1939.



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