

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

NOTICE OF HEARING ON MINIMUM WAGE RECOM-
MENDATION OF INDUSTRY COMMITTEE NO. 8 FOR
THE KNITTED UNDERWEAR AND COMMERCIAL KNIT-
TING INDUSTRY

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 September 18, 1939, by Administrative Order No. 30, appointed Industry Committee No. 8 for the Knitted Underwear and Commercial Knitting 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. 8, on November 1, 1939, recommended a minimum wage rate for the Knitted Underwear and Commercial Knitting Industry and duly adopted a report containing said recommendation and reasons therefor and has filed such report with the Administrator on November 2, 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 recommendation of Industry Committee No. 8 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and, if he finds otherwise, to disapprove such recommendations;

NOW, THEREFORE, notice is hereby given that:

I. The recommendation of Industry Committee No. 8 is as follows:

Wages at a rate of not less than $33\frac{1}{2}$ cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the Knitted Underwear and Commercial Knitting Industry who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Knitted Underwear and Commercial Knitting Industry, as set forth in Administrative Order No. 30, issued September 18, 1939, is as follows:

a. The manufacturing, dyeing or other finishing of any knitted fabric made from any yarn or mixture of yarns, except:

1. The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; provided that this exception shall not be construed to apply to the garments or garment accessories designated in clause (b) of this definition.

2. Fulled suitings, coatings, topcoatings, or overcoatings containing more than 25 percent, by weight, of wool or animal fiber other than silk.

3. Hosiery.

b. The manufacturing, dyeing or other finishing, from any yarn or mixture of yarns, or from purchased knitted fabric, of any of the following products:

1. Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

2. Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 percent, by weight, of wool or animal fiber other than silk.

3. Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer in the same establishment as that where the knitting process is performed.

4. Knitted towels or cloths.

III. The full text of the report and recommendation of Industry Committee No. 8 is available for inspection by any person between the hours of 9:00 a.m. and 4:30 p.m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts
120 Boylston Street.

New York, New York
412 Federal Building
641 Washington Street

Philadelphia, Pennsylvania
1630 Widener Building

Pittsburgh, Pennsylvania
216 Old Post Office Building

Newark, New Jersey
1004 Kinney Building
790 Broad Street

Cleveland, Ohio
728 Standard Building
1370 Ontario Avenue

Cincinnati, Ohio
421 Keith Building
525 Walnut Street

Detroit, Michigan
358 Federal Building

Chicago, Illinois
955 Merchandise Mart

Indianapolis, Indiana
708 Railway Exchange Building

Richmond, Virginia
215 Richmond Trust Building

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

Washington, District of Columbia
Department of Labor, 5th Floor

Atlanta, Georgia
314 Witt Building
249 Peachtree Street

Birmingham, Alabama
818 Comer Building

Jacksonville, Florida
225 Post Office Building

Charlotte, North Carolina
409 Johnston Building
212 South Tryon Street

Nashville, Tennessee
119 Seventh Avenue, North

St. Louis, Missouri
314 Old Custom House Building
815 Olive Street

Kansas City, Missouri
504 Title & Trust Building

Minneapolis, Minnesota
406 New Post Office Building

Denver, Colorado
106 Old Custom House 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

Los Angeles, California
H. W. Hellman Building
354 S. Spring Street

Seattle, Washington
206 Hartford Building

San Juan, Puerto Rico
Box 1431 Post Office

Juneau, Alaska
B. D. Stewart
Commissioner of Mines

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

IV. A public hearing for the purpose of taking evidence on the question of whether the recommendation of Industry Committee No. 8 shall be approved or disapproved pursuant to Section 8 of the Act will be held on January 16, 1940, at 10:00 a.m. in the Raleigh Hotel, Washington, D. C., before a presiding officer to be designated prior to such hearing by the Administrator of the Wage and Hour Division, United States Department of Labor.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 8, 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 January 11, 1940, 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. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 8.
4. The approximate length of time requested for his presentation.

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

VI. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the presiding officer as are deemed appropriate:

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. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear will be notified, if practicable, of the approximate day and the 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.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

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

5. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such further taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

6. All evidence must be presented under oath or affirmation.

7. 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 as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

8. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. 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 two 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.

9. Subpoenas requiring the attendance of witnesses or the presentation of documents from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such applications shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

10. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

11. The rules of evidence prevailing in courts of law or equity shall not be controlling.

12. The presiding officer may, at his discretion, permit any person appearing in the proceeding 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 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 ground of objection relied on. Such requests or objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the presiding officer.

13. Before the close of the hearing the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing shall be given a opportunity to present oral argument.

14. Briefs may be submitted to the Administrator, following the close of the hearing, by an persons appearing therein. Notice of the final dates for filing such briefs, and the rules and regulations as to the contents and manner of presentation thereof, shall be given by the Administrator in such manner as shall be deemed suitable by him.

15. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

16. 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 26th day of
December, 1939.

Harold D. Jacobs

Harold D. Jacobs, Administrator
Wage and Hour Division
United States Department of Labor
Washington, D. C.