

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

NOTICE OF HEARING ON MINIMUM WAGE
RECOMMENDATION OF INDUSTRY COMMITTEE
NO. 13 FOR THE LUGGAGE AND LEATHER
GOODS 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 May 14, 1940, by Administrative Order No. 51, appointed Industry Committee No. 13 for the Luggage and Leather Goods 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. 13, on June 27, 1940, recommended a minimum wage rate for the Luggage and Leather Goods Industry and duly adopted a report containing said recommendation and reasons therefor and has filed such report with the Administrator on July 23, 1940, 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. 13 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 recommendation;

NOW, THEREFORE, notice is hereby given that:

I. The recommendation of Industry Committee No. 13 is as follows:

"Wages at a rate of not less than thirty-five (35) cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Luggage and Leather Goods Industry who is engaged in commerce or in the production of goods for commerce."

II. The definition of the Luggage and Leather Goods Industry, as set forth in Administrative Order No. 51, issued May 14, 1940, is as follows:

"For the purpose of this order the term 'luggage and leather goods industry' means:

(a) The manufacture from any material of luggage including,

but not by way of limitation, trunks, suitcases, traveling bags, brief cases, sample cases; the manufacture of instrument cases covered with leather, imitation leather or fabric including, but not by way of limitation, portable radio cases; the manufacture of small leather goods and like articles made from fabric or imitation leather, except imitation leather made from paper; but not the manufacture of bodies, panels, and frames from metal, wood, fiber or paperboard for any of the above articles.

- (b) The manufacture from leather, imitation leather or fabric of cut stock and findings for any of the articles covered in Section (a)."

The definition of the luggage and leather goods industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations.

III. The full text of the report and recommendation of Industry Committee No. 13, together with a dissenting statement filed by a member thereof, are 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
Port of Authority Building, 15th Floor
76 Ninth Avenue

Buffalo, New York
Dun Bldg., 110 Pearl Street

Philadelphia, Pennsylvania
1630 Widener Building

Pittsburgh, Pennsylvania
216 Old Post Office Building

Newark, New Jersey
1004 Kinney Building
790 Broad Street

Richmond, Virginia
215 Richmond Trust Building
627 E. Main Street

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

Charlotte, North Carolina
409 Johnston Building
212 South Tryon Street

Raleigh, North Carolina
507 Raleigh Building

Atlanta, Georgia
314 Witt Building
249 Peachtree Street

Jacksonville, Florida
225 Post Office Building

Birmingham, Alabama
818 Comer Building
2nd Avenue & 21st Street

New Orleans, Louisiana
1512 Pere Marquette Building
150 Baronne Street

Nashville, Tennessee
119 Seventh Avenue, N.

Cleveland, Ohio
728 Standard Building
1370 Ontario Avenue

Cincinnati, Ohio
421 Keith Building
525 Walnut Street

Chicago, Illinois
1200 Merchandise Mart
222 W. North Bank Drive

Indianapolis, Indiana
Room 708
108 E. Washington Street

Minneapolis, Minnesota
406 Pence Building
730 Hennepin Avenue

Kansas City, Missouri
504 Title & Trust Building
10th & Walnut Streets

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

Denver, Colorado
Chamber of Commerce Bldg.
1726 Champa Street

Dallas, Texas
620 Wilson Building
1621 Main Street

San Antonio, Texas
716 Maverick Building
400 E. Houston Street

San Francisco, California
785 Market Street
Room 500

Los Angeles, California
H. W. Neilman Building
354 South Spring Street

Seattle, Washington
206 Hartford Building
208 James Street

San Juan, Puerto Rico
Post Office Box 112

Juneau, Alaska
D. B. Stewart
Commissioner of Mines

Washington, District of Columbia
Department of Labor, 4th Floor

Copies of the Committee's report and recommendation, together with a dissenting statement filed by a member thereof, 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. 13 shall be approved or disapproved pursuant to Section 8 of the Act will be held on September 5, 1940, at 10:00 a.m. at the Willard Hotel, in Washington, D. C. before Henry T. Hunt, Esquire, Principal Hearings Examiner of the Wage and Hour Division, United States Department of Labor, as presiding officer.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 13, 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 August 31, 1940, any 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. 13.
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. Any person interested in supporting or opposing the recommendation of Industry Committee No. 13 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following documents relating to the Luggage and Leather Goods Industry will be available for inspection by any interested person between the hours of 9 a.m. and 4:30 p.m. at the offices of the Wage and Hour Division listed in paragraph III above:

U. S. Department of Labor, Bureau of Labor Statistics, Division of Wage and Hour Statistics, Earnings and Hours in the Luggage and Miscellaneous Leather Goods Industry, November and December, 1939.

U. S. Department of Labor, Wage and Hour Division, Research and Statistics Branch, Report on the Luggage and Leather Goods Industry, June 24, 1940.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Principal Hearings Examiner 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, Electric Reporting Service, 1707 I St., N.W., Washington, D. C.
2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall 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. 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.

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

6. 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.

7. 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 a 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.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document 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.

9. 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.

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

11. 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. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.


12. 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 will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. 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.

15. 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 8th day of August, 1940.


Philip B. Fleming, Administrator
Wage and Hour Division
Department of Labor