

U. S. DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
Washington

INACTIVE

NOTICE OF HEARING ON MINIMUM WAGE  
RECOMMENDATIONS OF THE SPECIAL IN-  
DUSTRY COMMITTEE FOR PUERTO RICO

WHEREAS, the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to Section 5(e) of the Fair Labor Standards Act of '38, as amended by Administrative Order No. 58, dated August 1, 1940, appointed a Special Industry Committee for Puerto Rico composed of residents of such Island and residents of the United States outside of Puerto Rico, said administrative order directing the said Special Industry Committee to proceed first to investigate conditions and to recommend to the Administrator minimum wage rates for employees in the needlework industries; and

WHEREAS, The Special Industry Committee for Puerto Rico on October 2, 1940, recommended minimum wage rates for the needlework industries in Puerto Rico and duly adopted a report containing said recommendations and reasons therefor and has filed such report with the Administrator on October 2, 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 recommendations of the Special Industry Committee for Puerto Rico if he finds that the recommendations are made in accordance with law, are supported by evidence adduced at the hearing, 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 will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico; and, if he finds otherwise, to disapprove such recommendations;

NOW, THEREFORE, notice is hereby given that:

I. The Special Industry Committee for Puerto Rico by majority vote in each instance made the following separable recommendations for minimum wage rates to be paid to employees in the specified divisions and classifications in the needlework industry in Puerto Rico, said classifications having been determined by the Committee to be necessary for the purpose of fixing for each such classification within the industry the highest minimum wage rate (not in excess of 40 cents per hour) which would not substantially curtail employment in such classifications or give a competitive advantage to any group in the industry:

1. (a) Wages at a rate of not less than  $12\frac{1}{2}$  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 handkerchief and household art linens division who is engaged in hand sewing operations, including but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

1/ By Administrative Order Number 63, dated September 9, 1940, a member was appointed to the Committee to represent employers in place of a member who had resigned.

(b) Wages at a rate of not less than 20 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 handkerchief and household art linens division who is engaged in other operations, including but not by way of limitation, cutting, machine operating, stamping, sorting, ribboning, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

2. (a) Wages at a rate of not less than  $12\frac{1}{2}$  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 cotton underwear and infants' underwear division who is engaged in hand sewing operations, including but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 20 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 cotton underwear and infants' underwear division who is engaged in other operations, including but not by way of limitation, cutting, stamping, machine operating, sorting, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

3. (a) Wages at a rate of not less than  $12\frac{1}{2}$  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 infants' wear division who is engaged in hand sewing operations, including but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 20 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 infants' wear division who is engaged in other operations, including but not by way of limitation, cutting, machine operating, stamping, sorting, pinning, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

4. (a) Wages at a rate of not less than  $12\frac{1}{2}$  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 needlepoint and hand-hooked rug division who is engaged in hand sewing operations, including but not by way of limitation, embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 20 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 needlepoint and hand-hooked rug division who is engaged in other operations, including but not by way of limitation, cutting, stamping, sorting, finishing, and packing, and who is engaged in commerce or in the production of goods for commerce.

5. (a) Wages at a rate of not less than 15 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 woven or knitted fabric glove division who is engaged in hand sewing operations, including but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 20 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 woven or knitted fabric glove division who is engaged in other operations, including but not by way of limitation, cutting, machine operating, stamping, sorting, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

6. (a) Wages at a rate of not less than 18 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 leather glove division who is engaged in hand sewing operations, including but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 20 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 leather glove division who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

7. (a) Wages at a rate of not less than 15 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 silk underwear division who is engaged in hand sewing operations, including but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than  $22\frac{1}{2}$  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 silk underwear division who is engaged in other operations, including but not by way of limitation, cutting, machine operating, stamping, sorting, cleaning, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

8. Wages at a rate of not less than 20 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 wearing apparel division, whether employed on hand sewing or other operations, who is engaged in commerce or in the production of goods for commerce.



II. The definitions of the several needlework industries for which the Special Industry Committee for Puerto Rico has recommended minimum wage rates are as follows:

1. The term handkerchief and household art linens division shall mean the manufacture of handkerchiefs, plain or ornamented, and the manufacture of household art linens including but not by way of limitation, table cloths, napkins, bridge sets, luncheon cloths, table covers, sheets, pillow cases, and towels.
2. The term cotton underwear and infants' underwear division shall mean the manufacture from cotton, rayon, or other synthetic fiber of women's, misses' and children's underwear and nightwear, including but not by way of limitation, slips, nightgowns, negligees, panties, stop-ins, pajamas, and similar articles, and the manufacture from silk, cotton, rayon or other synthetic fiber of underwear and nightwear for infants under three years of age.
3. The term infants' wear division shall mean the manufacture of dresses, rompers, creepers, sportswear and play apparel for infants under three years of age.
4. The term needlepoint and hand-hooked rug division shall mean the manufacture of needlepoint on canvas or other material and the manufacture of hand-hooked rugs.
5. The term woven or knitted fabric glove division shall mean the manufacture of all gloves or mittens from woven or knitted fabrics.
6. The term leather glove division shall mean the manufacture of all gloves and mittens from leather or from leather in combination with woven or knitted fabrics.
7. The term silk underwear division shall mean the manufacture from silk of women's, misses', and children's underwear and nightwear, including but not by way of limitation, slips, nightgowns, negligees, panties, stop-ins, pajamas, and similar articles.
8. The term wearing apparel division shall include the manufacture of all apparel, apparel furnishings and accessories made by the cutting, sewing, or embroidering processes and not elsewhere specified, but not including hosiery, handbags, men's fur-felt, wool-felt, straw and silk hats, and bodies, ladies' and children's millinery, and furs, and boots and shoes.

III. The full text of the report and recommendations of the Special Industry Committee for Puerto Rico, together with separate statements filed by minority members of the Committee, 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  
Walker Building  
120 Boylston Street

New York, New York  
Parcel Post Building  
30th Street and 9th Ave.

Buffalo, New York  
Dun Building  
Pearl and Swan Streets

Newark, New Jersey 1004 Kinney Building 790 Broad Street	Philadelphia, Pennsylvania 1216 Widener Building Chestnut and Juniper Streets	Pittsburgh, Pennsylvania 216 Old Post Office Bldg.
Richmond, Virginia 215 Richmond Trust Bldg. 627 East Main Street	Raleigh, North Carolina 507 Raleigh Building Hargett & Fayetteville Sts.	Baltimore, Maryland 606 Snow Building Calvert and Lombard Sts.
Columbia, South Carolina Federal Land Bank Bldg. Hampton and Marion Streets	Atlanta, Georgia 314 Witt Building 249 Peachtree Street	Jacksonville, Florida 225 New Post Office Building
Birmingham, Alabama 818 Comer Building 2nd Ave. and 21st St.	New Orleans, Louisiana 1512 Pere Marquette Bldg. 150 Baronne Street	Nashville, Tennessee Medical Arts Building 119 Seventh Avenue, N.
Cleveland, Ohio 728 Standard Building 1370 Ontario Avenue	Cincinnati, Ohio Cincinnati Traction Bldg. 5th and Walnut Streets	Detroit, Michigan 358 New Federal Bldg.
Chicago, Illinois 1200 Merchandise Mart 222 W. North Bank Drive	Indianapolis, Indiana Room 708 106 E. Washington Street	Minneapolis, Minnesota 406 Pence Building 730 Hennepin Avenue
Kansas City, Missouri 504 Title & Trust Bldg. 10th and Walnut Streets	St. Louis, Missouri 100 Old Custom House Bldg. 815 Olive Street	Denver, Colorado 300 Chamber of Commerce Building 1726 Champa Street
Dallas, Texas 824 Santa Fe Building 1114 Commerce Street	San Antonio, Texas 716 Maverick Building 400 E. Houston Street	San Francisco, California Room 500 785 Market Street
Los Angeles, California 338 H. W. Hellman Bldg. 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 recommendations, together with the statements filed by minority members of the Committee, may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington, D. C..

IV. A public hearing for the purpose of taking evidence on the question whether the recommendations of the Special Industry Committee for Puerto Rico or any of them shall be approved or disapproved pursuant to Section 8 of the Act will be held on October 23, 1940, at 10:00 a.m. at the Hotel Willard, Pennsylvania Avenue and 14th Street, 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. Pursuant to the rules of hearing hereinafter set forth, the presiding officer may continue the hearing from day to day, or adjourn the hearing to a later date or to a different place.

V. Any interested person, supporting or opposing the recommendations of the Special Industry Committee for Puerto Rico, or any of them, 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 23, 1940, any such person who intends to appear at the hearing shall file with the Administrator at Washington, D. C., a notice of his intention 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. Which of the recommendations of the Special Industry Committee such person is interested in and whether such person proposes to appear for or against such recommendations.
4. The approximate length of time required for his presentation.

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

VI. Any person interested in supporting or opposing the recommendations of the Special Industry Committee for Puerto Rico 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 needlework industries in Puerto Rico will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report on Puerto Rico: the Needlework Industry prepared by the Research and Statistics Branch of the Wage and Hour Division for the Special Industry Committee for Puerto Rico.

Preliminary Memorandum on Cost of Living in Puerto Rico prepared by the Cost of Living Division, Bureau of Labor Statistics, for the Special Industry Committee for Puerto Rico.

A transcript of the hearing on the needlework industry held before the Special Industry Committee for Puerto Rico may be obtained, upon payment of the regular charge therefor, from the official reporter, Electric Reporting Company, 1707 Eye Street, N.W., Washington, D. C., and may be examined by any interested person, at the office of the Wage and Hour Division in the Department of Labor Building, Washington, D. C., or in El Banco Popular Building, San Juan, Puerto Rico. The foregoing reports and transcript will be offered in evidence at the public hearing herein referred to.

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 Company, 1707 Eye Street, 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.

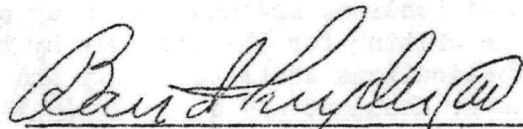
12. Before the close of the hearing the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with 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 10th day of October, 1940.



Baird Snyder  
Acting Administrator  
Wage and Hour Division