

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

TITLE 29 - LABOR  
CHAPTER V - WAGE AND HOUR DIVISION

IN THE MATTER OF THE RECOMMENDATIONS OF INDUSTRY  
COMMITTEE NO. 9 FOR MINIMUM WAGE RATES IN THE  
RAILROAD CARRIER INDUSTRY

WAGE ORDER

Effective March 1, 1941

Part 591 - Minimum Wage Rates in the Railroad Carrier Industry

WHEREAS, on November 2, 1939, pursuant to Section 5 of the Fair Labor Standards Act of 1938, hereinafter called the Act, the Acting Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 34, appointed Industry Committee No. 9 for the Railroad Carrier Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Railroad Carrier Industry in accordance with Section 8 of the Act; and

WHEREAS, the Committee included four disinterested persons representing the public and a like number of persons representing the employees in the Railroad Carrier Industry, and a like number representing employers in the Industry, and each group was appointed with due regard to the geographical regions in which the Railroad Carrier Industry is carried on; and

WHEREAS, on August 15, 1940, after investigation of conditions in the Industry, the Committee filed with the Administrator a report containing its recommendations for a 36 cent per hour minimum wage rate in the Trunk Line Division of the Railroad Carrier Industry, and for a 33 cent per hour minimum wage rate in the Short Line Division of the Railroad Carrier Industry; and

WHEREAS, after notice published in the Federal Register on August 23, 1940, Henry T. Hunt, Esquire, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendations at Washington, D. C., on September 23 and 24, 1940, at which all interested persons were given an opportunity to be heard; and

WHEREAS, the complete record of the proceeding before the Presiding Officer was transmitted to the Administrator; and

WHEREAS, all persons appearing at said public hearing before the Presiding Officer were given leave to file briefs on or before November 18, 1940; and

WHEREAS, oral argument was held on November 25, 1940, before the Administrator and

WHEREAS, the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act, with special reference to Sections 5 and 8, concludes that the Committee's recommendations for the Railroad Carrier Industry, as defined in Administrative Order No. 34, are made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of Section 8 of the Act; and

WHEREAS, the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Industry Committee No. 9 for Minimum Wage Rates in the Railroad Carrier Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, Washington, D. C.;

NOW, THEREFORE, IT IS ORDERED THAT

Section 591.1 Approval of Recommendations of Industry Committee

The Committee's recommendations are hereby approved, and, in accordance with such recommendations,

Section 591.2 Wage Rates

(a) Wages at a rate of not less than 36 cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the Trunk Line Division of the Railroad Carrier Industry who is engaged in commerce or in the production of goods for commerce;

(b) Wages at a rate of not less than 33 cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the Short Line Division of the Railroad Carrier Industry who is engaged in commerce or in the production of goods for commerce; and

Section 591.3 Posting of Notices

Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Railroad Carrier Industry shall post and keep posted in a conspicuous place in each department of each of his establishments where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor, and shall give such other notice as the Division may from time to time prescribe; and

Section 591.4 Definition of Railroad Carrier Industry and Divisions thereof

The Railroad Carrier Industry and the divisions thereof to which this Order shall apply are hereby defined as follows:

For the purpose of this Order the term "Railroad Carrier Industry" means the industry carried on by any express company, sleeping car company or carrier by railroad, subject to Part I of the Interstate Commerce Act, and by any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service and the casual operation of equipment or facilities) in connection with

the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and by any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such company or carrier by railroad: Provided, however, That the term "Railroad Carrier Industry" shall not include the industry carried on by any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power.

(a) The term "Trunk Line Division," as used in this Order, means the industry carried on (1) by an express company, switching company, terminal company or sleeping car company subject to Part I of the Interstate Commerce Act, (2) by any carrier by railroad subject to Part I of the Interstate Commerce Act having annual operating revenues of more than one million dollars (\$1,000,000) as shown by such carrier's last annual report to the Interstate Commerce Commission or other regulatory body, and (3) by any company which is directly or indirectly owned or controlled by one or more such carriers, ~~by one or more carriers under (b) hereof or~~ by one or more such carriers jointly with one or more carriers under (b) hereof or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and by any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such company or carrier by railroad: Provided, however, That the term "Trunk Line Division" shall not include the industry carried on by any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power;


(b) The term "Short Line Division," as used in this Order, means the industry carried on by any carrier by railroad, subject to Part I of the Interstate Commerce Act, having annual operating revenues of less than one million dollars (\$1,000,000) as shown by such carrier's last annual report to the Interstate Commerce Commission or other regulatory body, and by any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such carrier by rail-

road: Provided, however, That the term "Short Line Division" shall not include the industry carried on (1) by any carrier or company included within paragraph (a) hereof or (2) by any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power.

Section 591.5 Effective Date

This Wage Order shall become effective March 1, 1941.

Signed at Washington, D. C., this 12th day of February, 1941. Sections 591.1 to 591.5 inclusive, issued under the authority contained in Sec. 8, 52 Stat. 1064; 29 U.S.C., Sup. IV, 208.



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

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