

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

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATIONS OF THE SPECIAL INDUSTRY COMMITTEE FOR PUERTO RICO IN INDUSTRIES OTHER THAN THE NEEDLEWORK, SUGAR, AND LEAF TOBACCO INDUSTRIES

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 1938, as amended, on August 1, 1940,^{1/} by Administrative Order No. 58, 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 to investigate conditions in the industries of Puerto Rico and recommend to the Administrator minimum wage rates for all employees in Puerto Rico who, within the meaning of said Act, are "engaged in commerce or in the production of goods for commerce" excepting employees exempted by virtue of the provisions of section 13(a) and employees coming under the provisions of section 14; and

WHEREAS, said Special Industry Committee first proceeded to investigate conditions on October 2, 1940, and to recommend to the Administrator minimum wages for employees in the Needlework Industries; and

WHEREAS, the Special Industry Committee for Puerto Rico reconvened, pursuant to Administrative Order No. 58, dated August 1, 1940, and after investigating conditions on February 19, 1941, recommended minimum wage rates for employees in several industries in Puerto Rico other than the Needlework, Sugar and Leaf Tobacco Industries and duly adopted a report containing said recommendations and reasons therefor and has filed such report with the Administrator on February 24, 1941, pursuant to Section 8(d) of the Act and Section 511.19 of the regulations issued under the Act; and

^{1/} By Administrative Order No. 63, dated September 9, 1940, and by Administrative Order No. 82, dated February 1, 1941, members were appointed to the committee to represent employers in place of members who had resigned.

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 engaged in the following industries in Puerto Rico:

(1) Wages at a rate of not less than 16 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 vegetable, fruit, and fruit juice canning industry who is engaged in commerce or in the production of goods for commerce.

(2) 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 vegetable packing industry who is engaged in commerce or in the production of goods for commerce.

(3) Wages at a rate of not less than 25 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 manufactured cocoanut industry who is engaged in commerce or in the production of goods for commerce.

(4) Wages at a rate of not less than $27\frac{1}{2}$ 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 ocean pearl button industry who is engaged in commerce or in the production of goods for commerce.

(5) 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 raffia handbag industry who is engaged in hand sewing operations and who is engaged in commerce or in the production of goods for commerce.

(6) 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 raffia handbag industry 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.

(7) Wages at a rate of not less than 25 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 hosiery industry who is engaged in commerce or in the production of goods for commerce.

(8) Wages at a rate of not less than 25 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 hair net industry who is engaged in commerce or in the production of goods for commerce.

(9) Wages at a rate of not less than 25 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 cigar industry who is engaged in commerce or in the production of goods for commerce.

(10) Wages at a rate of not less than 25 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 cigarette industry who is engaged in commerce or in the production of goods for commerce.

(11) Wages at a rate of not less than 25 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 straw hat industry who is engaged in commerce or in the production of goods for commerce.

(12) Wages at a rate of not less than 25 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 mattress, quilt, and pillow industry who is engaged in commerce or in the production of goods for commerce.

(13) Wages at a rate of not less than 25 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 bay oil, bay rum, and aromatic alcohol industry who is engaged in commerce or in the production of goods for commerce.

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

(1) The term "vegetable, fruit, and fruit juice canning industry" shall mean the canning of vegetables, fruits, and fruit juices but shall not include employees thereof exempted by the provisions of Section 13(a) and Section 14 of the Fair Labor Standards Act.

(2) The term "vegetable packing industry" shall mean the handling, grading, packing, and preparing in their raw or natural state of fresh vegetables but shall not include employees thereof exempted by the provisions of Section 13(a) and Section 14 of the Fair Labor Standards Act.

(3) The term "manufactured coconut industry" shall mean the manufacture of desiccated or prepared coconut.

(4) The term "ocean pearl button industry" shall mean the manufacture of buttons from mother-of-pearl, ocean-pearl, or sea-pearl.

(5) The term "raffia handbag industry" shall mean the manufacture of women's handbags, pocketbooks, and purses from straw embroidered or embellished with raffia.

(6) The term "hosiery industry" shall mean the manufacturing of full-fashioned hosiery, but not including dying, clocking and other phases of hosiery finishing.

(7) The term "hair net industry" shall mean the manufacture of hair nets from any material except human hair.

(8) The term "cigar industry" shall mean the manufacture of cigars, cheroots, and little cigars.

(9) The term "cigarette industry" shall mean the manufacture of cigarettes.

(10) The term "straw hat industry" shall mean the manufacture of hats from straw, it being understood, however, that the term "straw" is used in the trade sense and is not confined to materials made from natural fibers.

(11) The term "mattress, quilt, and pillow industry" shall mean the manufacture of mattresses, quilts, and pillows from any material.

(12) The term "bay oil, bay rum, and aromatic

alcohol industry" shall mean the manufacture of bay oil, bay rum, and aromatic alcohol.

III. The full text of the report and recommendation of the Special Industry Committee for Puerto Rico, together with any dissenting statements which may be filed by a member subsequent to the date of this notice are and will be 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
304 Walker Building
120 Boylston Street

New York, New York
Parcel Post Building
341 - 9th Avenue

Newark, New Jersey
1005 Kinney Building
790 Broad Street

Philadelphia, Pennsylvania
1216 Widener Building
Chestnut & Juniper Streets

Pittsburgh, Pennsylvania
216 Old P. O. Building

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

Baltimore, Maryland
606 Snow Building
Calvert & Lombard Streets

Raleigh, North Carolina
507 Raleigh Building
Hargett & Fayetteville Sts.

Columbia, South Carolina
Federal Land Bank Building
Hampton & Marion Streets

Atlanta, Georgia
314 Witt Building
249 Peachtree Street

Jacksonville, Florida
456 New P. O. Building

Birmingham, Alabama
1007 Comer Building
2nd Avenue & 21st Street

New Orleans, Louisiana
Pere Marquette Building
150 Baronne Street

Nashville, Tennessee
Medical Arts Building
119 Seventh Avenue, N.

Cleveland, Ohio
728 Standard Building
1370 Ontario Street

Cincinnati, Ohio
1312 Cincinnati Traction Bldg.
5th & Walnut Streets

Detroit, Michigan
346 New P. O. Building

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

Minneapolis, Minnesota
406 Pence Building
730 Hennepin Avenue

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

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

Denver, Colorado
1726 Champa Street
300 Chamber of Commerce Bldg.

Dallas, Texas
824 Santa Fe Building
1114 Commerce Street

San Francisco, California
Room 500
785 Market Street

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

Seattle, Washington
305 P. O. Building
3rd Avenue & Union Street

San Juan, Puerto Rico
P. O. Box 112

Juneau, Alaska
B. D. Stewart
Commissioner of Mines

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

IV. A public hearing for the purpose of taking evidence on the question of 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 March 12, 1941, at 10:00 a.m. at Conference Rooms A and B, Departmental Auditorium, 14th Street and Constitution Avenue, N.W., 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 March 5, 1941, 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 several industries in Puerto Rico will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

United States Department of Labor, Wage and Hour Division,
Research and Statistics Branch, Report on Puerto Rico:
Fruit and Fruit Juice Canning Industry, February 18, 1941.

COLLATERAL EXHIBITS:

- (a) United States Department of Commerce, Bureau of Foreign and Domestic Commerce, Fruit Cannery of the World, 1939.
- (b) United States Department of Labor, Bureau of Labor Statistics, Labor in the Territory of Hawaii, 1939, 1940.
- (c) United States Department of Commerce, Bureau of the Census, Sixteenth Decennial Census of the United States, Hawaii---Manufactures, August 26, 1940.

United States Department of Labor, Wage and Hour Division,
Research and Statistics Branch, Puerto Rico: The Ocean Pearl Button Industry, February 1941.

United States Department of Labor, Wage and Hour Division,
Research and Statistics Branch, Puerto Rico: Full-Fashioned Hosiery Industry, February 1941.

United States Department of Labor, Wage and Hour Division,
Research and Statistics Branch, Puerto Rico: Full-Fashioned Hosiery Industry, Supplement, February 1941.

United States Department of Labor, Wage and Hour Division,
Research and Statistics Branch, Puerto Rico: Hairnet Industry, February 1941.

United States Department of Labor, Wage and Hour Division,
Research and Statistics Branch, Puerto Rico: Cigars, February 1941.

United States Department of Labor, Wage and Hour Division,
Research and Statistics Branch, Puerto Rico: Cigarettes, February 1941.

United States Department of Labor, Wage and Hour Division,
Research and Statistics Branch, Puerto Rico: Men's Straw
Hat Industry, February 1941.

United States Department of Labor, Wage and Hour Division,
Research and Statistics Branch, Puerto Rico: Mattresses,
February 1941.

United States Department of Labor, Wage and Hour Division,
Research and Statistics Branch, Puerto Rico: Bay Oil, Bay
Rum and/or Aromatic Alcohol Industry, February 1941.

United States Department of Labor, Bureau of Labor Statis-
tics, Cost of Living Division, Preliminary Memorandum on
Cost of Living in Puerto Rico.

A transcript of the hearing on the several industries held be-
fore 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 hear-
ing 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 requests addressed to
the Administrator, Wage and Hour Division, United States
Department of Labor, 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 announce-
ment thereof at the hearing by the presiding officer, or
by other appropriate notice.

4. At any stage of the hearing, the presiding offi-
cer 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. Subpenas 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 recommendations 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 file briefs and 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 proceedings, and shall designate the final date for the filing of such briefs and the time and place at which the oral arguments shall be heard. If the requests for oral argument are allowed, all persons appearing at the hearing will be given opportunity to present such argument.

13. 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.

14. 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 24th day of February, 1941.

Administrator
Wage and Hour Division
Department of Labor

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