

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

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF  
INDUSTRY COMMITTEE NO. 25 FOR THE TEXTILE 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 March 10, 1941, and April 14, 1941, by Administrative Orders Nos. 92 and 99, respectively, appointed Industry Committee No. 25 for the Textile 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. 25, on April 15, 1941, unanimously recommended a minimum wage rate for the Textile Industry and duly adopted a report containing such recommendation and reasons therefor, and filed such report with the Administrator on April 16, 1941, 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. 25 if he finds that such 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; and

WHEREAS, Section 8(f) of the Act provides that wage orders "shall contain such terms and conditions as the Administrator finds necessary to carry out the purposes of such orders, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rates established therein;" and,

WHEREAS, there exists in the Textile Industry a practice whereby employers deduct from the wages of employees sums of money on account of facilities furnished to such employees by the employers:

NOW, THEREFORE, notice is hereby given that:

I. The recommendation of Industry Committee No. 25 is as follows:

Wages at a rate of not less than thirty seven and one-half ( $37\frac{1}{2}$ ) 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 Textile Industry who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Textile Industry as set forth in Administrative Order No. 92, issued March 10, 1941, is as follows:

"(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs) from cotton, silk, flax,

jute or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in clauses (g) and (h); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber:

"(b) The manufacturing of batting, wadding or filling and the processing of waste from the fibers enumerated in clause (a);

"(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics (except carpets and rugs) from any fiber or yarn;

"(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products; bags; bandages and surgical gauze; bath mats and related articles; bedspreads; blankets; diapers; dish-cloths; scrubbing cloths and wash-cloths; sheets and pillow cases; table-cloths, lunch-cloths and napkins; towels; and window curtains;

"(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

"(f) The manufacturing of cordage, rope or twine from any fiber or yarn;

"(g) The manufacturing or processing of yarn or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in clause (a), containing not more than 45 per cent by weight of wool or animal fiber (other than silk).

"(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in clause (a), with a margin of tolerance of 2 per cent to meet the exigencies of manufacture."

The definition of the textile 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, provided, however, that this definition does not include employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale, and provided further that where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 25, 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 | New York, New York  | Philadelphia, Pennsylvania |
| Walker Building       | Parcel Post Bldg.   | 1216 Widener Building      |
| 120 Boylston Street   | 30th St. & 9th Ave. | Chestnut & Juniper Sts.    |

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| Pittsburgh, Pennsylvania<br>216 Old Post Office Bldg.                          | Birmingham, Alabama<br>Comer Building<br>2nd Ave. & 21st St.            | St. Louis, Missouri<br>100 Old Custom House Bldg.<br>815 Olive Street         |
| Newark, New Jersey<br>1004 Kinney Building<br>790 Broad Street                 | New Orleans, Louisiana<br>Pere Marquette Bldg.<br>150 Baronne Street    | Denver, Colorado<br>Chamber of Commerce Bldg.<br>1726 Champa Street           |
| Richmond, Virginia<br>215 Richmond Trust Bldg.<br>627 East Main Street         | Nashville, Tennessee<br>Medical Arts Building<br>119 Seventh Avenue, N. | Dallas, Texas<br>824 Santa Fe Building<br>1114 Commerce Street                |
| Baltimore, Maryland<br>606 Snow Building<br>Calvert & Lombard Sts.             | Cleveland, Ohio<br>Standard Building<br>1370 Ontario Street             | San Francisco, California<br>Room 500<br>785 Market Street                    |
| Columbia, South Carolina<br>Federal Land Bank Bldg.<br>Hampton & Marion Sts.   | Cincinnati, Ohio<br>Cincinnati Traction Bldg.<br>5th & Walnut Street    | Los Angeles, California<br>338 H. W. Hellman Bldg.<br>354 South Spring Street |
| Raleigh, North Carolina<br>507 Raleigh Building<br>Hargett & Fayetteville Sts. | Chicago, Illinois<br>1900 Merchandise Mart<br>232 West North Bank Drive | San Juan, Puerto Rico<br>Post Office Box 112                                  |
| Atlanta, Georgia<br>Witt Building<br>249 Peachtree Street                      | Minneapolis, Minnesota<br>406 Pence Building<br>730 Hennepin Avenue     | Seattle, Washington<br>305 Post Office Building<br>3rd Avenue & Union Street  |
| Jacksonville, Florida<br>New Post Office Bldg.                                 | Juneau, Alaska<br>D. B. Stewart<br>Commissioner of Mines                | Kansas City, Missouri<br>504 Title & Trust Bldg.<br>10th & Walnut Sts.        |
| Washington, District of<br>Columbia<br>Department of Labor<br>4th Floor        |   |   |

Copies of the Committee's report and recommendation, together with any dissenting statements which may be filed by a member subsequent to the date of this notice, 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 will be held on May 15, 1941, before Thomas W. Holland, Presiding Officer; at 10:00 A.M. in Room 3229, U. S. Department of Labor, Washington, D. C., for the purpose of taking evidence on the following questions:

1. Whether the recommendation of Industry Committee No. 25 shall be approved or disapproved; and
2. In the event an order is issued approving the recommendation, what, if any, provision is necessary to be made in such order, regulating, prohibiting, or restricting deductions from wages for facilities furnished by employers to employees in the Textile Industry, to carry out the purposes of such order, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rates established therein.



V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 25, or supporting or opposing the regulation, prohibition, or restriction of deductions from wages for facilities furnished to employees, 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 May 9, 1941, 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 purposes to appear for or against the recommendation of Industry Committee No. 25.
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. 25 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 Textile Industry will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

Bulletin No. 663, entitled Wages in Cotton-Goods Manufacturing prepared by A. F. Hinrichs, Chief Economist, Bureau of Labor Statistics, United States Department of Labor.

Mimeographed release issued by the Bureau of Labor Statistics of the U. S. Department of Labor, entitled Estimated Intercity Differences in Costs of Living, December 15, 1940.

Bulletin, Serial No. R-963, reprint from the Monthly Labor Review of July 1939, entitled Differences in Living Costs in Northern and Southern Cities.

Report entitled Some Basic Information on the Textile Industry prepared by the Research and Statistics Branch, Wage and Hour Division, U. S. Department of Labor, April 1941.

Report entitled Average Hourly Earnings in the Cotton Goods Industry, September 1940 and April 1941 and Supplement prepared by the Division of Wage and Hour Statistics of the Bureau of Labor Statistics, U. S. Department of Labor, April 14, 1941.

Report entitled Average Hourly Earnings in the Silk and Rayon Industry, September 1940 prepared by the Division of Wage and Hour Statistics of the Bureau of Labor Statistics, U. S. Department of Labor, April 14, 1941.

Report entitled Average Hourly Earnings in the Cordage and Twine Industry, September 1940 prepared by the Division of Wage and Hour Statistics of the Bureau of Labor Statistics, U. S. Department of Labor, April 14, 1941.

Report entitled Average Hourly Earnings in the Miscellaneous Fabricated Textile Products Industry, September 1940 prepared by the Division of Wage and Hour Statistics of the Bureau of Labor Statistics, U. S. Department of Labor, April 14, 1941.

Report entitled Average Hourly Earnings in the Processed Waste Industry, September 1940 prepared by the Division of Wage and Hour Statistics, U. S. Department of Labor, April 14, 1941.

Mimeographed release issued by the Bureau of Labor Statistics of the U. S. Department of Labor, entitled Survey of Jute Bagging Industry.

Transcript of Public Hearing in the Matter of the Recommendation of Industry Committee No. 1 for Minimum Wage Rates in the Textile Industry, June 19 to July 11, 1939.

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 hearings 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 of the 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 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 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. When 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 of 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 application 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 the 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 his 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 proceedings, 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 28th day of April 1941.



Philip B. Fleming  
Administrator  
Wage and Hour Division

Published in Federal Register, April 30, 1941.