

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

NOTICE OF HEARING ON MINIMUM WAGE RECOM-  
MENDATION OF INDUSTRY COMMITTEE NO. 26  
FOR THE JEWELRY MANUFACTURING 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 October 23, 1940, by Administrative Order No. 66, appointed Industry Committee No. 17 for the Jewelry Manufacturing 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, on November 26, 1940, the Administrator amended the definition of the Jewelry Manufacturing Industry by issuing Administrative Order No. 74; and

WHEREAS, Industry Committee No. 17 on December 17, 1940, recommended minimum wage rates for the Jewelry Manufacturing Industry and duly adopted a report containing said recommendations and reasons therefor, and filed such report with the Administrator on December 18, 1940, pursuant to Section 8(d) of the Act and Section 511.19 of the Regulations issued under the Act; and

WHEREAS, after due notice published in the Federal Register Henry T. Hunt, Esquire, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on January 21 to 24, inclusive, and February 3, 1941, at which all interested persons were given an opportunity to be heard; and

WHEREAS, the complete record of the proceedings 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 before March 6, 1941, and to offer oral argument before the Administrator on March 19, 1941; and

WHEREAS, the Administrator, upon reviewing all the evidence adduced in these proceedings and giving consideration to the provisions of the Act with special reference to Sections 5 and 8, concluded that the Industry Committee's recommendations for the Jewelry Manufacturing Industry as defined in Administrative Order No. 74 were not made in accordance with law; and

WHEREAS, the Administrator set forth his decision in an opinion entitled "Administrator's Findings and Opinion in the Matter of the Recommendations of Industry Committee No. 17 for Minimum Wage Rates in the Jewelry Manufacturing Industry," dated April 24, 1941, a copy of which may be had upon request addressed to the Wage and Hour Division, Washington, D. C.; and

WHEREAS, on April 24, 1941, by Administrative Order No. 100, the Administrator, acting pursuant to Sections 8(d) and 5(b) of the Fair Labor Standards Act of 1938, appointed Industry Committee No. 26 for the Jewelry Manufacturing 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;<sup>1/</sup> and

WHEREAS, Industry Committee No. 26, on May 19, 1941, recommended minimum wage rates for the Jewelry Manufacturing Industry and duly adopted a report containing such recommendation and reasons therefor, and filed such report with the Administrator on May 21, 1941, pursuant to Section 8(d) of the Act and Section 511.19 of the Regulations issued thereunder; 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. 26 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 are employees employed in homes in the production of jewelry for commerce:

NOW, THEREFORE, notice is hereby given that:

I. The recommendation of Industry Committee No. 26 is as follows:

Every employer shall pay not less than 40 cents per hour to each of his employees in the Jewelry Manufacturing Industry, as defined in Administrative Order No. 100, dated April 24, 1941.

II. The definition of the Jewelry Manufacturing Industry as set forth in Administrative Order No. 100, issued April 24, 1941, is as follows:

(a) The manufacturing, processing, or assembling, wholly or partially from any material, of jewelry, commonly or commercially so known. Jewelry as used herein includes, without limitation, religious, school, college, and fraternal insignia; articles of ornament or adornment designed to be worn on apparel or carried on or about the person, including without limitation, cigar and cigarette cases, holders, and lighters; watch cases; metal mesh bags and metal watch bracelet and chain, mesh, and parts for use in the manufacture of any of the articles included in this definition. Jewelry as used therein does not include pocket knives, cigar cutters, badges, emblems, military and naval insignia, belt buckles, and handbag and pocketbook frames and clasps, or commercial compacts and vanity cases, except when made from or embellished with precious metals or precious, semiprecious, synthetic, or imitation stones; and the assaying, refining, and smelting of base or precious metals.

<sup>1/</sup> By Administrative Order No. 107, dated May 14, 1941, the Administrator accepted the resignation of Samuel E. Beardsley and appointed in his place Elias Berkoff of Bronx, New York, New York.

The term "parts" as used in the foregoing paragraph does not include parts which are used predominantly for products other than jewelry, such as springs, blades, and nail files. The term "commerical compacts and vanity cases" as used means compacts and vanity cases which bear the trade name or mark of a cosmetic manufacturer and are made for the purpose of distributing or advertising said cosmetics.

(b) The manufacturing, cutting, polishing, encrusting, engraving, and setting of precious, semiprecious, synthetic, and imitation stones.

(c) The manufacturing, drilling, and stringing of pearls, imitation pearls, and beads designed for use in the manufacture of jewelry.

III The full text of the report and recommendation of Industry Committee No. 26 is 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  
Walker Building  
120 Boylston Street

New York, New York  
Parcel Post Building  
341 Ninth Avenue

Philadelphia, Pennsylvania  
1216 Widener Building  
Chestnut & Juniper Streets

Pittsburgh, Pennsylvania  
219 Old Post Office Building

Newark, New Jersey  
1004 Kinney Building  
790 Broad Street

Richmond, Virginia  
215 Richmond Trust Building  
627 East Main Street

Baltimore, Maryland  
506 Snow Building  
Calvert & Lombard Streets

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

Raleigh, North Carolina  
North Carolina Department of Labor

Atlanta, Georgia  
Fifth Floor Witt Building  
249 Peachtree Street, N. E.

Jacksonville, Florida  
456 New Post Office Building

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

New Orleans, Louisiana  
1512 Pore Marquette Building

Nashville, Tennessee  
509 Medical Arts Building

Cleveland, Ohio  
Main Post Office  
West Third & Prospect Avenue

Cincinnati, Ohio  
1312 Traction Building  
5th & Walnut Streets

Chicago, Illinois  
1200 Merchandise Mart  
222 West North Bank Drive

Minneapolis, Minnesota  
406 Ponce Building  
730 Hennepin Avenue

St. Louis, Missouri  
100 Old Federal Building

Denver, Colorado  
300 Chamber of Commerce Building  
1726 Champa Street



Dallas, Texas  
824 Santa Fe Building  
1114 Commerce Street

San Francisco, California  
500 Humboldt Building  
785 Market Street

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

San Juan, Puerto Rico  
Post Office Box 112

Seattle, Washington  
305 Post Office Building  
3rd Avenue & Union Street

Juneau, Alaska  
D. B. Stewart  
Commissioner of Mines

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

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

Copies of the Committee's report and recommendation 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 June 24, 1941, before Henry T. Hunt Esquire, Principal Hearings Examiner of the Wage and Hour Division, United States Department of Labor, as Presiding Officer, at 10:00 a.m. in the Washington Hotel, 15th Street and Pennsylvania Avenue, N. W., Washington, D. C., for the purpose of taking evidence on the following questions:

1. Whether the recommendation of Industry Committee No. 26 should be approved or disapproved; and

2. In the event an order is issued approving the recommendation, what if any, prohibition, restriction, or regulation of home work in this Industry is necessary to carry out the purpose of such order, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rate established therein.

V. The record of the hearing held on January 21 to 24, inclusive, and February 3, 1941, will be introduced in evidence at this hearing. A copy of this record may be examined between the hours of 9:00 a.m. and 4:30 p.m. in the Wage and Hour Division, United States Department of Labor, Washington, D. C.

VI. Any interested person, supporting or opposing the recommendation of Industry Committee No. 26 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 June 18, 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 proposes to appear for or against the recommendation of Industry Committee No. 17.

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.

VII. Any person interested in supporting or opposing the recommendation of Industry Committee No. 26, 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.

VIII. Copies of the following documents relating to the Jewelry Manufacturing Industry will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

U. S. Department of Labor, Bureau of Labor Statistics, Division of Wage and Hour Statistics, Earnings and Hours in the Jewelry Manufacturing Industry, February 1940.

U. S. Department of Labor, Wage and Hour Division, Research and Statistics Branch, Report on the Jewelry Manufacturing Industry, November 1940.

U. S. Department of Labor, Bureau of Labor Statistics, Monthly Labor Review, Differences in Living Costs in Northern and Southern Cities, July 1939.

IX. 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 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 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 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 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 this 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 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



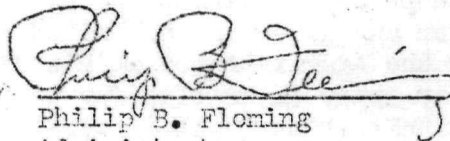
be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

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 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 May, 1941.



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

Published in Federal Register May 30, 1941.

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