

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

NOTICE OF HEARING ON MINIMUM
WAGE RECOMMENDATION OF INDUSTRY
COMMITTEE NO. 39 FOR THE TEXTILE
INDUSTRY

To be held February 20, 1942

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 January 5, 1942, by Administrative Order No. 136, appointed Industry Committee No. 39 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. 39, on January 22, 1942, recommended a minimum wage rate for the Textile Industry and duly adopted a report containing such recommendation and reasons therefore and filed such report with the Administrator on January 22, 1942, 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. 39 if he finds that the 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; if he finds otherwise, to disapprove such recommendation;

NOW, THEREFORE, notice is hereby given that:

I. The recommendation of Industry Committee No. 39 is as follows:

Wages at a rate of not less than forty 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 (as defined in Administrative Order No. 136) 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. 136, signed January 5, 1942, is as follows:

2. For the purpose of this order the term "textile industry" means:

(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 containing any wool) from cotton, flax, jute, other vegetable fiber, silk, grass, 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 or cards (except carpets and rugs containing any wool) 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; window curtains; shoe laces and similar laces;

(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 including the manufacturing of paper yarn and twine;

(g) The manufacturing, or processing of yarn (except carpet yarn containing any carpet wool) or thread by systems other than the woollen 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 percent 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 percent to meet the exigencies of manufacture;

(i) The manufacturing, dyeing, finishing or processing of rugs or carpets from grass, paper, or from any yarn or fiber except yarn containing any wool but not including the manufacturing by hand of such products.

3. 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 Divisions.

III. The full text of the report and recommendation of Industry Committee No. 39, 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
Old South Building
294 Washington Street

New York, New York
341 Ninth Avenue

Newark, New Jersey
Essex Building
31 Clinton Street

Philadelphia, Pennsylvania
1216 Widener Building
Chestnut & Juniper Streets

Pittsburgh, Pennsylvania
219 Old Post Office Building
Fourth and Smithfield Streets

Richmond, Virginia
215 Richmond Trust Building
627 East Main Street

Baltimore, Maryland
201 North Calvert Street

Raleigh, North Carolina
North Carolina Department of
Labor
Salisbury and Edenton Streets

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

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
916 Union Building

Jackson, Mississippi
404 Deposit Guaranty Bank
Building
102 Lamar Street

Nashville, Tennessee
509 Medical Arts Building
115 Seventh Avenue, N.

Cleveland, Ohio
Main Post Office
W. 3rd and Prospect Avenue

Cincinnati, Ohio
1312 Traction Building
5th and Walnut Streets

Detroit, Michigan
348 Federal 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 Building
10th & Walnut Streets

St. Louis, Missouri
100 Old Federal Building

Denver, Colorado
300 Chamber of Commerce
Building
1726 Champa Street

Dallas, Texas
Rio Grande National Building
1100 Main Street

San Francisco, California
500 Humboldt Bank Building
785 Market Street

Los Angeles, California
417 H. W. Hellman Building

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

San Juan, Puerto Rico
Post Office Box 112

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

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 February 20, 1942, before Major Robert N. Campbell, Presiding Officer, at 10:00 a.m. in Room 3114 of the United States Department of Labor Building at Washington, D. C. for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 39 shall be approved or disapproved.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 39, 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 February 14, 1942, 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. 39.

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. 39 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:

Mimeographed release G-67, issued by the Bureau of Labor Statistics of the U. S. Department of Labor, entitled Report and Recommendations of Industry Committee No. 12 for the Carpet and Rug Industry.

Mimeographed release G-144, issued by the Bureau of Labor Statistics of the U. S. Department of Labor, entitled Report and Recommendation of Industry Committee No. 25 for the Textile Industry.

Mimeographed release G-132, issued by the Bureau of Labor Statistics of the U. S. Department of Labor, entitled Findings and Opinion of the Administrator in connection with the Recommendation of Industry Committee No. 12 for the Carpet and Rug Industry.

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

Report on the Carpet and Rug Industry, July 1940, prepared by the Research and Statistics Branch of the Wage and Hour Division, U. S. Department of Labor.

Mimeographed release G-173; issued by the Bureau of Labor Statistics of the U. S. Department of Labor, entitled Findings and Opinion of the Administrator in connection with the Recommendation of Industry Committee No. 25 for the Textile Industry.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer 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 addressed to the Administrator, Wage and Hour Division, 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 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 insofar 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 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 29th day of January, 1942.

Thomas W. Holland

Thomas W. Holland
Administrator
Wage and Hour Division
U. S. Department of Labor

Published in Federal Register, January 30, 1942.