

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

NOTICE OF HEARING ON MINIMUM WAGE
RECOMMENDATION OF THE INDUSTRY
COMMITTEE FOR THE RAILROAD AND
PROPERTY MOTOR CARRIER INDUSTRY OF
PUERTO RICO

To be held February 24, 1942, at Washington, D. C.

WHEREAS, by Administrative Order No. 134, ^{1/} dated December 9, 1941, the Administrator of the Wage and Hour Division, United States Department of Labor, acting pursuant to Section 5(e) of the Fair Labor Standards Act of 1938, as amended, appointed an Industry Committee for the Railroad and Property Motor Carrier Industry of Puerto Rico, composed of residents of such island and residents of the United States outside of Puerto Rico, said administrative order directing the committee to proceed to investigate conditions in the Railroad and Property Motor Carrier Industry of Puerto Rico and recommend to the Administrator minimum wage rates for all employees thereof who, within the meaning of said Act, are "engaged in commerce or in the production of goods for commerce," except employees exempted by virtue of the provisions of Section 13(a) and employees coming under the provisions of Section 14; and

WHEREAS, the Industry Committee on January 20, 1942, recommended a minimum wage rate for the Railroad and Property Motor Carrier Industry of Puerto Rico and duly adopted a report containing said recommendation and on January 26, 1942, filed its report with the Administrator in accordance with 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 giving due notice and an opportunity to be heard to interested persons, to approve and carry into effect by order the recommendation of the Industry Committee if he finds that the recommendation is made in accordance with law, 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 the Act; and, if he finds otherwise, to disapprove such recommendation;

NOW, THEREFORE, notice is hereby given:

1. The Industry Committee for the Railroad and Property Motor Carrier Industry of Puerto Rico has made the following recommendation for the minimum wage rate to be paid to employees in the Railroad and Property Motor Carrier

^{1/} By Administrative Order No. 135, dated December 24, 1941, Mr. Arthur F. Raper of Greensboro, Georgia, was appointed to serve as chairman of the committee instead of Mr. William Homer Spence who had resigned, and the date for convening the committee was changed from January 7, 1942 to January 8, 1942.

Industry of Puerto Rico:

Wages at a rate of not less than 20 cents per hour shall be paid by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Railroad and Property Motor Carrier Industry of Puerto Rico, as defined in Administrative Order No. 134, dated December 9, 1941.

II. The definition of the Railroad and Property Motor Carrier Industry of Puerto Rico as set forth in Administrative Order No. 134 is as follows:

The industry carried on in Puerto Rico by (1) any railroad carrier under public franchise which holds itself out to the general public to engage in the transportation for compensation of passengers and property in commerce, or, of passengers and property necessary to the production of goods for commerce, and which furnishes transportation service for passengers in an amount not less than \$25,000 annually or which derives at least ten percent of its total operating revenues from passenger transportation service; (2) any railway express company which holds itself out to the general public to engage in the transportation for compensation of property in commerce or of property necessary to the production of goods for commerce; (3) any trucking firm or company which holds itself out to the general public to engage in the transportation for compensation of property in commerce or of property necessary to the production of goods for commerce, provided that: (a) it is not directly or indirectly owned or controlled by a company primarily engaged in manufacturing; processing, wholesaling or other non-transportation activity, and (b) it does not perform any transportation functions for such company.

The term "firm" or "company" means an individual, partnership, association, corporation or business trust.

III. The full text of the report and recommendation of the Industry Committee for the Railroad and Property Motor Carrier Industry of Puerto Rico 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 Wage and Hour Division, United States Department of Labor:

Boston, Massachusetts
Old South Building
294 Washington Street

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

New York, New York
341 Ninth Avenue

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

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

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

Atlanta, Georgia
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
402 Deposit Guaranty Bank Building
102 Lamar Street

Denver, Colorado
300 Chamber of Commerce Building
1726 Champa Street

Dallas, Texas
Rio Grande National Building
1100 Main Street

San Francisco, California
Room 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, and of the dissenting statements filed by members of the committee, will be available for inspection at, and may be obtained by writing to the office of the Wage and Hour Division, United States Department of Labor, Washington, D. C.

IV. A public hearing for the purpose of taking evidence on the question of whether the recommendation of the Industry Committee for the Railroad and Property Motor Carrier Industry of Puerto Rico shall be approved or disapproved pursuant to Section 8 of the Act, will be held on February 24, 1942, at 10:00 a.m., in Room 3229, United States Department of Labor Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before Major Robert N. Campbell as presiding officer.

V. Any interested person supporting or opposing the recommendation of the Industry Committee for the Railroad and Property Motor Carrier Industry of Puerto Rico may appear at the hearing to offer evidence either on his own behalf or on behalf of any other person, if not later than February 20, 1942, he files with the Administrator by mail or otherwise 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 he is representing.
3. Whether such person proposes to appear for or against the recommendations of the committee.
4. The approximate length of time requested for his presentation.

VI. Any interested person may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator of the 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 office of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following document will be available for inspection by any interested person between the hours of 9:00 a.m. and 4:30 p.m. at the offices of the Wage and Hour Division enumerated in paragraph III above:

Bulletin, Serial No. R-1294 entitled Living Conditions of Workers in Puerto Rico, a reprint from the Monthly Labor Review, April, 1941 of the Bureau of Labor Statistics, United States Department of Labor.

The record made at the public hearing before the Industry Committee for the Railroad and Property Motor Carrier Industry of Puerto Rico may be examined by any interested person at the offices of the Wage and Hour Division, United States Department of Labor, in Washington, D. C., and in San Juan, Puerto Rico, and may be obtained at prescribed rates from the official reporter of the Wage and Hour Division, United States Department of Labor, Washington, D. C.

The foregoing report and record will be offered in evidence at the public hearing herein referred to.

VIII. The hearing will be conducted in accordance with the following rules of procedure subject to such subsequent modification by the Administrator or the presiding officer as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which shall be available at prescribed rates to any person 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 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 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 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. 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 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 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 proceeding, 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 hearings, 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 29th day of January, 1942.

Thomas W. Holland

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