

[Report No. 562.]

IN THE SENATE OF THE UNITED STATES.

AUGUST 22 (calendar day, AUGUST 27), 1918.

Read twice and referred to the Committee on the District of Columbia.

SEPTEMBER 6, 1918.

Reported by Mr. KENYON, without amendment.

AN ACT

To protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a Minimum Wage Board, and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That where used in this Act—

4 The term "Board" means the Minimum Wage Board
5 created by section two;

6 The term "Commissioners" means the Commissioners
7 of the District of Columbia;

8 The term "woman" includes only a woman of eighteen
9 years of age or over;

10 The term "minor" means a person of either sex under
11 the age of eighteen years;

1 SEC. 4. That at any public hearing held by the Board
2 any person interested in the matter being investigated may
3 appear and testify. Any member of the Board shall have
4 power to administer oaths and the Board may require by sub-
5 pœna the attendance and testimony of witnesses, the pro-
6 duction of all books, registers and other evidence relative
7 to any matters under investigation, at any such public
8 hearing or at any session of any conference held as herein-
9 after provided. In case of disobedience to a subpoena the
10 Board may invoke the aid of the Supreme Court of the
11 District of Columbia in requiring the attendance and testi-
12 mony of witnesses and the production of documentary evi-
13 dence. In case of contumacy or refusal to obey a subpoena
14 the court may issue an order requiring appearance before
15 the Board, the production of documentary evidence, and the
16 giving of evidence touching the matter in question, and any
17 failure to obey such order of the court may be punished by
18 such court as a contempt thereof.

19 SEC. 5. That the Board is hereby authorized and
20 empowered to make rules and regulations for the carrying
21 into effect of this Act, including rules and regulations for
22 the selection of members of the conferences hereinafter pro-
23 vided for and the mode of procedure thereof.

24 SEC. 6. That the Board shall, on or before the first
25 day of January of the year nineteen hundred and nineteen,

1 and of each year thereafter, make a report to the Commis-
2 sioners of its work and the proceedings under this Act.

3 SEC. 7. That there is hereby authorized to be appro-
4 priated, out of the revenues of the District of Columbia, for
5 the fiscal year ending June thirtieth, nineteen hundred and
6 nineteen, the sum of \$5,000, or so much thereof as may be
7 necessary, to carry into effect the provisions of this Act.

8 SEC. 8. That the Board shall have full power and au-
9 thority: (1), To investigate and ascertain the wages of
10 women and minors in the different occupations in which they
11 are employed in the District of Columbia; (2), to examine,
12 through any member or authorized representative, any book,
13 pay roll or other record of any employer of women or
14 minors that in any way appertains to or has a bearing upon
15 the question of wages of any such women or minors; and
16 (3), to require from such employer full and true statements
17 of the wages paid to all women and minors in his em-
18 ployment.

19 Every employer shall keep a register of the names of
20 the women and minors employed by him in any occupa-
21 tion in the District of Columbia, of the hours worked by
22 each, and of all payments made to each, whether paid by
23 the time or by the piece; and shall, on request, permit any
24 member or authorized representative of the Board to examine
25 such register.

1 In its recommendations on a question of wages the
2 conference (1) shall, where it appears that any substantial
3 number of women workers in the occupation under inquiry
4 are being paid by piece rates as distinguished from time
5 rate, recommend minimum piece rates as well as minimum
6 time rate and recommend such minimum piece rates as will,
7 in its judgment, be adequate to supply the necessary cost of
8 living to women workers in such occupation of average
9 ordinary ability and to maintain them in health and pro-
10 tect their morals; and (2) shall, when it appears proper
11 or necessary, recommend suitable minimum wages for
12 learners and apprentices in such occupation and the maxi-
13 mum length of time any woman worker may be kept
14 at such wages as a learner or apprentice, which wages
15 shall be less than the regular minimum wages recommended
16 for the regular women workers in such occupation.

17 SEC. 12. That, upon receipt of any report from any
18 conference, the Board shall consider and review the rec-
19 ommendations, and may approve or disapprove any or all
20 of such recommendations, and may resubmit to the same
21 conference, or a new conference, any subject covered by
22 any recommendations so disapproved.

23 If the Board approves any recommendations contained
24 in any report from any conference, it shall publish a notice,

1 once a week, for four successive weeks in a newspaper of
2 general circulation printed in the District of Columbia, that
3 it will, on a date and at a place named in the notice, hold a
4 public hearing at which all persons in favor of or opposed to
5 such recommendations will be heard.

6 After such hearing the Board may, in its discretion,
7 make and render such an order as may be proper or neces-
8 sary to adopt such recommendations and carry them into
9 effect, requiring all employers in the occupation affected
10 thereby to observe and comply with such order. Such order
11 shall become effective sixty days after it is made. After
12 such order becomes effective, and while it is effective, it shall
13 be unlawful for any employer to violate or disregard any of
14 its terms or provisions, or to employ any woman worker in
15 any occupation covered by such order at lower wages than
16 are authorized or permitted therein.

17 The Board shall, as far as is practicable, mail a copy
18 of such order to every employer affected thereby; and every
19 employer affected by any such order shall keep a copy thereof
20 posted in a conspicuous place in each room in his establish-
21 ment in which women workers are employed.

22 SEC. 13. That for any occupation in which only a mini-
23 mum time-rate wage has been established, the Board may
24 issue to a woman whose earning capacity has been impaired

1 by age or otherwise, a special license authorizing her em-
2 ployment at such wage less than such minimum time-rate
3 wage as shall be fixed by the Board and stated in the license.

4 SEC. 14. That the Board may at any time inquire into
5 wages of minors employed in any occupation in the District
6 of Columbia, and determine suitable wages for them. When
7 the Board has made such determination it may make such
8 an order as may be proper or necessary to carry such deter-
9 mination into effect. Such order shall become effective
10 sixty days after it is made; and after such order becomes
11 effective and while it is effective it shall be unlawful for any
12 employer in such occupation to employ a minor at less wages
13 than are specified or required in or by such order.

14 SEC. 15. That any conference may make a separate
15 inquiry into and report on any branch of any occupation,
16 and the Board may make a separate order affecting any
17 branch of any occupation.

18 SEC. 16. That the Board shall from time to time inves-
19 tigate and ascertain whether or not employers in the District
20 of Columbia are observing and complying with its orders,
21 and shall report to the corporation counsel of the District
22 of Columbia all violations of this Act.

23 SEC. 17. That all questions of fact arising under the
24 foregoing provisions of this Act shall, except as otherwise

1 herein provided, be determined by the Board, and there shall
2 be no appeal from the decision of the Board on any such
3 question of fact; but there shall be a right of appeal from
4 the Board to the Supreme Court of the District of Columbia
5 from any ruling or holding on a question of law included
6 or embodied in any decision or order of the Board; and,
7 on the same question of law, from such court to the Court of
8 Appeals of the District of Columbia. In all such appeals
9 the corporation counsel shall appear for and represent the
10 Board.

11 SEC. 18. That whoever violates this Act, whether an
12 employer or his agent, or the director, officer, or agent of
13 any corporation, shall be deemed guilty of a misdemeanor;
14 and, upon conviction thereof, shall be punished by a fine of
15 not less than \$25 nor more than \$100, or by imprisonment
16 not less than ten days nor more than three months, or by
17 both such fine and imprisonment.

18 SEC. 19. That any employer and his agent, or the
19 director, officer, or agent of any corporation, who discharges
20 or in any other manner discriminates against any employee
21 because such employee has served or is about to serve on any
22 conference, or has testified or is about to testify, or because
23 such employer believes that said employee may serve on any
24 conference or may testify in any investigation or proceedings

1 under or relative to this Act, shall be deemed guilty of a
2 misdemeanor; and, upon conviction thereof, shall be pun-
3 ished by a fine of not less than \$25 nor more than \$100.

4 SEC. 20. That any act which, if done or omitted to be
5 done by any agent or officer or director acting for such em-
6 ployer, would constitute a violation of this Act, shall also
7 be held to be a violation by the employer and subject such
8 employer to the liability provided for by this Act.

9 SEC. 21. That prosecutions for violations of this Act
10 shall be on information filed in the police court of the
11 District of Columbia by the corporation counsel.

12 SEC. 22. That if any woman worker is paid by her
13 employer less than the minimum wage to which she is
14 entitled under or by virtue of an order of the Board, she may
15 recover in a civil action the full amount of such minimum
16 wage, less any amount actually paid to her by the employer,
17 together with such reasonable attorney's fees as may be
18 allowed by the court; and any agreement for her to work for
19 less than such minimum wage shall be no defense to such
20 action.

21 SEC. 23. That this Act shall be known as the "District
22 of Columbia minimum-wage law." The purposes of the
23 Act are to protect the women and minors of the District
24 from conditions detrimental to their health and morals,
25 resulting from wages which are inadequate to maintain

1 decent standards of living; and the Act in each of its pro-
2 visions and in its entirety shall be interpreted to effectuate
3 these purposes.

Passed the House of Representatives August 26, 1918.

Attest:

SOUTH TRIMBLE,

Clerk.

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