

65TH CONGRESS,  
2D SESSION.

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# S. 3993.

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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1918.

Mr. TRAMMELL introduced the following bill; which was read twice and referred to the Committee on the District of Columbia.

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## A BILL

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 to provide penalties for violation of this Act.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That it shall be unlawful to employ women in any occupa-  
4       tion within the District of Columbia for wages which are  
5       inadequate to supply the necessary cost of living to maintain  
6       them in health and to protect their morals; and it shall be  
7       unlawful to employ minors in any occupation within the  
8       District of Columbia for unreasonably low wages.

1        SEC. 2. That there is hereby created a board composed  
2 of three members, which shall be known as the "minimum  
3 wage board"; and the word board as hereinafter used  
4 refers to and means said minimum wage board; and the  
5 word member as hereinafter used refers to and means a  
6 member of said minimum wage board. Said members shall  
7 be appointed by the Commissioners of the District of Co-  
8 lumbia. The Commissioners of the District of Columbia  
9 shall make their first appointment hereunder within thirty  
10 days after this bill becomes a law; and of the three mem-  
11 bers first appointed, one shall hold office until January  
12 first, nineteen hundred and nineteen, and another shall hold  
13 office until January first, nineteen hundred and twenty, and  
14 the third shall hold office until January first, nineteen  
15 hundred and twenty-one; and the commissioners shall desig-  
16 nate the terms of each of said three first appointees. On  
17 or before the first day of January of each year, beginning  
18 with the year nineteen hundred and nineteen, the commis-  
19 sioners shall appoint a member to succeed the member whose  
20 term expires on said first day of January; and such new  
21 appointees shall hold office for the term of three years from  
22 said first day of January. Each member shall hold office  
23 until his successor is appointed and has qualified; and any  
24 vacancy that may occur in the membership of said board  
25 shall be filled by appointment by the Commissioners of the

1 District of Columbia for the unexpired portion of the term  
2 in which such vacancy occurs. A majority of said members  
3 shall constitute a quorum to transact business, and the act or  
4 decision of such a majority shall be deemed the act or decision  
5 of said board; and no vacancy shall impair the right of the  
6 remaining members to exercise all the powers of said board.  
7 The Commissioners of the District of Columbia shall, so far  
8 as practicable, so select and appoint said members, both the  
9 original appointments and all subsequent appointments; that  
10 at all times one of said members shall represent the inter-  
11 ests of the employing class and one of said members shall  
12 represent the employed class, and the third of said members  
13 shall be one who will be fair and impartial between employers  
14 and employees and work for the best interests of the public as  
15 a whole.

16 SEC. 3. That the first members appointed under this  
17 Act shall, within twenty days after their appointment, meet  
18 and organize said board by electing one of their number  
19 as chairman thereof and by choosing a secretary of said  
20 board; and by or before the tenth day of January of each  
21 year, beginning with the year nineteen hundred and nine-  
22 teen, said members shall elect a chairman and choose a  
23 secretary for the ensuing year. Each such chairman and  
24 each such secretary shall hold his or her position until  
25 his or her successor is elected or chosen; but said board

1 may at any time remove any secretary chosen hereunder.  
2 Said secretary shall not be a member; and said secretary  
3 shall perform such duties as may be prescribed and receive  
4 such salary as may be fixed by the board. None of said  
5 members shall receive any salary as such. The board shall  
6 have power to employ agents and such other assistants as  
7 may be necessary for the proper performance of its duties.  
8 With the exception of the secretary, all employees of the  
9 board shall be a part of the classified civil service and shall  
10 enter the service under such rules and regulations as may  
11 be prescribed by the board and by the Civil Service Com-  
12 mission. All authorized and necessary expenses of said  
13 board and all authorized and necessary expenditures incurred  
14 by said board shall be audited and paid as other District of  
15 Columbia expenses and expenditures are audited and paid.

16       SEC. 4. That said board is hereby authorized and em-  
17 powered to ascertain and declare, in the manner hereinafter  
18 provided, the following things: (a) Standards of mini-  
19 mum wages for women in any occupation within the  
20 District of Columbia and what wages are adequate to supply  
21 the necessary cost of living to any such women workers  
22 and to maintain them in good health and to protect their  
23 morals; and (b) standards of minimum wages for minors  
24 in any occupation within the District of Columbia, and

1 what wages are unreasonably low for any such minor  
2 workers.

3       SEC. 5. That said board shall have full power and  
4 authority to investigate and ascertain the wages of women  
5 and minors in the different occupations in which they are  
6 employed in the District of Columbia; and said board  
7 shall have full power and authority, either through any  
8 authorized representative or any member, to inspect and  
9 examine any and all books and pay rolls and other records  
10 of any employer of women or minors that in any way  
11 appertain to or have a bearing upon the question of wages  
12 of any such women or minor workers in any of said occu-  
13 pations, and to require from such employer full and true  
14 statements of the wages paid to all women and minors in  
15 his employment.

16       SEC. 6. That every employer of women or minors shall  
17 keep a register of the names of all women and all minors  
18 employed by him and of all payments made to such women  
19 and minors and hours worked by them, whether paid by  
20 the time or by the piece, and shall, on request, permit any  
21 member or authorized representative of said board to inspect  
22 and examine such register. The word "minor" as used  
23 in this Act refers to and means any person of either sex  
24 under the age of eighteen years, and the word "woman"

1 as used in this Act refers to and means a female person of or  
2 over the age of eighteen years.

3 SEC. 7. That said board may hold meetings for the  
4 transaction of any of its business at such times and places  
5 as it may prescribe; and said board may hold public hearings  
6 at such times and places as it deems fit and proper for the  
7 purpose of investigating any of the matters it is authorized  
8 to investigate by this Act. At any such public hearing  
9 any persons interested in the matter being investigated may  
10 appear and testify. The board or any member thereof  
11 shall have power to administer oaths, require by subpoena  
12 the attendance and testimony of witnesses, the production  
13 of all books, registers, and other evidence relative to any  
14 matter under investigation, at any such public hearing or  
15 at any session of any conference held as hereinafter pro-  
16 vided. In case of disobedience to a subpoena the board  
17 may invoke the aid of the Supreme Court of the District of  
18 Columbia in requiring the attendance and testimony of wit-  
19 nesses and the production of documentary evidence. In  
20 case of contumacy or refusal to obey a subpoena the court  
21 may issue an order requiring appearance before the board,  
22 the production of documentary evidence, and the giving of  
23 evidence touching the matter in question, and any failure to  
24 obey such order of court may be punished by such court as  
25 a contempt thereof. All witnesses subpoenaed by said board

1 shall be paid the same mileage and per diem as are allowed  
2 by law to witnesses in civil cases in the Supreme Court of  
3 the District of Columbia.

4 SEC. 8. That if, after investigation, said board is of  
5 opinion that any substantial number of women workers in  
6 any occupation are receiving wages inadequate to supply  
7 them with the necessary cost of living and maintain them  
8 in health and protect their morals, said board may call and  
9 convene a conference for the purpose and with the powers  
10 of considering and inquiring into and reporting on the sub-  
11 ject investigated by such board and submitted by it to such  
12 conference. Such conference shall be composed of not more  
13 than three representatives of the employers in said occupa-  
14 tion and of an equal number of the representatives of the  
15 employees in said occupation and of not more than three  
16 disinterested persons representing the public and of one or  
17 more members of the board. Said board shall name and  
18 appoint all the members of such conference and designate  
19 the chairman thereof. Said board shall present to such  
20 conference all information and evidence in the possession or  
21 under the control of said board which relates to the subject  
22 of the inquiry by such conference; and said board shall cause  
23 to be brought before such conference any witnesses whose  
24 testimony said board deems material to the subject of the  
25 inquiry by such conference. After completing its consid-

1 eration of and inquiry into the subject submitted to it by  
2 said board, such conference shall make and transmit to said  
3 board a report containing the findings and recommendations  
4 of such conference on said subject. Accordingly as the  
5 subject submitted to it may require, such conference shall, in  
6 its report, make recommendations concerning the particular  
7 occupations under inquiry on standards of minimum wages  
8 for women workers and what wages are adequate to supply  
9 the necessary cost of living to women workers and maintain  
10 them in health and to protect their morals. In its recom-  
11 mendations on a question of wages such conference shall,  
12 where it appears that any substantial number of women  
13 workers in the occupation under inquiry are being paid by  
14 piece rates as distinguished from time rates recommend  
15 minimum piece rates as well as minimum time rates and  
16 recommend such minimum piece rates as will in its judg-  
17 ment be adequate to supply the necessary cost of living to  
18 women workers of average ordinary ability and maintain  
19 them in health and protect their morals; and in its recom-  
20 mendations on a question of wages such conference shall,  
21 when it appears proper or necessary, recommend suitable  
22 minimum wages for learners and apprentices and the maxi-  
23 mum length of time any woman worker may be kept at  
24 such wages as a learner or apprentice, which said wages  
25 shall be less than the regular minimum wages recommended



1 for the regular women workers in the occupation under  
2 inquiry. Two-thirds of the members of any such confer-  
3 ence shall constitute a quorum, and the decision or recom-  
4 mendation or report of such conference on any subject sub-  
5 mitted shall require a vote of not less than a majority of all  
6 the members of the conference.

7 .SEC. 9. That upon receipt of any report from any con-  
8 ference, said board shall consider and review the recom-  
9 mendations contained in said report; and said board may  
10 approve any or all of said recommendations or disapprove  
11 any or all of said recommendations; and said board may re-  
12 submit to the same conference, or a new conference, any  
13 subject covered by any recommendations so disapproved.  
14 If said board approves any recommendations contained in  
15 any report from any conference, said board shall publish  
16 notice, not less than once a week for four successive weeks in  
17 not less than two newspapers of general circulation published  
18 in the District of Columbia, that it will on a date and at a  
19 place named in said notice, hold a public meeting at which  
20 all persons in favor of or opposed to said recommendations  
21 will be given a hearing; and, after said publication of said  
22 notice and said meeting, said board may, in its discretion,  
23 make and render such an order as may be proper or neces-  
24 sary to adopt such recommendations and carry the same into

1 effect, and require all employers in the occupation affected  
2 thereby to observe and comply with such recommendations  
3 and said order. Said order shall become effective in sixty  
4 days after it is made and rendered and shall be in full force  
5 and effect on and after the sixtieth day following its making  
6 and rendition. After said order becomes effective and while  
7 it is effective, it shall be unlawful for any employer to violate  
8 or disregard any of the terms or provisions of said order or  
9 to employ any woman worker in any occupation covered by  
10 said order at lower wages than are authorized or permitted  
11 by said order. Said board shall, as far as is practicable, mail  
12 a copy of any such order to every employer affected thereby;  
13 and every employer affected by any such order shall keep a  
14 copy thereof posted in a conspicuous place in each room in  
15 his establishment in which women workers work.

16       SEC. 10. That for any occupation in which only a  
17 minimum time rate wage has been established, said board  
18 may issue to a woman physically defective or crippled by  
19 age or otherwise impaired, a special license authorizing  
20 her employment at such wage less than said minimum  
21 time rate wage as shall be fixed by said board and stated  
22 in said license.

23       SEC. 11. That said board may at any time inquire  
24 into wages of minors employed in any occupation in the  
25 District of Columbia and determine suitable wages for such

1 minors. When said board has made such determination.  
2 it may issue an obligatory order in the manner provided  
3 for in section nine of this Act, and after such order is  
4 effective, it shall be unlawful for any employer in said occu-  
5 pation to employ a minor at less wages than are specified  
6 or required in or by said order.

7       SEC. 12. That the word "occupation" as used in this  
8 Act shall be so construed as to include any business, industry,  
9 trade, or branch of a trade. Any conference may make a  
10 separate inquiry into and report on any branch of any occu-  
11 pation: and said board may make a separate order affecting  
12 any branch of any occupation.

13       SEC. 13. That said board shall, from time to time,  
14 investigate and ascertain whether or not employers in the  
15 District of Columbia are observing and complying with  
16 its orders, and take such steps as may be necessary to have  
17 prosecuted such employers as are not observing or com-  
18 plying with its orders.

19       SEC. 14. That to assist the board in carrying out this  
20 Act the Commissioners of the District of Columbia shall at  
21 all times give to said board any information or statistics in  
22 their possession under the Act of Congress approved Feb-  
23 ruary twenty-fourth, nineteen hundred and fourteen, enti-  
24 tled "An Act to regulate the hours of employment and safe-

1 guard the health of females employed in the District of Co-  
2 lumbia” (Public. numbered sixty, Sixty-third Congress).

3       SEC. 15. That said board is hereby authorized and em-  
4 powered to prepare and adopt and promulgate rules and  
5 regulations for the carrying into effect of the foregoing pro-  
6 visions of this Act, including rules and regulations for the  
7 selection of members and the mode of procedure of con-  
8 ferences.

9       SEC. 16. That all questions of fact arising under the  
10 foregoing provisions of this Act shall, except as otherwise  
11 herein provided, be determined by said board, and there  
12 shall be no appeal from the decision of said board on any  
13 such question of fact; but there shall be a right of appeal  
14 from said board to the Supreme Court of the District of  
15 Columbia from any ruling or holding on a question of law  
16 included in or embodied in any decision or order of said  
17 board and on the same question of law from said court  
18 to the Court of Appeals of the District of Columbia. In  
19 all such appeals the corporation counsel shall appear for  
20 and represent said board.

21       SEC. 17. That any person who violates any of the  
22 foregoing provisions of this Act shall be deemed guilty of a  
23 misdemeanor, and upon conviction thereof shall be punished  
24 by a fine of not less than \$25 nor more than \$100, or by im-  
25 prisonment for not less than ten days nor more than three

1 months, or by both such fine and imprisonment, in the dis-  
2 cretion of the court.

3       SEC. 18. That any employer who discharges or in any  
4 other manner discriminates against any employees because  
5 such employee has served or is about to serve on any con-  
6 ference, or has testified, or is about to testify, or because  
7 such employer believes that said employee may serve on  
8 any conference or may testify in any investigation or pro-  
9 ceedings under or relative to this Act, shall be deemed  
10 guilty of a misdemeanor, and upon conviction thereof shall  
11 be punished by a fine of not less than \$25 nor more than  
12 \$100.

13       SEC. 19. That prosecutions for violations of the pro-  
14 visions of this Act shall be on information filed in the police  
15 court of the District of Columbia by the corporation counsel  
16 of said District or any of his assistants duly authorized to  
17 act for him.

18       SEC. 20. That if any woman worker shall be paid by  
19 her employer less than the minimum wage to which she is  
20 entitled under or by virtue of an order of said board, she  
21 may recover in a civil action the full amount of her said  
22 minimum wage, less any amount actually paid to her by said  
23 employer, together with such attorney's fees as may be  
24 allowed by the court; and any agreement by her to work

1 for less than such minimum wage shall be no defense to such  
2 action.

3 SEC. 21. That said board shall, on or before the first day  
4 of January of the year nineteen hundred and nineteen, and of  
5 each year thereafter, make a report to the Commissioners of  
6 the District of Columbia of its work and the proceedings  
7 under this Act during the preceding year.

8 SEC. 22. That there is hereby appropriated the sum of  
9 \$5,000 per annum, or so much thereof as may be necessary to  
10 carry into effect the provisions of this Act and to pay the  
11 expenses and expenditures authorized by or incurred under  
12 this Act, said sum to be payable one half out of any money  
13 in the Treasury not otherwise appropriated and the other  
14 half out of the revenues of the District of Columbia.

15 SEC. 23. That this Act shall be known as "The District  
16 of Columbia minimum wage law." The purposes of said Act  
17 are to protect the women and minors of the District from con-  
18 ditions detrimental to their health and morals resulting from  
19 wages which are inadequate to maintain decent standards of  
20 living, and the Act in each of its provisions and in its entirety  
21 shall be interpreted to effectuate these purposes.

22 SEC. 24. That this Act shall become operative six  
23 months after the date of its enactment.

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# A BILL

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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 to provide penalties for violation of this Act.

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By Mr. TRAMMELL.

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FEBRUARY 28, 1918.—Read twice and referred to the Committee on the District of Columbia.