

65TH CONGRESS,
2D SESSION.

Calendar No. 444.
S. 4548.

[Report No. 486.]

IN THE SENATE OF THE UNITED STATES.

MAY 16, 1918.

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

JUNE 7, 1918.

Reported by Mr. HOLLIS, with amendments.

[Omit the part struck through and insert the part printed in italic.]

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 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;

1 The term “minor” means a person of either sex under
2 the age of eighteen years;

3 The term “occupation” includes a business, industry,
4 trade, or branch thereof.

5 SEC. 2. That there is hereby created a Board to be
6 known as the “Minimum Wage Board,” and to be composed
7 of three members to be appointed by the Commissioners of
8 the District of Columbia. As far as practicable, the mem-
9 bers shall be so chosen that one will represent the interests
10 of the employing class, one the interests of the employed
11 class, and the third will be fair and impartial between em-
12 ployers and employees and work for the best interests of the
13 public as a whole.

14 The Commissioners shall make their first appointments
15 hereunder within thirty days after this Act takes effect, and
16 shall designate one of the three members first appointed to
17 hold office until January first, nineteen hundred and nine-
18 teen, one to hold office until January first, nineteen hundred
19 and twenty, and one to hold office until January first, nine-
20 teen hundred and twenty-one. On or before the first day
21 of January of each year, beginning with the year nineteen
22 hundred and nineteen, the Commissioners shall appoint a
23 member to succeed the member whose term expires on such
24 first day of January, and such new appointee shall hold office
25 for the term of three years from such first day of January.

1 Each member shall hold office until his successor is appointed
2 and has qualified; and any vacancy that may occur in the
3 membership of the Board shall be filled by appointment by
4 the Commissioners for the unexpired portion of the term.

5 A majority of the members shall constitute a quorum to
6 transact business, and the act or decision of such a majority
7 shall be deemed the act or decision of the Board; and no
8 vacancy shall impair the right of the remaining members
9 to exercise all the powers of the Board.

10 SEC. 3. That the first members appointed shall, within
11 twenty days after their appointment, meet and organize the
12 Board by electing one of their number as chairman and by
13 choosing a secretary, who shall not be a member of the
14 Board; and on or before the tenth day of January of each
15 year thereafter the Board shall elect a chairman and choose
16 a secretary for the ensuing year. The chairman and the sec-
17 retary shall each hold office until his successor is elected or
18 chosen; but the Board may at any time remove the secretary.
19 The secretary shall perform such duties as may be prescribed
20 and receive such salary, *not exceeding \$2,000 annually*, as
21 may be fixed by the Board. ~~None of the members shall re-~~
22 ~~ceive any salary as such.~~ *The members shall receive their*
23 *reasonable expenses, and \$5 for each day of actual service.*
24 The Board shall have power to employ agents and such other
25 assistants as may be necessary for the proper performance of
26 its duties.

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. The Board or any member thereof
4 shall have power to administer oaths and 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. All witnesses subpoenaed
19 by the Board shall be paid the same mileage and per diem
20 as are allowed by law to witnesses in civil cases in the
21 Supreme Court of the District of Columbia.

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

1 SEC. 6. That the Board shall, on or before the first
2 day of January of the year nineteen hundred and nineteen,
3 and of each year thereafter, make a report to the Commis-
4 sioners of its work and the proceedings under this Act.

5 SEC. 7. That there is hereby authorized to be appro-
6 priated for the fiscal year ending June thirtieth, nineteen
7 hundred and nineteen, the sum of \$5,000, or so much thereof
8 as may be necessary to carry into effect the provisions of this
9 Act, and to pay the expenses and expenditures authorized
10 by or incurred under this Act, such sum to be payable one
11 half out of any money in the Treasury not otherwise appro-
12 priated and the other half out of the revenues of the District
13 of Columbia.

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

1 Every employer shall keep a register of the names of
2 . the women and minors employed by him in any occupa-
3 tion in the District of Columbia, of the hours worked by
4 each, and of all payments made to each, whether paid by
5 the time or by the piece; and shall, on request, permit any
6 member or authorized representative of the Board to examine
7 such register.

8 To assist the Board in carrying out this Act the Com-
9 missioners shall at all times give it any information or sta-
10 tistics in their possession under the Act of Congress approved
11 February twenty-fourth, nineteen hundred and fourteen, en-
12 titled "An Act to regulate the hours of employment and
13 safeguard the health of females employed in the District of
14 Columbia." (Public numbered sixty, Sixty-third Congress.)

15 SEC. 9. That the Board is hereby authorized and em-
16 powered to ascertain and declare, in the manner hereinafter
17 provided, the following things: (a) Standards of minimum
18 wages for women in any occupation within the District of
19 Columbia and what wages are inadequate to supply the nec-
20 essary cost of living to any such women workers and to
21 maintain them in good health and to protect their morals;
22 and (b) standards of minimum wages for minors in any
23 occupation within the District of Columbia and what wages
24 are unreasonably low for any such minor workers.

1 SEC. 10. That if, after investigation, the Board is of
2 opinion that any substantial number of women workers in
3 any occupation are receiving wages inadequate to supply
4 them with the necessary cost of living and maintain them in
5 health and protect their morals, it may call and convene a
6 conference for the purpose and with the powers of consider-
7 ing and inquiring into and reporting on the subject investi-
8 gated by the Board and submitted by it to such conference.
9 The conference shall be composed of not more than three
10 representatives of the employers in such occupation, of an
11 equal number of representatives of the employees in such
12 occupation, of not more than three disinterested persons
13 representing the public, and of one or more members of the
14 Board. The Board shall name and appoint all the members
15 of the conference and designate the chairman thereof. *Each*
16 *member shall receive his reasonable expenses, and \$5 for each*
17 *day of actual service.* Two-thirds of the members of the
18 conference shall constitute a quorum, and the decision or
19 recommendation or report of the conference on any subject
20 submitted shall require a vote of not less than a majority of
21 all its members.

22 The Board shall present to the conference all the
23 information and evidence in its possession or control relating
24 to the subject of the inquiry by the conference, and shall
25 cause to be brought before the conference any witnesses
26 whose testimony the Board deems material.

1 SEC. 11. That after completing its consideration of and
2 inquiry into the subject submitted to it by the Board, the
3 conference shall make and transmit to the Board a report
4 containing its findings and recommendations on such sub-
5 ject, including recommendations as to standards of minimum
6 wages for women workers in the occupation under inquiry
7 and as to what wages are inadequate to supply the necessary
8 cost of living to women workers in such occupation and to
9 maintain them in health and to protect their morals.

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

1 SEC. 12. That upon receipt of any report from any
2 conference, the Board shall consider and review the rec-
3 ommendations and may approve or disapprove any or all
4 of such recommendations, and may resubmit to the same
5 conference, or a new conference, any subject covered by
6 any recommendations so disapproved.

7 If the Board approves any recommendations contained
8 in any report from any conference, it shall publish notice,
9 not less than once a week for four successive weeks in
10 not less than two newspapers of general circulation pub-
11 lished in the District of Columbia, that it will on a date
12 and at a place named in the notice hold a public hearing
13 at which all persons in favor of or opposed to such recom-
14 mendations will be heard.

15 After such hearing the Board may, in its discretion,
16 make and render such an order as may be proper or neces-
17 sary to adopt such recommendations and carry them into
18 effect, requiring all employers in the occupation affected
19 thereby to observe and comply with such order. Such order
20 shall become effective in sixty days after it is made and
21 rendered. After such order becomes effective and while it
22 is effective it shall be unlawful for any employer to violate
23 or disregard any of its terms or provisions or to employ any

1 woman worker in any occupation covered by such order at
2 lower wages than are authorized or permitted therein.

3 The Board shall, as far as is practicable, mail a copy
4 of such order to every employer affected thereby: and every
5 employer affected by any such order shall keep a copy thereof
6 posted in a conspicuous place in each room in his establish-
7 ment in which women workers work.

8 SEC. 13. That for any occupation in which only a mini-
9 mum time-rate wage has been established, the Board may
10 issue to a woman physically defective or crippled by age or
11 otherwise impaired, a special license authorizing her em-
12 ployment at such wage less than such minimum time-rate
13 wage as shall be fixed by the Board and stated in the license.

14 SEC. 14. That the Board may at any time inquire into
15 wages of minors employed in any occupation in the District
16 of Columbia and determine suitable wages for such minors.
17 When the Board has made such determination it may make
18 and render such an order as may be proper to or necessary
19 to carry such determination into effect, requiring all em-
20 ployers in the occupation affected thereby to observe and
21 comply with such order. Such order shall become effective
22 in sixty days after it is made and rendered, and after such
23 order becomes effective and while it is effective it shall be
24 unlawful for any employer in such occupation to employ a

1 minor at less wages than are specified or required in or by
2 such order.

3 SEC. 15. That any conference may make a separate
4 inquiry into and report on any branch of any occupation,
5 and the Board may make a separate order affecting any
6 branch of any occupation.

7 SEC. 16. That the Board shall from time to time inves-
8 tigate and ascertain whether or not employers in the District
9 of Columbia are observing and complying with its orders
10 and shall report to the corporation counsel of the District
11 of Columbia all violations of this Act.

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

24 SEC. 18. That whoever violates this Act shall be
25 deemed guilty of a misdemeanor, and upon conviction thereof

1 shall be punished by a fine of not less than \$25 nor more
2 than \$100, or by imprisonment for not less than ten days
3 nor more than three months, or by both such fine and im-
4 prisonment.

5 SEC. 19. That any employer who discharges or in any
6 other manner discriminates against any employee because
7 such employee has served or is about to serve on any confer-
8 ence, or has testified or is about to testify, or because such
9 employer believes that said employee may serve on any con-
10 ference or may testify in any investigation or proceedings
11 under or relative to this Act, shall be deemed guilty of a
12 misdemeanor, and upon conviction thereof shall be punished
13 by a fine of not less than \$25 nor more than \$100, *or by*
14 *imprisonment for not less than ten days nor more than three*
15 *months, or by both such fine and imprisonment.*

16 SEC. 20. That prosecutions for violations of this Act
17 shall be on information filed in the police court of the
18 District of Columbia by the corporation counsel.

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

1 the court; and any agreement for her to work for less than
2 such minimum wage shall be no defense to such action.

3 SEC. 22. That this Act shall be known as the “ District
4 of Columbia minimum-wage law.” The purposes of the
5 Act are to protect the women and minors of the District
6 from conditions detrimental to their health and morals
7 resulting from wages which are inadequate to maintain
8 decent standards of living, and the Act in each of its pro-
9 visions and in its entirety shall be interpreted to effectuate
10 these purposes.

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 for other purposes.

By Mr. TRAMMELL.

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