

The Commonwealth of Massachusetts

REPORT

OF THE

RECESS COMMISSION ON THE EMPLOYMENT OF MINORS

AND

MINIMUM WAGE

JANUARY, 1949

BOSTON
WRIGHT & POTTER PRINTING CO., LEGISLATIVE PRINTERS
32 DERNE STREET

1949

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The Commonwealth of Massachusetts

MEMBERSHIP OF THE RECESS COMMISSION ON THE EMPLOYMENT OF MINORS AND MINIMUM WAGE.

SEN. GEORGE J. EVANS, Wakefield, *Chairman*.
REP. CYRUS BARNES, Nantucket, *Vice-Chairman*.
SEN. MICHAEL H. CONDRON, Pittsfield.
REP. HUGH MORTON, Fall River.
REP. JOSEPH T. CONLEY, Lawrence.
REV. LYMAN RUTLEDGE, Dedham.
ROBERT SALTONSTALL, North Andover.
JOHN R. WRIGHT, Arlington.
JOSEPH P. FAHEY, Brighton.

The Commonwealth of Massachusetts

AUTHORIZATION.

CHAPTER 90.

RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY RELATIVE TO THE EMPLOYMENT OF MINORS AND ESTABLISHING A MINIMUM WAGE.

Resolved, That an unpaid special commission, to consist of two members of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof and four persons to be appointed by the governor, is hereby established for the purpose of studying the advisability of the further regulation of the employment and school attendance of minors under eighteen years of age. Said commission shall also study the subject matter contained in current house documents numbered four hundred and eighty-seven, eight hundred and forty-seven, one thousand and one, fourteen hundred and fourteen, and fourteen hundred and sixty-four. Said commission may expend for clerical and other assistance and expenses such sums as may be appropriated therefor. Said commission shall report to the general court the results of its study, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives not later than the first Wednesday of December in the current year.

Approved June 17, 1948.

The Commonwealth of Massachusetts

REPORT OF THE RECESS COMMISSION ON THE EMPLOYMENT OF MINORS AND MINIMUM WAGE.

JANUARY 12, 1949.

To the General Court of Massachusetts.

Under the provisions of chapter 90 of the Resolves of 1948, a special unpaid Commission was authorized and directed to make an investigation and study relative to the employment of minors and the establishment of a minimum wage within the Commonwealth.

Following the terms of the resolve, the President of the Senate appointed Senators George J. Evans of Wakefield and Michael H. Condron of Pittsfield; the Speaker of the House appointed Representatives Cyrus Barnes of Nantucket, Hugh Morton of Fall River and Joseph T. Conley of Lawrence; and his Excellency the Governor appointed Rev. Lyman Rutledge of Dedham, Robert Saltonstall of North Andover, Charles E. Auslander of Holyoke and Joseph P. Fahey of Brighton. Mr. Auslander subsequently resigned and John R. Wright of Arlington was appointed in his place.

The members of the Commission met in the State House September 22, 1948, and organized with the election of Senator Evans as chairman and Representative Barnes as vice-chairman.

The Commission has been greatly handicapped in its studies and investigations because of an extremely limited appropriation. This made it impossible for the Commission to travel to other parts of the Commonwealth or to leave the Commonwealth to consult state and federal officials and others informed on the subject matter.

Despite that handicap, however, the Commission has held public hearings in the State House and has conferred with officials of the Massachusetts Department of Labor and Industries, union officers and representatives of manufacturing groups and other interested organizations.

Although, under the terms of chapter 90, the Commission also was directed to study the night employment of women, the Massachusetts Federation of Labor, sponsors of the specific proposal, have withdrawn their support of this measure. Therefore the Commission's studies were divided into two major fields, — the advisability of establishing a minimum wage for all employees within the Commonwealth, and the night employment of minors.

MINIMUM WAGE.

The history of minimum wage legislation up to 1946 in Massachusetts was reviewed by a Recess Commission on Wage and Hour Standards in Senate Document No. 530 of 1946, as follows:

Massachusetts enacted the first minimum wage law in the country in 1912. Eight other States followed suit next year, and by 1923 eight more had been added. At that time, however, the United States Supreme Court, by a five to three decision, held a District of Columbia statute unconstitutional, with the result that other States held themselves bound by this ruling and declared their respective statutes unconstitutional.

During this period, Massachusetts administered its law on a recommendatory basis. A mandatory law was enacted in 1934, following the passage of the National Recovery Act. In March, 1937, the United States Supreme Court upheld the State of Washington minimum wage, thereby reversing its earlier decision. Meanwhile, following the United States Supreme Court overthrow of the N. R. A., a 1936 law transferred minimum wage administration in Massachusetts to the Department of Public Health, with the hope of making it more secure as a health measure than it was as a labor measure.

Following the 1937 Supreme Court decision, however, Massachusetts returned its minimum wage administration to the jurisdiction of the Department of Labor and Industries. With only a few minor changes, this law has been effective from 1937 to date.

In effect, this law prescribes basic wage rates for women and minors, occupation by occupation.

A majority of the 1946 Commission recommended the establishment of a minimum wage of 65 cents per hour. A minority, however, recommended that present minimum wage boards be extended to apply to male employees, as well as to women and minors. That minority recommendation was enacted into law by the passage of chapter 545 of the Acts of 1946.

The minimum wage law (chapter 151 of the General Laws) was rectified the following year by chapter 432 of the Acts of 1947, but its basic provisions were left unchanged.

A new definition of "occupations" was inserted by chapter 362 of the Acts of 1948, exempting domestic service in the home of an employer, labor on a farm, work by persons being rehabilitated or trained under special programs in charitable, educational or religious institutions, or work by members of religious orders. The text of this amendment is contained in Appendix A.

Since 1945, five new minimum wage orders have been completed. With the exception of service employees in public housekeeping occupations where tipping is involved, the minimum wage range is 50 cents per hour for inexperienced workers to 62.5 cents per hour for experienced workers. Two orders, now nearing completion, will raise a 40-cent hourly minimum for laundry and dry cleaning workers and for building service employees to an estimated 65 cents.

The latest order, for amusement and recreation occupations, which was issued as a directory October 1, and will become mandatory February 1, 1949, after a trial period, sets a minimum hourly wage of 62.5 cents for regular employees and of 55 cents for casual employees. Believing that greater familiarity with such orders is desirable, the text of this latest order, which is similar to all minimum wage orders, directory or mandatory, is contained in Appendix B.

According to a report of the Division of Employment Security for the year 1947, issued in June, 1948, there were approximately one and one half million workers em-

ployed in all industries in Massachusetts. Of this number, more than 900,000 were employed in various manufacturing or construction concerns, or in transportation, communications or utilities. These workers would not be affected by any state-wide minimum wage, since they come under the provisions of the Federal minimum wage law as being engaged in interstate commerce.

Of the approximately 600,000 workers remaining, all are covered by various minimum wage orders. Half a million are receiving minimums of from 55 to 62.5 cents per hour, with a quarter of a million receiving from 60 to 62.5 cents.

As stated earlier, this Commission has been informed that minimum wage orders calling for a 40-cent hourly minimum for 30,000 workers in laundry and dry cleaning establishments, and for 20,000 building service employees now are in the process of being revised upwards to an estimated 60 cents.

The remaining 25,000 are employed in the manufacture of bakery products or candy, both of which are principally engaged in interstate commerce, thus coming under the provisions of the federal law.

These statistics will be found in the table printed in Appendix C.

Besides Massachusetts, 26 states now have minimum wage laws, according to the latest tabulation available. Three of these — Arkansas, Nevada and South Dakota — fix a rate in the statute.

The Nevada rate, as amended in 1947, sets a minimum wage rate of 50 cents an hour for women and minors in any private employment except domestic service. The South Dakota law as amended in 1945 sets a minimum wage rate of \$15 a week of 54 hours in cities of 2,500 population, and \$12 elsewhere, applicable to women over fourteen years of age in any factory, workshop, mechanical establishment, laundry, hotel, restaurant or packing house. The Arkansas minimum wage rate of \$1.25 per day, established in 1915, applies to women and girls in the following establishments: manufacturing, mechanical

or mercantile, laundry, express or transportation company, hotel, restaurant, eating place, bank, building and loan association, insurance company, finance or credit business, or work in any capacity other than occupation expressly exempted by law.

None of these three "statutory rate" laws applies to men workers.

Minimum wage laws in the remaining 23 States provide for the establishment of minimum wage rates through the use of industry wage boards except in Kansas, where the Commissioner is authorized to set the minimum wage rate directly. Nearly all these States establish minimum wage rates on an industry or occupation basis.

Wisconsin is the only State with an all-occupation wage order which actually applies uniformly to all industries. Two States, Kentucky and Minnesota, also have all-occupation orders, but each also has several wage orders for individual occupations not included in the general order.

State all-occupation wage orders have had considerable difficulty in the courts. The Minnesota order was brought into court several times on collateral attack. The Minnesota Commission has long been afraid that if it is made the subject of direct attack it will be held invalid. Several years ago this Minnesota Commission started to issue a series of industry orders which would gradually supplant the all-occupation order.

In 1941 a California order which covered unclassified occupations was held invalid by the appellate court on the ground that the statutory procedure requiring the appointment of a wage board to represent a particular industry had not been followed. California now has uniform wage rates applicable to all or nearly all industry, but such rates were established through a series of ten revised industry orders effective in June, 1947. The fact that uniform wage rates could be established in ten separate wage orders was due chiefly to the fact that the Industrial Welfare Commission issued the revised orders itself, without going through the procedure of calling wage boards.

This was done on the advice of the then Attorney General, that wage boards were required for the issuance of original orders, but not revised orders. The California Legislature at the 1948 session amended the minimum wage law expressly to require the same procedure in revision of wage orders as in the issuance of orders.

In June, 1946, an all-occupation order of the State of Washington was declared void by a lower Washington court on similar grounds.

Wisconsin is the only State with a blanket order in which the validity of such an order has not, so far as this Commission can learn, been challenged. Lack of such a challenge may be explained in part by the fact, that under the Wisconsin minimum wage law the procedure for issuing a wage order is not expressly set up on an occupation by occupation basis as it is in nearly all the other state minimum wage laws. The Wisconsin law, instead, provides for a general advisory board and authorizes the Commission in establishing the minimum wage to designate the classifications or industries to which it shall apply.

It would seem from the history of minimum wage activities in these States, that blanket rates have not been successful, and that States having them also have had court action resulting in a change. Citations on some of these cases are contained in Appendix D.

A majority of this Commission believes that the advantages of the wage board method now in use in Massachusetts have been amply demonstrated. Like the legislative system, the wage board system is sometimes slow and cumbersome, but, like the legislative system, the wage board system is the most effective that those most informed have yet been able to devise.

Use of wage boards permits the tailoring of a wage order to fit the needs and practices of a particular industry. Representatives of the employees, the employers and the general public have ample opportunity to make sure, not only that their interests are safe-guarded, but that the good of the Commonwealth as a whole is ensured by

promulgating wage rates that will not drive business and industry outside the Commonwealth. At the same time, wage orders can be and are revised frequently to meet changes in living costs and in other conditions.

Therefore a blanket minimum wage is not recommended.

The Commission, however, believes that the effectiveness of the Minimum Wage Division would be greatly increased by the adoption of two proposals, — increasing the number of inspectors and instituting a branch office in western Massachusetts.

A larger force of inspectors would ensure more frequent checks of records and working conditions, which would be desirable, both for the employer, seeking guidance, and for the employee. The Commission believes that carrying out this recommendation will greatly reduce the number of protests that the present minimum wage law of the Commonwealth is inadequate.

At present offices of the Minimum Wage Division are concentrated in Boston. The result of this concentration is that a large number of employees and employers in western Massachusetts have to travel a hundred miles or more to obtain first-hand information. The Commission believes that the interest of the Commonwealth would be served better by the establishment of a properly staffed branch office in Springfield.

Legislation adding twelve inspectors to the staff and providing for the establishment of a Springfield branch is contained in Appendix G.

One major change in the minimum wage law might well be considered, however. By its very phraseology, the basic concept of that law looks backward, not forward, by placing its principal emphasis, not on helping the employee, but on penalizing the employer.

“It is hereby declared to be against public policy for any employer to employ any person in an occupation in this Commonwealth at an oppressive and unreasonable wage, as defined in section 2 . . . ” the opening paragraph begins.

No one, least of all the members of this Commission, would deny that any employer paying “an oppressive

and unreasonable wage" should be penalized. But no one can deny that the basic principle of our or any minimum wage law is intended to ensure the health, efficiency and general well-being of employees.

Therefore this Commission believes that a new declaration of state policy should be substituted in the opening section of chapter 151 as follows:

It is declared to be the policy of this chapter (1) to establish as far as possible minimum wage standards at levels consistent with health, efficiency and general well-being; (2) to safeguard the health, efficiency and well-being of all persons against the unfair competition of wage standards which do not provide such adequate standards of living.

Thus the emphasis would be placed on the betterment of "the health, efficiency and well-being of all persons" rather than on "an oppressive and unreasonable wage." Such a change in concept, we believe, would go far to increase the respect of employer and employee alike for the Massachusetts minimum wage law.

One other change in the present law should be brought about. Section 7 now orders a wage board to submit its report and its recommendations on "minimum fair wage rates." The Minimum Wage Commission has interpreted this to mean that such report and recommendations shall mean on an hourly, daily and weekly basis. It is the belief of this Commission, however, that this should be spelled out in the statutes.

Legislation to accomplish these changes in chapter 151 is contained in Appendix H.

Respectfully submitted,

GEORGE J. EVANS,
Chairman.

CYRUS BARNES,
Vice-Chairman.

HUGH MORTON.

LYMAN V. RUTLEDGE.

ROBERT SALTONSTALL.

SUPPLEMENTARY STATEMENT.

EMPLOYMENT OF MINORS.

The second phase of the Commission's studies was concerned with the night employment of minors. The only change in the present law was sought by those operating summer resorts, hotels, drug stores and bowling alleys. For that reason, the Commission confined itself to an investigation of those fields.

The present law forbids the employment of boys under 16 after 6 P.M. and those under 18 after 10 P.M. This law was suspended during World War II by the Commission of Labor and Industries, and has been suspended again pending the report of this Commission.

Thirty-one States now have laws setting a specific minimum age for pinsetters. Two of these, Kentucky and Wisconsin, have a minimum age of 18 for such employment. The minimum age is 16 in 21 States, 15 in 2 States and 14 in 5. A general minimum age on night employment applies in 5 States, while 6 others have a minimum age only during school hours. A tabulation showing laws of these States will be found in Appendix E.

Forty States now entirely ban night work for those under 16 entirely or after 6 or 7 P.M. Twenty-seven States restrict the night employment of those between 16 and 18, permitting such work in some instances as late as midnight. A tabulation of these laws will be found in Appendix F.

This Commission, however, was concerned, not with the laws of other States, but with the effect of night employment on the youth of Massachusetts. All the

factors governing such employment have been carefully weighed.

It is our belief that it is most desirable for boys and girls to be gainfully employed, provided such employment is under proper conditions, with suitable and careful supervision. Nothing should be permitted which would tend to interfere with the studies, injure the health or corrupt the morals of the young manhood of the Commonwealth.

After conferring with officials of the Massachusetts Department of Labor and Industries, proprietors of hotels, drug stores and bowling alleys, and officers of youth organizations, this Commission believes that, when a boy or girl attains a proper age, employment during the early evening hours can be beneficial rather than harmful, provided proper safeguards are ensured.

This Commission, however, believes that the present laws of the Commonwealth provide such safeguards. Therefore it recommends that such laws be permitted to continue in force, without further suspensions.

This Commission is unanimous in the belief that the labor laws of the Commonwealth should be strengthened to protect employee and employer alike, — the employer from unscrupulous competition, the employee from exploitation by that unscrupulous competition.

We believe that the recommendations submitted herewith will strengthen those laws for the betterment of employee and employer, to the common good of the Commonwealth.

MINORS' EMPLOYMENT AND SCHOOL ATTENDANCE.

The Commission was authorized and directed to study and investigate an additional field, — the effect of the employment of minors on school attendance. Unfortunately, as stated before, facilities for making such a study were not available.

If the Legislature, in its wisdom, deems that such a study should be made, by a future Commission without

such handicaps, this Commission bows to that decision. Meanwhile, that great field with all its implications, involving as it does the future of Massachusetts, must remain untouched.

Respectfully submitted,

GEORGE J. EVANS,

Chairman.

HUGH MORTON.

LYMAN V. RUTLEDGE.

ROBERT SALTONSTALL.

SUPPLEMENTARY STATEMENT.

Like my colleagues, I believe that nothing should be permitted which would tend to interfere with the studies, injure the health or corrupt the morals of the youth of the Commonwealth.

I also believe, however, that employment during vacations should be encouraged as a means of educating youth in the practical realities of life which cannot be taught in schools and educational institutions.

Employment in summer resorts provides a practical education during non-school periods, while at the same time offering many boys and girls an opportunity to save money for educational purposes while enjoying a healthful, restful two months under pleasant conditions at the mountains or seashore of which otherwise they might be deprived.

Accordingly, I recommend that the laws relating to the employment of minors fourteen years of age and older be suspended during the summer vacation period.

Respectfully submitted,

CYRUS BARNES,
Vice-Chairman.

MINORITY REPORT.

This Commission was established by the Legislature for a three-fold purpose, — to study the question of the establishment of a state-wide minimum wage; to study the advisability of further regulation of the employment and school attendance of those under eighteen years of age; and to investigate the employment of minors in the State.

We wish to emphasize the importance of this threefold purpose and the possibilities open to this Commission to afford adequate information to the Legislature and to the people of the Commonwealth in these fields. We do not think that these possibilities have been realized.

The reasons for the failure are in large part to be found in the inadequate provisions made by the Legislature for the proper functioning of this Commission. One indication of this inadequacy can be noted in the appropriation of only \$1,000 to cover the expenses of the Commission's operation on a state-wide study.

With regard to the matter of a state-wide minimum wage, testimony developed before the Commission from the Associated Industries of Massachusetts to the effect that most Massachusetts industries now pay a wage rate of at least 65 cents per hour. On the other hand, further testimony from representatives of the Massachusetts Minimum Wage Commission has shown that many thousands of Massachusetts workers are receiving less than 65 cents per hour. In the light of this testimony, and in the light of the common knowledge and experience of those interested in the welfare of workers in Massachusetts, we recommend the immediate establishment by law of a 65 cents per hour minimum wage in Massachusetts, with

no exemptions. Such a minimum is required as a basic protection for the workers of the Commonwealth and will in no sense impose a burden upon the employers of the Commonwealth, as has been stated in testimony referred to above.

For this purpose, we recommend the adoption by the Legislature of a bill based on House Bill No. 847 of 1948, but amended, however, to protect employees of religious, charitable or educational institutions or agencies; and to raise automatically the minimum of all minimum wage orders to 65 cents per hour, thus providing a 65-cent per hour floor for all wage-earners.

The necessity for such legislation is apparent when we note that the minimum we propose would return a salary of \$26 for a 40-hour work week. That such a salary should be established as a legal minimum in Massachusetts is apparent to all who have any realization of present living costs in the Commonwealth.

With regard to the whole problem of the employment and school attendance of minors in Massachusetts, we wish to note, first, that in the past ten years no study has been made of this problem. The investigation of this Commission was in no sense adequate, nor could it have been, to develop information and material necessary to make a judgment relative to the school attendance of minors and their position in the field of employment. There is great need of such a study, and we recommend that an adequate investigation and survey be made of this problem.

Our own knowledge and investigation, however, warrants the recommendation that the Legislature undertake to establish effective methods for the proper supervision of minors employed within the Commonwealth. Although the Legislature has authorized the employment of minors, we have not been able to discover any effective supervision of such employment.

As a result of our own studies, we recommend the rejection of House Bill No. 1464 of 1948, which would provide for the summer employment of minors from fourteen

to sixteen years of age up to 10 o'clock at night. We do so in the belief that it is not in the best interests of the community or the Commonwealth to employ such minors after 6 P.M.

For the same reason, we recommend, also, the rejection of House Bill No. 487 of 1948, which would enact into law a war-time emergency permission to employ minors fourteen years of age or older in bowling alleys after 6 P.M.

We further recommend that the prohibition against the employment of minors in factories, workshops, manufacturing and mechanical establishments, as proposed in House Bill No. 1001 of 1948, be amended and enacted to prohibit the employment in such establishments of minors under eighteen years of age after 6 P.M.

Respectfully submitted,

JOSEPH P. FAHEY.
JOSEPH T. CONLEY.
MICHAEL H. CONDRON.

APPENDIX A.

CHAPTER 362 OF THE ACTS OF 1948.

AN ACT DEFINING AN "OCCUPATION" UNDER THE MINIMUM WAGE LAW.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is in part to assure the immediate effectiveness of certain existing mandatory minimum wage decrees, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 2 of chapter 151 of the General Laws, as appearing in section 1 of chapter 432 of the acts of 1947, is hereby amended by striking out the ninth paragraph and inserting in place thereof the following paragraph: —

"Occupation", an industry, trade or business or branch thereof or class of work therein, whether operated for profit or otherwise, and any other class of work in which persons are gainfully employed, but shall not include domestic service in the home of the employer, labor on a farm, work by persons being rehabilitated or trained under rehabilitation or training programs in charitable, educational or religious institutions, or work by members of religious orders.

Approved May 24, 1948.

APPENDIX B.

AMUSEMENT AND RECREATION OCCUPATIONS.

(Directory Order No. 27. Effective date, October 1, 1948.)

BASIC WAGE RATES.

No person employed in Amusement and Recreation Occupations shall be paid less than the following minimum wages and wage rates for working time:

Regular employee (per hour)	\$0 62½
Casual employee (per hour)	55
Experienced caddie (per round)	1 25
Inexperienced caddie (per round)	1 00

ADMINISTRATIVE REGULATIONS.

DEFINITIONS.

1. *Amusement and Recreation Industries.* — This order shall apply to all activities and services performed in connection with a business or enterprise engaged in or operated for the purpose of furnishing entertainment or recreation to the public, including but not limited to, motion-picture and other theaters, night clubs, dance halls, bowling alleys, billiard parlors, skating rinks, riding academies, race tracks, amusement parks and centers, athletic fields, ball parks and stadiums, swimming pools and beaches, gymnasiums, golf courses, tennis courts, carnivals, circuses, broadcasting studios, boathouses, arenas, and all other similar establishments.
2. *Amusement and Recreation Occupations.* — Without limiting the generality of the foregoing, the term "amusement and recreation occupations" shall include the work performed by ushers, attendants, announcers, pin boys, ticket collectors, ticket sellers, ticket punchers, billiard rack men, game attendants, amusement machine operators, caddies, vendors, and doormen. This classification covers but is not limited to all non-professional workers who may be engaged in the amusement and recreation industries with the following exceptions:

- (a) The performers whose activities involve the exercise of artistic talent or athletic proficiency.

- (b) Students or members participating in any activities conducted by summer camps for children under 18, schools, colleges, religious organizations, or other non-profit organizations which may be declared exempt by the Minimum Wage Commission.

The final determination as to the definitions, classifications, and occupations falling within this order rests with the Massachusetts Minimum Wage Commission.

The Amusement and Recreation Order shall apply to all activities in the above-defined field which are not specifically governed by any other Massachusetts Minimum Wage Order.

3. *Regular Employee.* — Any person in the amusement and recreation industry who reports for work at specified hours in each week of an employment period as agreed upon by the employer and employee, regardless of weather conditions, time, and public response to specific performances.
4. *Casual Employee.* — Any person in amusement and recreation occupations who is not regularly employed but who reports to work as an extra employee at the direct request of the employer, when such employment depends upon weather conditions, time or public response to specific performances. Pin boys shall be deemed casual employees for the purpose of this order.
5. *Experienced Caddie.* — Any person working as a caddie shall be deemed an experienced caddie if he has "carried" for fifteen 18-hole rounds of golf, whether in connection with the same or any other golf club.
6. *Inexperienced Caddie.* — Any person working as a caddie shall be deemed an inexperienced caddie if he has "carried" for less than fifteen 18-hole rounds of golf, whether in connection with the same or any other golf club.
7. *Employer.* — Any one who directly or indirectly, or through an agent or any authorized representative, employs or exercises control over the wages, hours, or working conditions of any worker in amusement and recreation occupations.
8. *Working Time.* — Includes all time during which an employee is required to be on the employer's premises or to be on duty, or to be at a prescribed work place, except as otherwise stated in this order.
9. *Travel Time.* — Includes time spent in traveling from one place to another at the request of the employer, after the beginning or before the close of the work day.
10. *Meal.* — A "meal" shall provide adequate portions of a variety of wholesome nutritious food, and shall include bread and at least one of the types of food from four of the following groups: (1) fruits or vegetables; (2) cereals, potatoes; (3) eggs, meat or fish; (4) milk, tea or coffee; (5) dessert. An adequate portion of food from group (3) shall be included in each meal and group (5) is excluded from breakfast.

11. *Uniform.* — The term "uniform" includes all special garments, such as dresses, aprons, collars, cuffs, head-dresses, men's coats, aprons, and all other special wearing apparel whatsoever which are worn by the employee as a condition of employment.

REGULATIONS.

1. *Piece Rates.* — The wages paid piece workers shall be so adjusted that every employee shall earn for any given period of employment not less than the time wages herein prescribed for such period.
2. *Commissions.* — Irrespective of what basis of payment is used, whether time rate, commission basis or piece rate, the employee shall be paid not less than the applicable minimum wage each week. Under no circumstances shall commissions be averaged over more than one week.
3. *Tips.* — In no case shall gratuities or tips from patrons or others be counted as part of the minimum wage.
4. *Record of Experience.* — A statement of experience of caddies shall be kept as a part of the records of each golf club.
5. *Reporting for Work with no Work provided.* — Time during which employees are required to wait on the employer's premises and no work is provided by the employer shall be counted as working time. This regulation does not apply to the employment of caddies or pin boys. Caddies and pin boys shall be paid only for the time actually worked.
6. *Minimum Daily Hours.* — An employee who, by request of the employer, reports for duty on any day at the time set by the employer, regardless of whether actual work is assigned, shall be paid for at least two hours on such day at the rate applicable under this order.
7. *Deduction for Meals and Lodging:*
 - (a) *Meals.* — Any employer covered by this order, who furnishes meals to employees, may deduct not more than the following amounts for each meal, as herein defined and actually furnished to each employee: breakfast, 25 cents; luncheon, 40 cents; dinner, 40 cents. No deduction shall be made for meals not eaten.
 - (b) *Lodging.* — Any employer covered by this order, who furnishes rooms for lodging purposes to employees, may deduct not more than \$3.25 per week from the wages of said employees for adequate, decent and sanitary accommodations.
8. *Uniforms.* — Uniforms which employees may be required to wear shall be furnished by the employer, and no deduction shall be made from the minimum wage required by this order on account thereof. It shall be a presumption that uniforms worn by the employees of any establishment are worn as a condition of employment if such uniforms are of similar design, color or material, or form part of the decorative pattern of the establishment or dis-

tinguish the employee as an employee of the concern. No deposit shall be required by an employer from any employee for a uniform or for any other purpose, except by permission of the Minimum Wage Commission. The employer shall launder, clean and maintain uniforms without cost to the employee. Payment to employees for laundry shall not be considered as a part of wages.

9. *Travel Time and Travel Expenses.* — Any employee who is required or permitted to travel from one place to another after the beginning or before the close of the work day shall be compensated for travel time at a rate not less than that called for by this order, and shall be reimbursed for all transportation expenses.
10. *Handicapped Workers.* — No person whose earning capacity has been impaired may be paid less than the minimum wage until a special license issued in accordance with the provisions of section 9 of chapter 151 of the General Laws has been obtained by the employer from the Minimum Wage Commission.
11. *Deductions.* — No deductions, other than those required by law, shall be made from the minimum fair wage rate without the consent of the employee and the approval of the Minimum Wage Commission, nor shall deductions be made from higher wages which will bring them below the minimum, without the consent of the employee and the approval of the Minimum Wage Commission.
12. *Records.* — Every employer shall keep in a form approved by the Commissioner of Labor and Industries the name, address and occupation of each employee as herein defined, together with a record of the hours worked and the wages paid in each week to each employee, and shall make such form and with such certification as the commissioner may prescribe.

MASSACHUSETTS MINIMUM WAGE COMMISSION.

CHESTER T. SKIBINSKI,
Chairman.

ALEXANDER G. LAJOIE.
BENJAMIN G. HULL.

DANIEL J. BOYLE,
Commissioner of Labor and Industries.

HATTIE H. SMITH,
*Assistant Commissioner of Labor and
Industries.*

APPENDIX C.

According to the report of the Division of Employment Security, issued in June, 1948, for the year 1947, there were approximately 1,485,300 workers employed in all industries in Massachusetts. Of this number —

746,600 were employed in manufacturing.

65,000 were employed in construction.

94,640 were employed in transportation, communications and utilities.

906,240

The number engaged in service industries at the present time is approximately 580,000.

INDUSTRY OR OCCUPATION.	Number.	Present Minimum Wage (Cents Per Hour).
Amusement and recreation	20,000	62.5
Beauty culture	13,000	56
Bread and bakery products ¹	15,000	40
Candy ¹	10,000	40
Clerical, technical, etc.	212,000	60
Laundry and dry cleaning ²	30,000	40
Mercantile	145,000	55
Office and building cleaners and other building service employees. ²	20,000	40
Public housekeeping	115,000	55
Total	580,000	—

¹ These orders apply to interstate and intrastate establishments. The minimum wage rate, while 40 cents for these orders, applies to groups that are well organized. Both are principally engaged in interstate commerce.

² These orders are to be revised and their scope increased. The Commission has been informed the new minimum in each will be 65 cents.

APPENDIX D.

WOMEN'S MINIMUM WAGE ORDER FOR UNCLASSIFIED INDUSTRIES HELD VOID BY THE CALIFORNIA SUPERIOR COURT.

(60,301) The People of the State of California, Plaintiff and Respondent, *v.* Sever A. Johnson, Defendant and Appellant.

California Superior Court, Los Angeles, California, Appellate Department. Opinion on rehearing dated January 30, 1941.

Appeal by defendant from judgments of the Municipal Court of the City of Los Angeles, of conviction of violation of the minimum wage law.

California; Minimum Wage Law; Order No. 10A of the California Industrial Welfare Commission, prescribing a blanket minimum wage for industries not covered by specific wage orders, is unauthorized by the State minimum wage statute which requires the administrative agency to afford separate consideration and hearing to each industry affected by its determinations.

Back reference. — Calif. 45,021.

Manuel Ruiz, Jr., 356 South Spring St., Los Angeles, Calif., for Appellant.

Ray L. Chesebro, City Attorney; W. Jos. McFarland, Assistant City Attorney; and Wm. U. Handy, Deputy City Attorney, all of City Hall, Los Angeles, Calif., for Respondent.

(Statement of the Case)

Shaw: Defendant was charged in three counts with paying to women employees a wage less than the minimum wage fixed by an order of the Industrial Welfare Commission, was found guilty on all three counts [was] sentenced and appealed from the judgments. The complaint in each case alleged that he was "an employer of women in an unclassified occupation in the food packing industry." In support of the charges the People introduced in evidence order No. 10A, made by the Industrial Welfare Commission on the 8th day of June, 1923, relating to "unclassified occupations." We hold this order void because it shows on its face that the commission, in making it, disregarded the directions of the legislature by lumping together for consideration and decision a miscellany of unspecified, unsegregated industries, whereas its statutory authority required it to hear and determine matters relating to each separate industry separately.

(Minimum Wage Law Valid)

The order just referred to was made under the provisions of an act authorizing the fixing of minimum wages for women and minors employed in industry. Stats. 1913, p. 632, as amended. No question is raised as to the validity of this act, and as it is substantially like that involved in *West Coast Hotel Co. v. Parrish* (1936), 300 U. S. 379, 81 L. ed. 703 (1 Labor Cases 37), it is undoubtedly valid. It has now been substantially embodied in sections 70-73 and 1171-1203 of the Labor Code enacted in 1937 (Stats. 1937, pp. 185-329).

BLANKET MINIMUM WAGE OF 65 CENTS AN HOUR
DECLARED UNCONSTITUTIONAL IN THE STATE OF
WASHINGTON.

The Department of Labor and Industries of the State of Washington, Industrial Welfare Committee of the State of Washington, promulgated a blanket minimum wage of 65 cents an hour for all females over 18 years of age. The order was taken to court, and it was declared unconstitutional. The citation reads as follows:

(63,397) State ex rel. Bergoust-Wilson Company, a Corporation, et. al., Relators, v. Department of Labor and Industries of the State of Washington, Industrial Welfare Committee of the State of Washington, Earl L. Anderson, Director and Chairman of Industrial Welfare Committee, Ed. W. Schultz, Simon Wampold, Jr., Hazel Bibbard and Dorothy Leavell, as Members of the Industrial Welfare Committee, Respondents.

Washington, Superior Court, Thurston County. No. 22123. September 10, 1946.

Washington; Minimum Wage Law; Validity of Minimum Wage Order No. 1A for Females over 18 Years. — The provisions of Minimum Wage Order No. 1A, covering females over 18 years of age, are invalid on the ground that the Industrial Welfare Committee, in adopting and promulgating the order, failed to comply with the procedural provisions of the Minimum Wage Law. For that reason, the Court vacated the order and enjoined its enforcement against the parties who instituted or joined the suit, or against anyone else.

Back reference. — Wash. 45,501.

R. J. Venables, Venables, Ballinger & Clark, McMicken, Rupp & Scheppe, Steel, McKeloy, Hinke, Evenson & Uhlman, Dalton & Eddleman, Grosscup, Ambler & Stephen, Emory & Howe, Eli Dorsey, and Samuel Bassett & Geisness, all of Seattle, Washington, Crollard & O'Connor, Wenatchee, Washington, Richard F. Schacht, Mount Vernon, Washington, for Relators and Intervenors.

Wilson, J.: This day, to wit, September 10, 1946, this cause came on for hearing upon the demurrer of the respondents and the respond-

ents' motion to quash, the relators and interveners appearing through R. J. Venables, of counsel for their attorneys and the respondents appearing through their attorneys and counsel, Honorable Smith Troy, Attorney General of the State of Washington, and Honorable Harold A. Pebbles, Assistant Attorney General, and Harry Ellsworth Foster, and the several *amicus curiæ* not appearing, and it appearing to the Court from the written stipulation on file herein and from the statements made in open court by counsel of record and from the records and files herein that the Industrial Welfare Committee of the State of Washington failed to comply with the procedural provisions of the Minimum Wage Act of the State of Washington, which is chapter 174 of the Laws of 1913 and subsequent amendments, in promulgating Order No. 1A on or about the 5th day of April, 1946, for which reason the said Industrial Welfare Committee did not possess power to make and promulgate Order No. 1A on or about the 6th day of April, 1946, in consequence of all of which the said Order is void in its entirety to the same extent as if it had never been written.

It is therefore ordered, adjudged and decreed that the Industrial Welfare Committee of the State of Washington did not observe the procedural requirements of the Minimum Wage Act of the State of Washington, which is chapter 174 of the Laws of 1913 and subsequent amendments, in the adoption and promulgation of Minimum Wage Order No. 1A on or about the 6th day of April, 1946, for which reason the Industrial Welfare Committee did not possess the power to make and promulgate Order No. 1A on or about the 6th day of April, 1946, in consequence of all of which the said order is void in its entirety, and that the making of the said order or entry of this decree shall not preclude or in any way interfere with the exercise of any power conferred upon the said committee by law, and the said committee may proceed in the making of future minimum wage orders according to the provisions of the statutes in such cases made and provided as freely as if Order No. 1A had never been made.

It is further ordered, adjudged and decreed that the respondent's motion to quash and the demurrer, both and singular, be and the same hereby are overruled and denied.

It is further ordered, adjudged and decreed that Order No. 1A adopted and promulgated by the Industrial Welfare Committee on or about the 6th day of April, 1946, be and the same hereby is vacated, annulled, cancelled, set aside and for naught held, and the respondents and each of them be and they hereby are permanently restrained and enjoined from enforcing or attempting to enforce the said order against the relators or interveners herein or anyone else. No costs shall be taxed against any of the parties.

APPENDIX E.

STATE MINIMUM-AGE STANDARDS FOR PIN BOYS IN BOWLING ALLEYS.

	States	
I. States setting a specific minimum age for work as pinsetters	30	
18-year minimum age	2	
Kentucky (in public bowling alleys)		
Wisconsin (order lowering age to 16 terminated May 31, 1948)		
16-year minimum age	21	
Alabama	Iowa	North Dakota
Arizona	Louisiana	New Jersey
Arkansas	Maryland (by	Ohio
California	ruling)	Oregon
Connecticut	Massachusetts	Pennsylvania (in
Georgia	Minnesota	public bowling
Illinois	Missouri	alleys)
Indiana	New Mexico ¹	Virginia
15-year minimum age		2
Maine	Washington	
14-year minimum age		5
Colorado	Michigan	Utah (but 16 dur-
Nebraska	Oklahoma	ing school hours)
II. States in which the general minimum age would apply to pinsetters		5
Delaware	14	
Florida	12 (14 during school hours)	
North Carolina	14 (16 during school hours)	
New York	14 (16 during school hours)	
Rhode Island	14 (16 during school hours)	
III. States in which no minimum age would apply as pinsetters outside school hours		6
Idaho (14 during school hours)		
Montana (14 during school hours)		
Nevada (14 during school hours)		
South Carolina (16 during school hours)		
Wyoming (no minimum age provision, but children whose attendance is required at school shall not be employed during school hours)		

¹ New Mexico. An amendment passed during the war lowered the age to 14 under certain conditions. Not clear whether limited to period of war.

States

- IV. States in which no minimum age would apply to pinsetters
outside school hours unless minimum age standard for
“workshop” or “store” would apply to pinsetters . . . 6
- | | |
|---------------|------------------------------------|
| Kansas | South Dakota |
| New Hampshire | Tennessee (14 during school hours) |
| Mississippi | Vermont (14 during school hours) |

APPENDIX F.

NIGHT WORK PROHIBITED FOR MINORS IN FACTORIES AND STORES.

(Hours in parentheses show the night hour the prohibition begins and the morning hour it terminates.)
 [U. S. Department of Labor, Bureau of Labor Standards, December, 1948.]

NIGHT WORK PROHIBITED.		Under 16 Years.	Between 16 and 18 Years.
Not applicable for minors under 16, as their employment in factories and stores is entirely prohibited (Connecticut)		1 State	-
Not applicable in factories for minors under 16, as their employment is entirely prohibited; night work in stores is not prohibited (Montana)		1 State	-
For 12½, 13, or 14 night hours		14 States ¹	2 States (girls only)
Hawaii (6-7) ^{2,3}	North Carolina (6-7)	Hawaii, Puerto Rico.	Oklahoma (6-7) ⁵
Iowa (6-7) ⁴	Ohio (6-7)		Utah (6-7) ⁶
Kansas (6-7)	Oklahoma (6-7) ⁵		
Kentucky (6-7 for children under 15; 8-7 for those 15)	Oregon (6-7)		
Maine (6-6.30) ^{5,6}	Puerto Rico (6-8)		
Massachusetts (6-6.30) ⁷	Utah (6-7) ⁶		
New Jersey (6-7)	Virginia (6-7)		
New York (6-8)	Wisconsin (6-7) ⁵		

¹ These include the following States in which work in factories is prohibited for minors under 16: Alabama, Connecticut, Florida, Georgia, Kentucky, Iowa, Massachusetts, Montana, New Jersey, New York, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Utah, Virginia, West Virginia.

² Employment for parent exempted: Georgia, Hawaii (in non-hazardous occupations performed directly for parent or guardian when child is not legally required to attend school), New Mexico (work for parents or guardians on premises or land owned or occupied by them); Michigan, Missouri.

³ In Hawaii the Commission of Labor and Industrial Relations may change the night work prohibition under certain conditions.

⁴ Stores employing 8 persons or less are exempted: Iowa. Work outside school hours in industries with less than 6 persons exempted: Missouri.

⁵ No prohibition in stores: Maine, Oklahoma, Tennessee, Wisconsin for girls 16 and 17; Rhode Island, for minors 16 and 17.

⁶ Cannery exemption: this exemption may be limited to fruit and vegetable canneries or to canneries for a specified period, or to canneries in rural localities or small towns. In New York, the cannery exemption applies only to boys 16 to 18; in Vermont, the exemption may be obtained for two months a year by industry manufacturing perishable products.

⁷ Except as permitted by Commissioner of Labor and Industries, under chapter 357 of 1947 which expires July 1, 1949.

NIGHT WORK PROHIBITED FOR MINORS IN FACTORIES AND STORES — *Concluded.*

(Hours in parentheses show the night hour the prohibition begins and the morning hour it terminates.)

[U. S. Department of Labor, Bureau of Labor Standards, December, 1948.]

NIGHT WORK PROHIBITED.		Under 16 Years.	Between 16 and 18 Years.
For 12 night hours Alabama (7-7) during school term; other times after 7 p.m., but no morning hour specified) Arizona (7-7) District of Columbia (7-7) Illinois (7-7) Maryland (7-7) ⁶ Minnesota (7-7)	Missouri (7-7) ^{2,4} New Mexico (7-7) ² North Dakota (7-7) Pennsylvania (7-7) Rhode Island (6-6) Tennessee (6-6) ^{5,6} Wyoming (7-7)	12 States ¹ District of Columbia	2 States (girls only): Arizona (7-7) Wisconsin (6-6) ⁵
For 10 to 11½ night hours Arkansas (7-6) Colorado (after 8 p.m. except on special permit) Delaware (7-6) ⁶ Florida (8-6.30) Indiana (7-6) Louisiana (7-6) ⁸	Michigan (9-7; 6-6 for girls in factories) ⁶ Mississippi (7-6) ⁶ Nebraska (8-6) New Hampshire (7-6.30) Vermont (7-6) ⁶ Washington (7-6)	12 States ¹	1 State (both sexes): Washington (7-6) 1 State (girls only): Indiana (7-6)
For 8 or 9 night hours Georgia (9-6) ² Idaho (9-6) South Carolina (8-5) West Virginia (8-5)		4 States ¹	10 States, District of Columbia and Puerto Rico (both sexes): Arkansas (10-6; girls, 10 hours, 9-7) Connecticut (10-6) District of Columbia (10-6; girls, 12 hours, 7-7) Florida (10-6) ⁹ Kansas (9-6) ¹⁰ Kentucky (10-6) Louisiana (10-6; girls, 11 hours, 7-6) ⁸ Massachusetts (10-6) ⁷ Michigan (10-6; 7 hours, 11-6 for minors not attending school; 12 hours, 6-6 for girls in factories) ^{2,6} New Jersey (10-6) Ohio (10-6; girls, 13 hours, 6-7, except 9.30-7 in stores 2 nights a week) ⁶ Puerto Rico (10-6)
			4 States (girls only): North Dakota (after 9 in stores; no prohibition for factories) Pennsylvania (9-6) South Carolina (after 10 in stores; no prohibition for factories) Wyoming (7-6) ⁶

New York (12-6; girls, 9 hours, 9-6, in factories; 10-7, 9 hours in stores)⁵
 North Carolina (12-6; girls, 9 hours, 9-6)
 Rhode Island (11-6)⁶
 Virginia (12-7; girls, 9 hours, 10-7, if in school; 8 hours, 11-7, if not in school)
 2 States (girls only):
 Delaware (11-6)⁶
 Nebraska (1-6)¹¹

21 States, Alaska and Hawaii:
 Alabama
 Alaska
 Colorado
 Georgia
 Hawaii
 Idaho
 Illinois
 Iowa
 Maine
 Maryland
 Minnesota
 Mississippi
 Missouri
 Montana
 Nevada
 New Hampshire
 New Mexico
 Oregon
 South Dakota
 Tennessee
 Texas
 Vermont
 West Virginia

Total, 48 States, Alaska, District of Columbia, Hawaii and Puerto Rico.

2 States and Alaska

—

No prohibition
 Alaska
 Nevada
 South Dakota (after 7 P.M. for minors under 14 in mercantile establishments)

Total, 48 States, Alaska, District of Columbia, Hawaii and Puerto Rico

¹ These include the following States in which work in factories is prohibited for minors under 16: Alabama, Connecticut, Florida, Georgia, Kentucky, Iowa, Massachusetts, Montana, New Jersey, New York, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Utah, Virginia, West Virginia.
² Employment for parent exempted: Georgia, Hawaii (in non-hazardous occupations performed directly for parent or guardian when child is not legally required to attend school), New Mexico (work for parents or guardians on premises or land owned or occupied by them); Michigan, Missouri.
³ Stores employing 8 persons or less are exempted: Iowa. Work outside school hours in industries with less than 6 persons exempted: Missouri.
⁴ No prohibition in stores: Maine, Oklahoma, Tennessee, Wisconsin for girls 16 and 17; Rhode Island, for minors 16 and 17.
⁵ Cannery exemption: this exemption may be limited to fruit and vegetable canneries or to canneries for a specified period, or to canneries in rural localities or small towns. In New York, the cannery exemption applies only to boys 16 to 18; in Vermont, the exemption may be obtained for two months a year by industry manufacturing perishable products.
⁶ Except as permitted by Commissioner of Labor and Industries, under chapter 357 of 1947 which expires July 1, 1949.
⁷ Another Louisiana law, applicable to certain cities, also prohibits night work for females under 18 for 13 night hours in stores and factories, but exempts canneries.
⁸ The Industrial Commission may permit boys 16 and 17 to work beyond 10 P.M. under certain conditions.
⁹ Stores in agricultural communities may remain open until 10 P.M. one night a week from June 1 to September 15 under certain conditions.
¹⁰ Law applies only in metropolitan and first class cities: Nebraska.

PROPOSED LEGISLATION.

APPENDIX G.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Nine.

AN ACT PROVIDING FOR ADDITIONAL INSPECTORS IN THE DIVISION OF MINIMUM WAGE IN THE DEPARTMENT OF LABOR AND INDUSTRIES, AND PROVIDING FOR A BRANCH OFFICE OF SAID DIVISION IN THE CITY OF SPRINGFIELD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding any provision of law
2 governing the number of inspectors in the department
3 of labor and industries, the number of inspectors in
4 the service of the division of minimum wage in said
5 department shall be increased by the appointment
6 of twelve additional inspectors.

1 SECTION 2. Said department of labor and indus-
2 tries shall establish and maintain in the city of Spring-
3 field a branch office, adequately staffed with personnel,
4 for the use of the division of minimum wage in said
5 department in the administration of the minimum
6 wage law.

APPENDIX H.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Nine.

AN ACT MAKING CERTAIN CHANGES IN THE MINIMUM
WAGE LAW, SO CALLED.

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

1 SECTION 1. Chapter 151 of the General Laws is
2 hereby amended by striking out section 1, as ap-
3 pearing in section 1 of chapter 432 of the acts of 1947,
4 and inserting in place thereof the following: —

5 *Section 1.* It is declared to be the policy of this
6 chapter: (1) to establish as far as possible minimum
7 wage standards at levels consistent with health,
8 efficiency and general well-being; and (2) to safe-
9 guard the health, efficiency and well-being of all
10 persons against the unfair competition of wage
11 standards which do not provide adequate standards of
12 living.

1 SECTION 2. Said chapter 151 is hereby further
2 amended by striking out section 2, as amended by
3 chapter 362 of the acts of 1948, and inserting in place
4 thereof the following: —

5 *Section 2.* The following words and phrases as
6 used in this chapter shall have the following mean-

7 ings, unless the context clearly requires otherwise:—
8 “A directory order”, an order the violation of
9 which is not subject to the penalties prescribed in
10 subsection (2) of section nineteen.

11 “A fair wage”, a wage fairly and reasonably com-
12 mensurate with the value of the service or class of
13 service rendered.

14 “A mandatory order”, an order the violation of
15 which is subject to the penalties prescribed in sub-
16 section (2) of section nineteen.

17 “Commission”, the minimum wage commission
18 which is hereby established in the department of
19 labor and industries, but under the control of the
20 commissioner of labor and industries, and which
21 shall consist of the associate commissioners of labor
22 and industries, each of whom shall be entitled to
23 necessary traveling expenses.

24 “Commissioner”, the commissioner of labor and
25 industries.

26 “Department”, the department of labor and
27 industries.

28 “Occupation”, an industry, trade or business or
29 branch thereof or class of work therein, whether
30 operated for profit or otherwise, and any other class
31 of work in which persons are gainfully employed,
32 but shall not include domestic service in the home
33 of the employer, labor on a farm, work by persons
34 being rehabilitated or trained under rehabilitation
35 or training programs in charitable, educational or
36 religious institutions, or work by members of religious
37 orders.

38 “Wage”, legal tender of the United States, or
39 checks on banks convertible into cash on demand at
40 full face value thereof, and may include the reason-

41 able cost, as determined in accordance with sections
42 seven and eight, of furnishing board or lodging to
43 employees, but shall not include tips or gratuities
44 of any kind.

45 "Wage board", a board created as provided in
46 sections four and five.

1 SECTION 3. Said chapter 151 is hereby further
2 amended by striking out section 4, as appearing in
3 said section 1 of said chapter 432, and inserting in
4 place thereof the following: —

5 *Section 4.* The commissioner shall have the power,
6 and it shall be his duty on the petition of fifty or
7 more citizens of the commonwealth, to cause an
8 investigation to be made by any of his authorized
9 representatives, of the wages paid to persons in any
10 occupation in order to ascertain whether any sub-
11 stantial number of persons in such occupation are
12 receiving wages which are less than sufficient to main-
13 tain the health, efficiency and general well-being of
14 such persons. If, on the basis of information in
15 the possession of the commissioner, with or without
16 a special investigation, he is of the opinion that any
17 substantial number of persons in any occupation or
18 occupations are receiving wages which are less than
19 sufficient to maintain the health, efficiency and general
20 well-being of such persons, he shall direct the com-
21 mission to appoint a wage board to report upon the
22 establishment of minimum fair wage rates for such
23 persons in such occupation or occupations.

1 SECTION 4. Said chapter 151 is hereby further
2 amended by striking out section 7, as so appearing,
3 and inserting in place thereof the following: —

4 *Section 7.* Within sixty days of its organization,
5 a wage board shall submit a report, including its
6 recommendations for minimum fair wage rates,
7 which may be on an hourly, daily or weekly basis,
8 and which in no case shall be less than the applicable
9 minimum fair wages prescribed by section three.
10 Such rates to be paid by the employer in the occupa-
11 tion or occupations shall be adequate to maintain a
12 minimum standard of living necessary for the health,
13 efficiency and general well-being of such persons.
14 If its report is not submitted within such time, the
15 commission may constitute a new wage board.

16 In establishing a minimum fair wage for any service
17 or class of service under this chapter, the wage board,
18 without being bound by any technical rules of evi-
19 dence or procedure, (1) may take into account the
20 cost of living and all other relevant circumstances
21 affecting the value of the service or class of service
22 rendered; (2) may be guided by like considerations
23 as would guide a court in a suit for the reasonable
24 value of services rendered where services are rendered
25 at the request of an employer in the absence of an
26 express contract as to the amount of wages to be
27 paid; and (3) may consider the wages paid in the
28 commonwealth for work of like or comparable character
29 by employers who voluntarily maintain minimum
30 fair wage standards.

31 A wage board may differentiate and classify em-
32 ployments in any occupation according to the nature
33 of the service rendered and recommend appropriate
34 minimum fair wage rates for different classes of
35 employment. A wage board may also recommend
36 minimum fair wage rates varying with localities if,
37 in its judgment, conditions make such local differ-

38 entiation proper and will not cause unreasonable
39 discrimination against any locality. A wage board
40 may recommend a suitable scale of rates for learners
41 and apprentices in any occupation or occupations,
42 which scale of learners' and apprentices' rates may
43 be less than the regular minimum fair wage rates
44 recommended for experienced persons in such oc-
45 cupation or occupations. In addition to its report, a
46 wage board may separately recommend such ad-
47 ministrative regulations as it may deem appropriate
48 to safeguard the minimum fair wage rates recom-
49 mended in its report.

