UNITED STATES DEPARTMENT OF LABOR
FRANCES PERKINS, Secretary
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LABOR LAWS OF THE UNITED STATES SERIES

COMPARATIVE DIGEST OF LABOR LEGISLATION

FOR THE STATES OF

ALABAMA, FLORIDA, GEORGIA SOUTH CAROLINA, TENNESSEE

To be used at

THE GEORGIA CONFERENCE ON LABOR LEGISLATION

DECEMBER 13, 1933

ATLANTA, GA.

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BULLETIN OF THE
U. S. BUREAU OF LABOR STATISTICS

No. 603 WASHINGTON DECEMBER 1933

Introduction

At the 1931 conference of governors held in Albany to discuss unemployment, certain governors of the East Central States decided to call a conference of representatives of the State labor departments to discuss the legislation of each State in an effort to secure more uniformity in State labor laws and thereby put the States on an equal basis.

At the invitation of Gov. Gifford Pinchot, of Pennsylvania, the meeting was held in Harrisburg, Pa., on June 18 and 19, 1931, and representatives from the Federal Department of Labor and the labor departments or bureaus of the following States were present: Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia. Certain definite recommendations were made in regard to State labor laws.[1]

In 1933 at the call of the Governor of Massachusetts an interstate conference on labor laws was held in Boston, Mass. Delegates from nine East Central States and the Federal Department of Labor attended this meeting and considered three subjects: A Nation-wide minimum wage law for women and minors, the establishment of public-employment offices throughout the country, and the limitation of the hours of labor for women and minors. A committee made special recommendations on these subjects.[2]

The adoption of codes under the National Recovery Act has to a very large degree made labor regulations uniform among certain groups of States. This act, however, was enacted as an emergency measure and its duration is limited by the terms of the act to a period of 2 years.

Some permanent action is necessary by the States to make the State laws more uniform, and in view of this fact some of the States are organizing interstate commissions to draw up compacts and agreements to aid in establishing uniform labor laws.

To assist in the discussion and ready comparison of the State labor laws at the 1931 Conference on Labor Legislation, a comparative digest of the labor legislation enacted by the States participating in the conference was prepared by the Bureau of Labor Statistics of the Federal Department of Labor. A similar digest of the labor laws for the States of Alabama, Florida, Georgia, South Carolina, and Tennessee has been prepared by the Labor Law Information Service of the

[1] See Monthly Labor Review, August 1931 (p. 42).
[2] Item, March 1933 (p. 537).

United States Bureau of Labor Statistics to provide a basis for discussion and for use as a means of ready comparison of the laws at the Georgia Conference on Labor Legislation to be held in Atlanta.

Due to the comparatively recent industrial development of the five States in question there is a lack of labor legislation. It is the purpose of this publication to present in a concise manner the labor legislation enacted by these States, so that some comparison may be made between these States and between the activities of other State labor departments.

Many States have enacted anti-injunction laws, similar to the Federal anti-injunction statute, limiting the jurisdiction of the courts in labor disputes; some 15 States have also enacted laws declaring antiunion contracts unenforceable as being contrary to the public policy of the State. These laws have not been summarized in this compilation as it is impossible to cover the entire field of labor legislation, and none of the States meeting in conference have enacted laws on either of these subjects. This is also true of the laws providing for the payment of a prevailing-wage rate on public works. While the States of Alabama, Florida, Georgia, South Carolina, and Tennessee have not enacted old-age pension laws, the laws of other States on this subject are covered, and also the minimum-wage laws of other States, as such laws have become increasingly important during the period of economic depression.

As some of the 1933 session laws are not available at this time, the material does not cover all legislative action taken by State legislatures during the current year.

Administration and Enforcement of Labor Laws

The five States covered by this study were, in the early history of our country, primarily agricultural States, and it is only within recent years that great industrialization has taken place. It is therefore natural that the organization of State labor departments has not taken place as rapidly as in some of the leading industrial States, and the administration of labor laws has been handicapped through a lack of funds.

In considering the question of administration and enforcement of labor laws the following outline has been made to give a clear picture of the executive agencies in each State charged with the administration and enforcement of the laws cited elsewhere in the digest.

Alabama

The State of Alabama has no department or bureau of labor among the State executive offices. Certain functions of such a department are carried on by other agencies in the State government. The child welfare department is charged with the duty of enforcing the laws as to the employment of children, with full power of visitation and inspection. There is a chief mine inspector who, with the assistant inspectors, is charged with the inspection of all coal mines and places of employment therein with special reference to works and machinery, ventilation, drainage, general safety, etc.

The Alabama workmen's compensation law is administered by the courts of the State. Although there is a division of workmen's compensation in the department of insurance, such division acts only in a supervisory capacity.

Florida

The State labor inspector administers the labor laws of the State of Florida in regard to the employment of children. Florida has no workmen's compensation law, and therefore no work of this nature is handled by the labor inspector.

Georgia

In 1931 the Georgia law was amended and the State departments reorganized. A department of industrial relations was created under the control and management of 3 directors, 1 of whom, the commissioner of commerce and labor, whose office was specifically retained, is chairman. The powers, duties, and functions of the former department of commerce and labor were transferred to the department of industrial relations. The law prescribes that the department of industrial relations "shall collect and collate information and statistics concerning labor and its relation to capital, showing labor conditions throughout the State; the hours of labor; the earnings of laborers; and their educational, moral, and financial condition, and

the best means of promoting their mental, moral, and material welfare; shall investigate the cause and extent of labor shortage and the migration of labor; shall also collect and collate information and statistics concerning the location, capacity of mills, factories, workshops, and other industries, and actual output of manufactured products, and also the character and amount of labor employed, the kind and quantity of raw material annually used by them, and the capital invested therein; and such other information and statistics concerning the natural resources of the State and the industrial welfare of the citizens as may be deemed necessary and of interest and benefit to the public, and by the dissemination of such data to advertise the various industrial and natural resources of Georgia in order to attract desirable settlers and to bring capital into the State."

Public employment offices are to be operated under the supervision of this department, and the law regulating private employment agencies is administered by the Department of Industrial Relations.

The department is also authorized to "make investigation concerning the operation of the various laws relating to the safety of the life and limb of employees, especially those concerning the employment of child labor, and of women, and he shall take legal steps looking to the proper enforcement and due observance of such laws."

The office of factory inspector created in 1916 has been abolished as well as the Industrial Commission created in 1920 to administer the workmen's compensation law, and this law is now administered by the Department of Industrial Relations.

A public free employment agency is operated in cooperation with the Federal Government.

South Carolina

The Department of Commerce, Agriculture, and Industries performs the functions of a labor department in the State of South Carolina. The commissioner of the department is authorized to collect statistical data relating to—

All departments of labor in this State, such as the hours of labor, cost of living, supply of labor required, estimated number of persons depending on daily labor for their support. Said statistics may be classified as follows:

1. Agriculture.
2. In manufacturing and mechanical industries.
3. In transportation.
4. In clerical and all other skilled and unskilled labor not above enumerated.
5. The amount of capital invested in lands, buildings, machinery, material, and means of production and distribution generally.
6. The number, age, sex, and condition of persons employed; the nature of their employment; the number of hours of labor per day, and the wages received in each of the industries and employments enumerated.
7. The sanitary conditions of factories, foundries, machine shops, mercantile establishments, where five or more people are employed as laborers.
8. The number, condition, and nature of employment of the inmates of the State prison, county jails, and reformatory institutions, and to what extent their employment comes in competition with the labor of artisans and laborers outside of these institutions.
9. All such other information in relation to labor as may seem advisable to further the object sought to be obtained by this article.

Inspectors may be appointed by the commissioners to assist in gathering this information. They may visit and inspect factories, workshops, and other establishments within the State.

Tennessee

The powers of the Tennessee Department of Labor, as prescribed in the law, are:

1. To exercise all the rights, powers, and duties vested by law in the chief mine inspector, the mining statistician, the district mine inspectors, and their assistants and employees.
2. To exercise all the rights, powers, and duties vested by law in the workshop and factory inspector, his deputies, assistants, and employees.
3. To supervise the administration of the workmen's compensation law.
4. To inspect hotels now under the supervision of the food and drug inspector.
5. To collect information on the subject of labor, its relation to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity.
6. To visit and inspect during reasonable hours all shops, factories, and mercantile establishments and other places where workmen are employed as often as necessary, and to cause the provisions of law to be enforced therein.
7. To inspect the sanitary conditions, system of sewerage, system of heating, lighting, and ventilating of rooms where persons are employed at labor, and the means of exit in case of fire or other disaster within or connected with shops and factories.
8. To examine the machinery in and about workshops and factories to see that it is not located so as to be dangerous to employees when engaged in their ordinary duties.
9. To declare and prescribe what safety devices, safeguards, or other means of protection are well adapted to render employees or places of employment safe.
10. To order such reasonable changes in the construction, maintenance, and repair of places of employment as shall render them safe.
11. To require the performance of any act necessary for the protection of life, health, and safety of employees.
12. To collect and compile reliable data, which, if disseminated, would tend to the development of the State by inducing population and capital to come within its borders.

The Department of Labor is organized into five divisions, namely; the Division of Mines, under the chief mine inspector; the Division of Hotel Inspection, in charge of a chief inspector; the Division of Factory Inspection, the head of which is the chief factory inspector; the Division of Fire Prevention, headed by the State fire marshal; the Division of Workmen's Compensation, under the supervision of the superintendent of workmen's compensation. The law provides that the Commissioner of Labor may act as head of the Division of Fire Prevention, Division of Factory Inspection, or the Division of Mines, provided he is thoroughly familiar with the theory and practice of coal mining and not identified with either coal operators or coal miners.

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Arbitration and Conciliation

The settlement of labor disputes by arbitration and mediation has proven successful in many of the States. An enlightened investigation to ascertain the facts as to the cause of the dispute usually leads to a better understanding and to an amicable adjustment of the difficulties. The table below gives a picture of the arbitration and conciliation facilities provided for by law in three of the five States meeting in conference. Florida and Tennessee have no such law.

TABLE 1.—*Provisions of State legislation as to arbitration and conciliation*

State	Administrative agency	Procedure	Decision	Preliminary offer of services	Reports
Alabama. (Code, 1923, secs. 7602–7612.)	State Board of Mediation and Arbitration consisting of 3 persons appointed by Governor for term of 2 years.	Governor notifies board of strike or lockout; it proceeds to place of disturbance and endeavors by mediation to effect amicable adjustment of difficulty. Employer or employee may also submit dispute to board for settlement.	Board must render decision within 10 days after completion of investigation.	Grievances may be submitted to local boards composed of a member selected by labor, one selected by employer, and a third selected by first 2 members.	Chairman of board shall make a report to State legislature of each arbitration effected or investigated and results.
Georgia. (Acts of 1911, p. 133, sec. 5, as amended by acts of 1931 (No. 298), p. 7.)	Chairman of Department of Industrial Relations.	Law merely provides that chairman may inquire into cause of strikes and lockouts and other disagreements between employer and employee.	Chairman may offer his good offices to contending parties with a view to bringing about friendly and satisfactory adjustments thereof.	----------	Annual report by chairman to Governor to contain information deemed expedient and proper.
South Carolina. (Code, 1932, secs. 6353–6362.)	State Board of Conciliation composed of 3 members appointed by Governor for term of 6 years.	Board to investigate cause of industrial disputes; to remove differences or misunderstanding and endeavor to effect agreement; to act as arbitrators when requested by both sides of a controversy and attempt to induce amicable settlement.	----------	----------	Report of finding of fact to be made as soon as possible to Governor and annually to the State legislature. No report need be made if majority deem it inadvisable.

Employment Agencies—Public and Private

Two tables have been prepared to present the outstanding features of the State laws regarding employment agencies, both public and private. The laws have not been reproduced in this digest. For latest information on this subject, as well as for a complete text of the State and Federal laws, see Bureau of Labor Statistics Bulletin No. 581, entitled "Laws Relating to Employment Agencies in the United States." None of the five Southern States meeting in conference have taken legislative action accepting the provisions of the new Federal act creating a national system of employment agencies. However, two of the States (Georgia and Tennessee) have accepted by a proclamation of the Governors.

TABLE 2.—*Provisions as to State legislation as to employment agencies*

PUBLIC AGENCIES

State	Cooperation with Federal or other public bureaus	Locality	Fees	Supervision	Penalty for violation	Citation
Alabama						
Florida [1]						
Georgia	Free employment bureau in Department of Industrial Relations to cooperate with Federal Employment Service.	No provision.	Prohibited.	Director of Department of Industrial Relations and Federal Director.	None	Acts of 1911, p. 133 (as amended 1913, p. 82; 1917, p. 88; 1920, p. 118).
South Carolina						
Tennessee						

PRIVATE AGENCIES

State	License fee	Records kept	Reports made	Bonds	Regulations concerning fees	Penalty for violations	Citation
Alabama							
Florida	Annual $10 tax paid by owner or manager in certain cities.						Comp. Gen. Laws 1927, sec. 1146.
Georgia	Annual $50 tax in each county in which agency operates.	Yes	Yes	$500		Provision therefor.	Acts of 1911, p. 133 (as amended 1913, p. 82, 1917, p. 88; 1920, p. 118).
South Carolina							
Tennessee	Annual fee of $50 in cities of 25,000, $25 in cities between 5,000 and 25,000, and $10 in cities having less than 5,000 inhabitants.	Yes	Yes	$1,000	Fee to be returned in certain cases.	Provision therefor.	Code 1932, secs. 6694–6709.

[1] In 1933 the State legislature authorized the county commissioners of each county having a population of 155,000 inhabitants to appropriate and spend out of the general fund of the county not more than $200 per month for the purpose of operating a free county employment agency for the indigent poor of the county. The act expires Jan. 1, 1934.

Industrial Health and Safety Laws

Practically all the States have enacted some laws to protect the health and safety of the worker. These laws usually follow about the same outline and cover the same subject matter. Wash rooms, seating facilities where women are employed, proper ventilation, lighting, etc., as well as the general laws requiring safety equipment for use by workers engaged in hazardous employments, are subjects usually covered by such laws. The table below gives a summary of the laws enacted to protect the safety and health of the workers in Alabama, Florida, Georgia, South Carolina, and Tennessee.

The available records indicate that these States have no laws requiring rest rooms in industrial establishments or periodic examinations of workers engaged in hazardous processes, nor is the employer required to furnish an adequate supply of drinking water for the employees. The material in the table is based upon industrial safety and health laws, and does not include safety laws enacted for the protection of employees engaged in construction work or other out-door employments.

TABLE 3.—*Provisions of State legislation as to industrial health and safety* [1]

State	Ventilation, temperature, humidity, lighting, air space	Toilet facilities	Wash and dressing rooms	Seating facilities
Alabama	Report to be made re ventilation in coal mines; sprinkling of dust required.	Regulations where minors or women are employed.		Seats to be provided for females.
Florida		Regulations where minors under 16 are employed.	Suitable washrooms to be supplied where minors under 16 are employed.	Seats to be provided for girls under 16 years of age.
Georgia				Seats to be provided for female employees.
South Carolina		Sufficient and separate water closets required.		Do
Tennessee	250 cu.ft. air space per person, 6 a.m. to 6 p.m.; 400 cu.ft., 6 p.m. to 6 a.m. Provision for fans to carry off dust.	do	Bathhouses to be maintained in connection with mine.	Do.

State	Physical examination on employment	Cleaning and physical upkeep of place of employment	First-aid care and instructions	General health considerations	Equipment for prevention of occupational diseases
Alabama		Employees to report unsafe conditions; safety code provided for coal mines.	Included in safety code for coal mines.		Dust to be sprinkled in coal mine.
Florida	Hotel employees to be examined before employment.	Walls and ceiling to be limewashed or painted where minors are employed.		Regulations in form of safety applicances to protect minors.	
Georgia		Fire escapes required on factories.		Factory inspection	
South Carolina				Factory inspection; sewerage system in mill villages prescribed.	
Tennessee		Workshops must be clean and sanitary; health regulations; fire escapes prescribed.	First-aid equipment and rescue stations to be maintained in mines.	Safety code in mining; factory inspection.	

[1] Does not include rules and regulations of State departments of labor or board of health.

Labor Laws and Regulations Affecting Women

Working Hours of Women

The information contained in the following discussion of State laws affecting the employment of women is taken from articles published in the Monthly Labor Review and from Bulletin No. 98 of the United States Women's Bureau entitled "Labor Laws for Women in the States and Territories."

The following table shows detail information in regard to the types of labor laws enacted by the various States for the protection of women employees.

TABLE 4.—*Labor laws for women, by State or Territory, as of July 1933*

State or Territory	Daily hour limits								Weekly hour limits									Day of rest	Time for meals, rest periods	Night work		Home work	Prohibited or regulated occupations	Seats	Minimum wage
	8	8½	9	10	10½	10½	11	12	48	49½	50	52	54	55	56	57	58	60			Prohibited	Limited				
Alabama																									★	
Arizona	★								★										★					★	★	
Arkansas			★										★						★	★				★	★	
California	★								★										★	★	★		★	★	★	★
Colorado	★																							★	★	★
Connecticut			★	★								★		★			★		★		★		★	★	★	★
Delaware				★										★					★	★	★	★			★	
Florida																									[1]★	
Georgia				[1]★														[1]★							★	
Idaho			★																						★	
Illinois				★																			★	★	★	★
Indiana																					★		★	★	★	
Iowa																									★	
Kansas	★		★						★	★			★						★	★	★	★			★	
Kentucky				★														★							★	
Louisiana			★										★					★		★				★	★	
Maine			★										★							★					★	
Maryland				★														★		★		★	★	★	★	
Massachusetts			★						★											★	★		★	★	★	★
Michigan			★										★										★	★	★	
Minnesota													★											★	★	[2]★
Mississippi				★														★								
Missouri			★										★										★	★	★	
Montana	★																								★	
Nebraska			★										★								★				★	
Nevada	★														★										★	
New Hampshire					★								★									★			★	★
New Jersey				★									★						★		★		★	★	★	★
New Mexico	★		★						★				★		★				★	★					★	
New York	★		★						★	★			★						★	★	★		★	★	★	★
North Carolina				★			★							★						★					★	
North Dakota		★	★						★				★				★		★	★	★				★	★
Ohio			★								★								★	★	★		★	★	★	★
Oklahoma			★										★											★	★	
Oregon			★	★					★						★				★	★	★			★	★	★
Pennsylvania				★									★						★	★	★		★	★	★	
Rhode Island				★									★												★	
South Carolina				[2]★				★						[1]★				★			★				★	
South Dakota				★									★												★	★
Tennessee						★										★							★		★	
Texas			★										★												★	
Utah	★								★															★	★	★
Vermont						★									★									★	★	
Virginia				★																				★	★	
Washington	★																		★	★	★			★	★	★
West Virginia																									★	
Wisconsin			★	★							★			★						★	★	★	★	★	★	★
Wyoming	★								★															★	★	
Number of States	11	1	18	16	1	2	1	1	10	2	2	1	18	5	4	1	2	6	14	17	16	5	14	26	47	16
Dist. of Columbia	★								★										★	★					★	
Philippine Islands																				★				★	★	
Puerto Rico	★								★											★	★	★			★	

[1] Applies to all employees.
[2] The minimum-wage law in Minnesota has been held unconstitutional as applied to adult women.

Information is given in the table below on laws regulating hours of labor for women in effect in Georgia, South Carolina, and Tennessee. There is no legal regulation of women's hours in Alabama [1] or Florida.

TABLE 5.—*Regulation of hours of labor of women by law or commission*

State	Maximum hours		Days	Occupations or industries specified	Citation
	Daily	Weekly			
Georgia	10	60	.....	Cotton and woolen manufacturing establishments. *Exceptions:* Engineers, firemen, watchmen, mechanics, teamsters, yard employees, clerical forces, cleaners, repairmen.	Code, 1911, sec. 3137, as amended by Acts of 1911, p. 65.
South Carolina	10	55	.....	Cotton and woolen establishments manufacturing yarns, cloth, hosiery, and other merchandise. *Exceptions:* Mechanics, engineers, firemen, watchmen, teamsters, yard employees, and clerical force.	Code, 1932, sec. 1466.
	12	60	.....	Mercantile establishments	Idem, sec. 1478.
Tennessee	10½	57	.....	Workshop, factory (i.e., manufacturing, mills, mechanical, electrical, mercantile, art, and laundering establishments, printing, telegraph and telephone offices, department stores, or any kind of establishment using labor or machinery). *Exceptions:* Domestic service and agricultural pursuits.	Code, 1932, secs. 5322–5324.

Laws Governing Nightwork for Women Workers

As shown in table 4, there are 16 States that prohibit nightwork for women in certain industries or occupations. The laws of Indiana, Massachusetts, and Pennsylvania cover only manufacturing, and that of South Carolina (Code, 1932, sec. 1478) covers only mercantile establishments. In both Ohio and Washington only one very small group is covered—i.e., ticket sellers in Ohio and elevator operators in Washington. In the remaining 10 States 2 or more industries or occupations are included. Maryland and New Hampshire limit the hours that a woman may work at night to 8, although on day work Maryland allows women to work 10 hours and New Hampshire 10¼ hours. The Puerto Rican law prohibits nightwork in any lucrative occupations, with certain exceptions.

The most common period during which nightwork is prohibited is from 10 p.m. to 6 a.m. A few of the States set only an evening limit after which work is not permitted. The longest period of time during which nightwork is prohibited is from 6 p.m. to 6 a.m. in textile manufacturing in Massachusetts.[2] Not only is nightwork legislation found in a much smaller number of States than is legislation limiting the daily and weekly hours of work, but in many States that have both types of legislation the nightwork laws cover a much smaller group of industries or occupations.

[1] In 1887 a law was passed by the Alabama legislature (Acts of 1886–87, ch. 49) that provided a daily limit of 8 hours for women working in any mechanical or manufacturing business. In 1894 this law was repealed and since that time there has been no legal regulation of women's hours in Alabama. (See U.S. Women's Bureau Bul. no. 66, II, p. 2.)

[2] During the recent session of the Massachusetts Legislature an act was passed (Acts of 1933 ch. 347) authorizing the Commissioner of Labor and Industries to suspend the operation of this law. This action was taken in view of the codes adopted under the National Recovery Act, and to place Massachusetts upon an equal footing with the other States operating under such codes.

Legislation prohibiting nightwork of women and children in order to protect their health and safety has been held constitutional in a number of cases. (See *Muller* v. *Oregon* (208 U.S. 412) and *Radice* v. *New York* (264 U.S. 292) and cases cited therein.)

Laws Providing for a Day of Rest, One Shorter Workday, Time for Meals, and Rest Periods

Twenty States, the District of Columbia, and the Territories of Puerto Rico and the Philippine Islands have regulated the hours of working women by providing for breaks in their employment periods. Except in the Philippines, these laws supplement legislation on the length of the working day and week.

Some 14 States have limited the number of days that a woman may work in succession—in the majority of cases to 6 days out of 7. One or two States provide for a shorter workday in addition to the day of rest. Some 12 or 13 States provide that a period of time, varying from 30 minutes to 1 hour, must be allowed for meals, and about the same number provide for either a period of time for a meal or a rest period of some sort after a fixed number of hours.

A great many of the States that have laws limiting the total number of hours that a woman may work per day or per week have not provided for any breaks in her employment. Only 21 States, the District of Columbia, and the Territories of Puerto Rico and the Philippine Islands have provided that women must have a day of rest, or one shorter workday, or time for meals or rest periods.

In the States that have industrial commissions the orders for rest periods, a day of rest, and time for meals generally have been issued for specific industries or occupations and have considered the special conditions that apply to each case. For example, Oregon considers the work in the telephone industry in the large city of Portland as distinct from that in the State at large, and provides for 1 day of rest in 7 in Portland but only for 1 day of rest and 1 shorter day of 6 hours in every 14 days for the State at large. In California, Oregon, and Washington the industrial welfare commission orders provide the only form of regulation covering rest periods, time for meals, or 1 day's rest in 7, although daily or weekly hours are fixed by acts of the legislature.

Prohibited and Regulated Employments for Women [4]

As was indicated in table 4, a limited number of employments are prohibited to women by legislation.

In 22 States and the District of Columbia there are no prohibitory or regulatory laws regarding the employment of women in any specific occupation. One prohibition or regulation only exists in each of 13 States; 2 exist in each of 6 States; 3 in each of 2 States; 4 in each of 2 States; and in 3 States, respectively, 6, 13, and 23 prohibitions or regulations are in force.

[4] In addition to the States, the Philippine Islands have legislation of this character. Act 3071, Session Laws of 1923, prohibits the employment of women in mines or in any place where explosives are used or manufactured, and requires employers to grant to women employed as laborers 30 days' vacation with pay before and 30 days after childbirth.

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The occupation from which women are most commonly excluded by law is mining, which is prohibited in 17 States, 7 of which have established no other legal bars to women's employment. Two States only have long lists of occupations at which women are not permitted to work and in most of which women in all other States are legally free to engage. In all, 37 prohibitions or regulations have been set up by law in 26 States, and of these, 23 are concentrated in Ohio, Pennsylvania, and New Jersey—13 in Ohio only, 5 in Pennsylvania only, 3 in both Ohio and Pennsylvania, and 2 in both New Jersey and Pennsylvania. The remaining 14 prohibitions or regulations are scattered over 25 States.

Some of the States have blanket laws declaring it unlawful to employ women under conditions detrimental to their health or welfare, but no employment is named in the acts and none is specified by any authorized agencies. Many States have a prohibition or regulation against the employment of women in mines. The State of Alabama has such a prohibition (Code, 1923, sec. 1724). Other industries and occupations in which the employment of women is prohibited are occupations involving the lifting or carrying of heavy articles, and work in corerooms in which the women would be called upon to handle the cores in placing them in ovens or removing them.

Connecticut, Massachusetts, Missouri, New York, Vermont, and Washington—six States in all—have legislation prohibiting the employment of women immediately before and after childbirth. In Massachusetts and Vermont the period during which women shall not be required to work is 2 weeks before and 4 weeks after childbirth; in Connecticut is 4 weeks before and 4 weeks after; in Missouri, 3 weeks before and 3 weeks after; in New York, 4 weeks after; and in Washington, 4 months before and 6 weeks after.[5]

[5] The Philippine Islands also have legislation of this character. Act 3071, Session Laws of 1923, prohibits the employment of women in mines or in any place where explosives are used or manufactured, and requires employers to grant to women employed as laborers 30 days' vacation with pay before and 30 days after childbirth.

Legal Restrictions on Hours of Labor of Men

Legislation on hours of labor of men falls into several classifications:

1. Laws declaring the policy of the State as to the number of hours that shall constitute a day's work in the absence of contractual agreement between the parties to the employment contract. As a rule, no penalty is provided for. It is doubtful whether penalties, if any, are enforced or damages collected for overtime work.

2. Laws fixing a maximum number of hours for men. These laws are generally not limited to men, but include also women and minors unless they are otherwise provided for by law. These laws usually have penalty and enforcement provisions. They may be divided into several groups:

(*a*) Legislation limiting the hours of labor of workmen employed on public works.

(*b*) Legislation for the protection of the safety and health of the general public, as, for instance, acts covering railroad and railway operating employees (including bus, etc., drivers), seamen, and drug clerks.

(*c*) Legislation limiting the hours of labor of employees in obviously dangerous or unhealthful employments, as in mines, smelters, tunnels, and in certain types of mills.

(*d*) Legislation limiting the hours of labor in employments less obviously dangerous than in mines, smelters, etc., but in which investigation proves that there is direct correlation between the hours worked and the safety and health of the employees and that the safety and health hazard can be considerably reduced by a limitation in the hours of labor worked.

3. Laws requiring rest periods or laws prohibiting the employment of men for more than a fixed number of hours within a given period, such as legislation prohibiting the employment of railroad or railway operating employees from working more than 10 hours per day in 12 consecutive hours or 16 consecutive hours in 24, thus insuring a proper interval for rest and making it certain that the hour legislation cannot be violated in principle though technically complied with.

Public Works

The State and the Federal Government may fix the hours of labor of persons employed by them. Early attempts to pass 8-hour laws for public employees were looked upon as in the nature of a direction from a principal to his agent that 8 hours be deemed to be a proper length of time for a day's work, and that contracts should be based upon that theory but that the law did not necessarily provide that the employer and the laborer may not agree with each other as to what time should constitute a day's work independent of the statute. This attitude was taken in the case *United States* v. *Martin*, 94 U.S. 400 (1876). This decision made it evident that, to be

effective, the statutes must be mandatory and provide penalties for violations. Such statutes were passed and extended to include contractors and subcontractors engaged in the construction of public works for the State or one of its governmental subdivisions. The constitutional power of the States to pass such statutes was immediately questioned in the courts. A test case arose in Kansas which went to the Supreme Court of the United States, where the statute was upheld, in the year 1903, as a constitutional exercise of power. The court rested its decision "upon the broad ground that the work being of a public character, absolutely under the control of the State and its municipal agents acting by its authority, it is for the State to prescribe the conditions under which it will permit work of that kind to be done." (*Atkin* v. *Kansas*, 191 U.S. 207, 222, 224 (1903).)

Approximately two thirds of the States have laws regulating the hours of labor on public work. The Federal Government places a limit on the hours of labor of employees engaged on public works whether the work is done by a contractor or a subcontractor. Until the recent sessions of the State legislatures no action has been taken in Alabama, Florida, Georgia, South Carolina, or Tennessee on this question.

Private Employment

Legislation on hours of labor was upheld as a valid exercise of the legislative power to protect the lives, the health, and the morals of its citizens as early as 1898. Though there was some question of the validity of this legislation following a decision in 1905 holding an hour law for bakeries invalid, the courts now uphold the constitutionality of reasonable hours of labor legislation based upon the reasoning that the physical well-being of the population is an object of public interest.

A more complete discussion of the constitutional questions involved in the recent decisions of the United States Supreme Court was given in an article in the Monthly Labor Review for January 1933, entitled "Legal Restrictions on Hours of Labor of Men in the United States." Approximately 27 States and the United States have enacted legislation limiting the hours of labor of men in private employments. Table 6 shows the action taken by Georgia and South Carolina. No legislation of this kind has been enacted in Alabama, Florida, or Tennessee.

TABLE 6.—*Regulations of hours of labor of men*

State	Maximum hours		Occupations or industries covered	Citation
	Daily	Weekly		
Georgia	10	60	Cotton and woolen manufacture, except: Engineers, firemen, watchmen, mechanics, teamsters, yard employees, clerical forces, cleaners, repairmen.	Code, 1910, sec. 3137 (as amended by acts of 1911, p. 65, act no. 279).
South Carolina	12	.....	Certain street-railway employees	Code, 1932, sec. 1479.
	10	55	Cotton and woolen mills	Idem, sec. 1466.
	10	.....	Interurban railway employees	Idem, sec. 1480.

Legal Restrictions on the Employment of Minors

Hours of Labor of Minors

The State may exercise practically unlimited supervision and control over the contracts and occupations of minors. In order to safeguard the physical, moral, and intellectual well-being of minors, it makes regulations concerning their attendance at school, prohibits their employment under stated ages or until a fixed degree of education has been acquired, limits the hours of labor when employment is permitted, and prohibits altogether employments in certain occupations which it considers dangerous to safety, health, or morals.

The following table is compiled from the child-labor laws of the five States (Alabama, Florida, Georgia, South Carolina, and Tennessee) meeting in conference:

TABLE 7.—*Legal restrictions on hours of labor of minors*

State	Under age of—	Maximum hours		Days	Occupation or industries specified	Citation
		Daily	Weekly			
Alabama	16	8	48	6	Any gainful occupation	Code, 1923, sec. 3495.
Florida	16	9	54	6	Factory, workshop, laundry, mine, mill	Comp. Gen. L., 1927, sec. 5949.
Georgia	(1)	10	60	.....	Cotton and woolen factories	Code, 1910, sec. 3137 (as amended by Acts of 1911, p. 65).
South Carolina	(1)	10	55	.....	Cotton and woolen establishments manufacturing yarns, cloth, hosiery, and other products. No provision for stores except a maximum 12-hour day and 60-hour week for all females.	Code, 1932, secs. 1466 and 1478.
Tennessee	16	[2] 8	57	6	Mill, factory, workshop, cannery, laundry, telegraph, or telephone office.	Code, 1932, secs. 5319 and 5323.

[1] All persons.
[2] 10½ hours per day permitted only for purpose of providing 1 short day per week.

Children in Street Trades

The Children's Bureau of the United States Department of Labor has published a chart showing the "State laws and local ordinances regulating the street work of children."[6] In a foreword it is pointed out that street work of children in the United States is regulated by means of a number of types of legal provisions which may be classified as follows:

1. Regulations, either State laws or municipal ordinances, that apply specifically to children engaged on their own account in newspaper selling or other street work; and

[6] For a complete analysis of the State laws and regulations affecting child labor in street trades see Children's Bureau chart no. 15 or May 1929 issue of Bureau of Labor Statistics Monthly Labor Review.

2. Regulations, either State laws or local ordinances, that have an indirect effect upon street work or that apply only to certain groups of street workers. These include (*a*) State child-labor laws regulating general employment which cover employment in certain street occupations, such as bootblacking; (*b*) State laws prohibiting the employment or use of children in certain mendicant or "wandering" occupations, including peddling; (*c*) State laws restricting the sale or distribution of newspapers or magazines devoted to criminal or obscene subjects; (*d*) State juvenile-court laws that class as dependents or delinquents children under certain ages found selling articles on the street; and (*e*) municipal curfew ordinances.

The regulations generally regarded as most effective are those which apply specifically to work done by children on their own account. It has been found that most street work cannot be regulated by a general child-labor law, which usually applies only to "employment" of labor under certain conditions, as most street workers are not working for an employer and the word "employ" in the latter type of law is ordinarily construed to mean the purchasing of the services of one person by another.

REGULATIONS OF CHILDREN ENGAGED ON THEIR OWN ACCOUNT IN STREET TRADES

State laws.—The State laws that most effectively regulate street work by children are usually broad enough in application to cover all kinds of such work—at least all those in which any considerable number of children engage—and provide a minimum age for work, a prohibition of night work, and some system of enforcement. In the administration of any child-labor regulation some sort of work-permit system has been found necessary to keep children from going to work without fulfilling the age and other requirements of the law and to make possible supervision of the child while at work; in street-trades regulation a badge is usually substituted for the permit or is used in addition to it. Administrative provisions usually found in good laws include a requirement that before he receives a badge a child should present reliable evidence that he is of the legal age for such work, is in good physical condition, and is undertaking the work with the knowledge and approval of his parent and his school principal. Such laws require the street worker to attend school regularly, provide for revocation of the badge if he fails to comply with the law, and make provision for enforcement through street inspections and through the imposition of penalties applicable not only to the employer and the parent but also to the child and sometimes to the person who furnishes him with the papers or other merchandise to be sold. Badges under most of the laws are issued by some school authority—usually the officer issuing employment certificates for work in industrial establishments—and enforcement is placed most often in the hands of the same officials, with general general supervisory powers given in some instances to the State department responsible for the enforcement of labor laws. Under some laws, however, police officers, truant officers, or probation officers are given coordinate authority.

Municipal ordinances.—Municipal street-trades ordinances follow the same general lines as the State laws; but their standards on the whole are lower, and their application is often confined to the work of newsboys, not covering newspaper carriers and other street workers. Though obviously the same type of administrative machinery is needed for the effective carrying out of an ordinance as for the enforcement of a State law, the provisions for this purpose in local ordinances as a rule are worked out much less carefully than in the better State laws.

OTHER REGULATION OF STREET TRADING

State child labor laws of general application.—In many States the child labor laws regulating general industrial employment apply to certain specific kinds of work done in the street or are so broad in application as to include all such kinds of employment. These laws are generally interpreted, however, to apply only to the child who receives wages or other return from an employer.[7]

State laws penalizing employment in peddling.—Laws somewhat different in scope are those which penalize an employer or other person who employs or exhibits a child under a specified age in certain vocations or exhibitions such as rope or wire walking, begging, peddling, or other "wandering occupations", and which penalize also the parent who "sells or otherwise disposes of" the child to engage in these vocations.

[7] Child-labor laws applicable to the employment of children in all gainful occupations or in all gainful occupations during school hours are summarized in Standards of Child Labor, Children's Bureau, Chart No. 1.

State laws prohibiting sale of criminal news.—A type of legislation which because of its narrow scope and lack of enforcement machinery does not bear effectively upon the street-trades problem, though it deals with a certain phase of street selling, is found in the laws of 12 States which prohibit the distribution or sale by minors under 16, 18, or 21 years of age of pamphlets, newspapers, and magazines principally made up of criminal news, police reports, pictures and stories of deeds of crime, bloodshed, etc.

State laws relating to dependency and delinquency.—Thirteen States and the District of Columbia have juvenile-court or other laws providing for the care and commitment of dependent, neglected, and delinquent children, which include in their definitions of such children any child under a specified age who is found peddling or selling articles—some of them specifying selling newspapers—or accompanying or assisting any person so doing.

Local curfew ordinances.—Curfew ordinances, declaring it unlawful for any child under a given age (usually under 14 or under 16) to be on the streets at night unless accompanied by his parent or having his parent's written permission, have sometimes been used with a degree of success to prevent children from selling on the streets after a certain hour in the evening. Such ordinances, on the other hand, have been held in some places not to apply to the street worker, as he has been considered a "merchant" pursuing his own business, with a right to be on the street. Some ordinances of this type, moreover, apply only to children "loitering" on the streets or exempt specifically a minor whose "employment" makes it necessary for him to be upon the street after the prohibited hour.

Approximately 21 States [8] have enacted a law placing some form of restriction on the employment of children in the street trades. Such a law is also in force in the District of Columbia.

In Alabama boys under 12 and girls under 18 years of age are prohibited from distributing, selling, exposing, or offering for sale newspapers, magazines, periodicals, handbills, or circulars; or from employment in any other trade or occupation performed in any street or public place. No boy under 16 years of age is allowed to engage in the above occupations after 8 p.m. or before 5 a.m. (Code, 1923, secs. 3512 and 3513).

The Florida law provides that boys under 10 and girls under 16 years of age in cities having a population of 6,000 or over shall be prohibited from distributing, selling, exposing, or offering for sale, newspapers, magazines, or periodicals in street or public places. Exception is made in the case of boys employed in the delivery of newspapers to regular subscribers outside of school hours (Comp. Gen. Laws, 1927, sec. 5941).

The States of Georgia, South Carolina, and Tennessee have enacted no laws on this subject.

Nightwork of Minors

Legislation prohibiting nightwork for minors has been enacted in all of the States except Montana [9] and Washington,[10] and also in the District of Columbia, Hawaii, Puerto Rico, and the Philippine Islands. The constitutionality of these laws has been upheld under the police power of the State as being for the protection of the life, health, and safety of minor children.

Several of the States prohibit the engaging of minors within certain hours at night in any gainful occupation, while in other jurisdictions specified occupations and industries are enumerated. In approxi-

[8] Alabama, Arizona, California, Colorado, Delaware, Florida, Iowa, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, Utah, Virginia, and Wisconsin.

[9] Minors under 16 are, however, prohibited from working in factories at any time.

[10] Work by minors under 18 is prohibited from 7 p.m. to 6 a.m., by order of the Industrial Welfare Committee.

mately 30 jurisdictions there are special provisions regulating the night hours of messengers. The most common period during which night work is prohibited in this group is from 10 p.m. to 5 a.m. The prohibition of street trades within certain hours at night is also provided in many of the States, these hours ranging from 7 or 8 p.m. to 5 or 6 a.m.

Agriculture and domestic service are as a rule excluded from the prohibitory provisions, as well as minors employed in mercantile establishments during the holiday season (usually December 17–24) and inventory periods.

The table below sets forth the laws regarding nightwork for minors existing in the five States meeting in conference.

TABLE 8.—*Laws governing night work for minors*

State	Age		Hours during which work is prohibited	Occupations or industries specified	Citation
	Males	Females			
Alabama	16	16	7 p.m.–6 a.m.	Any gainful occupation (agricultural labor or domestic service excepted).	Code, 1923, sec. 3495.
	18	18	10 p.m.–6 a.m.	Messengers	Idem, sec. 3497.
	16	------	8 p.m.–5 a.m.	Street trades	Idem secs. 3513, 3516.
Florida	16	16	do	Mills, factories, workshops, laundries, mines.	Rev. Gen. Stats., 1927, sec. 5949.
	18	18	10 p.m.–5 a.m.	Messengers	Idem, sec. 5951.
Georgia	16	16	9 p.m.–6 a.m.	do	Acts of 1910, p. 117, no. 486, sec. 1.
	14–16	14–16	7 p.m.–6 a.m.	Mills, factories, laundries, manufacturing establishments, workshops.	Acts of 1925, p. 291, sec. 2.
South Carolina	16	16	8 p.m.–6 a.m.	Factories, mines, or textile manufactories. (In certain cases children under 16 may work 1 hour later to make up lost time caused by accident or breaking down of machinery.)	Code, 1932, sec. 1470.
	18	18	10 p.m.–5 a.m.	Messengers in cities of 5,000 population or over.	Idem, sec. 1474.
Tennessee	18	18	do	Messengers	Code, 1932, sec. 5319.
	14–16	14–16	7 p.m.–6 a.m.	Mills, factories, workshops, canneries, laundries, telegraph or telephone offices, messenger service.	Idem.

Dangerous Trades for Minors

All of the 48 States provide some kind of legislation prohibiting the employment of minors in dangerous occupations or industries. Many of the States enumerate the dangerous employments and occupations most commonly prohibited—such as the cleaning and oiling of moving machinery, work in connection with processes in which poisonous acids and gases are used, or on scaffolding, heavy work in building trades, tunnels, or excavations. Legislation in other States is of a general nature, and provides that any place of employment or any occupation which is dangerous or prejudicial to the health, morals, life, or limb of the child is prohibited—such as acrobatic or gymnastic exhibitions, theatrical work, pool rooms, or bowling alleys. Approximately 15 of the States prohibit the employment of female employees where duties require them to stand constantly.

In the following table the laws of the several States meeting in conference are shown, with the prohibited employments enumerated and the citation of the particular acts. In general the rules and regulations promulgated by the various State departments of labor are not included in the compilation.

TABLE 9.—*Legislation governing dangerous trades for minors*

State	Age limit		Prohibited occupations or industries	Citation
	Males	Females		
Alabama	16	16	Operating or assisting in operating any of the following machines: Circular or band saws, wood shapers, wood jointers, planers, sandpaper or wood-polishing machinery, wood turning or boring machinery, machines used in picking wool, cotton, hair, or any other material, job or cylinder printing presses, boring or drilling presses, stamping machines used in sheet metal or tinware or in paper or leather manufacturing or in washer or nut factories, metal or paper cutting machines, corner-staying machines, steam boilers, dough brakes or cracker machinery of any description, wire or iron straightening or drawing machinery, rolling-mill machinery, power punches or shears, washing, grinding, or mixing machinery, laundering machinery; in or about a rolling mill, machine shop or manufacturing establishment, which is hazardous, or dangerous to health, limb, or life; in proximity to any hazardous or unguarded gearing; upon any railroad, whether steam, electric, or hydraulic; upon any vessel or boat engaged in navigation or commerce within the jurisdiction of this State.	Code, 1923, sec 3499.
	16	16	In, about, or in connection with processes in which dangerous or poisonous acids are used or in the manufacture or packing of paints, colors, white or red lead; soldering; occupations causing dust in injurious quantities; manufacture or use of poisonous dyes; manufacture or preparation of compositions with dangerous or poisonous gases; manufacture or use of compositions of lye in which quantity is injurious to health; on scaffolding; heavy work in building trades; in tunnel or excavation; coke breaker, coke oven, or quarry; any mine or assorting, manufacturing, or packing tobacco; operating any automobile, motor car, or truck; work in bowling alleys, upon theater or concert-hall stages, or in connection with theatrical performance or other exhibition or show; in any place or occupation State board of health may declare dangerous to life or limb or injurious to health or morals.	Idem, sec. 3500.
	21	21	Pool or billiard room	Idem, sec. 3498.
Florida	21	21	Pool room, billiard room, brewery, saloon, or barroom where intoxicating liquors are manufactured or sold.	Rev. Gen. Stats., 1927, sec. 5950.
	16	16	Sewing or assisting in sewing belts; adjusting belt to machinery; oiling or assisting in oiling, wiping, or cleaning machinery; operating or assisting in operating circular or band saws, wood shapers or jointers, planers, sandpaper or wood-polishing machinery, emery or polishing wheels for polishing sheet metal, wood turning or boring machinery, stamping machines in sheet-metal and tinware manufacturing or in washer and nut factories, dough brakes or cracker machinery, wire or iron straightening machinery, rolling-mill machinery, punches or shears, washing, grinding, or mixing mills, calendar rolls in rubber manufacturing, laundry machinery, passenger or freight elevators, corrugated rolls as in roofing factories, or steam-boiler, steam machinery, or other steam-generating apparatus; as pin boys in bowling alley; preparing composition in which dangerous or poisonous acids are used; manufacture of paints, colors, or white lead, or of goods for immoral purposes; any occupation dangerous or injurious to health or morals or to life and limb.	Idem, sec. 5953.

TABLE 9.—*Legislation governing dangerous trades for minors*—Continued

State	Age limit		Prohibited occupations or industries	Citation
	Males	Females		
Florida—Con.	18	18	Moving machinery	Idem, sec. 5954.
Georgia	16	16	Operating or assisting in operating any of the following machines: Circular or band saws; wood shapers; wood jointers; planers; sandpaper or wood-polishing machinery; wood turning or boring machinery; machines used in picking wool, cotton, hair, or any other material; job or cylinder printing presses; boring or drilling presses; stamping machines used in sheet metal or tinware, or in paper or leather manufacturing, or in washer or nut factories; metal or paper cutting machines; corner-staying machines; steam boilers; dough brakes or cracker machinery of any description; wire or iron straightening or drawing machinery; rolling-mill machinery; power punches or shears; washing, grinding, or mixing machinery; laundering machinery; in or about a rolling mill, machine shop, or manufacturing establishment, which is hazardous, or dangerous to health, limb, or life; in proximity to any hazardous or unguarded gearing; upon any railroad, whether steam, electric, or hydraulic; upon any vessel or boat engaged in navigation or commerce within the jurisdiction of this State; in, about, or in connection with any process in which dangerous or poisonous acids are used; manufacture or packing of paints, colors, white or red lead; soldering; occupations causing dust in injurious quantities; manufacture or use of poisonous dyes; manufacture or preparation of compositions with dangerous or poisonous gases; manufacture or use of compositions of lye in which the quantity is injurious to health; on scaffolding; heavy work in the building trades; in tunnel or excavation; in, about, or in connection with any mine, coke breaker, coke oven, or quarry; to operate any automobile, motor car or truck; in bowling alley; in any place or occupation which the State board of health may declare dangerous to life or limb or injurious to the health or morals. (This act shall not apply to job or cylinder presses operated in connection with charitable or eleemosynary institutions.)	Acts of 1925, No. 247, sec. 3 (p. 291).
	12	12	Dangerous or improper vocations. (Rope walking, begging, gymnast, circus rider, etc.)	Code, 1910 (Penal Code), sec. 756.
South Carolina	14	14	Cleaning gears, cams, or pulleys, or cleaning in dangerous proximity thereto, while same are in motion by aid of steam, water, electricity, or other mechanical power.	Code, 1932, sec. 1475.
Tennessee	16	16	Repairing machine belts while in motion, in workshop or factory, or assisting therein; adjusting belt to machinery; oiling or cleaning machinery or assisting therein; operating or assisting in operating circular or band saws, wood shapers or jointers, planers, sandpaper or wood-polishing machinery, picker machines, machines used in picking wool, cotton, hair, or upholstering material, paper-lace machines, leather-burnishing machines in tannery or leather factory, power job or cylinder printing presses, emery or polishing wheels used for polishing metal, wood turning or boring machinery, stamping machines in sheet-metal and tinware manufacturing or in washer and nut factories, corrugating rolls as in roofing and washboard factories, steam boilers, steam machinery or other steam-generating apparatus, dough brakes or cracker machinery, wire or iron straightening machinery, rolling-mill machinery, punches or shears, washing, grinding, or mixing mills, calender rolls in rubber manufacturing, or laundering machinery; dipping, drying, or packing matches; in mines or quarries.	Code, 1932, sec. 5316.

Status of Proposed Federal Child-Labor Amendment

At the first session of the Sixty-eighth Congress which was held in 1924, a joint resolution (H.J.Res. No. 184)[11] originated in the House of Representatives proposing a child-labor amendment to the United States Constitution. The resolution was approved in the House on April 26, 1924, and was followed by adoption in the Senate

[11] 43 U.S. Stat. L. 670.

on June 2. Two days later the joint resolution was deposited in the Department of State and was thereupon submitted to the States. Under the Constitution a proposed amendment to the Constitution must be ratified by the legislatures of three fourths of the States before it becomes valid.

The text of the amendment reads as follows:

SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

SEC. 2. The power of the several States is unimpared by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.

At the time the amendment was submitted to the States the proposal was rejected by many States, and ratified by a few; other States took no action. At the beginning of 1933 only 6 States had officially ratified the amendment (Arizona, Arkansas, California, Colorado, Montana, and Wisconsin).

Under the impetus of the acute unemployment situation, the legislatures of nine States during 1933 reversed their previous stand on this question, and the following States were added to the list of those States which had already ratified the proposed amendment: Michigan, New Hampshire, New Jersey, North Dakota, Ohio, Oregon, Washington, Illinois, and Oklahoma. As of September 1, 1933, therefore, 15 States had officially ratified the amendment.

Since there is no time limit within which the States are obliged to act on the proposal, it is still possible for other States to change their previous position.

Approximately 150 codes, adopted to date (December 8, 1933) under the National Industrial Recovery Act establish the principle of a 16-year-age minimum in the industries covered. In the manufacturing industries, in mines, banks, hotels, etc., no employer may employ any person under 16 years of age, and the codes of most of the hazardous industries provide that the minimum age for employment in the distinctly hazardous occupations shall be higher—17 and 18 years. Minors between the ages of 14 and 16 may be employed part time, however, in certain retail establishments—namely, in department and chain stores, hardware, drug, food, and grocery stores. The hours of such employment must not exceed 3 hours per day, must not interfere with the hours of day school, and must fall between 7 a.m. and 7 p.m. Boys under 16 may not be employed at all for delivering from motor vehicles.

Minimum Wage Legislation

In an attempt to equalize the power of the employer and employee in making the wage bargain, many States have enacted minimum wage legislation. The same motive—i.e., the protection of the health and welfare of the worker—which has caused the States to enact laws setting standards for safety and sanitation and in many cases the maximum length of the working day, has caused many of the States to pass minimum wage laws for the protection of the worker against the evils of low wages. By setting a barrier below which wages may not fall, it lightens the poverty and prevents the degeneration of those forced to live on a wage too small to supply the necessaries of life. Minimum wage laws attempt neither to destroy competition nor to fix wages by law; they merely seek to set the lower limits to both in the interest of society as a whole.

In Australia, where minimum wage laws were first enacted, the laws usually provided for the payment of a wage "sufficient to enable the average worker to whom it applies to live in reasonable comfort, having regard to any domestic obligation to which such average worker would ordinarily be subject." [12]

In England, however, no standard is set and the purpose of the law is to level the wage for the whole trade in each district up to the standard of the best employer in that district.[13]

In the United States, due to constitutional restrictions, the minimum wage laws have followed neither the Australian nor the British idea but attempt to establish a wage which is reasonable and adequate compensation for the services rendered, or to establish a wage which is adequate to supply the cost of proper living and maintain the health and welfare of such workers. The laws in the United States apply only to women and minors. Much has been accomplished in the establishment of a minimum wage through the codes adopted under the National Recovery Act, but this does not take the place of legislative action on this question by the States.

Sixteen States (California, Colorado, Connecticut, Illinois, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, and Wisconsin) have minimum wage laws in effect at this time.

The majority of the minimum wage laws enacted during the current year are based upon the standard minimum wage bill sponsored by the National Consumers' League. The standard bill does not attempt to regulate wages generally. The law as proposed has sought to meet the constitutional objection to such legislation raised by the United States Supreme Court in the case of *Adkins* v. *Children's Hospital* (261 U.S. 525). As a preamble the law describes the industrial conditions that demand minimum-wage legislation. The law does not

[12] Western Australia, Industrial Arbitration Act, 1912, No. 57.

[13] The Survey, Feb. 6, 1915, p. 503: "The State and the Minimum Wage in England," by John A. Hobson.

attempt to fix a living wage. Whenever a substantial number of women and minors in any occupation are receiving less than a subsisting wage the law provides that the industrial commission may conduct an investigation to determine whether the wages are "fairly and reasonably commensurate with the value of the service or class of service rendered."

The law defines an unreasonable wage as one that is "less than the fair and reasonable value of the services rendered, and less than sufficient to meet the minimum cost of living necessary for health."

Under the terms of the law, power is granted to the labor commissioner, after a directory minimum-wage order has been in effect for a period of time, to make such wage orders mandatory, if he is of the opinion that "the persistent nonobservance of such order by one or more employers is a threat to the maintenance of fair minimum-wage standards."

Employers who fail to observe the provisions of the law and the orders of the labor official are liable to fine and imprisonment.

TABLE 9a.—*Principal provisions of minimum wage laws in effect in 1933*

State	Citation	Classes covered	Exceptions	Occupations or industries covered	Body empowered to administer law	Method of selecting occupation or industry to be considered by this body	Method of arriving at wage awards	Means provided for securing enforcement of award	Principles by which amount of award is determined
Calif.	Deering's Gen. Laws 1931; Act 3613.	Women; minors (females under 21, males under 18).	Women physically defective by age or otherwise may be granted special license. License must be renewed every 6 months. Apprentices: Special wages set by commission during specified period of apprenticeship.	Occupations, trades, and industries in which women and minors are employed.	Industrial welfare commission of 5 members (1 a woman) appointed by Governor for 4 years.	At discretion of commission. Investigation conducted by examining papers, books, witnesses, and by holding public hearings.	Commissioner convenes wage board composed of representatives of employers and employees in trade in question, with member of commission as chairman; after investigation the board reports to commission the minimum wage it deems necessary. After public hearing commissioner fixes minimum wage for the trade.	Refusal to comply with law a misdemeanor. Employee may recover back wages and costs.	Amount must be adequate to supply necessary cost of proper living, and to maintain health and welfare of workers.
Colo.	Comp. Laws 1921; secs. 4262–4283.	Women; minors (either sex under 18 years of age).	Women physically defective or crippled by age or otherwise or less efficient than those of ordinary ability may be granted special license, stating wage; number so licensed must not exceed one tenth of total employed in establishment.	Any occupation (construed to include "any and every vocation, trade, pursuit, and industry").	Industrial commission of 3 members (not more than 1 each representing employees and employers), appointed by Governor, with consent of senate, for 6 years.	At discretion of commission or at request of not less than 25 persons engaged in the occupation. Investigation conducted by examining books, papers, and witnesses, and by holding public hearings.	Commission may itself investigate and set minimum wage for an occupation, or it may establish wage board composed of member of commission and not more than 3 representatives each of employers concerned, of female employees, and of public. Representatives of employers and the employees to be elected by their respective groups; at least 1 member of every group to be a woman. Wage board investigates and reports to commission a minimum wage which commission may accept or reject.	do	Wage must be adequate to supply necessary cost of living and to maintain health, and must be sufficient living wages for women and minors of ordinary ability.

Conn.	Acts of 1933, ch. 301.	Women; minors (either sex, under 21 years of age).	Women or minors (including learners or apprentices) with earning capacity impaired by age, physical or mental deficiency, or injury, may obtain special license authorizing wage lower than established minimum for fixed period.	Any sweatshop occupation (defined as industry, trade, business, or occupation paying unfair and oppressive wages, but not including domestic service in employer's home or labor on farm).	Commissioner of labor and director of minimum wage division which may be set up in department of labor.	At discretion of commissioner or director, or at request of 50 or more residents of State.	Commissioner, after conferring with director, appoints wage board composed of not more than 3 representatives each of employers and of employees concerned (to be selected as far as practicable from nominations by respective groups), and of public. After studying evidence and information in commissioner's possession, board must, within 60 days of its organization, submit report, including recommended minimum fair-wage standards for women and minors in occupation. The commissioner may accept or reject this report.	Noncompliance with mandatory order makes employer liable to fine or imprisonment or both. Each week, in any day of which an employee is paid less than rate set by order, constitutes separate offense as to each employee so paid. Employee may recover back wages and costs.	Wages must be sufficient to meet minimum cost of living necessary for health.
Ill.	Acts of 1933, p. 597.	Women; minors (females under 18, males under 21 years of age).	do	Any industry, trade, or business, branch thereof, or class of work therein, in which women or minors are gainfully employed (not including domestic service in employer's home or labor on farm).	Department of labor, having director and assistant director appointed by governor with advice and consent of senate.	At discretion of department or at request of 50 or more residents of any county.	Director appoints wage board composed of not more than 2 representatives each of employers and of employees in the occupation (to be selected as far as practicable from nominations submitted by respective groups), and of 1 disinterested person representing public. The board investigates wage standards of women or minors in specified occupation, and recommends minimum wage which may be accepted or rejected.	Violation of mandatory order deemed misdemeanor and punished by fine or imprisonment or both. Each week, in any day of which order is not complied with, constitutes separate offense as to each employee concerned.	Wage must be fairly commensurate with value of service rendered, and sufficient to meet minimum cost of living necessary for health.

TABLE 9a.—*Principal provisions of minimum wage laws in effect in 1933*—Continued

State	Citation	Classes covered	Exceptions	Occupations or industries covered	Body empowered to administer law	Method of selecting occupation or industry to be considered by this body	Method of arriving at wage awards	Means provided for securing enforcement of award	Principles by which amount of award is determined
Mass.	Gen. Laws 1932, ch. 151, secs. 1-15.	Females; minors (under 18 years of age).	Women physically defective may obtain license authorizing wage lower than established minimum.	Any occupation.	Board of conciliation and arbitration, composed of 3 associate commissioners of department of labor and industries (1 representing labor and 1 representing employers), appointed by governor for 3 years.	At discretion of board.	Board organizes a wage board composed of equal number of representatives each of employers and of female employees in the occupation (to be selected from names furnished by respective groups), and of 1 or more disinterested persons to represent public (but representatives of public not to exceed half the number of representatives of either of the other parties). After study, wage board recommends a minimum wage which board may accept or reject.	Publication of names of all employers refusing to comply with awards of board.	Wages must be suitable for female of ordinary ability, be based on needs of employee and financial condition of industry, and be adequate to supply necessary cost of living and maintain the worker in health.
Minn.	Gen. Stats. 1923, sec. 4210-4232.	Women; minors (females under 18 years of age, males under 21 years of age).	Women physically defective may obtain license fixing wage lower than established minimum. Licensees not to exceed one tenth of number employed in establishment.	Any occupation (defined as any business, industry, trade, or branch of a trade).	Industrial commission of 3 members, appointed by governor with advice and consent of senate, for 6 years.	At discretion of commission or at request of 100 persons engaged in the occupation. Investigation conducted by examining papers, books, witnesses, and by holding public hearings.	Commission may itself investigate and determine a minimum wage for occupation in question, or it may establish advisory board composed of not less than 3 or more than 10 representatives each of employers and of employees in occupation and 1 or more representatives of public (but no more representatives of public than in either one of the other groups). At least one fifth of board must be women and public group must	Refusal to comply with law a misdemeanor. Employee may recover back wages and costs.	Amount must be adequate to supply living wages for women and minors of ordinary ability.

							contain at least 1 woman. After examination of books and witnesses board recommends minimum wage, which commission may accept or reject.		
N.H.	Acts of 1933, ch. 87.	Women; minors (either sex, under 21 years of age).	Women or minors (including learners or apprentices) with earning capacity impaired by age, physical or mental deficiency, or injury, may be granted special license authorizing wage lower than established minimum for fixed period.	Any occupation (defined as industry, trade, or business, or branch thereof, but not including domestic service in employer's home or labor on farm).	Labor commissioner, appointed by Governor with advice and consent of council, for 3 years.	At discretion of commissioner or on petition of 50 or more residents of State. Investigation conducted by examination of witnesses, books, records, and other relevant evidence.	Commissioner appoints wage board composed of not more than 3 representatives each of employers and employees in the occupation (to be selected as far as practicable from nominations by respective groups) and of public. Board investigates and recommends minimum wage which commissioner may accept or reject.	Noncompliance with mandatory order makes employer liable to fine or imprisonment or both. Each week, in any day of which an employee is paid less than rate set by order, constitutes separate offense as to each employee so paid. Employee may recover wages and costs.	Wage must be fairly and reasonably commensurate with value of service or class of service rendered.
N.J.	Acts of 1933, ch. 152.	do	do	Any occupation (defined as industry, trade, or business, or branch thereof, but not including domestic service in employer's home, labor on farm, or employment in a hotel).	Commissioner of labor, with director of minimum wage division and such deputy directors as commissioner deems advisable.	At discretion of commissioner or on petition of 50 or more residents of State.	do	Payment of wages less than those set by mandatory order deemed a misdemeanor and punished by fine or imprisonment or both. Each week, in any day of which an order is not complied with, constitutes a separate offense as to each employee so paid.	Do.

TABLE 9a.—*Principal provisions of minimum wage laws in effect in 1933*—Continued

State	Citation	Classes covered	Exceptions	Occupations or industries covered	Body empowered to administer law	Method of selecting occupation or industry to be considered by this body	Method of arriving at wage awards	Means provided for securing enforcement of award	Principles by which amount of award is determined
N.Y.	Acts of 1933, ch. 584.	Women; minors (either sex, under 18 years of age).	Women or minors (including learners or apprentices) etc.	Any occupation (defined as industry, trade, or business, or branch thereof or class of work therein, in which women or minors are gainfully employed, but not including domestic service in employer's home or labor on farm).	Commissioner of labor, etc.	At discretion of commissioner or on petition of 50 or more residents of State.	Commissioner appoints wage board, etc.	Payment of wages less than those set by mandatory order deemed, etc.	Wage must be fairly and reasonably commensurate with value of service or class of service rendered.
N.Dak.	Supp. to Comp. Laws 1913-1925, ch. 5, art. 11b, secs. 396b1-396b17.	do	Females physically defective by age or otherwise (or apprentices or learners in occupation usually requiring such) may be granted special license authorizing wage lower than established minimum.	Any occupation (defined as business, industry, trade, or branch thereof, but not including agricultural or domestic service).	Workmen's compensation bureau, composed of 3 commissioners (1 representing employers, 1 employees, and 1 public), appointed by governor for 6 years.	At discretion of bureau. Investigation conducted by examining papers, books, and witnesses, and by holding public hearings.	Bureau organizes conference composed of not more than 3 representatives each of employers and of employees in the occupation in question, and of public, and 1 or more commissioners. Conference investigates and recommends minimum wage, which bureau may accept or reject.	Refusal to comply with order of workmen's compensation bureau is unlawful. Employee may recover back wages and costs.	Wages must be adequate to supply necessary cost of living and maintain women workers in health. Reasonable wages for minor workers.
Ohio	Acts of 1933, H. B. 681.	do	Women or minors (including learners or apprentices) with earning capacity impaired by age, physical or mental deficiency, or injury, may be granted special license authorizing wage lower than established minimum for fixed period.	Any occupation (defined as industry, trade, or business, or branch thereof, or class of work therein, in which women or minors are gainfully employed, but not including agricultural or	Director of industrial relations, with superintendent of minimum wage division and such assistant superintendents as may be necessary.	At discretion of commissioner or on petition of 50 or more residents of State.	Commissioner appoints wage board composed of not more than 3 representatives each of employers and of employees in the occupation (to be selected as far as practicable from nominations by respective groups) and of public. Board investigates and recommends minimum	Payment of wages less than those set by mandatory order deemed a misdemeanor and punished by fine or imprisonment or both. Each week, in any day of which	Wage must be fairly and reasonably commensurate with value of service or class of service rendered.

				domestic service).			wage, which commissioner may accept or reject.	order is not complied with, constitutes a separate offense as to each employee so paid.	
Oreg.	Code 1930, secs. 49-303—49-324; Acts of 1931, ch. 394, secs. 1-3.	do	Women physically defective or crippled by age or otherwise may obtain license fixing wage lower than established minimum.	Any occupation (defined as any and every vocation, pursuit, trade, and industry).	Industrial welfare commission of 3 members (1 representing employers and 1 employees), appointed by governor for 3 years.	At discretion of commission. Investigation conducted by examining papers, books, and witnesses, and by holding public hearings.	Commission organizes conference composed of not more than 3 representatives each of employers and of employees in the occupation and of public, and 1 or more commissioners. Conference investigates and recommends minimum wage, which commission may accept or reject.	Refusal to comply with law a misdemeanor and punishable by fine or imprisonment or both. Employee may recover back wages and costs.	Wage must be adequate to supply necessary cost of living and to maintain health.
S. Dak.	Comp. Laws 1929 (as amended) secs. 10022A-10022E.	Women and girls over 14 years of age.	Women mentally or physically deficient or disabled may obtain permit authorizing wage, lower than established minimum. Apprentices: Industrial commissioner must be notified of each apprentice and give permission for his employment.	Any factory, workshop, mechanical or mercantile establishment, laundry, hotel, restaurant, or packing house.	Industrial commissioner appointed by governor for 2 years.		Minimum wage fixed by law.	Refusal to comply with law a misdemeanor. Employee may recover back wages and costs.	Wage must be amount which equals a living wage.
Utah	Acts of 1933, ch. 38.	Women; minors (either sex under 21 years of age, but commission not authorized to fix minimum wages and maximum hours for males between 18 and 21).	Women physically defective by age or otherwise may be granted special license. License must be renewed every 6 months. Apprentices: Special wages set by commission during specified period of apprenticeship.	Occupations, trades, and industries in which women and minors are employed.	Industrial commission of 3 members, appointed by governor for 4 years.	At discretion of commission. Investigation conducted by examining papers, books, witnesses, and by holding public hearings.	Commission calls wage board composed of equal number of representatives of employers and employees in trade in question, with a representative of commission as chairman. Board investigates and reports to commission, which fixes minimum wage after public hearing.	Payment of less than fixed minimum wage or refusal to comply with provisions of law a misdemeanor. Employee may recover back wages and costs.	Amount must be adequate to supply to women and minors the cost of proper living, and to maintain the health and welfare of such workers.

TABLE 9a.—*Principal provisions of minimum wage laws in effect in 1933*—Continued

State	Citation	Classes covered	Exceptions	Occupations or industries covered	Body empowered to administer law	Method of selecting occupation or industry to be considered by this body	Method of arriving at wage awards	Means provided for securing enforcement of award	Principles by which amount of award is determined
Wash	Remington's Rev. Stats. 1931, secs. 7623-7641.	Women; minors (either sex under 18 years of age).	Women physically defective or crippled by age or otherwise (or apprentices in occupation usually requiring such) may secure license authorizing wage lower than legal minimum.	Occupations, trades, and industries.	Industrial welfare committee, composed of director of labor and industries appointed by governor with consent of senate and holding office at his pleasure, supervisor of industrial insurance and supervisor of industrial relations appointed by director of labor and industries, and supervisor of women in industry appointed by supervisor of industrial relations with approval of director of labor and industries.	At discretion of commission. Investigation conducted by examining papers, books, witnesses, and by holding public hearings.	Commission organizes conference composed of equal number of representatives of employers and employees in occupation in question and 1 or more representatives of public (but no more representatives of public than in either one of the other groups), and a member of commission. Conference recommends minimum wage, which commission may accept or reject.	Payment of wages less than standard minimum or refusal to comply with law a misdemeanor. Employee may recover back wages and costs.	Amount must be a reasonable wage, not detrimental to health and morals and sufficient for decent maintenance of women.

Wis....	Stat., 1931, secs. 104.-01-104.-125.	Women; minors.	Adult women unable to earn minimum may obtain license fixing lower wage. Employers may obtain license to pay adult females wage lower than established rate, if he establishes satisfactorily that he is unable to pay such wage. Minors unable to earn "a living wage" may obtain license fixing lower wage.	Every person in receipt of, or entitled to, any compensation for labor performed for any employer.	Industrial commission whose members are appointed by Governor, with advice and consent of senate, for 6 years.	At discretion of commission or on verified complaint filed by any person.	Commission organizes advisory wage board, selected to represent fairly employers, employees, and public. Living wage determined by commission and advisory board shall be the legal minimum wage.	Payment of wages in violation of any order of commission deemed violation of law, unless it can be proved that the order was unreasonable. Every day an order is not complied with is a separate offense.	Amount must be a "living wage", i.e., sufficient to maintain employee under conditions consistent with his welfare. Wage must not be oppressive (defined as "lower than a reasonable and adequate compensation for services rendered").

Old-Age Pension Legislation in the United States

Legislation for the protection of the aged reached its greatest development thus far in the United States during the current year, as the half-way mark was reached and passed in the number of States establishing a system of old-age pensions. Ten States (Arizona, Arkansas,[15] Colorado, Indiana, Maine, Michigan, Nebraska, North Dakota, Oregon, and Washington) and the Territory of Hawaii passed laws establishing such a system, while other States made amendments to existing laws. This brings the total number of States having an old-age pension system to 26, not including the Territories of Alaska and Hawaii.[16]

A survey [17] made by the Bureau of Labor Statistics of State old-age pension systems in operation in 1932 shows that:

As compared with 1931, the year 1932 showed an increase in pensioners of nearly 35 percent and in amount disbursed of nearly 40 percent. How much of this was normal increase and how much due to the unusual economic conditions it is impossible to determine.[18]

The average monthly pension in 1932 was $19.38 as compared with $18.89 in 1931. In no State did the average pension granted equal the maximum allowable under the law.

The cost of the pension system per inhabitant in 1932 averaged 77 cents, ranging from 4 cents in Maryland to $1.23 in New York. For 1931 the average cost, all States combined, was 64 cents, and the range was from 6 cents in Maryland to 95 cents in New York.

The weakness of the optional laws putting the whole cost upon the individual counties was again brought out by the study. In Kentucky, Nevada, and West Virginia, which have laws of this type, the system is either nonexistent or practically so, the widest extension under voluntary legislation being found in Montana where the law has been in force since 1923 and where now 81 percent of the population is in counties which have adopted the plan. The practical effectiveness of the mandatory acts is demonstrated by the fact that the coverage (i.e., percent of population in counties with system) in the optional States is slightly over 28 percent as compared with over 91 percent in the mandatory States, and the latter figure has been kept down by the delay in putting the mandatory law into effect in Colorado occasioned by the contest over the constitutionality of the act.

[15] The Arkansas law has been declared unconstitutional by the supreme court of the State because of the method used in financing the pension fund.

[16] The total 26 includes Arkansas which law was declared unconstitutional because of the 1 percent tax on the State and county expenditures. It also includes Colorado which law was declared unconstitutional, but was superseded by a new law enacted during 1933.

[17] See Monthly Labor Review, August 1933.

[18] The New York official in charge of the old-age pensions estimates, however, that approximately one third of the grants would have been unnecessary had it not been for the depression.

TABLE 10.—*Cost of old-age pensions in specified States, 1931 and 1932*

State	Percent pensioners form of total population in counties with system [1]		Annual amount disbursed per pensioner [2]		Average annual cost per capita of population, in counties with system [3]	
	1931	1932	1931	1932	1931	1932
California	0.17	0.22	$248.81	$255.93	$0.43	$0.56
Colorado	.05	.29		98.72		.29
Delaware	.63	.66	88.94	119.69	.56	.79
Idaho	.25	.38		87.96		.44
Kentucky	.12		96.00		.12	
Maryland	.02	.02	[4] 333.33	262.41	[4] .06	.04
Massachusetts	.26	.40	163.41	143.28	.43	.48
Minnesota	.12	.24	76.67	141.59	.09	.34
Montana	.26	.29	158.35	146.17	.43	.42
Nevada	.37	.57	216.47	173.33	.80	.98
New Hampshire	.08	.19	110.35	131.66	.07	.25
New Jersey		.28		[5] 126.74		[5] .34
New York	.38	.43	255.33	285.21	.95	1.23
Utah	.28	.29	109.76	54.37	.30	.16
Wisconsin	.15	.18	177.74	189.56	.26	.34
Wyoming	.19	.28	69.16	132.53	.16	.37
Total	.28	.39	227.42	232.55	.64	.77

[1] Based on counties reporting number of pensioners.
[2] In counties reporting both number of pensioners and amount disbursed.
[3] Based on counties reporting amount spent.
[4] Approximate, on basis of total amount appropriated for pensions.
[5] Figured on annual basis, although pensions were paid only during last half of 1932.

The 11 laws enacted during the current year were mandatory, indicating that the optional laws have not proven successful.

To provide a ready comparison of the systems adopted by the various States to meet this problem of caring for the aged residents the following table has been prepared which presents the main features of each law.

TABLE 11.—*Provisions of old-age pension laws in the United States*

State	Age	Maximum pension	Required period of— Citizenship	Residence: State	Residence: unty	Maximum property limitations	Administered by—	Funds provided by—	Citation
			Years	*Years*	*Years*				
Alaska	[1] 65 [2] 60	$35 a month for males, $45 a month for females.	(3)	Since 1906		No other sufficient means of support.	Board of trustees of Alaska Pioneers' Home.	Territory	Acts of 1929, ch. 65.
Arizona	70	$30 a month	(3)	35		Income, $300 a year	County commissioners	67 percent by State; 33 percent by county.	Acts of 1933, ch. 34.
Arkansas [4]	70	(4)		5		Assets, $500	County judge	State and county	Acts of 1933, act 271.
California	70	$1 a day	15	15	1	Assets, $3,000	County or city and county boards of supervisors.	Half by county, or city and county; half by State.	Acts of 1929, ch. 530 (as amended 1931, ch. 608; 1933, ch. 840.)
Colorado	65	do	15	15	5	Assets, $2,000	County commissioners	State	Acts of 1933, ch. 144.
Delaware	65	$25 a month	15	5			State old-age welfare commission.	do	Acts of 1931, ch. 85.
Hawaii	65	$15 a month	30	15		Income, $300 a year	County commissioners	County or city and county.	Acts of 1933, ch. 208.
Idaho	65	$25 a month	15	10	3	do	County probate judge and county commissioners.	County	Acts of 1931, ch. 16.
Indiana	70	$180 a year	15	15	15	Assets, $1,000	County commissioners	Half by State; half by county.	Acts of 1933, ch. 36.
Kentucky	70	$250 a year	15	10	10	Income, $400 a year; assets, $2,500.	County judge	County	Acts of 1926, ch. 1[illegible]
Maine	65	$1 a day	(3)	15	1	Income, $300 a year	Town and city old-age pension boards, under supervision of department of health and welfare.	Half by State; half by cities, towns, and plantations.	Acts of 1933, ch. 267.
Maryland	65	do	15	10	10		County commissioners	County, or city of Baltimore.	Acts of 1931, ch. 114.
Massachusetts	70	No limit	(3)	20			County or city board of public welfare.	Two thirds by county or city; one third by State.	Acts of 1930, ch. 402.
Michigan	70	$30 a month	15	10		Assets, $3,500	County board and State welfare department.	State	Acts of 1933, ch. —.
Minnesota	70	$1 a day	[6] 15	15	15	Assets, $3,000	County commissioners	Payments by county. Cities, towns, and villages to reimburse county.	Acts of 1929, ch. 47, (as amended 1931, chs. 72 and 138; 1933 ch. 348.)
Montana	70	$25 a month	15	15		Income, $300 a year	do	County	Acts of 1923, ch. 72.

Nebraska	65	$20 a month	15	15		do	do	do	Acts of 1933, ch. 117.
Nevada	65	$1 a day	15	10		Assets, $3,000	do	do	Acts of 1925, ch. 121.
New Hampshire	70	$7.50 a week	15	15	15	Assets, $2,000	do	Payments by county. Cities and towns to reimburse county.	Acts of 1931, ch. 165.
New Jersey	70	$1 a day	(3)	15	1	Assets, $3,000	County welfare board	One fourth by county, three fourths by State.	Acts of 1931, ch. 219
New York	70	No limit	(3)	10	1	Wholly unable to support self.	Public welfare officials, under supervision of department of social welfare.	Half by city or county; half by State.	Acts of 1930, ch. 387.
North Dakota	68	$150 a year	(3)	20		Income, $150 a year	County commissioners	State	Acts of 1933, ch. 254.
Oregon	70	$30 a month	15	15	2	Assets, $3,000	do	County	Acts of 1933, ch. 284.
Utah	65	$25 a month	15	15	5	Income during past year, $300.	do	do	Acts of 1929, ch. 76.
Washington	65	$30 a month	15	15	5	Income during past year, $360.	do	do.[7]	Acts of 1933, ch. 29.
West Virginia	65	$1 a day	15	10	10	Any property or income	County court	do	Acts of 1931, ch. 32.
Wisconsin	70	do	15	15	15	Assets, $3,000	County judge	Payments by county. State to refund one third; city, town, and village to refund two thirds.	Acts of 1925, ch. 121, (as amended 1929, ch. 181; 1931, ch. 239.)
Wyoming	65	$30 a month	15	15	5	Income, $360	County commissioners	County	Acts of 1929, ch. 87.

[1] Males.
[2] Females.
[3] Citizenship required but no period specified.
[4] Arkansas law has been declared unconstitutional by the State supreme court.
[5] Pension fund to be prorated equally among the pensioners. No definite amount stated.
[6] Required period of residence in United States.
[7] But old-page pension fund was created from proceeds of State tax on horse racing, to be distributed to counties in proportion to assessed valuation of the property in each. (Acts of 1933, ch. 55.)

Rehabilitation of the Handicapped—State and Federal Cooperation

The more humane and responsible attitude toward injured workers embodied in the workmen's compensation laws and the successful rehabilitation activities in connection with the wounded soldiers are doubtless jointly responsible for the extension of the idea of retraining injured industrial workers for a resumption of self-supporting and self-respecting employment. At this date all but three of the States [19] have accepted the provisions of the Federal Vocational Rehabilitation Act of June 2, 1920.

TABLE 12.—*Provisions of State legislation as to rehabilitation of the handicapped*

State	Date of acceptance of Federal act by State [1]	Administration	Special provisions for rehabilitation under State workmen's compensation law	Cooperation with State workmen's compensation commission [2]	Authorization of gifts and donations	Citation
Alabama	Oct. 2, 1920	Civilian rehabilitation service under board of education.		Yes		Acts of 1920, no. 86.
Florida	May 25, 1925	State vocational educational board.	No compensation law.	No compensation law.	No	Acts of 1925 HCR, No. 18 (p. 569).
Georgia	Aug. 16, 1920	State board of vocational education.		Yes	Yes	Acts of 1920, p. 279.
South Carolina	Mar. 14, 1927	do	No compensation law.	No compensation law.	No	Acts of 1927, no. 130.
Tennessee [3]	Apr. 16, 1925	State commissioner of education is director of vocational rehabilitation.		Yes	Yes	Code, 1932, secs. 2476–2483.

[1] Acceptance enables a State to provide for all types of disabled persons and for the following services: Rehabilitation provides (1) administration, (2) training costs, (3) instructional supplies and equipment, (4) artificial appliances, (5) travel of rehabilitants.

[2] Independent action in addition to cooperative action is not provided for in any of these States.

[3] In 1923 the Tennessee Legislature passed an act (ch. 74. Acts of 1923) withdrawing its acceptance of the Federal act in 1921. No further action was taken until the present law was adopted in 1925.

[19] Vermont, Delaware, and Kansas.

Unemployment Insurance

On January 28, 1932, the first unemployment insurance law[20] adopted by any State in the Union was approved by the Governor of Wisconsin, and constitutes chapter 20, Wisconsin Special Session Laws of 1931.

The Wisconsin Legislature, by the enactment of the law, intended to make certain that by July 1, 1933, a majority of the employees working for industrial companies in the State would have some adequate system of unemployment compensation. Before June 1, 1933, therefore, it became incumbent upon the employers of at least 175,000 employees to establish voluntarily some unemployment insurance plan which meets the standards prescribed by the act; otherwise the act would automatically become compulsory on July 1, 1933. The effective date of this act, however, was indefinitely postponed by the 1933 session of the State legislature. (Ch. 186, Acts of 1933.) Proposed voluntary plans may be submitted to the Wisconsin Industrial Commission for its written approval.

It is estimated that approximately 29 State legislatures investigated the question of unemployment insurance during the sessions of the State legislatures convening during the current year. The proposals for unemployment insurance followed two general schemes. These two schemes are based upon the idea that either the employers should create a reserve for the purpose of stabilizing employment, or that unemployment is insurable and protection for the worker in the form of insurance should be provided.[21]

The plan proposed by the Ohio Commission on Unemployment Insurance, commonly called the "Ohio plan," is based on the insurance idea and includes actuarial tables on the cost and distribution of risks. According to the provisions of this plan all reserves are to be pooled in a State-wide fund which distributes the risk and protects the unfortunate. Contributions, according to the Ohio plan, are to be made by the worker as well as by the employer, and provision is made for more adequate benefits.

The other plan, usually referred to as the "Massachusetts plan," is in line with the idea set forth in the Wisconsin law, that of creating a reserve fund. Contributions are made by the employer and are kept in a separate fund for each company. Any employer may substitute a private plan of his own so long as it meets the approval of the proper authorities. Contributions are made by the employer until the fund reaches a certain average for each employee, usually $50, after which the contributions are greatly reduced.

[20] For analysis of this law see Monthly Labor Review, March 1932, p. 540; July 1933, p. 35.

[21] According to a study recently made by Dr. Karl T. Compton there are "two rather distinct philosophies underlying these plans, that of unemployment insurance and that of unemployment reserves." See American Labor Legislation Review, June 1933: "Massachusetts plan for unemployment reserves," by Dr. Karl T. Compton.

Wage Claim Collection

No table on this subject has been prepared. Various laws pertaining to the general subject of wage claims are set forth in the Bureau bulletins on labor legislation. The following article on this subject appeared in the Monthly Labor Review (October 1933) and gives complete information on the wage claim collection work of the State labor departments.

Work of State Labor Offices in Behalf of Wage Claimants

Some idea of the extent to which working people are victims of the failure of employers to pay wages earned is disclosed by a survey recently completed by the United States Bureau of Labor Statistics.[22] Twenty States (including Philippine Islands and Puerto Rico) reported handling 69,921 claims in 1932. In 16 of these States a settlement was effected in 34,063 cases. The total amount collected, in 1932, in the 20 States for which data are available was $1,445,544. California (which has a very effective law) accounted for by far the largest number of claims settled (16,517) and the largest amount of money collected ($775,254). New York came next with 7,332 cases settled and collections amounting to $202,638.

Although the average claim is small—$41 in the 16 States reporting both number of cases settled and amount obtained—failure to receive compensation even in so small an amount often represents real hardship to the worker involved.

While financial reverses or other conditions incident to the depression were responsible for numerous complaints of nonpayment, the most common causes of failure to pay reported were: (1) Lack of understanding or disagreement as to rates of pay; (2) insufficient capital or insolvency of the employer; and (3) bad faith on the part of the employer.

The depression not only has increased the volume of wage-collection cases, many States report, but has made their collection more difficult. In other States, because of the decreased employment and stagnation of business, claims have fallen off in number.

The need for the enactment of adequate and forceful legislation in States at present without any laws on the subject, and the strengthening of the acts in those in which legislative action has already been taken, is apparent from the reports received.

There are comparatively few States having laws giving specific and adequate wage-collection power to some State agency. Some form of legislation regulating the payment of wages is fairly general throughout the United States and some of these acts are so phrased as to allow the collection of wages by State officials. In several cases the officials report that they have assumed an authority not specifically covered by law or granted only by implication.

The usual procedure is to try first to effect a voluntary settlement. Inasmuch as many of the labor officials have, as already stated, no real authority or are, as one report put it, operating under laws with no "teeth" in them, it is generally only as a last resort that recourse is taken to court action to compel payment.

[22] This is the fourth such study, the three earlier studies having been made in 1920, 1926, and 1929. For reports of the earlier studies see Monthly Labor Review, March 1921, June 1927, and October 1930.

The table following shows the claims handled and settled and the amounts collected in 1932 and the previous years for which the Bureau has data:

TABLE 13.—*Wage claims settled and amounts collected 1920, 1926, 1929, and 1932, reported by State labor offices*

State labor office of—	Number of wage claims							
	1920		1926		1929 [1]		1932 [2]	
	Claims submitted or handled	Claims settled	Claims submitted or handled	Claims settled	Claims submitted or handled	Claims settled	Claims submitted or handled	Claims settled
Arizona	(3)	(3)	236	110	642	276	2,450	1,127
Arkansas			297	146	404	208	322	158
California	7,603	5,362	27,813	16,121	28,419	17,966	35,400	16,517
Colorado	1,300	915	961	525	827	471	1,116	541
Massachusetts	733	344	1,947	1,947	2,501	1,688	[4] 2,405	[5] 1,675
Minnesota							[6] 256	[6] 102
Nevada	77	60	201	76	224	192	833	488
New Jersey	7	6	590	350	1,783	1,160	2,805	[5] 753
New York	251	221	1,796	1,005	2,860	2,242	9,591	7,332
Oklahoma	1,326	1,193	188	[7] 32	239		203	
Oregon	1,440	572	1,049	436	1,466	488	1,334	762
Puerto Rico	217	77	542	222	1,373	842	2,195	1,260
Texas			73	18		405	1,071	782
Utah			245	245	617	286	606	280
Washington	1,590	1,401	2,122	1,170	3,731	1,410	1,973	974
Wisconsin							[8] 2,197	944
Wyoming	467	373		174	219	157	(9)	(9)

State labor office of—	Amounts collected							
	1920		1926		1929 [1]		1932 [2]	
	Total	Average per claim settled	Total	Average per claim settled	Total	Average per claim settled	Total	Average per claim settled
Arizona	(3)	(3)	$1,866	$16.96	$14,096	$51.07	$56,516	$50.15
Arkansas			4,021	27.54	4,829	23.22	3,578	22.65
California	$206,389	$38.49	[10] 976,368	[10] 60.57	1,051,925	58.55	775,254	46.94
Colorado	33,642	36.77	13,896	26.47	10,821	22.97	12,063	22.30
Massachusetts	5,749	16.71	28,705	14.74	54,629	32.36	49,768	[11] 29.71
Minnesota							1,380	13.53
Nevada	7,500	125.00	12,784	168.21	11,746	61.18	26,947	55.22
New Jersey	90	15.00	10,863	[11] 31.04	24,252	20.91	29,458	[11] 39.12
New York			31,169	31.01	57,969	25.86	202,638	27.63
Oklahoma	24,850	20.83	[7] 3,120	[7] 97.49	10,490		1,839	(12)
Oregon	23,781	41.58	20,147	46.16	16,392	33.59	24,293	31.88
Puerto Rico	1,254	16.29	12,052	22.24	14,459	17.17	16,569	13.15
Texas					32,257	79.65	90,202	115.35
Utah			12,377	50.52	13,206	46.17	18,014	64.34
Washington	87,873	67.72	73,584	62.89	67,290	47.72	45,244	46.45
Wisconsin							35,276	37.37
Wyoming	15,204	40.76	8,594	49.39	5,748	36.61	(9)	(9)

[1] Fiscal or calendar year. Arkansas, Maine, and Puerto Rico, however, reported for fiscal year 1929–30 and Utah for 1927–28.
[2] Fiscal or calendar year, the latter in the majority of cases. Nevada report covers 18 months. Texas figure is an average based on biennial record.
[3] No department of labor in 1920.
[4] Claims investigated.
[5] Claims paid.
[6] Claims of women and minor males, exclusive of claims under minimum wage law.
[7] Not including cases handled by telephone.
[8] Includes some claims other than those for wages.
[9] Not known.
[10] Includes also amounts collected in part payment of claims still pending.
[11] Based on claims paid.
[12] Not reported.

In addition to the statistics included in the preceding table the following data for 1932 were furnished by the labor offices indicated: The Connecticut Department of Labor handled 393 cases involving claims amounting to $32,488. The labor department of the Kansas Industrial Commission handled 94 claims and collected $3,736. The number of claims submitted to the Michigan Department of Labor and Industry was 3,758 and the amount of wages collected $32,308. The New Mexico State Labor and Industrial Commission collected $13,032 [23] in wages but did not report on the number of claims handled or settled. The Philippine Bureau of Labor reported for the calendar year 1932, 919 wage claims handled, of which 368 were settled in favor of the workers, the amount collected being 14,858 pesos ($7,429).

The Department of Labor of Illinois reports that wage claims coming to its attention are referred to private legal aid associations. The Iowa Bureau of Labor states that it has no authority for the collection of wage claims but has always made it a practice of advising claimants and daily directs cases to the Des Moines municipal court, which functions as a small-claims court. In cases outside the city each claimant is instructed as to his rights and the methods to follow. Many times, however, the claimants are not financially able to prosecute or they may not have the means to remain in the immediate vicinity long enough to have their cases determined. The Louisiana Department of Labor and Industrial Statistics appeals to employers to adjust claims and when unsuccessful refers cases to some attorney or member of the legal aid society or lets the claimant select his own lawyer. The Nebraska Department of Labor uses moral suasion to get employers to meet their obligations to their workers.

Wage claims are sometimes collected by the Department of Labor of Tennessee, but no data were supplied as to work done along this line in 1932.

The replies from the labor offices of the following States indicated that no wage claims were handled by them in the fiscal or calendar year 1932: Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Mississippi, Montana, New Hampshire, North Carolina, North Dakota, Ohio, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, and West Virginia. While some wage claims were formerly handled by the Maine Department of Labor and Industry, the attorney general has ruled that wages cannot be collected under the law providing for the weekly payment of wages. For the past 3 years the Montana Department of Agriculture, Labor, and Industry has received hundreds of wage claims, all of which it was compelled to turn aside, because under the State labor laws it was powerless to render any assistance whatsoever.

The Labor and Industrial Inspection Department of Missouri reported that it was not possible to answer the questionnaire because that office was in process of reorganization under a new administration. The Labor Commission of Delaware did not answer the inquiry of the United States Bureau of Labor Statistics, but the duties of that commission have to do mainly with the protection of woman and child workers.

[23] Not clear whether 1932 was the year covered.

While no direct report was received from the Pennsylvania Department of Labor and Industry, in the November 1932 issue of Labor and Industry, monthly bulletin of that department, it is stated that workers who had not been paid wages due them had been deluging the department with complaints. "In the first part of 1932 these claims were at the rate of $114,600 a year. In the latter part of this year they are coming in at the rate of $300,000 a year." According to the same source, the only effective procedure for unpaid workers in Pennsylvania is to enter civil suit; in most of the cases submitted to the department, however, the wage claimants have not enough money to do this.

No questionnaire was sent to Alabama, Alaska, Hawaii, and Idaho, as the character or status of their present State offices indicates that they are not engaged in the special activity covered by the study.

Legal Authorization for the Handling of Wage Claims

Arizona.—The Arizona Industrial Commission, in handling wage claims, has recourse to section 4877 of the Revised Code of Arizona, 1928 (p. 1103), providing that "whenever an employee quits the service or is discharged therefrom, he shall be paid whatever wages are due him, in lawful money of the United States, or by check of even date. * * * Any person violating this section shall be guilty of a misdemeanor."

Arkansas.—The Bureau of Labor Statistics of Arkansas does its wage-collection work under an "act regulating the payment of wages earned and defining the duties of the commissioner of labor therein." This law (Acts of 1923, no. 380) provides that "if either employer or employee shall fail to accept the findings of the commissioner, then either shall have the right to proceed at law * * *." When a wage claim is not over $200 and the claimant files with the commissioner a verified petition that his assets, in addition to the wearing apparel and household goods of himself and family, do not exceed $25, the commissioner may institute court action without giving bond for costs.

California.—The labor commissioner of California and his duly authorized representatives are empowered under section 7 of the State wage collection law [24] to take assignments of wage claims and to prosecute actions for the collection of wages, penalties, etc., of persons financially unable to employ counsel in cases in which, in the judgment of the proper labor official, the wage claims are valid and enforceable in the courts; to issue subpenas to compel the production of papers and records, to administer oaths, to examine witnesses under oaths; and to take depositions and affidavits in order to carry out the provisions of the act.

Colorado.—According to the Colorado Bureau of Labor Statistics, that agency has no direct legal power to handle wage claims. Its activities in this respect are purely voluntary.

Connecticut.—The Department of Labor of Connecticut, in handling wage claims, utilizes section 5205 (Acts of 1919, ch. 216) of the General Statutes, which provides that wages be paid weekly.

[24] Acts of 1883, ch. 21, as amended by acts of 1919, ch. 228; 1923, ch. 257; 1929, ch. 231 and 1931, ch. 824.

Iowa.—The labor commissioner of Iowa reports that his bureau is not authorized to collect wage claims but has always made it a practice to inform claimants as to the procedure open to them.

Kansas.—The labor department of the Commission of Labor and Industry of Kansas states that there is no provision giving that department jurisdiction over wage collections. "Sections 44-301 to 44-312 of the 1931 supplement govern the payment of wages." Although the commission is without authority to prosecute, its annual report for 1932 shows that it used its influence successfully in numerous instances in collecting labor debts.

Louisiana.—The Louisiana Department of Labor and Industrial Statistics, having no legal authority to collect wage claims, acts "purely in a cooperative manner."

Maine.—The commissioner of labor of Maine writes that there is a State law requiring the weekly payment of wages but the State attorney general has ruled that wages cannot be collected under that statute.

Massachusetts.—The Massachusetts Department of Labor and Industry "is not vested with authority to collect wages and is not set up under the statute as an agency for this purpose."

The criminal statute in Massachusetts affecting violation of the weekly payment law, however, in its operation stimulates the payment of wages by employers who are neglectful in their attitude toward the statute. It is better to pay the wages when such an employer receives notice from the department of complaint for violation of the law rather than to face court action with a possibility of receiving a criminal record and having to pay a heavy fine. This process is often confused with the practice of collecting wages, a function not included in the jurisdiction of the department.

Michigan.—The Department of Labor and Industry of Michigan handles wage claims under act no. 62 of the public acts of 1925.

Minnesota.—The division of women and children of the Minnesota Industrial Commission takes up wage claims under section 4050 of the General Laws, 1923, which provides that "The bureau of women and children shall have power to enforce and cause to be enforced, by complaint in any court or otherwise, all laws and local ordinances, relating to the health, morals, comfort, and general welfare of women and children."

Nevada.—The labor commissioner of Nevada collects claims under the provisions of section 2751 of the Nevada Compiled Laws of 1929, as amended by acts of 1931, chapter 46.

New Jersey.—The authority under which the New Jersey Department of Labor acts on behalf of wage earners dates back to 1899 (acts of 1899, ch. 38, as amended by acts of 1932, ch. 249) and reads as follows:

Every person, firm, association, or partnership doing business in this State, and every corporation * * * shall pay at least every 2 weeks, in lawful money of the United States, to each and every employee engaged in his, their, or its business, * * * the full amount of wages earned and unpaid in lawful money to such employee, up to within 12 days of such payment; * * * any employer or employers as aforesaid who shall violate any of the provisions of this section shall, for the first offense, be liable to a penalty of $50, and for the second and each subsequent offense to a penalty of $100, to be recovered by and in the name of the department of labor of this State. On failure to pay the fine imposed, jail sentence up to 200 days shall be imposed.

New Mexico.—An act of 1931 (ch. 9, sec. 7) authorizes the New Mexico Labor and Industrial Commission to take assignment of wage

claims and prosecute action for the collection of wages for persons financially unable to employ counsel.

New York.—The Department of Labor of New York handles wage claims under section 211 of the labor law, which provides that "the commissioner shall cooperate with any person having a just claim against his employer." Sections 195 and 196 of the same law set forth the methods and manner in which a corporation shall pay wages and section 197 prohibits a corporation from making any deduction from the wages of its employees. Section 39 empowers the commissioner to subpena and examine witnesses and records.

Oklahoma.—Although the Department of Labor of Oklahoma is not legally authorized to collect or force settlement of wage claims, it is instrumental in adjusting such disputes. It does not handle the money, that being paid by the employers directly to the claimants themselves.

Oregon.—Previous to 1933 the Oregon Bureau of Labor had little authority for the collection of wages, which was carried on principally through conciliation. A law passed at the 1933 session of the legislature, however, empowered the commissioner of that bureau to investigate and attempt to adjust equitably controversies concerning wage claims; to take assignments of such claims in trust for assigning employees; and to make complaint in a criminal court for the violation of the provisions of any law that provides for the payment of wages and imposes a penalty for its violation as for a crime.

The 1933 act also creates a contingent fund "for the purpose of paying expenses and costs of the commissioner's proceedings" under the act.

Philippine Islands.—The Philippine Bureau of Labor handles wage claims under articles 1583, 1584 (as amended by Act 3600), 1585, and 1586 of the Civil Code, and article 302 of the Code of Commerce.

Puerto Rico.—The Department of Labor of Puerto Rico quotes the following provision (acts of 1931, p. 182) as the authorization for its wage-collection work.

> SECTION 20. The wage protection and claim bureau shall consist of a person in charge thereof, who shall be a competent attorney at law and a man of integrity, who shall receive, study, and decide all complaints and claims filed by laborers or employees, including domestics, against employers negligent in the payment of their compensations, per diems, wages, or salaries, or who have refused to make such payments. He shall prosecute such complaints and claims and shall institute proceedings, either civil or criminal, as the case may be, against said employers, where such procedure is necessary; he shall interpret and supervise wage or métayer labor contracts, and he shall act as a special prosecuting attorney in any criminal action that may be brought before the municipal courts of Puerto Rico by the commissioner, by the district agents, or by any other official of the department of labor, in case of violation of labor-protecting laws, and of all such legislation whose enforcement may have been entrusted to the department of labor. The commissioner of labor shall assign to this bureau such personnel as he may deem necessary to render this service.

Tennessee.—The Department of Labor of Tennessee sometimes assumes authority to aid in the collection of wage claims, under the provisions of the semimonthly pay day law (Thompson's Shannon's Code, 1918, secs. 4339 to 4342a-2a5). The representative of the department giving this information adds: "However, we are convinced that if this authority was assailed in court it could not legally stand a test."

Texas.—The Bureau of Labor of Texas reports that that State has no direct wage claim law; but with recourse to the semimonthly pay day law (acts of 1915, ch. 25), that office effects settlements without court procedure, as frequently employers would rather pay than be prosecuted.

Utah.—The Industrial Commission of Utah has a wage-collection department which operates under section 3076 of the Compiled Laws, 1917 (as amended by acts of 1921, ch. 67). This act defines the regular powers of the commission and reads: "It shall also be the duty of the commission and it shall have full power, jurisdiction, and authority: * * * 5. To do all in its power to promote voluntary arbitration, mediation, and conciliation of disputes between employers and employees."

Washington.—The Washington Department of Labor and Industries writes that it draws its wage-collection powers from section 7594 of the labor laws of the State, which reads in part as follows: "* * * and when any laborer performing work or labor as above shall cease to work, whether by discharge or by voluntary withdrawal, the wages due shall be forthwith paid either in cash or by order redeemable in cash at its face value * * *."

Wisconsin.—For many years Wisconsin has had a law providing for the semimonthly payment of wages, with certain exceptions (Wis. Stats., 1929, sec. 103.39), but the State industrial commission had no authority of enforcement. An amendment, effective June 19, 1931, makes it the duty of that body "to enforce the wage law and provides that in its discretion the commission may take appropriate action for the collection of wage claims which it deems to be valid and which do not exceed $100."

Shortly after the new law became effective two Milwaukee courts held it to be unconstitutional. These decisions, which were based on the criminal provisions of the act, are in process of appeal to the Supreme Court. Partly because of these unfavorable decisions and partly because of the fact that the law makes no specific provision for paying costs and disbursements in cases in which there is no recovery, the commission has been seriously hampered in trying to administer the law.[25]

Wyoming.—The act which created the Wyoming Department of Labor (Wyo. Rev. Stats. 1931, sec. 109–1204) provides that the "labor commissioner shall see that workers are protected in the collection of their wages lawfully due." No legal means, however, are provided for carrying out this provision.

The labor offices of the following States which reported no wage collections for the fiscal or calendar year, 1932, also reported that they had no legal authorization for such work: Florida, Illinois, Indiana, Kentucky, Maine, Maryland, Mississippi, Montana, New Hampshire, North Carolina, North Dakota, Ohio (Pennsylvania ?), Rhode Island, South Carolina, South Dakota, Vermont, Virginia, and West Virginia.

Practically all States, however, have some form of wage-payment legislation.

Procedure in Handling Claims

In labor offices which do not at once refer wage claims to other agencies, the initial procedure in handling cases does not vary greatly

[25] Wisconsin. Industrial Commission. Biennial report. Madison, 1930–33, pp. 48–49.

from State to State.[26] Claims filed are usually taken up by correspondence, telephone, personal calls, conferences, etc. When cases cannot be adjusted by these measures further steps are taken, some of which are noted below.

The Arizona Department of Labor reports the holding of hearings in some instances in which settlement cannot be effected by more informal efforts, while in such cases the Arkansas Bureau of Labor and Statistics brings suit under the wage payment law.

In California, if the employer disputes the claim, a joint hearing is set at which both the employer and claimant are present, the employer being allowed representation by counsel. After the hearing the deputies decide whether the wages are due, and if so, the employer is ordered to pay. If he is unable to do so immediately, he is given the opportunity to pay in installments through the district offices of the division of labor statistics and law enforcement, which forward the amounts collected to the claimants. Recourse is had to civil actions whenever conditions warrant such procedure.

The Connecticut Department of Labor frequently threatens prosecution when employers refuse to pay, but adds that it has "no real authority, since prosecutors are unwilling to push these cases."

In Massachusetts, when the employer fails to pay the wages claimed promptly after the department of labor and industries has taken up the case with him by correspondence, personal demand is made by a special investigator of that office.

Refusal or failure to comply with the provision of the statute is then followed by action in court. Here the rights of the employee are maintained without cost of such action to him. Much time is occupied by clerks in settling conflicting claims arising from disputes over the rates of wages. The interested parties, both employer and workman, are frequently brought to the office and legal requirements of the weekly payment law made known to them. This practice usually results in reaching an agreement and having wages paid. If it appears that the case does not come within the scope of the criminal law and the remedy is in civil action, the employee is advised accordingly. Employees affected by an abuse of the trustee process or the assignment of wages are given individual attention and the requirments of all the statutes in these matters are made known to them. This service is of much practical assistance to wage earners. Through the branch offices located in Worcester, Springfield, Pittsfield, Lawrence, Fall River, and the department headquarters in the State House this help is at the disposal of wage earners in all sections of the State. To these offices attorneys send their clients to whom small sums of money for wages are due.

Failing settlement through conciliatory methods, the procedure in Michigan, Nevada, New Jersey, and New Mexico is to start court action against the employer, while in Minnesota and Utah the plaintiff is referred to other legal advisers. In New Mexico, in court cases for the collection of wage claims, no attorney fees are charged but the claimant pays court costs.

In the State of New York workers may file their wage claims not only in the branch offices of the department of labor but also in many county offices and with sheriffs and justices of the peace who are provided with the department's printed forms. If no reply is received to the department's claim letter, a subpena is issued calling for a hearing in the locality near the residence of the complainant and the defendant. Hearings are held weekly in New York City because of the many complaints filed in that city. The hearings in other parts

[26] In California, New Jersey, and New York there are various branch labor offices at which workers may file wage claims.

of the State are held as soon as there are enough claims to warrant such procedure. If, however, the complaint is serious and calls for immediate attention, one of the department's investigators is sent to look into the matter. If the department finds that the labor law has been violated prosecution is begun at once.

In Puerto Rico the majority of claims are settled administratively by the wage protection and claim bureau of the department of labor without judicial intervention. In case, however, payment is refused after such administrative efforts, the attorney of the bureau takes the claim before the court of competent jurisdiction under an act of November 14, 1917 "to determine the procedure in cases of claims for wages by farm laborers against their employers."

According to the chief inspector of the Tennessee Department of Labor "in most instances it is necessary that the wage claimer resort to an action in a justice of peace court in order legally to collect his claims against an employer."

In cases in which recourse to court procedure is necessary the Texas Bureau of Labor Statistics assists claimants in handling liens and prosecuting claims.

Although the Washington statutes provide for the creation of small-claims departments in every justice district of the State, very few have been created, and the wage-collection work therefore has devolved upon the department of labor and industries of the State.

A Wyoming law, approved February 4, 1933, provides for the informal hearing of wage claimants before justices of peace when the claims do not exceed $50. A deposit of $1.50 is required from the plaintiff in such cases.

In Wisconsin after the industrial commission has established the validity of a wage claim by means of a hearing and is satisfied that the employer is able to pay, and he still refuses to do so, the case is turned over to the district attorney of the county in which the employer resides to take action.

If there is no dispute regarding the validity of the claim, and the excuse is offered by the employer that he is financially unable to pay, no action is taken against him by the commission until such time as it can satisfy itself that the claim of inability is not justified. Unfortunately, such claims are justified in altogether too many cases. If the commission is satisfied that the claim is valid and that the employer is able to pay, the district attorney is requested to act. In Milwaukee and adjacent territory the attorney in charge of this work can take the claims into court himself and does do so. He may call upon the district attorney for cooperation also. The plan outlined above is used for the State outside of Milwaukee and adjacent territory.

Causes for Nonpayment of Wages

The most frequently reported causes for the nonpayment of wages which led to the presentation of claims at State labor offices, according to the latest survey, are the following:

1. Lack of understanding or disagreement as to rates of pay. (This cause was reported by Arkansas, California, Colorado, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, Oklahoma, Puerto Rico, Utah, and Wisconsin.)

2. Insufficient capital for business projects, financial reverses, or insolvency. (Reported by Connecticut, Georgia, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Jersey, New Mexico, New York, Oregon, Philippine Islands, Washington, Wisconsin, and Wyoming.)

3. Lack of principle on the part of employers. (Cited by the labor offices of Arizona, Connecticut, Georgia, Louisiana, Minnesota, Montana, New Jersey, New York, Oklahoma, Oregon, Philippine Islands, Texas, and Washington.) The Connecticut Department of Labor makes a "rough guess" that half of the cases it reports involve employers who are trying to take unfair advantage of the present situation.

The Montana Department of Agriculture, Labor, and Industry writes that laboring men are so anxious to secure jobs that they are willing to work for very low wages. Certain companies have taken advantage of this condition to hire men, work them "just as long as they do not become too loud in their protest, and then discharge them without paying them anything at all."

Both the New York and Philippine labor officials emphasize as a major cause of wage claims the unwillingness of unscrupulous employers to pay any wage at all, while the Texas Bureau of Labor Statistics condemns the "villainous practice" of defrauding workers, and the Washington Department of Labor and Industries cites "the unscrupulous employer who has no intention of paying his employees, the fly-by-night merchant and the 'gypo' contractor." On the other hand, while the Minnesota officials mention some cases of fraud and those of Oregon some instances of unwillingness to pay, these apparently form no considerable problem, and in Wisconsin in only a small minority of claims was it found that the wage debt had been incurred with dishonest motives on the part of the employer.

Among the other causes noted, most of which were those arising from the depression, were low prices of farm products which made it impossible for farmers to pay their labor promptly (Arizona), crop failures (California), bank failures (Nevada), and poor business conditions (New York and Texas).

Effects of the Depression on the Handling of Wage Claims

The reports indicate that the number of wage claims handled by State labor offices has increased, as an outcome of the depression, in Arizona, Connecticut, Kansas, Michigan, New Jersey, New York, Oklahoma, Puerto Rico, Texas, and Wyoming. In Puerto Rico the increase has been especially noticeable in the wage claims of persons employed in general housework, laundries, restaurants, hotels, home building, and agriculture. The Nevada report notes a 100 percent increase in the amount of claims filed. The Oklahoma Department of Labor notes an increase in controversial claims, the workers being so eager for employment that a large percentage of them fail to come to an understanding as to what they are to be paid and are disappointed when they do not receive more. Michigan also reports that the average claim is smaller in amount. In New Jersey, on the other hand, an increase in the average amount of claim is reported due to the fact that the workers continue in their jobs even when they are not paid. The New Jersey officials note an increase in the number of bankruptcies; they attribute the rise in the number of claims to the employers' inability to meet their pay rolls, and state that in a large number of such cases the evasion of payment is deliberately planned. In New York the collection work has become somewhat more difficult, but the officials report that the greater efforts neces-

sitated because of that fact have been attended with much success. The increased difficulty of collecting wage claims is also stressed by the Oregon, Texas, Wisconsin, and Wyoming labor offices, the Wisconsin Industrial Commission declaring that in many cases collection is impossible.

In contrast to the above, some labor offices—among them California, Colorado, New Mexico, Philippines, Utah, and Washington—report a reduction in the number of wage claims as an effect of the economic slump. In California, during the fiscal year 1931–32, the number of wage claims filed decreased 5.5 percent, while the amount of unpaid wages collected fell 25 percent, due in part to lower wages and smaller claims. Although fewer claims have been filed in Colorado, there has been an increase in the number of long-standing cases which should have been settled from 1 to 3 years ago. Increased difficulty of collection was noted by the Arkansas, California, New Mexico, and Utah officials.

The economic and banking conditions are cited by the Louisiana report as having been used as excuses for not paying labor by some employers who never thought before of not paying wages due and by others who had never had a bank account. There are also numerous employers who are anxious to pay their workers but who have had to delay on account of the industrial situation.

The Massachusetts Department of Labor and Industries notes a special type of complaint growing out of the depression, namely, that against individuals who because of unemployment in their own trades have ventured into business for themselves, taking small contracts, particularly for road and bridge construction or for altering or repairing buildings and other structures. Little or no capital and inadequate credit make it impossible for these people to pay their workers promptly.

The division of women and children of the Minnesota Industrial Commission attributes to hard times the revival of old wage claims—some so small that no attorney will take them, some so weak that the conciliation court counsels against filing them. "Up to 1931 practically no wage-collection work was done by this office, all claimants being sent to the bureau of legal aid or to the conciliation court for advice. Because an unusual emergency exists this Department has assumed some responsibility in aiding in the settlement of these wage claims."

Recommendations of Labor Offices

The recommendations of various labor offices with reference to improvements in the matter of collecting wage claims are given in brief below. A considerable number of offices, however, made no suggestions on this subject.

The State labor commissioner of Colorado considers it desirable that he should be empowered to sue in court without expense to the claimant, the State furnishing a public prosecutor and making an adequate appropriation to carry out this procedure. He also suggests that it would be well for other States to establish a similar system.

The Connecticut Department of Labor has already recommended to the State legislature the enactment of a statute more comprehensive than the one under which it is at present operating and which would authorize the commissioner to bring a civil suit for the collection

of wages. The enactment, with one or two changes, of the "model statute for facilitating enforcement of wage claims" [27] is advocated.

A very useful provision of such a statute would be the California requirement that any employee shall be paid his average rate of wages for the period which elapses between the time of withholding wages and their final payment. In California the delinquent employer is subject thereby not only to the serious penalty of the Criminal Law, but also the penalty of paying the worker for the time he has to wait for his wages.[28]

The chief of the labor division of the Department of Industrial Relations of Georgia advocates the establishment of a department for the collection of wage claims.

In the latter part of 1932 the Illinois Department of Labor had under consideration the question of submitting to the general assembly a bill giving the department authority in wage-claim cases.

The Kansas statutes provide that the county commissioner of any city may set up a debtors' court for the collection of wage claims not exceeding $20. The small number of these courts and the rigid limitation on the amount of the claims have seriously restricted their effectiveness. It is suggested in the 1932 report of the Commission of Labor and Industry of Kansas that "each justice of the peace be appointed judge of a small debtors' court so that workers would have a judge available in each community to assist them in the collection of their labor debts."

According to the Department of Labor and Industrial Statistics of Louisiana, every State should empower its department of labor to compel employers to pay wages, and a public defender should be provided to enforce the law so that workers would not have to employ attorneys to collect their earnings. "If wages earned are to be paid to attorneys because of nonpayment, workers had just as well be unemployed."

The Massachusetts Commissioner of Labor and Industries points out that there is much to be done in perfecting the existing system for the protection of workers against wage losses.

It would seem that the jurisdiction of the statute might well be made to cover other fields beside industrial establishments. The worst type of offense occurs in private domestic service. These are not covered by the Massachusetts law. While it might not appear necessary to require the payment of wages weekly to such employees, there should be some authority they could turn to for assistance when they were not paid the wages which they had earned and have the protection needed under these circumstances without personal expense. Types of such cases include widowed women who are often compelled to do household work to earn a living, and aged people who seek such employment as a means for their support.

There should be interstate provision for the apprehension of employers who fail to pay wages as required by law in the one State and escape into another jurisdiction without discharging their obligations in this respect. While failure to pay an employee the wages he has earned is classified as a misdemeanor, there should be an arrangement by which States would cooperate in the enforcement of wage-payment laws, as they now do in the case of felonies. The importance of the laborer's wage in his home and its relation to maintaining a family in a normal manner justifies legislative action of this kind.

At the request of the Minnesota Industrial Commission, a bill was introduced in the 1933 session of the State legislature to create a new division in the commission, with an adequate appropriation; the

[27] This proposed measure may be found on page 54.
[28] Connecticut. Department of Labor. Bureau of Labor Statistics. Report, 1930-32. New Haven, 1933, pp. 32-33.

duty of this division would be to advise wage claimants regarding their legal rights and to assist them when necessary in civil actions to recover wages due. The bill failed to come to a vote.

The labor commissioner of Montana reports that an unsuccessful attempt was made in the recent legislature and in the preceding legislatures to render it possible for the State department of agriculture, labor, and industry to aid wage claimants.

The labor commissioner of Nevada expresses the belief that the laws governing wage payments should be strengthened to provide more drastic penalties for failure to meet pay rolls. He also advocates the enactment of laws making mandatory the posting of a bond guaranteeing a 30-day pay roll for the maximum number of workers, in the case of a corporation without sufficient clear assets to cover its pay rolls.

In the judgment of the New Jersey Department of Labor, additional legislation should be enacted to facilitate the payment of wage claims, especially to overcome the employer's obvious defense that the claimed wages are not due. This is a civil isssue requiring either that the debt be assigned to the prosecuting authority, with adequate legal aid to carry the case on through civil courts, or that the prosecuting agency be authorized to determine civil liability in such controversies. The latter procedure has been proposed to the New Jersey Legislature, to apply in wage cases involving up to $200; the course of action in such cases would parallel that of the lowest civil courts under the administration of justices of the peace. Another provision included in the proposed legislation would give the department authority to oblige litigants to appear and testify. This is a great help toward the satisfactory adjustment of the controversy and, furthermore, minimizes prosecutions in court. The department points out that the situation is becoming worse as a result of financial conditions, the destitution of the wage earners making ordinary legal procedure impossible for them.

The New York Department of Labor recommends the passage of legislation for the better protection of the workers of the State, for example:

1. To cause employers of labor to furnish a bond guaranteeing the payment of wages or to show satisfactory evidence that such a bond is not necessary.
2. To cause a greater degree of liability to fall on the stockholders and officers of a corporation than now exist.
3. To make it a criminal offense not to pay wages.
4. To consider the pilfering of an employee's time in the same category as the stealing of one's property and to punish in the same manner.
5. To establish a minimum wage law.

The commissioner of Oklahoma contends that the court method of settling wage complaints "is too burdensome, long drawn out, and very unsatisfactory." Workers cannot afford expensive legal proceedings to secure the wages they have already earned. He favors some simple, speedy, inexpensive system of arriving at the facts regarding these wage claims and the enactment in every State of a wage-collection law modeled on the one in California. He also refers to the Massachusetts and Nevada wage payment laws which seem to him "very effective and desirable."

The 1933 session of the Oregon Legislature passed a wage collection law (acts of 1933, ch. 279) which the bureau of labor of that State

reports will be of considerable assistance to that office and to the wage earners. The bureau declares: "We certainly have a weapon so that the man who is able to pay can be forced to pay."

In the latter part of November 1932 the Pennsylvania Department of Labor and Industry was giving serious consideration to the working out of the California wage collection law.[29]

In the annual report of the protection and claim bureau of the Puerto Rico Department of Labor, 1931–32, recommendation is made for various amendments to Law No. 40, 1917, under which wage collection work is carried on. These proposed amendments include provision for the inclusion of claims of employees and laborers illegally discharged, for more rapid action in collecting claims, and for the changing of section 10 to read as follows:

> When a property subject to a share-cropping contract is sold, ceded, or leased to another person or sold on public auction in a judicial proceeding, the cropper may demand that he be permitted to harvest the crop corresponding to the current agricultural year, and the cropper may claim as his such work, plantings or other things to which he may be entitled.

The chief inspector of the Department of Labor of Tennessee writes that the experience of his office in dealing with the matter of wage claims has led to the conviction that there is definite need for legislation in this connection.

The Texas Department of Labor "is fostering an amendment to the semimonthly pay day law which provides a semimonthly pay day for any employer employing one or more employees." The passage of this amendment will make it possible for the department to function something like a small claims court. Under the existing law, the semimonthly pay day act is applicable only when more than 10 persons are employed.

An adequate law under which the Utah industrial commissioner would be able to collect unpaid wages for employees was introduced in the 1931 legislature but was not passed.

The statute under which the Washington Department of Labor and Industries handles wage claims is declared by the labor commissioner of that State to have "no teeth in it." The department has no enforcing power, which makes it impossible in a large number of cases to secure for the claimants the wages due them. Adequate legislation to remedy this evil is essential, and in several past sessions of the legislature the department has endeavored without success to have such a measure passed. The commissioner concludes that "California having about the only real effective wage collection law (despite the fact that other States, like our own, have attempted similar legislation and have failed), it would appear that congressional action is about the only remedy."

The so-called "wage claim law" of Wisconsin, which became effective the latter part of June 1931, was a new departure for that State. As noted above, the work of the commission has been very much hampered by a court decision holding the penal provision of the act unconstitutional. That body reports, however, that some worth-while results have been obtained and that, as the weaknesses of the legislation are corrected in the light of experience, it may be hoped that a

[29] Pennsylvania. Department of Labor and Industry. Labor and Industry. Harrisburg. November 1932, p. 1.

system will be developed which will be of value to the small claimant and involve no hardship for the employer.

According to the Department of Labor of Wyoming, that office should be authorized to bring suit for wage claimants in worthy cases, especially where it is evident that it was the motive of the employer to defraud the wage earner. County attorneys should be at the service of such claimants. "A continuous wage clause should obtain."

Special Agencies for Handling Small Wage Claims

According to the reports received, each of the following States has a small-claims court or system of courts: California, Colorado, Connecticut, Iowa (municipal court in Des Moines), Kansas (a few small debtors' courts, limited to claims not exceeding $20), Maryland (people's court), Massachusetts, Minnesota (conciliation courts), Nevada, New Jersey, Oregon, and South Dakota. Several labor offices stated that small claims were also handled by justices of the peace. In Arizona such officials handled claims involving amounts up to $200, the cost of filing a claim under $50 being $1. In some communities in Michigan justices of the peace have assumed responsibility in small wage-claim cases.

The report of the standing committee on legal-aid work, submitted to the American Bar Association at its annual meeting, Grand Rapids, Mich., August 30–September 1, 1933, shows that in 1932 there were 73 legal-aid agencies, including public defenders, in 60 cities in 28 States and the District of Columbia.

Conclusion

While the findings of the investigation show that an increasing amount of valuable work is being done by various State labor offices in behalf of indigent wage claimants, the inquiry also discloses that in many States much more might be accomplished along this line under improved legislation. Indeed, this fourth survey of the United States Bureau of Labor Statistics on the collection of small wage claims emphasizes anew the pronouncement made several years ago by the late Chief Justice William H. Taft that "Something must be devised by which everyone, however lowly and however poor, however unable by his own means to employ a lawyer and to pay court costs, shall be furnished the opportunity to set this fixed machinery of justice going."[30]

FIRST DRAFT OF A MODEL STATUTE FOR FACILITATING ENFORCEMENT OF WAGE CLAIMS[31]

* * * * * * *

SECTION 2. Any employer may designate regular pay days for employees or any class or group of employees. Pay days so designated shall occur not less often than _____ in each calendar month and at intervals of not more than _____ days. In the absence of such designation, regular pay days shall fall on Friday of each week. When any regular pay day falls on a holiday or a Sunday, it shall shift to the next preceding business day. Every employer shall post and keep posted at each regular place of business in a position or positions easily accessible to all employees one or more notices on forms supplied from time to time by the

[30] United States Bureau of Labor Statistics Bull. No. 398: Growth of legal aid work in the United States. Washington, January 1926, p. III.

[31] Alternative wordings are put in parentheses; tentative provisions, in brackets. Secs. 1 and 11, which are omitted, deal, respectively, with definition of terms and possible unconstitutionality of provisions. It is proposed that a final section provide for repealing previous legislation.

commissioner containing (1) a copy or summary of the provisions of this act (chapter, etc.), (2) a statement of the regular pay days, and (3) a statement of the place or places and the time or times for payment of employees.

SEC. 3. Every employer shall pay employees as follows:

(*a*) On demand after a discharge or decrease of compensation has become operative with respect to any employee such employer shall pay said employee in full to the time of discharge or decrease of compensation.

(*b*) On each regular pay day such employer shall pay in full each employee voluntarily leaving employment on or since the last preceding regular pay day.

(*c*) On each regular pay day such employer shall pay each other employee in full for services rendered to within ------ working days of said pay day.

(*d*) If because of absence from the place of payment any employee is not paid on any regular pay day the sums then payable under this section, he shall be paid at any time thereafter on demand said sums, or he shall, if he so demands, be paid said sums by mail, less the actual cost of transmission.

(*e*) The mailing of compensation in the medium described by section 1, paragraph *c*, of this act (chapter, etc.) to an employee in time to reach his post-office address by usual course of mail on the proper regular pay day shall be due compliance with the requirements of this section.

None of the foregoing provisions shall make unlawful more frequent or earlier payment of any employee. Violation of any of the foregoing provisions of this section [shall give rise to a civil right of action on any resulting wage claim, and violation of any of said provisions] or of any provision of the last sentence of section 2 of this act (chapter, etc.) shall be a misdemeanor punishable on complaint of the employee affected or of the commissioner as hereinafter provided.

SEC. 4. Any employer may not less than ------ days after the death of any employee and before the filing of a petition (application, etc.) for letters testamentary or of administration in respect of the decedent's estate, make payment of decedent's compensation [if not in excess of the maximum amount of a wage claim as above defined] to the wife, children, father or mother, brother or sister of the decedent, giving preference in the foregoing order; or, if no such relatives survive, may apply such payment or so much thereof as may be necessary to paying creditors of the decedent in the order of preference prescribed for satisfaction of debts by executors and administrators. The making or application of payment in this manner shall be a discharge and release of the employer to the amount thus paid or applied.

SEC. 5. Any employee may sue his employer on a wage claim without giving security for payment of costs. In any such proceeding the court may allow the prevailing party, in addition to all ordinary costs, a reasonable sum not exceeding ---------- dollars for expenses. No assignee of wage claim shall be benefited or affected by this section except as expressly provided by paragraph b of section 6.

SEC. 6. It shall be a (the) duty of the commissioner to enforce the provisions of this act (chapter, etc.), and to that end he shall have the following powers:

(*a*) He may investigate and attempt equitably to adjust controversies between employers and employees in respect of wage claims or alleged wage claims.

(*b*) He may take assignments of wage claims in trust for the assigning employees. All such assignments shall run to the commissioner and his successors in office. The commissioner may sue employers on wage claims thus assigned with the benefits and subject to the provisions of section 5. He may join in a single proceeding any number of wage claims against the same employer, but the court shall have discretionary power to order a severance or separate trials or hearings.

(*c*) He may make complaint in a criminal court for any violation of the provisions of section 3 or of the last sentence of section 2. Such complaint shall be made not later than ---------- months after the violation complained of. The employer complained against shall, if found guilty, be liable to a fine of not less than ---------- dollars nor more than ---------- dollars. Judgment may be entered for such fine and costs and may be enforced by execution and otherwise in the same manner as if rendered in a civil proceeding [but payment may not be enforced by imprisonment]. [Any such judgment shall have the same preference as a judgment for taxes in favor of the State.]

(*d*) He may, after entry of final judgment against an employer in any proceeding in pursuance of section 5 or the foregoing paragraphs of this section, require such employer to execute and deliver to him a bond conditioned upon the full performance for a period of 1 year from its date of the provisions of section 3 and the last sentence of section 2. Every such bond shall run to the commissioner and his successors in office, shall be for a sum not exceeding ------

the average aggregate compensation payable monthly by such employer to employees in the business with respect to which judgment was entered, and shall be executed by one or more sureties satisfactory to the commissioner [or approved in the same manner as bail in criminal proceedings]. In determining the maximum amount for such a bond, there shall be computed the monthly average of the aggregate compensation paid and payable for services rendered by employees in such business over the 6 months' period immediately preceding the commissioner's written notice or over the period during which said employer has been conducting said business, whichever period is shorter.

Before requiring such bond the commissioner shall give such employer not less than 7 days' notice in writing to enable the employer to show cause why such bond should not be executed and delivered. Unless such bond is executed and delivered when duly required, any court shall on suit by the commissioner enjoin such employer from doing business in this State until the requirement is met, or shall make other, and may make further, orders appropriate to compel compliance with the requirement. In any legal proceeding respecting such bond, the employer shall have the burden of proving the amount thereof to be excessive.

The commissioner shall prosecute all legal proceedings [as a corporation sole] under his official title.

SEC. 7. Violation of any provision of section 3 or of the last sentence of section 2 by a corporation organized and existing under the laws of this State shall be sufficient cause for forfeiture of its charter, and such violation by a foreign corporation shall be sufficient cause for forfeiture of its right to do business in this State. At the request and upon the advice of the commissioner the attorney general may commence proper proceedings to enforce the forfeiture prescribed. Before commencing such proceedings the attorney general shall give the corporation affected not less than 7 days' notice in writing to enable it to present reasons why forfeiture should not be enforced. In such proceedings a prior civil judgment against the defendant on a wage claim shall place upon the defendant the burden of disproving its liability to forfeiture, and a prior judgment under complaint made in accordance with paragraph c of section 6 shall be conclusive evidence of such liability.

SEC. 8. The remedies provided in this act (chapter, etc.) shall be additional to and not in substitution for other remedies now or hereafter existing or provided, and may be enforced simultaneously or consecutively so far as not inconsistent with each other. No payment or tender after the filing of a criminal complaint or commencement of any proceeding by the commissioner or the attorney general shall affect the liability therein of an employer for expenses, or prevent such employer from being subject to fine or forfeiture, or to the giving of bond for the performance of the provisions of this act (chapter, etc.). So far as any civil proceeding hereunder is brought in [or appealed to] a court of limited jurisdiction, allowance to the prevailing party for expenses shall be taxed as additional costs, shall not oust such court of jurisdiction, and may be enforced despite the fact that the total judgement thus rendered exceeds the ordinary maximum jurisdictional amount.

SEC. 9. For the purpose of paying expenses and costs of the commissioner's proceedings under this act (chapter, etc.) there is hereby created a [trust] fund to be known as the contingent fund of the commissioner, and to be payable at any time or from time to time on order of the commissioner. This fund shall be self-sustaining. All sums collected by the commissioner for costs, expenses, and fines shall become part of this fund. A reasonable portion of the amount recovered on any assigned wage claim may also be added to the fund if the court in which judgment is entered so orders at the request of the commissioner. For the establishment of said contingent fund the sum of _____ dollars is hereby appropriated to be placed to the credit of said contingent fund as a temporary loan and paid out from time to time on order of the commissioner. This loan so far as availed of shall be repaid to the State treasury by applying any accumulations above _____ dollars in said fund on the _____ day of _____, 193__, and by applying subsequent accumulations annually thereafter until repayment without interest is completed.

SEC. 10. No employer may, by special contract or any other means, exempt himself from any provision of or liability or penalty imposed by this act (chapter, etc.) except so far as the commissioner in writing approves a special contract or other arrangement between an employer and one [or?] more of such employer's employees. The commissioner shall not give his approval unless he finds that such contract or arrangement will not prejudicially affect the interests of

the public or of the employee or employees involved, and he may at any time retract such approval, first giving the employer not less than 30 days' notice in writing. None of the provisions of this act (chapter, etc.) shall [affect the right of any employer under lawful contract to retain part of the compensation of any employee for the purpose of affording such employee insurance, or hospital, sick, or other similar relief; nor shall any of said provisions] diminish or enlarge the right of any person to assert and enforce a lawful set-off or counterclaim or to attach, take, reach, or apply an employee's compensation on due legal process.

Workmen's Compensation Legislation

The adoption of workmen's compensation for industrial injuries in lieu of the rule of the employer's liability for injuries due to his negligence stands out in its effect on the status of the worker as one of the most important legal-economic developments of modern times. A right to relief based on the fact of employment, practically automatic and certain, replaces the doubtful contest for a recovery based on proof of the employer's negligence and of the absence of the common-law defenses.

At this time 44 States, the District of Columbia, the Territories of Hawaii, Alaska, Puerto Rico, and the Philippine Islands have enacted some form of a workmen's compensation law, leaving only 4 States [32] without such legislation. The Federal Government has also enacted a workmen's compensation law for Government employees and one covering longshoremen. A digest of the principal features of the laws enacted by the States of Alabama, Georgia, and Tennessee has been prepared and two tables drawn containing certain miscellaneous information so that these laws may be readily compared. Copies of the complete text of the workmen's compensation laws of these States, as well as the laws for the other States and Territories, may be found in the published bulletins of the Bureau of Labor Statistics.

ANALYSIS OF THE PRINCIPAL FEATURES OF THE LAWS

Alabama

Date of enactment.—August 23, 1919. Effective January 1, 1920.

Injuries compensated.—Injuries caused by accident arising out of and in the course of the employment, causing disability for more than 2 weeks, or death, not caused by employee's willful misconduct, intoxication, or willful failure to observe rules or statutory duties.

Industries covered.—All except those employing less than 16 persons, common carriers while engaged in interstate commerce, and domestic and agricultural service. Municipalities and employers of less than 16 employees (except farm laborers), may e'ect to come under the act.

Persons compensated.—Private employment: All persons, in the industries covered, including minors, but excepting casual employees not in the usual course of the employer's trade or business. Public employment: Not covered unless employer elects.

Compensation for death:

(*a*) Expenses of last sickness and burial, in addition to required medical, etc., treatment, not to exceed $100.

(*b*) Total dependents: To widow, 30 percent of wages; to dependent husband, 25 percent; to widow or widower and 1 child, 40 percent; to widow or widower and 2 or 3 children, 50 percent; to widow or widower and 4 or more children, 60 percent; to dependent orphan, 30 percent; for each additional orphan, 10 percent, maximum 60 percent; to 1 parent, 25 percent, both, 35 percent; to grandparent, brother, sister, mother-in-law, father-in-law, if one, 20 percent, if more than one 25 percent.

Compensation payable in the order named and ceases on death or remarriage, and upon arrival of children at age of 18.

[32] Arkansas, Florida, Mississippi, and South Carolina.

Compensation for death—Continued.

(*c*) To partial dependents: A proportion of the above corresponding to the relation the contribution of the deceased to their support bore to his wages.

Maximum weekly payment, $12 to $15, according to number of dependents; minimum, $5, or actual wages. Total period, 300 weeks including disability payments, if any; total maximum, $5,000.

Compensation for disability:

(*a*) Reasonable medical, etc., treatment for the first 60 days, not exceeding $100.

(*b*) For temporary total disability, 50 percent of wages for not over 300 weeks.

(*c*) For partial disability, 50 percent of wage loss for not over 300 weeks.

For certain specific injuries (mutilations, etc.), 50 percent of wages for fixed periods (10 to 400 weeks).

(*d*) For permanent total disability, 50 percent of wages for 550 weeks, not over $5 weekly after 400 weeks.

Maximum weekly payments, $12; with 1 wholly dependent child, $13; with 2 children, $14; with 3 or more children, $15; minimum, $5, or actual wages.

Compensation may be commuted to lump-sum payments by agreement or by the court.

Revision of benefits.—Awards payable for more than 6 months may be revised by agreement or by court.

Insurance.—Employers may insure whole or part of compensation. Insurance not required.

Security for payments.—Compensation is not assignable, nor subject to garnishment, and is entitled to the same preferences as unpaid wages.

Settlement of disputes.—Settlements not made by agreement are determined by the courts.

Georgia

Date of enactment.—August 17, 1920; in effect March 1, 1921.

Injuries compensated.—Personal injuries by accident arising out of and in course of the employment, causing death or disability for more than 7 days, not due to the injured employee's willful misconduct, intoxication, violation of safety provisions, or the willful act of a third person not due to the employment.

Industries covered.—All where 10 or more persons are employed, excepting agriculture and domestic service, common carriers using steam power, and institutions operated as public charities, all in the absence of contrary election. Small establishments may make election to come under the act.

Persons compensated.—Private employment: All employees in establishments covered, except casual employees. Public employment: Employees of municipal corporations and political subdivisions of the State.

Compensation for death:

(*a*) Burial expenses not to exceed $100.

(*b*) To persons wholly dependent, 85 percent of the benefits provided for total disability for 300 weeks.

(*c*) To persons partly dependent, a payment proportionate to the decedent's contribution to their support.

Payments continue for not over 300 weeks from the date of injury, $12.75 maximum, the total not to exceed $5,000. They cease on the remarriage of a widow or widower, or on a child reaching the age of 18 unless incapacitated for earning.

Payments to nonresident aliens, other than in Canada, may not exceed $1,000.

Compensation for disability:

(*a*) Necessary medical attention for not more than 30 days, the cost not to exceed $100.

(*b*) For total disability, one half the weekly wages, not more than $15 nor less than $4, unless wages are less than $4, then full wages for not more than 350 weeks; total not to exceed $5,000.

(*c*) For partial disability, 50 percent of the wage loss, not more than $12 per week, for not more than 300 weeks; fixed periods for specified injuries, in lieu of all other compensation except for a period of not over 10 weeks' total disability.

Any weekly payment may be commuted to a lump sum after 26 weeks if the parties agree and the commission approves.

Revision of benefits.—The commission may at any time review an award or agreement, either on its own motion or on application of either party.

Insurance.—Insurance in a licensed stock or mutual company, or a reciprocal association, is required unless satisfactory proof is given of ability to act as a self-insurer.

Security of payments.—Evidence of insurance must be filed, policies must inure directly to beneficiaries, payments made have same preference as wage debts, and are exempt from assignment, attachment, etc.

Settlement of disputes.—Disputes are settled by the department of industrial relations subject to appeal to the courts.

Tennessee

Date of enactment.—April 15, 1919; effective July 1, 1919.

Injuries compensated.—Injury by accident arising out of and in course of the employment, causing disability for more than 1 week, or death, not due to employee's intoxication, willful misconduct, or intentional self-inflicted injury, or refusal to use a safety appliance or perform a duty required by law.

Industries covered.—All employing five or more persons, except common carriers while engaged in interstate commerce and domestic and agricultural service. Small employers and the State and its municipalities may elect.

Persons compensated.—Private employment: All employed in the industries covered except employees whose work is casual and not in the usual course of the employer's business. Public employment: Employees are not covered unless the employer elects to come under the act.

Compensation for death:

(*a*) Burial expenses not to exceed $100.

(*b*) To widow, 30 per cent; with one child, 40 per cent; two or more children, 50 percent. One orphan child, 30 per cent; each additional orphan, 10 per cent; total not to exceed 50 per cent. Dependent widower, 20 per cent. One dependent parent, 25 per cent; two dependent parents, 35 per cent. One grandparent, sister, brother, mother, or father-in-law, 20 per cent; two or more, 25 per cent, of the average weekly wages, in the order named.

(*c*) If only partial dependents survive, a proportion of the above corresponding to the relation of the contribution of the deceased to the total income of such dependents.

Payments to children (apparently) cease upon their reaching the age of 18 years; to other dependents, on death or marriage; not over 400 weeks.

Maximum weekly compensation, $16 per week; minimum, $5, unless wages are less than $5, when full wages are paid.

Compensation for disability:

(*a*) Reasonable medical and surgical treatment for 30 days after notice of accident, not to exceed $100.

(*b*) For temporary total disability, 50 percent of average weekly wages, for not over 300 weeks.

(*c*) For permanent total disability, 50 percent of wages for not to exceed 550 weeks, reduced to $5 per week after 400 weeks, with maximum total of $5,000.

(*d*) For temporary partial disability, 50 percent of wage loss for not over 300 weeks.

(*e*) For permanent partial disability, 50 percent of wage loss for not over 300 weeks; for certain specific injuries (mutilations, etc.) producing permanent partial disabilities, 50 percent of wages during fixed periods.

Payments are to begin on the eighth day; if disability continues for more than 6 weeks, they date from the injury.

Payments may not exceed $16 per week nor be less than $5, unless wages are less, and may be commuted to a lump sum.

Revision of benefits.—Revision of payments for more than 6 months may be made by the court on agreement of parties; or, in case of disagreement, on application of one party.

Insurance.—Insurance is required in an authorized insurance company or association, or bond or proof of financial ability to make payments.

Security of payments.—Insurance policies must inure directly to the benefit of the beneficiaries and be enforceable in an action by them.

Settlement of disputes.—Disputes are settled by the judge or chairman of the county court, with right of appeal to the courts.

TABLE 14.—*Miscellaneous provisions of State workmen's compensation laws*

State	Compensation law elective or compulsory	Period and amount of medical service	By whom law is administered	Waiting time	Second injury
Alabama	Elective [1]	60 days; $100	State courts	2 weeks; retroactive at end of 4 weeks.	Provision therefor but no second injury fund.
Georgia	do.[1]	30 days; $100 [2]	Department of industrial relations.	1 week; not retroactive.	Do.
Tennessee	do.[1]	30 daps; $100	State courts	1 week; retroactive at end of 6 weeks.	Do.

[1] Election presumed in absence of active rejection.
[2] Additional services allowed in special case.

TABLE 15.—*Number of weeks for which compensation is payable for specified injuries*

State	Loss of—													
	Arm (at shoulder)	Hand	Thumb	Index finger	Middle finger	Ring finger	Little finger	Leg (at hip)	Foot	Great toe	Other toe	Sight of 1 eye	Hearing 1 ear	Hearing both ears
Alabama	200	150	60	35	30	20	15	175	125	30	10	100	------	150
Georgia	200	150	60	35	30	20	15	175	125	30	10	100	------	150
Tennessee	200	150	60	35	30	20	15	175	125	30	10	100	------	150

Occupational Disease Legislation

Of the 44 States and 4 Territories having workmen's compensation laws, awards for occupational diseases are allowed in 11 States and 3 Territories. The States of Minnesota, New Jersey, New York, Ohio, and the Territory of Puerto Rico have a specified list of occupational diseases covered by the workmen's compensation law. Other States recognizing occupational diseases as entitled to compensation are California, Connecticut, District of Columbia, Hawaii, Illinois (in certain employments by a separate act), Massachusetts (by judicial interpretation of compensation law), North Dakota, Philippine Islands, Wisconsin, and the United States under the Federal Employees' Compensation Act and Longshoremen's and Harbor Workers' Act. Kentucky includes "injuries or death due to the inhalation in mines of noxious gases or smoke, commonly known as 'bad air' and also shall include the injuries or death due to the inhalation of any kind of gas."

The question of occupational-disease compensation is not included in the workmen's compensation laws enacted by Alabama, Georgia, or Tennessee.

Explanation of Figures of National Council on Workmen's Compensation Insurance on Relative Benefits under Different State Laws

By W. F. Roeber, *Actuary National Council on Workmen's Compensation Insurance, New York City*

[Prepared for the sixteenth annual meeting of the International Association of Industrial Accident Boards and Commissions held in Buffalo, N.Y., October 1929.]

You, as members of industrial accident boards and commissions, are engaged in the administration of the workmen's compensation law of your State. You are interested primarily in the administration of your own State law, but you are also interested in comparing your law with the laws of other States. For purposes of this comparison, the provisions of the various and sundry workmen's compensation laws may be grouped under the two general headings of first, "Strictly administrative provisions", and second, "Benefit schedules." I will deal only with the latter group, which lends itself to mathematical analysis.

The National Council on Compensation Insurance has prepared a table showing mathematically the benefit provisions of the law of each State compared with the corresponding provisions of the law of each of the other States. This table, which is in the form of a series of index numbers using the New York law as a base, is called the table of comparative benefit costs. The index figures appearing in the table are called "law differentials."

At this point you might well ask: "Of what particular value or interest is this to me?" A general answer would be that you are concerned with the liberality of the benefit provisions of the law in your State as compared with the corresponding provisions of the laws of other States. For example, when the State legislature has under consideration an amendment to the compensation law, you are asked for advice and your advice will undoubtedly be influenced by what other States are doing. This table enables you to make a direct comparison with the laws of other States. You are also interested in knowing how, on the average, the awards in your State compare with the awards in other States. The aggregate awards over a reasonable period of time in each of two States may show, for example, that the aggregate cost of fatal cases is 20 percent higher in State A than in State B. By referring to the table of comparative benefit costs, you find that the law is only 15 percent higher in State A than in State B. The remaining 5 percent is due, therefore, to differences not attributable to the law. This residue is made up of a number of items, included in which and playing an extremely important part of it is the attitude of the commissions and courts in settling claims.

I have just mentioned the differences in cost between States not attributable to the benefit provisions of the laws. These differences are of importance in compensation-rate making. We therefore use experience differentials rather than law differentials in placing past experience upon a common level of cost. Experience differentials in addition to measuring differences in cost under the various laws measure all other differences, such as methods of administration, attitude of boards, commissions and courts, medical and hospital conditions, wage levels, accident severity, frequency rates, and all the other related subjects which play a part in determining loss cost. In other words, the law differentials which are shown in the table of comparative benefit costs compare the adequacy of the benefit provisions of

the various laws while the experience differentials measure not only these provisions but also all other items affecting cost.

I will now attempt to explain the derivation and limitations of the law differentials appearing in the table of comparative benefit costs. For statistical purposes accidents are classified, according to the kind of disability produced, into the six major divisions of fatal, permanent total, major permanent partial, minor permanent partial, temporary, and medical. Permanent total disability is usually defined as the loss or complete loss of use of both hands, both arms, both feet, both legs, both eyes, any two thereof, or any other injury which in fact permanently and totally prevents a person from pursuing a gainful occupation. Major permanent partial disability is disability, not constituting permanent total, which involves the loss or impairment to the extent of 50 percent or more, of an arm, hand, leg, foot, or eye, or any permanent injury which is compensated on the basis of 25 percent or more of permanent total disability. With this explanation the other terms are practically self-explanatory.

The table of comparative benefits is a comparison of the scale of benefits of workmen's compensation laws by these six statistical divisions. New York is taken as the base, but as the values are consistent, the table can be transformed to one with any other State as the base by the simple process of division. The values given for Alabama in the table as of January 1, 1929, are as follows:

Death	357
Permanent total	252
Major permanent partial	448
Minor permanent partial	584
Temporary total	573
Medical	821

Everything else being equal, these figures mean that on the average the cost of a fatal case setteld in accordance with the benefit provisions of the compensation law of Alabama is 35.7 percent of the cost of the same case settled in accordance with the benefit schedule of the New York compensation law, and similarly, the cost of a permanent total case under the Alabama law is, on the average, 25.2 percent of the cost of the same case under the New York law. The index numbers for different kinds of injury in the same State have no relation whatever to one another. The relation between the average cost of a fatal case and the average cost of a permanent total or any other kind of a case cannot be determined from the table of comparative benefits.

These index numbers are obtained by calculating separately for each kind of benefit the cost of compensating a standard distribution of accidents under the compensation law of each of the States and dividing the cost for each State by the cost for the basic State.

The standard distribution of accidents referred to is known as the American Accident Table. This table is based upon a country-wide study of compensation-accident statistics. In addition to the major divisions by kind of disability, each division is further subdivided as follows: For fatal, a distribution is given according to the kind of dependents and their average age; in the permanent total disability classification the average age of the injured employee is shown; in the permanent partial disability divisions the number of cases of dismemberment or loss of use of each bodily member is given; and for temporary disability there is shown a distribution by duration of disability.

In order to obtain comparable figures, it is necessary to calculate, on the basis of a common wage, the cost of compensating this distribution of accidents under the compensation law of each State. Here we are confronted with a question as to what wage to use. For example, in comparing the New York compensation law with the Alabama compensation law, should the calculations be made at the New York average weekly wage of $33.14, or the Alabama average weekly wage of $20.41? Offhand it might appear that the same differential will be obtained regardless of the average wage used. This is not the case, however, because of the operation of the maximum and minimum limits to weekly compensation.

In New York the limits to weekly compensation for temporary disability are $8 minimum and $25 maximum. At a compensation rate of 66⅔ percent these correspond to effective wages of $12 minimum, and $37.50 maximum—that is, anyone whose average wage is $12 or less will receive $8 per week if injured, regardless of the actual average wage, and anyone whose average wage is $37.50 or greater will be entitled to compensation of only $25 per week. Thus we see that the weekly limits have the effect of making the actual percentage rate of compensation greater than the legal percentage for those cases lying at the lower end of the wage distribution and less than the legal percentage for those cases lying at the upper end of the wage distribution. The location of these limits with respect to the average wage has a marked influence on their effect. If the average wage comes very close to the lower limit, the increase due to the lower limit is likely to more than offset the decrease due to the upper limit, with the net result that the compensation payable may amount to more than it would if there were no limits. And, on the other hand, if the average wage comes very near to the top limit, the compensation will be greatly reduced below what it would have been if there were no limits.

In Alabama the limits of weekly compensation are $5 minimum and $12 to $15 maximum, while the compensation rate is 50 percent. You will note that these limits and the rate of compensation are considerably lower than in New York. But in Alabama the average wage upon which compensation payments are based is, according to latest available statistics, $20.41, while in New York the corresponding average wage is $33.14. It is obvious that if we calculate the monetary cost of compensating a standard distribution of accidents using a low set of limits from one State and a high wage from another State, or vice versa, the results will be distorted. For example, if we use the New York average wage of $33.14, the Alabama cost of temporary disability is 54.1 percent of the corresponding cost in New York, while if we use the Alabama average wage of $20.41, the corresponding figure is found to be 66.3 percent. One solution would be to use the average of the New York and Alabama wages. However, if we introduce other States into the table on this basis, it is impossible, because of the various underlying wages, to compare one State with any State other than New York. We overcome this difficulty by using a national average wage which is a weighted average of all the State average wages. The cost of compensating the accident table is computed under each State's law at this national average weekly wage of $26.85.

The values given for medical in the table of comparative benefits are obtained from a comparison of index numbers assigned to each State in accordance with the legal limits to duration and monetary amount of medical aid provided by the compensation law and do not, therefore, measure actual differences in medical cost as between States.

The figures given for "All benefits" are weighted averages of the 6-part factors. National schedule Z data have been used as weights for reasons similar to those underlying the use of a national average wage.

In using this table of comparative benefit costs you must bear in mind that the figures themselves are subject to many limitations because of the fact that so many elements, the effect of which we can only surmise, must enter into the computation. As pointed out in my previous remarks, the use of an average national wage is but an approximation to the true condition in any particular State. A comparison of cost under the "All benefits" column is correct only in a general way. The distribution of accidents by type of injury varies from State to State and will, therefore, be somewhat different in each case from the national distribution or from any other set of weights which might be used to obtain the average. Because of this fact and others previously mentioned, it is essential to keep its limitations in mind when using this table.

In conclusion, permit me to again point out that the law differentials shown in this table are merely an approximate measure of the adequacy of the benefit provisions of the various State laws and should not be confused with the experience differentials employed in rate making. These latter figures measure, in addition to differences in law, all other factors affecting the loss cost.

TABLE OF COMPARATIVE BENEFIT COSTS

The attached table of comparative benefit costs measures the theoretical differences between the benefit schedules of the various workmen's compensation laws. The index numbers or law differentials appearing in this table should not be confused with the experience differentials which measure in addition to differences in law, all other factors affecting compensation cost. Law differentials afford a convenient comparison of the benefit scales of the several workmen's compensation laws. Experience differentials, which include a measure of all items affecting compensation cost, are used in rate making.

The factors shown for each of the major loss divisions of fatal, permanent total, major permanent partial, minor permanent partial, and temporary are determined separately by applying the compensation law of each State to a standard distribution of accidents called the American Accident Table. The index numbers for different kinds of injury in the same State have no relation whatever to one another.

New York is taken as the base. For example, the figure shown in column (1) for Alabama means that on the average, the cost of a fatal case settled in accordance with the benefit provisions of the Alabama law is 35.7 percent of the cost of the same case settled in accordance with the benefit provisions of the New York law. Similarly, the average cost of a permanent total disability in Alabama is 252/463 of the average cost of a permanent total disability in Alaska.

The laws have been valued on a national average weekly wage of $26.85.

The figures shown in column (7) are weighted averages of the 6-part factors. National Schedule Z data have been used as weights.

Because there are so many elements, the effect of which we can only surmise, entering into the calculation of these index numbers, they are approximate values only. In using these values, their limitations should be borne in mind.

TABLE 16.—*Comparative benefit costs under workmen's compensation laws*

[Compiled as of Jan. 1, 1929]

State	(1) Fatal	(2) Permanent total	(3) Major permanent partial	(4) Minor permanent partial	(5) Temporary	(6) Medical and hospital	(7) Average, all benefits	(8) Date of latest law affecting benefit schedules
New York	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	July 1, 1928
Alabama	357	252	448	584	573	821	571	Jan. 1, 1920
Alaska	695	463	893	735	955	--------	626	Aug. 7, 1927
Arizona	1,147	959	848	941	1,220	957	1,031	Nov. 3, 1925
California	498	582	667	757	863	1,000	782	July 29, 1927
Colorado	420	605	560	378	507	877	569	May 1, 1927
Connecticut	518	355	750	776	767	1,000	771	July 1, 1927
Delaware	345	221	509	615	606	790	585	Apr. 29, 1927
District of Columbia	762	403	1,082	1,069	959	1,000	961	July 1, 1928
Georgia	383	234	511	683	648	772	609	Aug. 27, 1925
Hawaii	447	248	820	848	806	1,000	790	Apr. 27, 1927
Idaho	540	475	576	487	721	1,000	687	Mar. 2, 1927
Illinois	482	429	654	857	751	1,000	763	July 1, 1927
Indiana	495	283	699	806	721	877	722	May 16, 1927
Iowa	497	292	538	560	605	784	603	July 4, 1927
Kansas	498	340	677	833	800	882	746	July 1, 1927
Kentucky	467	303	458	575	731	877	642	June 16, 1926
Louisiana	456	365	619	675	895	944	741	Aug. 1, 1928
Maine	465	333	819	1,258	822	784	822	July 16, 1927
Maryland	595	284	716	768	1,014	981	830	June 1, 1927
Massachusetts	539	278	645	560	906	845	714	Aug. 27, 1928
Michigan	603	414	611	798	885	957	787	Sept. 5, 1927
Minnesota	736	498	900	935	948	1,000	905	Apr. 25, 1927
Missouri	649	554	698	963	1,086	1,000	901	Jan. 9, 1927
Montana	576	320	482	403	554	963	608	Mar. 10, 1925
Nebraska	585	634	755	777	775	1,000	792	July 24, 1927
Nevada	916	700	663	760	1,014	988	883	Mar. 21, 1925
New Hampshire	376	210	450	295	885	735	571	May 4, 1923
New Jersey	504	929	797	1,026	931	877	850	Jan. 1, 1929
New Mexico	370	294	427	391	508	677	484	Mar. 14, 1927
North Dakota	986	662	865	756	1,139	1,000	957	July 1, 1927
Ohio	702	869	708	807	838	938	816	July 14, 1925
Oklahoma	449	407	668	785	907	938	771	June 29, 1923
Oregon	775	483	501	562	944	938	765	May 26, 1927
Pennsylvania	443	331	716	871	732	802	715	Jan. 1, 1928
Puerto Rico	396	194	457	352	648	1,000	596	Aug. 12, 1928
Rhode Island	373	278	494	473	729	877	613	Apr. 22, 1927
South Dakota	365	174	577	705	988	914	736	July 1, 1927
Tennessee	536	261	444	561	641	772	599	Apr. 25, 1927
Texas	652	332	600	758	884	883	765	June 15, 1927
Utah	562	679	631	543	898	969	752	May 12, 1925
Vermont	289	187	528	494	648	710	548	June 1, 1927
Virginia	404	239	493	608	550	926	609	June 17, 1928
Washington	880	557	568	538	668	1,000	736	July 1, 1927
West Virginia	687	799	722	911	771	988	828	July 24, 1925
Wisconsin	765	689	1,215	933	955	969	958	Aug. 10, 1927
Wyoming	354	275	432	297	857	914	609	Apr. 1, 1927
United States: Longshoremen	762	703	1,082	1,069	969	1,000	961	July 1, 1927