The Eight-Hour Day in Federal and State Legislation

Summary of the State and Federal "Eight-Hour Laws" in Effect in the United States: 1920

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THE EIGHT-HOUR DAY IN FEDERAL AND STATE LEGISLATION.

LAWS AND ORDERS ESTABLISHING AN EIGHT-HOUR DAY FOR WOMEN IN CERTAIN OCCUPATIONS.

Eight States—Arizona, California, Colorado, Montana, Nevada, Utah, Washington, Wisconsin—one Territory, Porto Rico, and the District of Columbia have laws which limit the working day for women in certain occupations to eight hours.

EIGHT-HOUR DAY, FORTY-EIGHT HOUR WEEK.

California, Utah, the District of Columbia, and the Territory of Porto Rico not only limit the daily hours of women workers to 8 but also limit their weekly hours to 48. As no overtime is allowed in California, Utah, and the District of Columbia, or any arrangement of hours to make one shorter work day per week, these laws are the strictest eight-hour laws in the United States. Porto Rico does allow one hour of overtime daily, but weekly hours can not exceed 48. The occupations covered vary somewhat. Manufacturing, mechanical, or mercantile establishments, laundries, hotels, restaurants, telephone or telegraph establishments, express or transportation companies are included in all these laws. In addition California and Utah both include hospitals and offices. The California law also covers public lodging houses, apartment houses, places of amusement, labeling in the fruit, fish, or vegetable canning industry, and unclassified occupations. Utah excepts canneries, and California limits them to a basic eight-hour day. Porto Rico covers any form of lucrative employment, but excepts telephone operators, telegraphers, artists, nurses, or domestics.

EIGHT-HOUR DAY, FIFTY-SIX HOUR WEEK.

Two States, Arizona and Nevada, limit the daily hours of women to 8 but allow them to work 56 hours weekly. Nevada makes no provision for overtime, permitting a 7-day week, but only 8 hours' labor on any one day. Arizona allows 2 hours overtime on 1 day a week in mercantile establishments, confectionery stores, and bakeries, so that a 7-day week with 1 day of 10 hours is legal. The laws of both these States include mercantile establishments, laundries, hotels, restaurants. Arizona also includes confectionery stores, bakeries, telephone or telegraph offices, and Nevada includes manufacturing or mechanical establishments, public lodging houses, places of amusement, express or transportation companies. Both States except nurses; Arizona excepts telephone and telegraph offices where not more than three women are employed; Nevada excepts canning.

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EIGHT-HOUR DAY, NO WEEKLY LIMITATIONS.

Four States—Colorado, Montana, Washington, and Wisconsin—limit the daily hours of women workers to eight, but have no weekly limitations. Colorado, Washington, and Wisconsin allow no overtime; Montana allows it in retail stores during the week before Christmas to the extent of two hours daily. The occupations covered by these laws vary greatly. Colorado, Montana, and Washington include mechanical or mercantile establishments, laundries, hotels, restaurants; Colorado and Montana, manufacturing establishments; Montana, telegraph and telephone establishments. Wisconsin covers only a much smaller group of workers, conductors, motormen, flagmen on street car lines outside of first-class cities. Washington alone excepts a manufacturing industry—canning.

Summary.—These laws definitely recognize eight hours as the maximum limit of a day's work and seek to establish this standard for women workers. How effectively these laws accomplish this limitation varies greatly in the different States. The inclusiveness of the list of occupations, the provisions that make for thorough enforcement, whether the law limits both daily and weekly hours, whether the law allows overtime, all make for wide differences in the actual results obtained by these laws.

INDUSTRIAL WELFARE COMMISSION ORDERS ESTABLISHING A BASIC EIGHT-HOUR DAY FOR WOMEN IN CERTAIN OCCUPATIONS.

Two States, Kansas and California, provide that, in specified industries, for all hours worked above eight in any one day an increased hourly rate shall be paid.

KANSAS.

The Industrial Welfare Commission order is that women telephone operators and those employed in manufacturing establishments must be paid at the rate of time and a half for all hours worked in excess of eight daily. In manufacturing establishments it allows overtime only in cases of emergency, specifying that the weekly hours, including the overtime, may not exceed 55 and must be worked on six days of the week. It also provides that time and a half shall be paid for all hours worked by telephone operators above 48 in one week.

CALIFORNIA.

The Industrial Welfare Commission orders cover fresh fruit and vegetable canning and packing, fish canning, and agricultural field occupations. They require that time and a quarter be paid for all hours above 8 daily and double time for all hours above 12 daily, and that time and a quarter be paid for the first 8 hours' work on the seventh day of the week and double time for all hours above 8.

Summary.—These laws do not establish an eight-hour day, but they do show the recognition by these two States that eight hours is
the fair maximum day's labor, and by making the work done in the hours over eight more costly, tend to limit the working day definitely to eight hours.

LAWS AND ORDERS ESTABLISHING A FORTY-EIGHT-HOUR WEEK FOR WOMEN IN CERTAIN OCCUPATIONS.

Three States—Massachusetts, North Dakota, and Oregon—have laws which limit the working week for women in certain occupations to 48 hours, but do not limit the daily hours to 8.

EIGHT-AND-A-HALF-HOUR DAY, FORTY-EIGHT-HOUR WEEK.

North Dakota has limited the hours of women workers to 8½ in one day and 48 in one week. No overtime is allowed, so that the weekly limitation of 48 hours forces any establishment working the daily maximum to have one very short day per week. The law covers manufacturing, mechanical, or mercantile establishments, laundries, hotels, restaurants, offices, telephone or telegraph establishments or offices, express or transportation companies. It excepts rural telephone exchanges, hotels, and restaurants, and telephone exchanges in towns of less than 500 population.

NINE-HOUR DAY, FORTY-EIGHT-HOUR WEEK.

Two States, Massachusetts and Oregon, limit the hours of women workers to 48 hours in one week, but allow 9 hours in any one day. In this group, as in the previous one, an establishment working the full legal hours five days a week must run for only 3 hours on the sixth day to keep within the legal weekly hours. Both States cover manufacturing and mercantile establishments, telephone exchanges or telegraph offices; Massachusetts also includes factories, workshops, mechanical establishments, express or transportation companies, elevators in all establishments covered by the law. The Oregon law includes laundry establishments, personal service (i.e., hair dressing, manicuring, ushers in theaters), public housekeeping (i.e., hotel, restaurant, boarding house, car cleaning, janitresses). This law excepts fruit and vegetable drying, canning, preserving, packing establishments, and gives the Industrial Welfare Commission discretionary powers in regard to rural telephone exchanges.

Summary.—The actual application of these laws forces in many cases an 8-hour day. In all cases, the standard of an 8-hour day as the fair maximum is suggested as a corollary of the legal 48-hour week.

MINIMUM WAGE BOARD ORDER ESTABLISHING A BASIC FORTY-EIGHT HOUR WEEK FOR WOMEN.

One State, Minnesota, has established a basic 48-hour week for all women workers in the State. Since this standard was established by the minimum wage board, it is primarily a means of increasing wages, but the ordering of extra compensation for all hours worked above a fixed number has been used in other States as a method of reducing the hours actually worked.
THE EIGHT-HOUR DAY IN

LAWS ESTABLISHING A BASIC EIGHT-HOUR DAY FOR ALL WORKERS IN SPECIFIED OCCUPATIONS.  

ALL OCCUPATIONS.

Five States—California, Connecticut, Missouri, New York, and Pennsylvania—have laws stating that 8 hours shall constitute a day’s work unless otherwise agreed. Although work above 8 hours in any one day is to be paid extra compensation, it is not penalized by requiring rates of time and a half or double time. The Federal Government has a far more definite law that provides that persons employed on contracts for the United States shall be paid on the basis of 8 hours constituting a day’s work, with time and a half for overtime.

SPECIFIED OCCUPATIONS.

Five other States—Illinois, Indiana, Montana, Ohio, and Wisconsin—and the Federal Government have laws providing that 8 hours shall be a day’s work in a limited number of occupations. Illinois and Indiana cover only manual labor; Montana, labor on public highways; Ohio, work in manufacturing, mechanical, or mining business; Wisconsin, work in manufacturing or mechanical business; United States, letter carriers.

Summary.—These laws show legislative recognition of eight hours as a fair maximum day’s work. They do not aim to limit strictly hours in industries usually recognized as hazardous, nor, with the exception of Montana, do they attempt to limit hours and wages of State employees. On the contrary, all the State laws expressly provide that the act is not to prevent contracts or understandings that a longer period shall constitute a day’s work. Moreover, several of the laws merely state the eight-hour day as a principle, providing no means of enforcement nor penalties for violations. Some of the States except agricultural and domestic labor; others, services paid by the week or month. With the exception of the Federal statute referred to in the first paragraph of this section, these acts would appear to have no real effect on actual working hours or even wages.

LAWS ESTABLISHING AN 8-HOUR DAY FOR ALL WORKERS IN SPECIFIED OCCUPATIONS.  

The largest group of laws limiting the hours of work to eight in any one day cover work done either directly or indirectly for the State.

WORK ON PUBLIC WORKS.

Twenty-one States—California, Idaho, Indiana, Kansas, Kentucky, Maryland, Missouri, Montana, Nevada, New Jersey, New Mexico, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Utah, Washington, West Virginia, Wisconsin, and

1 For references and brief statement of laws see appendix.

2 Applies only to the city of Baltimore.
Wyoming; three Territories—Alaska, Hawaii, and Porto Rico—and the Federal Government have laws definitely limiting the hours of labor on public works to eight in any one day. In addition to this, one State—Ohio—limits the weekly hours to 48, and one Territory—Hawaii—limits the hours of labor on Saturday to five.

MANUAL LABOR ON WORK DONE FOR THE STATE.

Twelve States—Arizona, Colorado, Idaho, Kansas, Kentucky, Massachusetts, Minnesota, New York, Oregon, Pennsylvania, Wyoming, and Wisconsin—and the Territory of Porto Rico and the Federal Government limit the hours of labor for all manual workers employed on State work to eight hours in any one day. Moreover, two of these States—Colorado and Massachusetts—limit the weekly hours of such labor to 48.

WORK DONE ON CONTRACTS TO FURNISH THE STATE WITH MATERIAL.

Eleven States—Colorado, Kansas, Maryland, Montana, New Jersey, New Mexico, Idaho, Oklahoma, Oregon, Texas, and Washington—and the Federal Government have laws providing that all persons working on contracts for material for the State shall be allowed to work only eight hours in any one day. Oregon also limits the weekly hours to 48.

WORK DONE FOR THE STATE.

Eighteen States—Arizona, Idaho, Kansas, Massachusetts, Minnesota, Missouri, Montana, New Jersey, New Mexico, Ohio, New York, Oklahoma, Oregon, Texas, Utah, Washington, West Virginia, and Wisconsin—and two Territories—Hawaii and Porto Rico—have laws limiting the daily hours of labor to eight in any one day, so broad in scope as to seem to cover all State employees. In six of these States—Arizona, Idaho, Montana, New Mexico, Oklahoma, and Utah—this provision forms part of the constitution of the State. In Hawaii the hours of labor are limited further by providing for a 5-hour day on Saturday.

WORK DONE IN STATE INSTITUTIONS.

Four States—Connecticut, Montana, Oklahoma, and Utah—have special statutes establishing an 8-hour day for various classes of employees of State institutions. These laws show great diversity in the classes included. Utah, for example, covers all employees of penal institutions; the other three States specify certain occupations such as firemen, janitors, etc., in all State institutions. In two other States—Idaho and Oregon—where employees of institutions would seem to be covered by the general law for State employees, they are expressly excepted. Idaho excepts agricultural and domestic labor in State institutions, and Oregon excepts “any employee of any State institution,” and then excepts the penitentiary from this exception.

WORK DONE ON PUBLIC PRINTING.

One State, Massachusetts, and the Federal Government have laws limiting the hours of employment of all persons working on public printing to eight in any one day. In the case of Massachusetts this means that all contracts are let with this provision in the contract, and with the further stipulation that four hours shall constitute a day’s work on Saturday unless the supervisor of State printing requires a full day of eight hours. The Federal law applies to the Government Printing Office. It directs the Public Printer to “rigidly enforce the eight-hour law” in all departments under his charge.
Outside of these acts regulating work done either directly or indirectly for the State, the largest group of eight-hour laws covers certain occupations considered especially hazardous.

**WORK IN MINES, TUNNELS, AND QUARRIES.**

Thirteen States—Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, Nevada, Oklahoma, Oregon, Utah, Washington, and Wyoming—and one Territory, Alaska, limit the hours of work in mines, quarries, etc., to eight in any one day. The actual statutes differ very greatly. The Kansas law covers only lead and zinc mines; at the other extreme, the Arizona law specifies "all persons employed, occupied, or engaged in work or labor of any kind or nature, in underground mines, underground workings, open-cut workings, or open-pit workings, in search for or in the extraction of minerals whether base or precious, or who are engaged in such underground mines, underground workings, open-cut workings, or open-pit workings, for other purposes or who are employed, engaged, or occupied in other underground workings of any kind or nature, open-cut workings or open-pit workings, for the purpose of tunneling, making excavations, or to accomplish any other purpose or design."

**WORK IN SMELTERS.**

Nine States—Arizona, California, Colorado, Idaho, Missouri, Montana, Nevada, Utah, Wyoming—and one Territory, Alaska, have considered the work of refining and smelting of metals particularly hazardous and have limited the hours of labor in all such establishments to eight in any one day.

**WORK IN ELECTRIC-POWER PLANTS.**

Arizona for the same reason has limited the hours of labor for all employees in electric-power plants to eight in any one day.

**WORK IN PLASTER AND CEMENT MILLS.**

Nevada and Arizona treat work in plaster and cement mills as among those occupations having special hazards, and limit the working day of all employees of such mills to eight hours.

**STAMP MILLS.**

Four States—Arizona, Colorado, Idaho, and Wyoming—and one Territory, Alaska, have considered the work in stamp mills so hazardous that they have limited such work to eight hours per day.

**ROLLING MILLS.**

Arizona and the Territory of Alaska have limited the working day of all employees in the rolling mills to eight hours.

**ROD MILLS.**

Arizona limits the hours of labor in rod mills to eight per day.

**WORK DONE UNDER HIGH PRESSURE.**

Three States—New Jersey, New York, and Pennsylvania—have limited the hours that a man may work under high pressure to eight per day.
Missouri has limited the hours of those working in plate-glass works to eight per day.

**COKE OVENS.**

Two States, Arizona and Colorado, and one Territory, Alaska, limit the hours of all workers in coke ovens to eight in one day.

**BLAST FURNACES.**

Two States, Arizona and Colorado, also limit the hours of labor in blast furnaces to eight per day.

Still another group of laws covers employees on whose alert attention to duty depend the lives and safety of many others.

**RAILROAD TELEGRAPHERS, ETC.**

Eight States—Arkansas, Connecticut, Nevada, Maryland, New York, Texas, West Virginia, and Wisconsin—in recognition of this responsibility, have limited the hours of railroad employees controlling the movement of trains to eight in any one day.

**HOISTING ENGINEERS.**

Three States—Arizona, Montana, and Pennsylvania—have considered the duties of hoisting engineers at mines as particularly arduous and have provided that they may not work more than eight hours in any one day.

**WORK ON IRRIGATION SERVICE.**

Montana and the Federal Government limit the hours of labor for all persons employed on irrigation works to eight in any one day.

In recognition of the strain of their duties letter carriers have been especially recognized in Federal hour regulation.

**LETTER CARRIERS.**

The Federal Government has passed a special act limiting the hours to eight in any one day. A 56-hour week is permitted if the employee is allowed an amount of time off some day of the following week; the amount of time off to exactly correspond with the number of hours worked on the seventh day.

Only one law in the United States establishes the eight-hour day for all wage and salary earners.

**ALL WAGE EARNERS.**

The Territory of Alaska has been the first political division of the United States to pass an all-inclusive eight-hour law. This law, which provides an eight-hour day for all wage and salary earners, was submitted to the electorate and passed. An Alaskan court, however, has declared it to be unconstitutional. No test case has as yet reached the United States Supreme Court.

**Summary.**—These laws do establish a working day definitely limited to eight hours. They recognize not only that a person should
be paid extra compensation for working over eight hours in any one day but that the working day should stop with the completion of eight hours' labor. In many cases this recognition seems to be based on the feeling that the occupation so regulated is dangerous or wearisome above the ordinary. In the acts limiting the hours for persons working for the Government and on Government contracts, however, there seems to be a definite recognition of the maximum eight-hour day as the longest justifiable period of any labor and of the obligation of the Government when employing labor to conform to a fair standard. In actual context the laws are extremely loosely drawn; exceptions are many, and ambiguities frequent. The most common exception is one providing for overtime in case of emergency. Emergency is variously defined, but in general includes any danger to life or property. Another common exception allows overtime in time of war. Practically every State has specified these exceptions in one or more of the occupations covered by their laws. These laws, however, are in advance on the basic eight-hour-day laws in that with practical unanimity they provide penalties for nonobservance.
APPENDIX.

STATES HAVING EIGHT-HOUR LAWS FOR ALL WORKERS IN CERTAIN SPECIFIED OCCUPATIONS.

The Federal Government and 32 States and Territories have laws limiting the hours of labor to eight in one day for all workers in certain occupations. (These laws cover two main groups, (1) public employment, such as work on public works or work done for the State, and (2) private employment, such as work in mines, smelters, quarries, or on contracts to furnish the State with material.)

1. Federal Government.
   a. Basic 8-hour day for letter carriers and for work done on contracts to furnish the Government with material.
   b. Actual 8-hour day in specified occupations, as follows:
      (1) Work on public works.
         Manual labor on work done for the Government.
         Public printing.
         Irrigation service.
         Letter carriers.
      (2) Work done on contracts to furnish the Government with material.
         Railroad employees in interstate commerce.

2. Alaska.
   a. Actual 8-hour day for all wage earners. (Declared unconstitutional by an Alaskan court, not yet passed on by the Supreme Court of the United States.)
   b. Actual 8-hour day in specified occupations, as follows:
      (1) Work on public works.
      (2) Mines, tunnels, quarries, smelters, stamp mills, rolling mills, coke ovens.

3. Arizona.
   a. Actual 8-hour day in specified occupations, as follows:
      (1) Work done for the State.
      (2) Mines, tunnels, quarries, smelters, electric power plants, plaster and cement mills, hoisting engineers in mines, stamp mills, rolling mills, coke ovens, blast furnaces.

4. Arkansas.
   a. Actual 8-hour day in specified occupations, as follows:
      (2) Railroad telegraphers and signalmen.

5. California.
   a. Basic 8-hour day in all occupations.
   b. Actual 8-hour day in specified occupations, as follows:
      (1) Work on public works.
      (2) Mines, tunnels, quarries, smelters.

   a. Actual 8-hour day in specified occupations, as follows:
      (1) Manual labor on work done for the State.
      (2) Work done on contracts to furnish the State with material.
        Mines, tunnels, quarries, smelters, stamp mills, coke ovens, blast furnaces.
   a. Basic 8-hour day in all occupations.
   b. Actual 8-hour day in specified occupations, as follows:
      (1) Work done in State institutions.
      (2) Railroad telegraphers and signalmen.

8. Hawaii.
   a. Actual 8-hour day in specified occupations, as follows:
      (1) Work done on public works.
      Work done for the State.

   a. Actual 8-hour day in specified occupations, as follows:
      (1) Work done in State institutions.
      (2) Railroad telegraphers and signalmen.

10. Illinois.
    a. Basic 8-hour day for manual laborers.

11. Indiana.
    a. Basic 8-hour day for manual laborers.
    b. Actual 8-hour day in specified occupations, as follows:
       (1) Work on public works.

    a. Actual 8-hour day in specified occupations, as follows:
       (1) Work on public works.
       Work done for the State.
       (2) Work done on contracts to furnish the State with material.
           Mines, tunnels, quarries, smelters, stamp mills.

    a. Actual 8-hour day in specified occupations, as follows:
       (1) Work on public works.
       Manual labor on work done for the State.

    a. Actual 8-hour day in specified occupations, as follows:
       (1) Work done on public works.
       (2) Work done on contracts to furnish the State with material.
           Railroad telegraphers and signalmen.

15. Massachusetts.
    a. Actual 8-hour day in specified occupations, as follows:
       (1) Work done for the State.
       Public printing.

    a. Actual 8-hour day in specified occupations, as follows:
       (1) Work done for the State.

17. Missouri.
    a. Basic 8-hour day in all occupations.
    b. Actual 8-hour day in specified occupations, as follows:
       (1) Work on public works.
       Work done for the State.
       (2) Mines, tunnels, quarries, smelters, plate-glass works.

18. Montana.
    a. Basic 8-hour day for laborers on public highways.
    b. Actual 8-hour day in specified occupations, as follows:
       (1) Work on public works.
       Work done for the State.
       Work done in State institutions.
       (2) Work done on contracts to furnish the State with material.
           Mines, tunnels, quarries, smelters, hoisting engineers in mines.
           Irrigation service.
a. Actual 8-hour day in specified occupations, as follows:
   (1) Work on public works.
   (2) Mines, tunnels, quarries, smelters, plaster and cement mills, railroad telegraphers and signalmen.

20. New Jersey.
a. Actual 8-hour day in specified occupations, as follows:
   (1) Work on public works.
   Work done for the State.
   (2) Work done on contracts to furnish the State with material.
   Work done under high air pressure.

21. New Mexico.
a. Actual 8-hour day in specified occupations, as follows:
   (1) Work on public works.
   Work done for the State.
   (2) Work done on contracts to furnish the State with material.

22. New York.
a. Basic 8-hour day in all occupations.
b. Actual 8-hour day in specified occupations, as follows:
   (1) Work done for the State.
   (2) Railroad telegraphers and signalmen. Work done under high air pressure.

23. Ohio.
a. Basic 8-hour day in manufacturing, mechanical, or mining business.
b. Actual 8-hour day in specified occupations, as follows:
   (1) Work on public works.
   Work done for the State.

a. Actual 8-hour day in specified occupations, as follows:
   (1) Work on public works.
   Work done for the State.
   Work done in State institutions.
   (2) Work done on contracts to furnish the State with material.
   Mines, tunnels, quarries.

a. Actual 8-hour day in specified occupations, as follows:
   (1) Work on public works.
   Work done for the State.
   (2) Work done on contracts to furnish the State with material.
   Mines, tunnels, quarries.

a. Basic 8-hour day in all occupations.
b. Actual 8-hour day in specified occupations, as follows:
   (1) Work on public works.
   Manual labor on work done for the State.
   (2) Hoisting engineers in mines. Work done under high air pressure.

27. Porto Rico.
a. Actual 8-hour day in specified occupations, as follows:
   (1) Work on public works.
   Work done for the State.

28. Texas.
a. Actual 8-hour day in specified occupations, as follows:
   (1) Work on public works.
   Work done for the State.
   (2) Work done on contracts to furnish the State with material. Railroad telegraphers and signalmen.

29. Utah.
a. Actual 8-hour day in specified occupations, as follows:
   (1) Work on public works.
   Work done for the State.
   Work done in State institutions.
   (2) Mines, tunnels, quarries, smelters.
   a. Actual 8-hour day in specified occupations, as follows:
      (1) Work on public works.
      Work done for the State.
      (2) Work done on contracts to furnish the State with material.
      Mines, tunnels, quarries.

31. West Virginia.
   a. Actual 8-hour day in specified occupations, as follows:
      (1) Work on public works.
      Work done for the State.
      (2) Railroad telegraphers and signalmen.

32. Wisconsin.
   a. Basic 8-hour day in manufacturing or mechanical business.
   b. Actual 8-hour day in specified occupations, as follows:
      (1) Work on public works.
      Work done for the State.
      (2) Railroad telegraphers and signalmen.

33. Wyoming.
   a. Actual 8-hour day in specified occupations, as follows:
      (1) Work on public works.
      Manual labor on work done for the State.
      (2) Mines, tunnels, quarries, smelters, stamp mills.