

IN THE SUPREME COURT OF CALIFORNIA

**DEV ANAND OMAN; TODD EICHMANN; MICHAEL LEHR;
ALBERT FLORES; individually, on behalf of others similarly
situated, and on behalf of the general public**

Plaintiffs and Appellants,

v.

DELTA AIRLINES, INC.,

Defendant and Respondent,

SUPREME COURT
FILED

FEB 27 2019

Jorge Navarrete Clerk

Deputy

On a Certified Question from the United States Court of
Appeals for the Ninth Circuit, Case No. 17-15124

**REQUEST FOR JUDICIAL NOTICE OF CALIFORNIA
EMPLOYMENT LAWYERS ASSOCIATION, CALIFORNIA
RURAL LEGAL ASSISTANCE FOUNDATION, LEGAL AID
AT WORK, NATIONAL EMPLOYMENT LAW PROJECT,
AND WOMEN'S EMPLOYMENT RIGHTS CLINIC AS
PROPOSED AMICI CURIAE IN SUPPORT OF PLAINTIFFS-
APPELLANTS; DECLARATION OF CAROLE VIGNE IN
SUPPORT; PROPOSED ORDER**

Carole Vigne (SBN. 251829)
Katherine Fiester (SBN. 301316)
LEGAL AID AT WORK
180 Montgomery St., Suite 600
San Francisco, CA 94104
Telephone: (415) 864-8848
Facsimile: (415) 593-0096
*Counsel for Proposed Amici
Curiae*

Cynthia L. Rice (SBN 87630)
CALIFORNIA RURAL LEGAL
ASSISTANCE FOUNDATION
2210 K Street, Suite 201
Sacramento, CA 95816
(916) 446-7904
Counsel for Proposed Amici Curiae

(Additional Counsel on Inside Cover)

Additional Counsel for Proposed Amici Curiae

Monique Olivier (SBN 190385)
OLIVIER SCHREIBER &
CHAO LLP
201 Filbert Street, Suite 201 San
Francisco, CA 94133
Telephone: (415) 484-0980
*Counsel for Proposed Amici
Curiae*

Anna Kirsch (SBN 280335)
WOMEN'S EMPLOYMENT
RIGHTS CLINIC
GOLDEN GATE UNIVERSITY
SCHOOL OF LAW
536 Mission Street
San Francisco, CA 94105
Telephone: (415) 442-6647
*Counsel for Proposed Amici
Curiae*

Nayantara Mehta (SBN 244949)
NATIONAL EMPLOYMENT
LAW PROJECT
2030 Addison Street, Suite 420
Berkeley, CA 94704
Telephone: (510) 663-5707
*Counsel for Proposed Amici
Curiae*

**TO THE HONORABLE CHIEF JUSTICE TANI CANTIL-
SAKAUYE, AND TO THE HONORABLE ASSOCIATE JUSTICES
OF THE SUPREME COURT OF CALIFORNIA:**

Pursuant to California Rules of Court, Rules 8.252(a) and 8.520(g), and Evidence Code sections 452 and 459, proposed *amici curiae* California Employment Lawyers Association, California Rural Legal Assistance Foundation, Legal Aid at Work, the National Employment Law Project, and the Women's Employment Rights Clinic at Golden Gate University School of Law respectfully move and request that the Court take judicial notice of the following exhibits in support of their proposed *amicus curiae* brief:

Exhibit 1: A true and correct copy of the legislative history of Labor Code section 201, as originally enacted in 1911. This legislative history was obtained from the the Legislative Research Institute (LRI) in response to a request for the legislative history of Labor Code section 201. It includes the legislative history of Senate Bill 774, which was enacted by Statutes 1911, chapter 663, section 1.

Exhibit 2: A true and correct copy of excerpts from the legislative history of Assembly Bill 295, enacted and signed into law by Statutes 1943, chapter 1027. This legislative history was obtained from the California State Archives in response to a request for the legislative history of Labor Code section 226. The excerpts include letters directed to Governor Earl

Warren from employers urging that the bill be vetoed; letters from labor organizations urging that the bill be signed; and letters from legislative sponsors and committee reports.

Exhibit 3: A true and correct copy of excerpts from the legislative history of Assembly Bill 1750, enacted and signed into law by Statutes 1963, chapter 1080. This legislative history was obtained from the California State Archives in response to a request for the legislative history of Labor Code section 226.

Exhibit 4: A true and correct copy of excerpts from the legislative history of Assembly Bill 2509, enacted and signed into law by Statutes 2000, chapter 876. These excerpts were obtained from the California Legislative Information site. (Bill Analyses, Assem. Bill No. 2509 (1999-2000 Reg. Sess.)

<http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=199920000AB2509> [as of Feb. 13, 2019].)

ARGUMENT

A reviewing court may take optional judicial notice according to the specifications of Evidence Code sections 452 and 459, subdivision (a). (*Messenger Courier Assn. of Americas v. California Unemployment Ins. Appeals Bd.* (2009) 175 Cal.App.4th 1074, 1088.) “To the extent a statutory text is susceptible of more than one reasonable interpretation, [the court] will consider ‘a variety of extrinsic aids, including the ostensible

objects to be achieved, the evils to be remedied, the legislative history, public policy, contemporaneous administrative construction, and the statutory scheme of which the statute is a part.’ ” (*Elsner v. Uveges* (2004) 34 Cal.4th 915, 929, quoting *Wilcox v. Birtwhistle* (1999) 21 Cal.4th 973, 977.) “A wide variety of factors may illuminate legislative design, such as context, the object in view, the evils to be remedied, the history of the times . . .” (*People v. White* (1978) 77 Cal.App.3d Supp. 17, 21; see also *Cossack v. City of Los Angeles* (1974) 11 Cal.3d 726, 733.)

The documents described in this motion all relate to events that predate the district court’s judgments (January 6, 2017 and December 29, 2015). Upon information and belief, these documents were not presented to the district court for judicial notice. As described below, however, they are nonetheless subject to judicial notice under Evidence Code 452 and this Court’s precedent.

Exhibit 1 is the entire legislative history file provided by Legislative Research Incorporated (LRI) and contains a declaration establishing the source of the material collected by LRI. Exhibit 1 includes various versions of the bill as well as a historical record of California labor legislation, the Journal of the Senate for 1911, and the Fourteenth and Fifteenth Biennial Reports of the Bureau of Labor Statistics. This information provides relevant historical context for the passage of the 1911 Act and supports the argument that the law was intended to benefit the

general public and apply to all employees who worked in California. It is relevant to the issues pending before this Court because it demonstrates the Legislature's intent to provide for the public welfare by ensuring the prompt payment of wages due for all work performed in California. As this Court has repeatedly held, legislative history is appropriate for judicial notice. (See, e.g., *County of Los Angeles v. Los Angeles County Employee Relations Comm.* (2013) 56 Cal.4th 905, 923, fn. 16; *In re J. W.* (2002) 29 Cal.4th 200, 211.)

Exhibit 2 and Exhibit 3 include excerpted legislative history for, respectively, Assembly Bill 295, enacted and signed into law by Statutes 1943, chapter 1027, and Assembly Bill 1750, enacted and signed into law by Statutes 1963, chapter 1080. These excerpts include both committee and legislators' analyses of the respective bills, as well as letters urging a veto or signature on the respective bills. These excerpts are relevant to the issues considered by this Court as they demonstrate that the law in effect prior to the signing of Assembly Bill 295 did not provide for an itemized deduction statement for all individuals who worked in California. This supports the construction that the original legislation adding Labor Code section 226 was intended to apply to all California workers, including workers employed by various railway companies. *Amici* do not contend that the letters convey the expressed intent of the Legislature; rather, these Exhibits are offered for the historical context of the submission of the bills.

(See *Diamond View Ltd. v. Herz* (1986) 180 Cal.App.3d 612, 619 [reference in legislative history to media reports of harassment of individuals was relevant to determining whether a limited partnership was protected by the bill].)

Exhibit 3 and Exhibit 4 include Committee Analyses of Assembly Bill 1750 and Assembly Bill 2509, bills that amended Labor Code section 226 in, respectively, 1963 and 2000. They are relevant to the issues considered by the Court as they demonstrate that the amendments to Labor Code section 226 were designed to provide protection to all workers in California and address California's "underground economy" comprised of employers who are chronic violators of wage and hour, safety, and tax laws, resulting in a loss of millions in tax revenues for the State. (Off. of Sen. Floor Analyses, Analysis of Assem. Bill No. 2509 (1999-2000 Reg. Sess.) Aug. 25, 2000; Assem. First Reading of Assem. Bill No. 2509 (1999-2000 Reg. Sess.) Feb. 24, 2000.) These analyses provide historical context for the bill and are resources that may be relied upon when determining legislative intent. (*Hassan v. Mercy American River Hospital* (2003) 31 Cal.4th 709, 717 [legislative staff analysis may be considered in determining legislative intent], citing *Quelimane Co. v. Stewart Title Guaranty Co.* (1998) 19 Cal.4th 26, 45, fn. 9.). This Court's precedent makes clear that legislative analyses are proper subjects of judicial notice. (See, e.g., *In re J. W.* (2002) 29 Cal.4th 200, 211.)

While *amici* believe that the plain language of the statutes at issue in this case leads to the conclusion that all work performed in California is covered, to the extent that the Court finds any ambiguity, *amici* respectfully request that the Court take notice of these materials to aid its interpretation.

Dated: February 15, 2019

Respectfully submitted,

By: 

CAROLE VIGNE
Legal Aid at Work

CYNTHIA L. RICE
California Rural Legal Assistance Foundation

MONIQUE OLIVIER
Olivier Schreiber & Chao LLP

ANNA KIRSCH
Women's Employment Rights Clinic

NAYANTARA MEHTA
National Employment Law Project

**DECLARATION OF CAROLE VIGNE IN SUPPORT OF
PROPOSED AMICI CURIAE'S REQUEST FOR JUDICIAL
NOTICE**

I, Carole Vigne, declare:

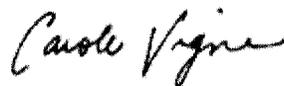
1. I am a member of the State Bar of California, and I am an attorney with proposed amicus curiae Legal Aid at Work.
2. I have personal knowledge of the matters set forth in this declaration, and if called upon to testify to those matters, I could and would so testify.
3. Attached hereto as Exhibit 1 is a true and correct copy of the legislative history of Labor Code section 201, as originally enacted in 1911. This legislative history was obtained from the Legislative Research Institute (LRI) in response to a request for the legislative history of California Labor Code section 201. The exhibit contains a declaration establishing the source of the material collected by LRI.
4. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the legislative history of Assembly Bill 295, enacted and signed into law by Statutes 1943, chapter 1027. This legislative history was obtained from the California State Archives in response to a request for the legislative history of Labor Code section 226.

5. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the legislative history of Assembly Bill 1750, enacted and signed into law by Statutes 1963, chapter 1080. This legislative history was obtained from the California State Archives in response to a request for the legislative history of Labor Code section 226.

6. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the legislative history of Assembly Bill 2509, enacted and signed into law by Statutes 2000, chapter 876. These excerpts were obtained from the official California Legislative Information site at http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=199920000AB2509 [as of Feb. 13, 2019].

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed in San Francisco, California on February 14, 2019.



Carole Vigne

IN THE SUPREME COURT OF CALIFORNIA

**DEV ANAND OMAN; TODD EICHMANN; MICHAEL
LEHR; ALBERT FLORES; individually, on behalf of others
similarly situated, and on behalf of the general public**

Plaintiffs and Appellants,

v.

DELTA AIRLINES, INC.,

Defendant and Respondent,

On a Certified Question from the United States Court
of Appeals for the Ninth Circuit, Case No. 17-15124

**[PROPOSED] ORDER ON MOTION FOR JUDICIAL NOTICE
OF PROPOSED AMICI CURIAE CALIFORNIA
EMPLOYMENT LAWYERS ASSOCIATION, CALIFORNIA
RURAL LEGAL ASSISTANCE FOUNDATION, LEGAL AID
AT WORK, NATIONAL EMPLOYMENT LAW PROJECT,
AND WOMEN'S EMPLOYMENT RIGHTS CLINIC IN
SUPPORT OF PLAINTIFFS-APPELLANTS**

The Court grants the motion for judicial notice by *amici curiae*
California Employment Lawyers Association, California Rural Legal
Assistance Foundation, Legal Aid at Work, Work, National Employment
Law Project, and Women's Employment Rights Clinic, and takes judicial
notice of the following documents:

Exhibit 1 _____

Exhibit 2 _____

Exhibit 3 _____

Exhibit 4 _____

IT IS SO ORDERED.

Dated: _____, 2019

Justice of the Supreme Court

Exhibit 1



Legislative Research Incorporated

926 J. Street, Suite 1100, Sacramento, CA 95814
(800) 530.7613 · (916) 442.7660 · fax (916) 442.1529
www.lrihistory.com · intent@lrihistory.com

Legislative History of CALIFORNIA LABOR CODE § 201

As Derived From
Former Uncodified General Law
Statutes of 1911, Chapter 663, § 1
Senate Bill 774 – Sanford



LRI

**Legislative
Research
Incorporated**

**(800)
530-7613**

**Legislative
History
Research
Report**

**CA
LABOR
CODE
§§ 201**

**As
Derived
From
Former
Uncodified
General
Law
Stats. 1911,
c. 663, § 1
SB 774
Sanford**

LARGE BINDERSPINE

SMALL BINDERSPINE



Legislative History Report by Legislative Research, Inc., (800) 530-7613
CA LABOR CODE § 201, As *Derived From Former Uncodified General Law*,
Stats. 1911, c. 663, § 1, SB 774 – Sanford



Legislative Research Incorporated

926 J. Street, Suite 1100, Sacramento, CA 95814
(800) 530.7613 · (916) 442.7660 · fax (916) 442.1529
www.lrihistory.com · intent@lrihistory.com

Letter of Transmittal, Authentication of the Records and Annotated Index

April 6, 2004

Legislative History Research Report¹ Regarding: CALIFORNIA LABOR CODE § 201

As Derived From
Former Uncodified General Law
Statutes of 1911, Chapter 663, § 1
Senate Bill 774 – Sanford

Submitted To:
Michelle Cubano
Minor Barnhill & Galen
414 W. Erie Street
Chicago, CA 60610

I, Lisa Hampton, declare:

This report includes:

- *Historical documents surrounding the adoption of the above enactment.* These documents were obtained by the staff of Legislative Research, Incorporated and are true and correct copies of the originals obtained from the designated official, public sources in California unless another source is indicated, with the following exceptions: In some cases, pages may have been reduced in size to fit an 8 ½” x 11” sized paper. Or, for readability purposes, pages may have been enlarged or cleansed of black marks or spots. Lastly, for ease of reference, paging and relevant identification have been inserted.

Legislative Research, Incorporated was established in 1983 (formerly Legislative Research Institute), and is a firm which specializes in the historical research surrounding the adoption, amendment and/or repeal of California statutes, regulations and constitutional provisions pursuant to California Code of Civil Procedure § 1859 which states in pertinent part: "In the construction of a statute the intention of the Legislature ... is to be pursued, if possible" Legislative Research, Incorporated has been cited by name as the source of records relied upon by the court in *Redlands Community Hospital v. New England Mutual Life Insurance Co*, 23 Cal. App.4th 899 at 906 (1994).

- *An annotated index of the documents.* This index cites the sources of the documents and provides points and authorities in endnote form to assist in gaining judicial notice as necessary.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I could and would so testify in a court of law if called to be a witness.

Executed April 6, 2004, in Sacramento, California.



Lisa Hampton, Research Director
Legislative Research, Incorporated

Annotated Index of Records

GUIDING COMMENTS:

LRI's standard methodology for conducting California legislative history research includes recourse to two categories of historical records which can shed light on the purpose or intent of the subject legislation:

1. Primary source records. This category of documents consists of official Senate, Assembly, Governor and State agency legislative history records maintained by public entities in Sacramento. This includes, but is not limited to, collections maintained by the State Legislature, the California State Archives and the California State Library system which includes the Witkin State Law Library, Government Publications, California Room and General Circulation. The State Legislature and State Archives legislative papers collection includes, but is not limited to, unpublished, primary source bill files of the Senate or Assembly author of the legislation, Senate and Assembly policy and fiscal committees which heard and voted on the legislation and Senate and Assembly partisan caucuses which produced bill analyses for committee and floor voting purposes. The State Archives collection also includes unpublished, primary source bill files of the Governor and various state agencies. The State Library legislative collection includes published bill versions, final calendar summaries, substantive materials in the legislative Journals, hearing transcripts, committee reports, etc.

2. Secondary source materials. Unfortunately, California's collection of official legislative papers is not uniform for every session of the Legislature. Official records for older enactments

(1849 through 1941) are generally either scarce or nearly nonexistent. Therefore, recourse to alternative methods of reconstructing relevant historical circumstances can become necessary. This second category of documents consists of unofficial, non-legislative materials which shed light on the surrounding historical circumstances giving rise to the subject legislation. This can include published historical accounts (books, periodicals, etc.) from a wide range of sources, depending upon the subject area. With regard to secondary source materials, LRI researches the California Legislature's, Archives' and State Library's collections in Sacramento, California. (Historical documents identified here may also be useful for augmenting research obtained from the above described primary category of records as necessary.) Lastly, this category is, by its very nature, very broad and requires that limitations be set in a reasonable manner.

With regard to the subject legislation:

Category 1 research did not yield any primary source records apart from the bill versions, final calendar and Bureau of Labor Statistics Reports in the Appendices to the Journals of the Senate and Assembly.

Category 2 research yielded relevant background materials as itemized below.

PRIMARY SOURCE RECORDS (UNPUBLISHED HARDCOPY): At least one official California source is cited for the primary source records provided in this report. Multiple copies may have been obtained from various sources (primarily State Archives, the state library system and/or legislative offices), but the clearest/most legible version was selected for this report.

ENACTMENT HISTORY

GENERAL

Printed bill materials²2
 (Source: State Library)

 As Introduced, February 3, 19112

 First Amendment, February 8, 19114

 Second Amendment, February 10, 1911.....5

 Third Amendment, February 14, 19117

 Fourth Amendment, March 15, 1911.....9

 Chaptered Law as approved May 1, 191111

Calendar or Final History excerpt of the bill³14
 (Source: State Library)

PUBLISHED AND/OR MISCELLANEOUS MATERIALS

Published pre-enactment material16

Bulletin of Labor Statistics of the State of California- Proposed Labor Laws (1896)17
(Source: State Library)

Journal materials⁴25
(Source: State Library)

 Excerpt Journal of the Senate, 191125

 Appendix to the Journals of the Senate and the Assembly, 191230
 “Fourteenth Biennial Report of the Bureau of Labor Statistics, 1909-1910” (excerpts)

 Appendix to the Journals of the Senate and the Assembly, 191351
 “Fifteenth Biennial Report of the Bureau of Labor Statistics, 1911-1912” (excerpts)

Miscellaneous Published Material.....72

 “Fifteenth Biennial Report of the Bureau of Labor Statistics, 1911-1912”72
 Excerpt pertaining to Alaskan Salmon Canneries.

NOTE: This deals with the manner in which employees of Alaskan Salmon Canneries were paid in the normal course of employment and when discharged. It illustrates abuses in payment of wages in a troublesome area involving foreign workers, which may be of interest.

*APPENDIX:
ADDITIONAL LRI RESOURCES*

How A Bill Becomes A Law Chart85

Costs Are Recoverable Information.....86

Endnotes

1. **GENERAL AUTHORITY FOR THE USE OF LEGISLATIVE INTENT RESEARCH MATERIALS:** "A wide variety of factors may illuminate legislative design, such as context, object in view, evils to be remedied, history of the times, and of legislation upon the same subject, public policy, and contemporaneous construction." People v. White (1978) 77 Cal. App. 3d Supp. 17. "In the present instances both the legislative history of the statute and *the wider historical circumstances of its enactment* are legitimate and valuable aids in divining the statutory purpose." California Manufacturers Association v. Public Utilities Commission (1979) 24 Cal. 3d 836, 844 (Emphasis added) In general, for statutory authority on the use of "extrinsic" aids for determining legislative intent, see Evidence Code Section 452 (c) ("official acts" of the Legislature) and Code of Civil Procedure Section 1859 (the intention of the Legislature is to be pursued, if possible). For obtaining judicial notice of specified matters, see Evidence 450 et seq and Rules of Court, Rule 323 (b). See also, Government Code Sections 9075 and 9080 regarding access to and the use of legislative records (Senate Bill 1507, Secs. 1 & 2, legislation originally proposed by Legislative Research, Inc. Carolina Rose.)

2. **BILL VERSIONS:** The court attaches great importance to amendments during the legislative deliberations. See Zipton v. WCAB (1990) 218 Cal. App. 3d 980, 988. In evaluating the usefulness of a particular document, always keep in mind the "version" of the bill being addressed, as later amendments could be relevant. See People v. Quattrone (1989) 211 Cal. App. 3d 1389, 1398 for admissibility of bill versions. See Maben v. Superior Court (1967) 255 Cal. App. 2nd 708, 713 for admissibility of Legislative Counsel's Digests on the face of bill versions when applicable. A close review of these Digests may point to preexisting bodies of law upon which the subject statute(s) are modeled after.

3. **FINAL HISTORY OR CALENDAR:** This record operates as a final recording of the official legislative acts surrounding the bill. It records when certain acts took place (introduction, amendments, hearing dates, governor action, etc.). See Woodman v. Superior Court (1987) 196 Cal. App. 407, 413 for admissibility of this record.

4. **JOURNAL EXCERPTS:** See Woodman v. Superior Court (1987) 196 Cal. App. 407, 413 for admissibility of this record.



Legislative Research Incorporated

926 J. Street, Suite 1100, Sacramento, CA 95814
(800) 530.7613 · (916) 442.7660 · fax (916) 442.1529
www.lrihistory.com · intent@lrihistory.com

General Enactment History

Legislative Research Incorporated hereby certifies that the accompanying record/s is/are true and correct copies of the original/s obtained from one or more official, public sources in California unless another source is indicated, with the following exceptions : In some cases, pages may have been reduced in size to fit an 8 ½" x 11" sized paper. Or, for readability purposes, pages may have been enlarged or cleansed of black marks or spots. Lastly, for ease of reference, paging and relevant identification have been inserted.

INTRODUCED BY SENATOR SANFORD,

FEBRUARY 3, 1911.

REFERRED TO COMMITTEE ON LABOR, CAPITAL AND IMMIGRATION.

AN ACT

PROVIDING FOR THE TIME OF PAYMENT OF WAGES.

*The people of the State of California, represented in senate and assembly,
do enact as follows:*

SECTION 1. Whenever an employer discharges an employee,
2 the wages earned and unpaid at the time of such discharge
3 shall become due and payable immediately. When any such
4 employee not having a contract for a definite period quits or
5 resigns his employment the wages earned and unpaid at the
6 time of such quitting or resignation shall become due and
7 payable five days thereafter.

SEC. 2. All wages other than those mentioned in section 1
2 of this act earned by any person during any one month shall
3 become due and payable at least once in each month and no
4 person, firm or corporation for whom such labor has been
5 performed shall withhold from any such employee any wages
6 so earned or unpaid for a longer period than ten days after
7 such wages become due and payable; provided, however, that
8 nothing herein shall in any way limit or interfere with the
9 right of any such employee to accept from any such person,

10 firm or corporation wages earned and unpaid for a shorter
11 period than one month.

Sec. 3. Any person, firm or corporation who shall violate
2 any of the provisions of this act shall be guilty of a misde-
3 meanor and upon conviction thereof shall be punished by
4 fine not to exceed \$500 or by imprisonment in the county jail
5 for not more than six months or by both such fine and impris-
6 onment.

O

Amended in Senate. February 8, 1911.

SENATE BILL

No. 774.

INTRODUCED BY SENATOR SANFORD.

FEBRUARY 3, 1911.

REFERRED TO COMMITTEE ON LABOR, CAPITAL AND IMMIGRATION.

AN ACT

PROVIDING FOR THE TIME OF PAYMENT OF WAGES.

*The people of the State of California, represented in senate and assembly,
do enact as follows:*

SECTION 1. Whenever an employer discharges an employee,
2 the wages earned and unpaid at the time of such discharge
3 shall become due and payable immediately. When any such
4 employee not having a contract for a definite period quits or
5 resigns his employment the wages earned and unpaid at the
6 time of such quitting or resignation shall become due and
7 payable five days thereafter.

SEC. 2. All wages other than those mentioned in section 1
2 of this act earned by any person during any one month shall
3 become due and payable at least once in each month and no
4 person, firm or corporation for whom such labor has been
5 performed shall withhold from any such employee any wages
6 so earned or unpaid for a longer period than ten days after
7 such wages become due and payable; provided, however, that
8 nothing herein shall in any way limit or interfere with the
9 right of any such employee to accept from any such person,
10 firm or corporation wages earned and unpaid for a shorter
11 period than one month.

0

Amended in Senate, February 10, 1911.

Amended in Senate, February 8, 1911.

SENATE BILL

No. 774.

INTRODUCED BY SENATOR SANFORD.

FEBRUARY 3, 1911.

REFERRED TO COMMITTEE ON LABOR, CAPITAL AND IMMIGRATION.

AN ACT

PROVIDING FOR THE TIME OF PAYMENT OF WAGES.

*The people of the State of California, represented in senate and assembly,
do enact as follows:*

SECTION 1. Whenever an employer discharges an employee,
2 the wages earned and unpaid at the time of such discharge
3 shall become due and payable immediately. When any such
4 employee not having a contract for a definite period quits or
5 resigns his employment the wages earned and unpaid at the
6 time of such quitting or resignation shall become due and
7 payable five days thereafter.

SEC. 2. All wages other than those mentioned in section 1
2 of this act earned by any person during any one month shall
3 become due and payable at least once in each month and no
4 person, firm or corporation for whom such labor has been
5 performed shall withhold from any such employee any wages
6 so earned or unpaid for a longer period than ten days after

7 such wages become due and payable; provided, however, that
8 nothing herein shall in any way limit or interfere with the
9 right of any such employee to accept from any such person,
10 firm or corporation wages earned and unpaid for a shorter
11 period than one month.

[Sec. 3. Any person, firm or corporation who shall violate
2 any of the provisions of this act shall be guilty of a misde-
3 meanor and upon conviction thereof shall be punished by a
4 fine not to exceed five hundred dollars.]

0

Amended in Senate, February 14, 1911.
Amended in Senate, February 10, 1911.
Amended in Senate, February 8, 1911.

SENATE BILL

No. 774.

INTRODUCED BY SENATOR SANFORD,

FEBRUARY 3, 1911.

REFERRED TO COMMITTEE ON LABOR, CAPITAL AND IMMIGRATION.

AN ACT

· PROVIDING FOR THE TIME OF PAYMENT OF WAGES.

*The people of the State of California, represented in senate and assembly,
do enact as follows:*

SECTION 1. Whenever an employer discharges an employee,
2 the wages earned and unpaid at the time of such discharge
3 shall become due and payable immediately. When any such
4 employee not having a contract for a definite period quits or
5 resigns his employment the wages earned and unpaid at the
6 time of such quitting or resignation shall become due and
7 payable five days thereafter.

SEC. 2. All wages other than those mentioned in section 1
2 of this act earned by any person during any one month shall
3 become due and payable at least once in each month and no
4 person, firm or corporation for whom such labor has been
5 performed shall withhold from any such employee any wages

6 so earned or unpaid for a longer period than ten days after
7 such wages become due and payable; provided, however, that
8 nothing herein shall in any way limit or interfere with the
9 right of any such employee to accept from any such person,
10 firm or corporation wages earned and unpaid for a shorter
11 period than one month.

SEC. 3. Any person, firm or corporation who shall violate
2 any of the provisions of this act shall be guilty of a misde-
3 meanor and upon conviction thereof shall be punished by a
4 fine not to exceed five hundred dollars.

[SEC. 4. None of the provisions of this act shall apply to
2 any county, city and county, incorporated city or town, or
3 other municipal corporation.]

0

Amended in Assembly, March 15, 1911.
Amended in Senate, February 14, 1911.
Amended in Senate, February 10, 1911.
Amended in Senate, February 8, 1911.

SENATE BILL

No. 774.

INTRODUCED BY SENATOR SANFORD.

FEBRUARY 3, 1911.

REFERRED TO COMMITTEE ON LABOR, CAPITAL AND IMMIGRATION.

AN ACT

PROVIDING FOR THE TIME OF PAYMENT OF WAGES.

*The people of the State of California, represented in senate and assembly,
do enact as follows:*

SECTION 1. Whenever an employer discharges an employee,
2 the wages earned and unpaid at the time of such discharge
3 shall become due and payable immediately. When any such
4 employee not having a contract for a definite period quits or
5 resigns his employment the wages earned and unpaid at the
6 time of such quitting or resignation shall become due and
7 payable five days thereafter.

SEC. 2. All wages other than those mentioned in section 1
2 of this act earned by any person during any one month shall
3 become due and payable at least once in each month and no
4 person, firm or corporation for whom such labor has been

5 performed shall withhold from any such employee any wages
6 so earned or unpaid for a longer period than [fifteen] days
7 after such wages become due and payable; provided, however,
8 that nothing herein shall in any way limit or interfere with the
9 right of any such employee to accept from any such person,
10 firm or corporation wages earned and unpaid for a shorter
11 period than one month.

SEC. 3. Any person, firm or corporation who shall violate
2 any of the provisions of this act shall be guilty of a misde-
3 meanor and upon conviction thereof shall be punished by a
4 fine not to exceed five hundred dollars.

SEC. 4. None of the provisions of this act shall apply to
2 any county, city and county, incorporated city or town, or
3 other municipal corporation.

0

THE
STATUTES OF CALIFORNIA

AND

AMENDMENTS TO THE CODES

PASSED AT THE

THIRTY-NINTH SESSION OF THE LEGISLATURE

1911

BEGAN ON MONDAY, JANUARY SECOND, AND ADJOURNED ON MONDAY, MARCH TWENTY-
SEVENTH, NINETEEN HUNDRED AND ELEVEN



SACRAMENTO

W. W. SHANNON : : : : SUPERINTENDENT STATE PRINTING
1911

CHAPTER 662.

An act to amend section 1550 of the Political Code of the State of California, relating to the compensation of deputy school superintendent of any city, or city and county, as proscribed by the board of education thereof.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1550 of the Political Code of the State of California is hereby amended to read as follows:

Deputy
school
superin-
tendants.

1550. Each deputy school superintendent of any city, or city and county, may receive such compensation as the board of education thereof prescribes, payable in the same manner and out of the same fund as the superintendent of schools thereof is paid; *provided*, that the compensation of each deputy school superintendent of any city and county shall be not less than the minimum received by any high school principal in said city and county.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER 663.

An act providing for the time of payment of wages.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Wages of
discharged
employees.

SECTION 1. Whenever an employer discharges an employee, the wages earned and unpaid at the time of such discharge shall become due and payable immediately. When any such employee not having a contract for a definite period quits or resigns his employment the wages earned and unpaid at the time of such quitting or resignation shall become due and payable five days thereafter.

Wages to
be paid
monthly.

SEC. 2. All wages other than those mentioned in section one of this act earned by any person during any one month shall become due and payable at least once in each month and no person, firm or corporation for whom such labor has been performed, shall withhold from any such employee any wages so earned or unpaid for a longer period than fifteen days after such wages become due and payable; *provided, however*, that nothing herein shall in any way limit or interfere with the right of any such employee to accept from any such person.

firm or corporation wages earned and unpaid for a shorter period than one month.

SEC. 3. Any person, firm or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars. Penalty.

SEC. 4. None of the provisions of this act shall apply to any county, city and county, incorporated city or town, or other municipal corporation. Not applicable.

CHAPTER 664.

An act to repeal an act entitled "An act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington and the bay of San Pedro," approved March 19, 1889.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. An act entitled "An act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington and the bay of San Pedro," approved March 19, 1889, is hereby repealed. Repealed.

CHAPTER 665.

An act to amend section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

[Approved May 1, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section 596 of the Political Code of the State of California is hereby amended to read as follows:

596. No company shall transact any insurance business in this state without first complying with all the provisions of the laws of this state, and thereafter procuring from the insurance commissioner a certificate of authority, and continuing to comply with the laws of this state: *provided*, that insurance may be procured from or placed with companies not authorized to transact business in this state upon the terms and conditions hereinafter stated. Every such certificate of authority shall expire on the first day of the July after its issuance, unless

Transaction of insurance business in state.

Certificate expires.

SENATE FINAL HISTORY,

THIRTY-NINTH SESSION.

COMPILED UNDER THE DIRECTION OF

WALTER N. PARRISH,
Secretary of Senate.

A. J. TURNER,
History Clerk.

Session began January 2, 1911, and adjourned March 27, 1911. Length of
Session, 85 days.

CALIFORNIA
STATE
LIBRARY
LAW DEPT.

773—Hare, Feb. 3. To Com. on P. H. & Q.

An Act relating to public health and safety and providing for the regulation and inspection of hotels and public lodging houses, empowering the State Board of Health to make rules and regulations in relation thereto and providing penalties for the violation thereof.

Feb. 3—Read first time. To printer. Feb. 6—From printer.
Feb. 7—To committee. Feb. 9—From committee, with recommendation do pass.
Feb. 9—Read second time. To engrossment and third reading.
Feb. 10—Reported correctly engrossed.
Feb. 13—Read third time. Amended, to print, to reengrossment.
Feb. 15—From printer. Feb. 16—Reported correctly reengrossed.
Feb. 17—Passed, title approved. To Assembly.
Feb. 18—In Assembly: Read first time. Referred to Com. on Pub. H. & Q.
Mar. 2—From committee, with recommendation do pass.
Mar. 3—Read second time, and to third reading.
Mar. 9—Read third time, amended. To print. Mar. 10—From printer.
Mar. 11—Passed, title approved. To Senate. Mr. Bohnett gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 772 was on this day passed.
Mar. 13—Further consideration on motion to reconsider continued until 2:30 P. M. Tuesday, March 14.
Mar. 15—In Senate: Senate concurred in Assembly amendments. To enrollment. Mar. 23—Reported correctly enrolled. To Governor.
May 1—Pocket veto.

774—Sanford, Feb. 3. To Com. on L., C. & I.

An Act providing for the time of payment of wages.

Feb. 3—Read first time. To printer. Feb. 6—From printer.
Feb. 7—To committee. From committee, with recommendation do pass as amended.
Feb. 8—Read second time and amended. To print. To engrossment and third reading. Feb. 9—From printer.
Feb. 10—Reported correctly engrossed. Read third time, amended, to print, to reengrossment.
Feb. 13—From printer. Reported correctly reengrossed.
Feb. 14—Amended. To print. To reengrossment.
Feb. 15—From printer. Feb. 16—Reported correctly reengrossed.
Feb. 17—Passed, title approved. To Assembly.
Feb. 18—In Assembly: Read first time. Referred to Com. on L. & Cap.
Mar. 8—From committee, with recommendation do pass.
Mar. 9—Read second time, and to third reading.
Mar. 15—Read third time and amended. To print. Mar. 17—From printer.
Mar. 18—Passed, title approved. To Senate.
Mar. 20—In Senate: Senate concurred in Assembly amendments. To enrollment. Mar. 24—Reported correctly enrolled. To Governor.
May 1—Approved by Governor.

775—Curtin, Feb. 3. To Com. on Jud.

An Act to amend Section 595 of the Code of Civil Procedure of this State, relating to trials in civil causes.

Feb. 3—Read first time. To printer. Feb. 6—From printer. To committee.
Feb. 8—From committee, with recommendation do pass.
Feb. 9—Read second time. To engrossment and third reading.
Feb. 10—Reported correctly engrossed.
Feb. 13—Read third time, passed, title approved. To Assembly.
Feb. 15—In Assembly: Read first time, and referred to Com. on Jud.
Feb. 23—From committee, with recommendation do pass.
Mar. 1—Read second time, and to third reading.
Mar. 13—Read third time, passed, title approved. To Senate.
Mar. 14—In Senate: To enrollment.
Mar. 23—Reported correctly enrolled. To Governor.
May 1—Approved by Governor.

776—Martinelli, Feb. 3. To Com. on D., S. & O. L.

An Act legalizing the formation and organization of reclamation district number five hundred and forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Feb. 3—Read first time. To printer. Feb. 6—From printer. To committee.
Feb. 8—From committee, with recommendation do pass.
Feb. 9—Read second time. To engrossment and third reading.
Feb. 16—Withdrawn by author.



Legislative Research Incorporated

926 J. Street, Suite 1100, Sacramento, CA 95814
(800) 530.7613 · (916) 442.7660 · fax (916) 442.1529
www.lrihistory.com · intent@lrihistory.com

Published and/or Miscellaneous Materials

Legislative Research Incorporated hereby certifies that the accompanying record/s is/are true and correct copies of the original/s obtained from one or more official, public sources in California unless another source is indicated, with the following exceptions : In some cases, pages may have been reduced in size to fit an 8 ½" x 11" sized paper. Or, for readability purposes, pages may have been enlarged or cleansed of black marks or spots. Lastly, for ease of reference, paging and relevant identification have been inserted.

L400
L32
1896

California. Laws, statutes, etc.
Labor laws
Bulletin of the Bureau of Labor
Statistics of the State of California
Proposed Labor Laws. 1896

Cal. L. Stat. 1911-12

BULLETIN OF THE
BUREAU OF LABOR STATISTICS
OF THE STATE OF CALIFORNIA

PROPOSED LABOR LAWS.

COMPILED AND RECOMMENDED BY

E. L. FITZGERALD,

COMMISSIONER.

1916



Printed at the State Printing Office, Sacramento.
A. J. Johnston, Superintendent

STATE BUREAU OF LABOR STATISTICS, }
SAN FRANCISCO, July 25, 1896. }

To his Excellency JAMES H. BUDU, Governor of California:

Sir: I have the honor to submit herewith a bulletin containing that portion of my Biennial Report for the years 1895-96 relating to laws and recommendations.

Yours very respectfully,

E. L. FITZGERALD,
Commissioner.

TO THE PEOPLE OF THE STATE OF CALIFORNIA.

I beg leave to submit herewith for your consideration a budget of bills which I have prepared to be introduced at the next Legislature for the purpose of remedying and abolishing many of the evils to which labor has been subjected in the past, which said evils, in my opinion, should be speedily remedied.

Before presenting these bills, it is my desire that those directly interested in this legislation should first peruse and approve them, or suggest any changes which may be deemed expedient, in order that the same may be absolutely correct and operative when they become laws, and save any further legislation upon the same ground.

One by one has the necessity of each legislative action herein recommended become manifest in order to remedy the unfortunate existing conditions, and to extend to those requiring same the protection and rights which the Government owes them. Every measure herewith presented has been suggested by the consideration of complaints which from time to time have been filed in my office; the causes leading to the said complaints, in nearly every case, being the violation of unwritten law or the encroachment upon the rights of mankind, which now I consider the duty of our Legislature to rectify.

Much time and attention have been given by our sister States to the passage of laws protecting labor and according to it full justice at the hands of the people.

The labor laws of the State of California have been few, imperfect, and incomplete; effective in some instances, but not of sufficient scope to meet the requirements and necessities of our laboring classes. Therefore, with a view to the adoption of a code of laws which will form a nucleus, to be added to and improved upon from time to time as necessity requires, I submit these bills, the text of which will follow under their different heads the following synopsis of same showing their objects:

No. 1. *Eight Hours.*

Section 3245 of the Political Code provides that eight hours shall constitute a day's work. The statute is not definite and is capable of circumvention by contractors who pay by the hour, and is, therefore, in many instances inoperative, requiring an amendment to render its enforcement effective.

No. 2. *Bakeries.*

To pass a uniform law requiring cleanliness, and to insure purity in the manufactured product of this all-important industry.

No. 3. *Governmental Boards Awarding Contracts.*

To prohibit Boards of Supervisors, Common Councils, Boards, Commissions, etc., awarding contracts to persons who have previously defrauded laborers of their wages. This practice is carried on, to a large extent, in San Francisco. There being no lien on public work, the laborer is placed at the mercy of his employer, with many disastrous results.

No. 4. *Bond Protecting Labor on Public Work*

The purpose of this law is analogous to the foregoing, and is framed with a view of protecting the laborer where the foregoing, through inadvertence, might be disregarded.

No. 5. *Creating Bureau.*

To reestablish the Bureau as a Bureau of Labor, provide for Free Employment Offices, and to introduce provisions facilitating the work, where the present law is defective and inoperative.

No. 6. *Regulating Employment Offices.*

To place those persons who traffic in labor under uniform regulations, to protect the persons dealing with them, and to make the said agents amenable to law for the atrocities they have so long practiced.

No. 7. *Per Diem on Public Work.*

Creating a minimum price which laborers must be paid, insuring a livelihood, and protecting honest employers against unscrupulous competitors.

No. 8. *Bakers' Hours.*

To establish uniform hours for the persons engaged in this most arduous toil; a necessary sanitary regulation.

No. 9. *Time-Check System.*

To abolish the system now in vogue throughout the State of depriving laborers of their pay for unreasonable periods; to prevent the desperate condition to which laborers are forced through its operation—one of the greatest of evils, requiring proper legislation and enforcement.

No. 10. *Identity of Prison-Made Goods.*

Requiring the branding of all goods made in the penal institutions of the State, to distinguish the same from the product of free labor.

No. 11. *Remitting Advanced Costs of Suit.*

To allow the person who otherwise cannot collect money due for labor performed to sue for same in Justices' Courts, without advancing costs of suit.

No. 12. *Collusion with Employment Agents.*

To prohibit employers from contracting with employment agents to furnish labor and dividing commissions paid by the latter.

No. 13. *Employment of Citizens.*

To prohibit the employment of other than citizens of the United States upon public work.

No. 14. *Lunch Hour.*

To provide a reasonable time for the mid-day meal, obviating the evil of labor in retail establishments being forced to visit lunch-counters and saloons for want of time.

No. 15. *Railroad Inspectors.*

To provide for the proper conduct of this important business as a safeguard to life and property.

No. 16. *Providing for Payment of Employés.*

To avoid delay in payment of wages due when persons are discharged from service.

No. 17. *Blacklisting.*

To prevent an embargo upon labor when discharged for alleged causes, resulting in its inability to obtain other employment.

No. 18. *Costs of Suit.*

Providing for the costs in actions for the price of labor or services in different courts.

Permit me to state that I consider every laboring-man in this State to be directly interested in and affected by one or more of the foregoing bills, and it is to his interest to see the same passed. In compiling these laws, it has been my sole aim to be just and fair to all, fully comprehending, realizing, and recognizing the position and rights of employer and employé.

The mere passage of a law, if the same be not properly enforced when placed upon the statute books, is a waste of time and money; if allowed to lie dormant in our Codes the people of the State are deprived of the benefit after paying the expense of enactment; therefore, in this connection, permit me to say that I have, during my incumbency, in every instance where a violation of a labor law, whether or not I am supposed

to enforce same, has come under my observation, endeavored to enforce the same to the best of my ability, and the record in my office can best testify to the success achieved in the premises; and I further guarantee the vigorous and energetic enforcement of any laws which now are or hereafter may be enacted.

It is my sincere hope that every member of the Legislature will accord to these measures his hearty support, to the end that the work of the Department of Labor may be better facilitated and that protection and justice will be extended to the people of our State.

In conclusion, permit me to say that I deem these laws the personal concern of every laboring-man in California, and with him rests the matter of their enactment.

Respectfully submitted,

E. L. FITZGERALD,

Labor Commissioner.

SAN FRANCISCO, CAL., July 17, 1896.

No. 16

An Act Providing for the Payment of Employees upon Discharge or Resignation from Service.

*The People of the State of California, represented in Senate and Assembly,
do enact as follows:*

SECTION 1. Any employe who shall be discharged from or who shall voluntarily leave the service of any person, firm, or corporation, shall be entitled, forthwith, to pay for service rendered which may at the time remain unpaid, and the said employe, upon demand, shall receive such pay; and any person, firm, or corporation who shall, after the said demand shall have been made, refuse the said employe the pay to which he or she may be entitled, such person, firm, or corporation shall be liable to such employe, in addition to the wages due, in a sum equivalent to the amount which the said employe would have earned in case he or she had continued in the employ of the said person, firm, or corporation, from the date of his or her resignation or discharge up to and including the date of settlement by the said person, firm, or corporation with the said employe; *provided, however,* that this Act shall not be construed to mean that an employe who shall have violated the terms of his or her contract with the said person, firm, or corporation, shall be a beneficiary under its provisions.

Sec. 2. This Act shall take effect immediately.

No. 17.

An Act to Prevent the Blacklisting of Employees.

*The People of the State of California, represented in Senate and Assembly,
do enact as follows:*

SECTION 1. Every corporation, firm, or person who shall, in this State, send or deliver, or who shall make or cause to be made, for the purpose of being delivered or sent, or who shall part with the possession of any paper, letter, or writing, with or without a name signed thereto, or signed with a fictitious name, or with any letter, mark, or other designation, or who shall publish or cause to be published any false statement, for the purpose of preventing any person from obtaining employment in this State or elsewhere, and every corporation, firm, or person who shall "blacklist" or cause to be "blacklisted" any person or persons, by writing, printing, or publishing the name of any person or persons, or any mark or designation representing the name of any person, in any paper, pamphlet, circular, or book, or causing the same to be done, together with any false statement concerning said person or persons so named or designated, or who shall publish that any person is a member of any secret organization, for the purpose of preventing said person or persons from securing employment or for the purpose of causing the discharge from employment of any person or persons employed by any company, corporation, individual, individuals, or firm, shall, on conviction, be deemed guilty of a misdemeanor, and punished

THE
JOURNAL OF THE SENATE

DURING THE

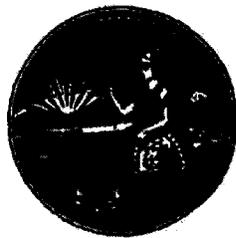
THIRTY-NINTH SESSION

OF THE

LEGISLATURE OF THE STATE OF CALIFORNIA

1911

BEGAN ON MONDAY, JANUARY SECOND, AND ENDED ON MONDAY, MARCH
TWENTY-SEVENTH, NINETEEN HUNDRED AND ELEVEN



W. W. STANNON - - - SACRAMENTO
SUPERINTENDENT OF STATE PRINTING
1911

the Napa River and its tributaries in the counties of Sonoma, Napa and Solano—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WALKER, Chairman.

Assembly Bill No. 716 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 47—An Act to amend section six hundred and twenty-eight of the Penal Code of California, relating to the protection and preservation of fish—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

WALKER, Chairman.

Senate Bill No. 47 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 475—An Act to amend an Act entitled "An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof" (approved March 21, 1907).

Also: Senate Bill No. 944—An Act to create a reservation for fish, shellfish, shrimp, and crabs, within the sloughs, rivers, streams and creeks tributary to the bay of San Francisco and the bay of San Pablo, and to prohibit the taking of the same from such reservation by means of weirs, dams, nets, traps, or seines.

Also Senate Bill No. 945—An Act to add a new section to the Penal Code of the State of California to be numbered Section 655½, relating to the protection and preservation of fish.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WALKER, Chairman.

Senate Bills Nos. 475, 944, and 945 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 1170—An Act to amend section two thousand five hundred and twenty of an Act entitled "An Act to establish a Political Code" approved March 12, 1872, said section two thousand five hundred and twenty, relating to the establishment of a Board of State Harbor Commissioners, providing for the number of such commissioners, their nomination and appointment, term of office and duties—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

WELCH, Chairman.

Senate Bill No. 1170 ordered on file for second reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE BILLS.

Senate Bill No. 456—An Act to amend Section 632½ of the Penal Code, relating to steelhead trout.

Senate Bill No. 456 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 529—An Act relating to fishing in streams that are stocked or supplied with fish from state or county fish hatcheries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 529 passed by the following vote:

AYES—Senators Bell, Birdsall, Black, Bryant, Burnett, Cartwright, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Julliard, Lewis, Regan, Roseberry, Sanford, Stetson, Strobbridge, Thompson, Walker, Welch, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 774—An Act providing the time of payment of wages.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 774 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Bryant, Burnett, Caminetti, Cartwright, Cutton, Estudillo, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Julliard, Lewis, Regan, Roseberry, Sanford, Shauhan, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 773—An Act relating to public health and safety, and providing for the regulation and inspection of hotels and public lodging-houses, empowering the State Board of Health to make rules and regulations in relation thereto, and providing penalties for the violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 773 passed by the following vote:

AYES—Senators Avey, Bell, Birdsall, Black, Bryant, Caminetti, Cartwright, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Julliard, Larkins, Lewis, Regan, Roseberry, Sanford, Thompson, Walker, Welch, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 571—An Act to provide for the execution and delivery by the State Treasurer in certain cases to the purchasers of State salt marsh and tide lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title, and interest of the State of California in and to such lands.

On motion of Senator Stetson, Senate Bill No. 571 was temporarily passed on file, to retain its place.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Thompson, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted, as amended, Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article IV thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes and amendments to the Constitution and to enact the same at the polls, independent of the legislature, and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or part of any Act of the Legislature—and respectfully request your honorable body to concur in the amendments.

L. B. MALLORY, Chief Clerk of the Assembly.
By A. H. HARKIN, Assistant Clerk.

Also: Senate Bill No. 688—An Act to amend Section 1350 of the Political Code of the State of California, relating to the compensation of deputy school superintendent of any city, or city and county, as prescribed by the board of education thereof.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bills Nos. 442, 490, and 688 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 774—An Act providing for the time of payment of wages.

Also: Senate Bill No. 945—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 636½, relating to the protection and preservation of fish.

And respectfully request your honorable body to concur in the amendments.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 774?"

On page 2, Section 2, line 1, strike out the word "ten", and insert in lieu thereof the following: "fifteen".

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 774 by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Campbell, Cartwright, Cassidy, Estudillo, Gates, Hewitt, Holohan, Hurd, Juilliard, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Strobbridge, Wolfe, and Wright—23.

NOES—None.

Senate Bill No. 774 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 945?"

In Section 3, line 2, strike out the word "January", and insert in lieu thereof the word "July."

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 945 by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Cannetti, Campbell, Cartwright, Cassidy, Estudillo, Hewitt, Holohan, Hurd, Juilliard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Strobbridge, Walker, and Wolfe—24.

NOES—None.

Senate Bill No. 945 ordered to enrollment.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 182—An Act to add eleven new sections to the Political Code of the State of California, to be numbered 4223a, 4223b, 4223c, 4223d, 4223e, 4223f, 4223g, 4223h, 4223i, 4223j, and 4223k, and all relating to county boards of health and sanitary inspectors.

Also: Senate Bill 251—An Act to amend sections twelve hundred and eighty-six, twelve hundred and eighty-nine, thirteen hundred and nine, and thirteen hundred and forty-five of the Political Code of the State of California, relating to the mode of transmitting election returns.

Also: Senate Bill No. 475—An Act to amend an Act entitled "An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof." (Approved March 21, 1907.)

Also: Senate Bill No. 585—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

And respectfully request your honorable body to concur in the amendments.

L. B. MALLORY, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 182?"

On page 6, Section 11, line 5, strike out the period, and insert in lieu thereof the following: "unless otherwise specified as provided under Section 4 of this Act".

Also: On page 1, Section 1, of the printed bill, strike out lines 3 to 9, inclusive, and insert in lieu thereof the following:

"4224a. In each county within the State of California there shall be a county board of health appointed by the board of supervisors. The county board of health shall consist of five members, at least two of whom shall be duly licensed and practicing physicians, and one of whom, if practicable, shall be a civil engineer. The member of said board shall hold office for the term of four years from and after their appointment and until their successors are appointed and qualified; provided, that the members of the board at their first meeting shall so classify themselves by lot that three of their number shall go out of office at the expiration of three years and two at the expiration of four years. The board shall elect from their own number a president and a secretary. The secretary shall be a duly licensed and practicing physician and shall serve as county health officer. The members of the board shall serve without compensation for their services as such, but shall receive their actual and necessary traveling expenses while engaged in the business of the board. The secretary of the board shall receive for his services as such and as health officer such sum as may be determined by the board of supervisors. The health officer shall be deemed to be an employee and not an officer."

Also: On page 1, Section 2, line 4, of the printed bill, strike out the words "on" and "Monday", and insert in lieu thereof the word "during", and the word "week".

Also: On page 1, Section 2, line 4, of the printed bill, strike out the words "officers and health officer", and insert in lieu thereof the word "members".

Also: On page 2, Section 3, line 12, of the printed bill, after the word "advisable", in said line 12, insert the words, "a copy of this report shall be filed with the Secretary of the State Board of Health."

Also: On page 2, Section 4, lines 6 to 9, of the printed bill, strike out the words beginning with the word "and" after the word "county", in line 6, all of line 7, all of line 8, and to and including the word "county", in line 9.

Also: On page 3, Section 4, lines 12 to 14, of the printed bill, commencing with the word "such" after the word "for", in line 12, strike out the balance of line 12, all of line 13, and all of line 14, and insert in lieu thereof the following: "one year and until his successor is appointed and qualified".

Also: On page 4, Section 6, line 5, of the printed bill, after the word "accused", insert the words "the health officer or".

Also: On page 6, Section 10, of the printed bill, strike out lines 3, 4, 5, 6, 7, 8, 9, 10, and 11, and insert in lieu thereof the following:

"4225j. The term of office of the county sanitary inspector shall be for one year and until his successor is appointed and qualified. He shall give a bond in the sum of two thousand five hundred dollars, said bond to be subject to the approval of the board of supervisors. His compensation shall be the sum of five dollars per day of not less than eight hours that he shall actually be engaged in the performance of his duties as such and his necessary traveling expenses actually incurred by him in the discharge of his duties. Such compensation shall be allowed and paid monthly by the board of supervisors upon verified claims therefor."

Also: On page 6, Section 11, of the printed bill, strike out all of Section 11.

Also: On page 7, Section 12, of the printed bill, strike out all of Section 12.

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 182 by the following vote:

AYES—Senators Avey, Bills, Birdsall, Black, Boynton, Campbell, Cartwright, Cassidy, Estudillo, Gates, Hurd, Juilliard, Lewis, Marinelli, Regan, Roseberry, Rush, Sanford, Strobbridge, Thompson, Walker, Wolfe, and Wright—23.
 NAYS—None.

Senate Bill No. 182 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 585?"

Strike out all of lines 4 and 5, Section 1, of the printed bill, and insert in lieu thereof the following: "ated, to be expended at the Southern California State Hospital as follows:"

The roll was called, and the Senate concurred in the above Assembly amendment to Senate Bill No. 585 by the following vote:

AYES—Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Caminetti, Campbell,

APPENDIX TO THE JOURNALS

OF THE

SENATE AND ASSEMBLY

OF THE

THIRTY-NINTH SESSION

OF THE

LEGISLATURE OF THE STATE OF CALIFORNIA

VOLUME II



SACRAMENTO
FRIEND Wm. RICHARDSON - - SUPERINTENDENT OF STATE PRINTING
1912

FOURTEENTH BIENNIAL REPORT
OF THE
Bureau of Labor Statistics

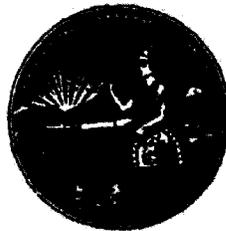
OF THE
STATE OF CALIFORNIA

1909-1910

J. D. MACKENZIE, . . . Commissioner.

F. C. JONES, . . . Deputy Commissioner.

SAN FRANCISCO



SACRAMENTO:
W. W. SHANNON, . . . SUPERINTENDENT STATE PRINTING
1910

PERSONNEL OF THE BUREAU.

STATUTORY.

Comissioner.....J. D. MACKENZIE
Deputy Commissioner.....F. C. JONES
Assistant Deputy (Los Angeles).....A. N. FRANCISCO
Statistician.....H. A. SCHEEL
Stenographer.....KATHERINE KELLY

SPECIAL AGENTS AND ASSISTANTS.

P. H. MALONEY	*GEORGE B. FIELDS	*J. T. STAFFORD
D. J. REILY	*R. D. BANTON	*PETER McNALLY
FLORENCE BURNS	*LEWIS H. EDDY	*GEO. WIGHTMAN
*R. W. BUSH	*FRANK RONNY	*KATHERINE BARKHAUS
*HERBERT GUNDELINGER	*R. J. PEARCE	*E. HALL

*Employed in temporary capacity only in field work and during compilation and tabulation of this Fourteenth Biennial Report.

CONTENTS.

	Page.
PERSONNEL OF THE BUREAU	2
LETTER OF TRANSMITTAL.....	7
ACKNOWLEDGMENT.....	8
FINANCIAL STATEMENT	10
SUMMARY.....	11

PART ONE—DISCURSIVE.

CHILD LABOR	19
SOCIOLOGIC	33
EMPLOYMENT AGENCIES.....	38
WAGE PAYMENTS	43
PRIVATE HOSPITALS	45
ORGANIZED LABOR	46
FARM LABOR.....	47
ORIENTAL.....	48
PORTS OF CALIFORNIA.....	50
MINING INDUSTRY.....	64
PETROLEUM.....	76
LUMBER.....	105
WATER POWER	109

ILLUSTRATIONS.

1. HOP VINES—SONOMA COUNTY.....	47
2. CELEBY FIELD—ISLAND RANCH, SAN JOAQUIN BASIN.....	47
3. BARLEY FOR SHIPMENT—ISLAND RANCH, SAN JOAQUIN BASIN.....	47
4. DREDGER—RECLAMATION WORK, SAN JOAQUIN BASIN.....	47
5. TRACTION HARVESTER ENGINE—SAN JOAQUIN BASIN.....	47
6. LEMON ORCHARD—VENTURA COUNTY.....	47
7. ORANGE GROVE—SOUTHERN CALIFORNIA.....	48
8. ORANGE GROVE—RIVERSIDE COUNTY.....	48
9. RAISIN GRAPE VINEYARD—FRESNO COUNTY.....	48
10. WINE GRAPE VINEYARD—SONOMA COUNTY.....	48
11. CREAM OF TARTAR VATS—SONOMA COUNTY.....	48
12. OLIVE TREE—LOS ANGELES COUNTY.....	48
13. OLIVE ORCHARD—SOUTHERN CALIFORNIA.....	48
14. SHIPPING SCENE—SAN FRANCISCO, SOUTH OF FERRY BUILDING.....	52
15. TYPE OF REINFORCED CONCRETE SHED—PIER 40, SAN FRANCISCO.....	54
16. WEST SHORE AND TRANSBY FERRY SERVICE—OAKLAND.....	58
17. SHIPPING SCENE—PORT LOS ANGELES.....	59
18. PANORAMIC VIEW—SAN DIEGO HARBOR.....	61
19. RUBENKA WATER FRONT—HUMBOLDT BAY.....	62
20. GOLD MINING STAMP MILL—NEVADA COUNTY.....	67
21. COPPER SMELTER—SHASTA COUNTY.....	70
22. COPPER SMELTER CONVERTERS—SHASTA COUNTY.....	71
23. ELECTRIC TRAMWAY IN COPPER MINE—SHASTA COUNTY.....	72
24. LAKEVIEW OIL GUSHER—KERN COUNTY.....	79
25. MARIPOSA DISTRICT, MIDWAY OIL FIELD—KERN COUNTY.....	86
26. BIG TREES—MARIPOSA COUNTY.....	106
27. REDWOODS—HUMBOLDT COUNTY.....	107
28. REDWOODS—MENDOCINO COUNTY.....	109
29. WATER POWER DEVELOPMENT—AMADOR COUNTY.....	110

PART TWO—STATISTICAL		PAGE.
INDUSTRIAL		
STORES AND FACTORIES		196
Hours of Labor and Wages		196
Inspection		214
Employees		214
Sanitation—Ventilation.....		247
AGRICULTURE		265
Size of Farms		265
Crops and Values		266
Race of Labor Employed—Wages.....		268
MINING		275
Ledge Mining		275
Dredging		276
Smelters and Refineries.....		277
Wages		275-7
OIL		278
Fields		280
Pipe-lines		281
Refineries		282
Wages		278-82
SELECTED INDUSTRIES		283
Fruit Canning and Packing.....		283
Wineries		287
Sugar Refineries.....		288
Light and Power Plants		280
Water Power		290
Lumber		291
Powder.....		292
Cement.....		293
Hotels.....		294
TRANSPORTATION AND COMMUNICATIONS		297
Water Shipping.....		297
Steam Railroads		298
Electric Railroads.....		298
Telephone Companies.....		300
Wages.....		297-300
ORGANIZED LABOR		302
Building Trades.....		302
Other Trades		308
Employees and Wages		302-8
EMPLOYMENT AGENCIES		318
Number of Positions Furnished.....		318-26
Rate of Wages		318-20
Fees Received by Agents.....		318-26
CHILD LABOR		328
Age and Schooling Certificate.....		330-35
Employment of Minors		336-38
ORIENTAL		340
Population		341
Establishments and Wages		342-46
Inspection		346
SOCIAL		351
Misdemeanors.....		360
Felonies.....		365
Juvenile Crime.....		411
Marriage and Divorce		422

CHARTS.

	PAGE.
CHART I. Race of Farm Labor employed, according to principal crop grown ...	270
CHART II. Race of Farm Labor employed, according to principal occupation ...	270
CHART III. Seasonal employment of White and Japanese Farm Labor	278
CHART IV. Average Fees Paid to Employment Agencies in San Francisco: 1907-08 to 1909-10	326
CHART V. Relation of Average Fees Paid to Number Employed: 1907-08 to 1909-10	326
CHART VI. Arrests for Drunkenness in San Francisco and Los Angeles: 1906-07 to 1909-10	384
CHART VII. Commitments to State Penitentiaries: 1900 to 1909	410
CHART VIII. Divorces, showing length of time married: 1905-06 to 1909-10	428

LETTER OF TRANSMITTAL.

STATE BUREAU OF LABOR STATISTICS,

SAN FRANCISCO, December 1, 1910.

SIR: I have the honor to submit the Fourteenth Biennial Report of
this Bureau.

Respectfully,

J. D. MACKENZIE,

Commissioner.

His Excellency JAMES N. GILLET,
Governor of California.

Governor of California.

ACKNOWLEDGMENT.

The prompt and thorough compliance of the employing public with the requests of the officials and agents of the Bureau of Labor Statistics, during the biennial period covered by this report, has made possible the presentation of a very complete and satisfactory compendium of facts and data. The very few persons who hesitated about giving information composed so small a percentage that the effect was not noticeable. To all of the employing public the Commissioner tenders thanks.

To the official staff of the Commissioner, whose prompt and careful work has given value to the report, he expresses especial thanks, realizing that without their efficient cooperation and loyalty the results attained would have been impossible.

J. D. MACKENZIE,
Commissioner.

REPORT OF COMMISSIONER

FINANCIAL STATEMENT.

For the sixtieth fiscal year ending June 30, 1909, and the sixty-first fiscal year ending June 30, 1910.

SIXTIETH FISCAL YEAR.

<i>Appropriations.</i>	
Salary of Commissioner	\$3,000 00
Salary of Deputy Commissioner	1,800 00
Contingent Fund (appropriation)	4,500 00
Rent Fund	800 00
Printing Fund	1,500 00
Balance from fifty-ninth fiscal year	1,858 75
Deficiency bill (allowed by legislature of 1909)	1,350 00
Total amount available	\$14,108 75

<i>Disbursements.</i>	
Salary of Commissioner	\$3,000 00
Salary of Deputy Commissioner	1,800 00
Salaries of special agents (Contingent Fund)	3,675 00
Contingent and traveling expenses—as per bills rendered (Contingent Fund)	2,353 01
Office rent	800 00
Printing biennial report, stationery, etc.	2,674 75
Total disbursements	\$14,102 76
Balance (reverting to General State Fund)	\$0 99

SIXTY-FIRST FISCAL YEAR.

<i>*Appropriations.</i>	
Salary of Commissioner	\$3,000 00
Contingent Fund (appropriation)	7,500 00
Rent Fund	1,200 00
Printing Fund	2,500 00
*Amount available	\$14,200 00

<i>Disbursements.</i>	
Salary of Commissioner	\$3,000 00
Salaries of special agents (Contingent Fund)	4,597 25
Contingent and traveling expenses—as per bills rendered (Contingent Fund)	2,887 95
Office rent	1,200 00
Printing, binding, stationery, etc.	2,268 00
Total disbursements	\$13,953 20
Balance (including \$232 in Printing Fund)	\$246 80

*Not including following salaries fixed by statute, approved February 20, 1909, as follows:

Salary of Deputy Commissioner	\$2,400 00
Salary of Assistant Deputy—Los Angeles	2,100 00
Salary of Statistician	2,100 00
Salary of Stenographer	1,200 00

Contingent Fund created as per Statutes of California, 1909, pages 137, 191, 391 (fiscal year ending March 31, 1910):

Receipts	\$8,581 00
Disbursements	8,527 07
Balance	\$53 93

SPECIAL APPROPRIATION FOR INVESTIGATION OF THE JAPANESE.
(See Stats. of Cal., 1909, Chap. 134.)

Amount appropriated	\$10,000 00
Disbursements for salaries, traveling, and contingent expense	\$9,794 75
Printing schedules, etc.	205 25
Total disbursements	\$10,000 00

REPORT OF THE COMMISSIONER.

SUMMARY.

Through an increased volume of labor and the improved character of accomplishments of the Bureau of Labor Statistics for the biennial period ending with 1910, the foundation has been well laid for further expansion and the continued extension along broader lines of the work contemplated by statutory enactment, thus making for a surer future permanency. The increased appropriation for maintenance in the present over the preceding period has enabled the Commissioner to enlarge his official staff, and increase the facilities for the conduct of the business of the Bureau, and thus to secure greater efficiency, and to materially advance the work beyond the maximum made possible in the period ended with 1908.

By enactments of the Legislature of 1909, certain fees and penalties have been added to the statutory appropriation, thus making the Bureau partially self-supporting. These results have been brought about by the initiative and activity of the Bureau in the preparation of such laws and amendments as have been deemed wise and beneficial: the fees in the form of license money required to be paid by the employment agencies, and the penalties for violations, chiefly of the Child Labor law. All the legislation sought on behalf of the Bureau has, with one exception, which was of a technical character, met with the approval of the Governor.

As outlined in various chapters of the present report, it is the desire and aim to offer still further suggestion and assistance to the Legislature in making such improvements in the present laws as will enhance the usefulness of the Bureau. There are several important laws coming within the jurisdiction and supervision of the Bureau which may be still further improved by amendment or substitution, since their defects and faults have been learned through experience.

By amendment of the organic law creating the Bureau of Labor Statistics, the activities of the special agents and the usefulness of the Bureau have been extended to practically all sections of the State, and thus the opportunities for a more thorough study of the general and specific requirements of the demand for labor have been materially improved. These extended activities have reached new lines of industrial labor in all sections of the State. In line with the provisions of this amendment, a branch office of the Bureau has within the present biennial period been established and placed in practical active operation in the city of Los Angeles. While the law did not specifically authorize

the establishment of a branch office at that particular point, it provided for the appointment and compensation of an Assistant Deputy Commissioner, who was, by the provision of the law, required to reside in the city of Los Angeles. The large population south of the Tebachapi, of which Los Angeles is the commercial and industrial center, necessitated the establishment of such an office, in order that a representative of the Bureau for that section of the State could be within easy communication with the employing public and the laboring classes.

The establishment of a branch office at Los Angeles has enabled the Assistant Deputy to more thoroughly carry on the work, and to assist the main office in the transaction of its executive work in the southern portion of the State, which, under this arrangement, has proven to be highly productive in results. This arrangement was particularly advantageous in prosecuting the Japanese investigation, which began in that territory in May, 1909. During a period of about fifteen months, the special agents occupied the Los Angeles branch headquarters, both in the Japanese investigation and in the gathering of data for the present biennial report. And at the close of the Japanese investigation those special agents employed on the biennial report continued to work out from the Los Angeles office. Thus the Bureau was enabled to accomplish a maximum of work in a minimum of time, and at a much less cost than if the agents had been sent out direct from San Francisco headquarters. And further, it has been possible to investigate many industrial activities at points remote from the larger centers of population and situate at considerable distances from the two official headquarters—San Francisco and Los Angeles.

The present report is arranged in two parts: Part One, the Discursive; Part Two, the Statistical. The discursive text includes chapters on the pertinent topics of Child Labor, Employment Agencies, Social Statistics, Wage Payments, and Private Hospitals; also articles on special industries, including Ports of California, Water Power, Lumber, Metals, and Petroleum. Part Two contains statistics, embracing Industrial, Child Labor, and Social data.

The text of Part One is illustrated with photo-engravings of some of the larger industries described. Although this method of illustrating the text has been adopted in other State reports, it is a new departure by this Bureau, and it is believed that the illustrative feature will more clearly present some of the facts described in the special articles.

This part of the report does not contain all that might have been properly included in the pertinent topics and special industries. Only those subjects have been presented which are at this time of paramount importance, or not otherwise treated by this Bureau. The chapters embracing pertinent topics would have been extended to include the

Oriental phase of the labor situation in its relation to white labor but for the fact that this subject has been thoroughly and comprehensively presented in the special report covering the Japanese investigation, which was required of the Commissioner by act of the Legislature of 1909, and submitted to the Governor in May, 1910. The essential statistical data regarding both Chinese and Japanese have been included in Part Two of this report.

The chapter on Child Labor is somewhat extensive for the reason that this subject presents problems demanding especial consideration, and in this duty the Bureau has spent a great deal of time and care. This chapter contains several suggestions which it is believed would be not only of advantage to the Bureau in controlling and regulating Child Labor, but in improving the welfare of minor children, should the Legislature see fit to act upon such suggestions.

In the chapter on Employment Agencies various subjects concerning that branch of the Bureau's work are presented, and several suggestions offered which may point the way to a further improvement in the conditions of laboring men who have to do with these agencies.

The chapter on Social Statistics also contains legislative suggestions, particularly respecting the law of divorcement.

There are two especial features affecting the interests of laboring men, particularly in the unskilled classes, which may, with beneficial results, be called to the attention of the Legislature: one is the necessity for a specified pay day and character of payment in the employment of all classes of labor, and particularly of those men who are employed temporarily and dismissed without notice; the other is the desirability of abolishing and further prohibiting the maintenance of certain private hospitals, particularly by construction companies engaged in work of temporary character.

The articles on Special Industries would have included the sugar-beet, the raisin, and the deciduous and citrus fruit industries but for the reason that these subjects were so thoroughly treated in the special report of the Japanese investigation; hence, they are not properly a part of this report. There are numerous other industries in California that are creators of demand for labor, both skilled and unskilled, but those which are chiefly a basis of such demand are here presented. In the preparation of future reports it would be advisable to include all important industries. It has been necessary to reduce the articles on Special Industries in this report to a minimum of space, owing to the demand for a large amount of other material, especially of a statistical character. The purpose has been to show the relative importance of these various industries to the development and progress of the State, and to indicate by the narrative of facts and figures of production the

relative positions of these industries one to another, and their combined relations to the whole, in the employment of labor. In all of these five particular and leading industries of the State there is a continuous demand for both skilled and unskilled labor. The majority of the people of California no doubt are aware that in the earlier period of the history of the State gold mining furnished employment for a great many thousand laborers, and that at the present time this industry employs large numbers of men; and for some fifteen years past the petroleum industry has been a source of large demand, particularly for skilled labor. An interesting feature of both metal mining and petroleum operations is that the skilled labor employed is chiefly of American origin. This is especially true in the oil fields, where the drillers are approximately ninety per cent of American birth. The manufacture of lumber employs many thousand men, with a preponderance of unskilled labor, including a large foreign element chiefly composed of non-alien races.

The development of the water power resources of California has directly created a very large demand for both skilled and unskilled labor, employed in the construction of electric and other power plants; and indirectly the ultimate employment of large numbers of highly skilled labor, particularly in the various engineering branches; also the very large augmentation of the population, especially in the farming districts, that must follow mechanical appliance of water for irrigation, and in the industrial centers through advancement of manufactures.

A considerable article is devoted to the ports of California, showing their relation to maritime commerce. Directly and indirectly transportation by water furnishes employment to thousands of men. It may be readily seen that the vast improvements that have been undertaken and are still in progress at the various harbors of the State have given employment to large numbers of workmen, and particularly to that class of skilled labor and builders whose knowledge of construction must be obtained in progressive and practical schools of daily experience. Beside the labor employed directly in the several industries described in these special articles, a considerable proportion of all the labor employed in the State of California owes its employment indirectly to the development of these industries.

The statistical matter presented in Part Two covers a larger field geographically than was presented in the thirteenth biennial report, for the reason that the Bureau has been enabled to extend its work in various parts of the State that could not be reached in the preceding biennial period. Also, most of the charts are improved by extension; that is to say, the data delineated in those charts in the thirteenth report have been reproduced and the data for the two years of the present

biennial period have been added, thus making as complete reference charts as possible for comparative study. The store and factory inspection has been greatly advanced, not only as to the number of stores and factories visited in the larger cities, but by the extension of such inspection work to the smaller towns. These tables and charts are accompanied by deductions in narrative, concise and comprehensive.

While it has not been possible to obtain statistical data on all units in respect to several of the industries, the tables as to hours of labor and wage tendencies are complete; also, the related facts as to labor of adult males and females and minors.

In respect to social statistics, modification of the juvenile court law and the increase of the scope of information have made it impossible for the Bureau to obtain accurate and authentic records of the conviction of all minors under twenty-one years of age, so that the comparative charts can not be extended to all classifications in respect to age of persons convicted, but wherever comparisons have been possible, both as regards adult and juvenile crime and divorcements, the charts have covered the preceding biennial period. The work of store and factory inspection in three of the larger centers of population has been more thoroughly and systematically extended in the present than was possible in the preceding period; and thus a large gain in efficiency in the Bureau's efforts has been attained.

A great gain in results attained by the Bureau in the present biennial period, as compared with the preceding period, is shown both in the number of persons considered and the number of visits made by the special agents. The number of persons considered in the present report, exclusive of employees of steam railroads, labor organizations, and employment agencies, but including farm labor, totals 339,609, while for the period ended with 1908 the number was only 120,000, or an approximate increase of nearly 200 per cent. The visits for the present period approximated 15,000, while for the period of 1908 they numbered only 3,500, showing an increase of more than 300 per cent.

The tables embracing Industrial, Social, Oriental, and Child Labor statistics include data on the following subjects: Sanitation, Ventilation, and Wages, in Stores and Factories; wages and other essential facts in Transportation and Communication enterprises, Mining, Petroleum, Agriculture, Organized Labor, and Selected Industries. The Selected Industries include hotels, canning and packing houses, wineries, beet-sugar factories, light and power plants, water power, lumber, powder, and cement industries. The statistical tables include also misdemeanors, felonies, juvenile crime, divorces, and reports of employment agencies.

The charts embrace various subjects, including Average Fees paid to Employment Agents and the number of persons for whom employment was secured; Convictions for Drunkenness in two of the larger centers of population; Commitments to Penitentiaries, and Divorces.

While the tables and charts are complete, so far as available data has made it possible, the accompanying narrative statements and deductions briefly and concisely set forth the fundamental facts in such manner as to render the study of them more interesting.

PART ONE—DISCURSIVE

2—LS

information deals only with male labor, and no attempt has yet been made to secure such data respecting female labor. The information sought in these blanks includes the prevailing rate of wage, the relative situation of the supply and demand at the time of making the report, and the prospective demand for the ensuing month as compared with the current month. Another feature of the information sought is the name, location, and character of new industrial establishments, or the reopening of former ones, together with the number of men to be employed, and the approximate duration of the employment.

WAGE PAYMENTS

There should be enactment of suitable legislation providing for regular monthly settlement or payment of wage accounts by employers of labor on such certain specified days within the month and upon a date not later than may be fixed by the enactment, and to apply to all classes of labor. In other words, a date limitation for the payment or settlement of wages due for the thirty days next preceding. A reasonable provision should be made for the immediate payment following dismissal of an employee, or at the conclusion of specified employment. Such provision should require that certain prescribed evidence of wages due should be given such employee whose work ceases at a date prior to the regular monthly pay day, and that such evidence may be legally used for negotiable purposes, and further that all wages be paid in legal tender money or in collateral legally and instantly negotiable.

Instances are numerous of the manifest unfairness to employees, which is practiced by some employers, in requiring that the wage earner travel long distances in order to collect the amount due. In many of these cases the employee finds, upon arrival at the point at which payment was expected, that the demand will not be honored until after a lapse of a period of from thirty to ninety days. The complaints that have come to the Bureau disclosing these conditions within the past biennial period would approximate more than a thousand. No official record has been kept of such complaints, for the reason that the Commissioner has no authority to intervene in such matters.

This condition tends to develop a spirit of unrest and dissatisfaction, demanding immediate remedial legislation, which can not be too strongly urged. The numerous cases that have come within the observation of the Bureau show conclusively the hardship that has been worked upon employees, especially the manual labor class, and this applies not only to men who have become dissatisfied with the character and condition of the labor, but to men who have been discharged for valid or invalid reasons. In numerous instances these men have been absolutely refused adequate evidence of the wage earned and due. In fact, instead of some form of collateral payment or acknowledgment, they have in many instances been given simply a brass check or slip of paper issued by the foreman, and the issuance delayed until the pay day fixed at the

option of the employer; and the pay day, or date of recognition of evidence of the wage due, has been, in many cases, extended thirty to sixty days beyond the date when the employee ceased to labor.

These complaints are not confined to any particular locality, but are general throughout those portions of the State employing temporary labor, particularly in construction work.

There should be also enactment of suitable legislation for simplifying the method of procedure in the courts for the collection of certain specified maximum amount of wages due, and giving to the courts ample power in subpoenaing witnesses.

PRIVATE HOSPITALS

The establishment of private hospitals by construction companies, and others engaged in the employment of men in work of a temporary character, has led to many abuses, and, in fact, has become a source of graft. This evil may be quickly and permanently cured by careful and proper legislation. In many cases which have come to the notice of the Commissioner, through complaints of employees, these so-called private hospitals are merely pretensions, and do not serve the real purpose for which they are supposed to be established.

The establishment of these hospitals has carried with it the assumed right to withhold from the wages of the employees so-called hospital fees. The withholding or collection of hospital fees the Commissioner believes should be so regulated by the Legislature and controlled by the Bureau of Labor Statistics, or other proper authority, that the contractors or employers of such labor could by no possibility reap any pecuniary benefit. Such fees as may be legally collected or withheld from the wages of the men might with better results be paid into the county hospital fund in the county where such labor was employed. A provision might be made that the sick or injured employees could be cared for in the county hospital at no further expense to the employee or to the employer than the payment of the fee prescribed by law.

APPENDIX TO THE JOURNALS
OF THE
SENATE AND ASSEMBLY
OF THE
FORTIETH SESSION
OF THE
LEGISLATURE OF THE STATE OF CALIFORNIA

VOLUME III.



FRIEND WM. RICHARDSON, SUPERINTENDENT OF STATE PRINTING
SACRAMENTO, CALIFORNIA
1913

Fifteenth Biennial Report

OF THE

Bureau of Labor Statistics

OF THE

State of California

1911-1912

JOHN P. McLAUGHLIN, Commissioner

948 Market Street, San Francisco



FRIEND WM. RICHARDSON, SUPERINTENDENT OF STATE PRINTING

SACRAMENTO, CALIFORNIA

1912

FINANCIAL STATEMENT—Continued.

Contingent Fund.

Statutes of California, 1909, pages 187, 191, 391.

Fiscal Year ending March 31, 1911.

On hand—March 31, 1910.....	\$53 93
Receipts—Year ending March 31, 1912.....	8,450 00
Total on hand	\$8,512 93
Disbursements—Year ending March 31, 1911.....	8,512 93

Fiscal Year ending March 31, 1911.

Receipts—Year ending March 31, 1912.....	\$10,333 27
Disbursements—Year ending March 31, 1912.....	3,998 43
Balance on hand—March 31, 1912	\$6,334 84

SUMMARY.

The Bureau of Labor Statistics was established in 1883, and until recently its work had been confined principally to the gathering and compilation of statistics. Only four laws contained any provision for their enforcement by the officers of the Bureau and as a result the bulk of the labor laws of our State remained dead letters. Under the present administration the Bureau has departed from the old-fashioned ideas and time-worn methods pursued by similar Bureaus, and has placed a new interpretation on the purposes for which such a Bureau should be maintained. We have undertaken the enforcement of all laws affecting labor, even though no provision has been made for this work and we have endeavored to cover as much of the field as our limited funds would permit.

For the first time in the history of this State, the working men and women have a place to go to tell their story and obtain advice and assistance without cost when they have been deprived of the wages they have honestly earned; when they have been defrauded by schemers or unscrupulous employers; when they have been shuttlecocked about the country through misrepresentations by employment agents and others, or when they have been made the victims of a multitude of other abuses.

The men and women who must earn their living by the sweat of their brow have not the time or money to resort to the courts in order to obtain redress from such wrongs. Therefore, the Bureau has in reality become, in a degree, a poor man's court; a place where he can be heard and where his case can be disposed of quickly and without cost.

In carrying out this work, the Bureau stands as one of the most important institutions tending to the social betterment of the people of this State. It tends to prevent men who have been denied their wages by employers after having earned them, from becoming embittered against society in general, and from being forced, by lack of money, to commit crime. It tends to prevent the working girls and women from being cast out upon the community without funds, and their being forced into a life of shame.

The Bureau in all this work has adopted a policy of absolute fairness in deciding questions between employer and employee, and it has always been the aim to have both parties go away with the conviction that they have had a square deal, and with a better understanding of their obligation toward each other.

The Bureau has wiped out the pay check evil as it formerly existed in this State. To-day every man and woman employed must be paid in coin or negotiable paper, payable upon demand without discount at some bank or other established place of business. No longer can employers pay off in time checks, payable in one or two, or sometimes, six months; or discount their own checks for ten or twenty per cent when cash is

2-15

desired; or compel men to cash their pay checks in saloons owned or controlled by the employer. The firms that were most notorious for these practices and who defied the courts, to-day pay their employees full wages regularly, and if a dispute arises, they answer the citations of the commissioner promptly and abide by his decisions.

The wage collection agencies have been practically driven out of business and to-day, when men and women have wages due them, they get the entire amount, not ten or twenty per cent of it, as was formerly the case, when the collection agent would charge fifty per cent for collecting wages and make the employee pay the cost and expenses. The Bureau has compelled the payment of wages in amounts as small as sixty cents and as large as \$300.00. While sixty cents may seem trifling, it was sufficient to keep a man from starving or seeking charity. In the past year the Bureau has collected upwards of \$25,000 in wages for the working people of this State.

The Bureau has brought the employment agencies absolutely under its control, and now a person seeking employment need have no fear that he or she is going to be fleeced by such agents. If any employment agent misrepresents conditions to a person seeking employment, he is compelled to return the fee paid and the expense incurred. During the past year, the Commissioner has ordered the return of over \$1,500.00 in fees and expenses for misrepresentations to persons looking for employment. In addition to this the agents have been ordered to furnish other positions without charge in several hundred cases.

The theatrical booking agencies have been brought under control and one of the most vicious practices has been practically wiped out, namely, the stranding of chorus girls and actresses in strange towns, without funds or friends to take care of them.

The eight hour law for women has been enforced to such a degree that few employers in this State will now take a chance of violating it. By the strict enforcement of this law, the working women of our State have been raised to a higher plane than their sisters in the other states of the Union.

Under the present administration the child labor law was for the first time placed upon a sound foundation, and the work that has been done during the past year will for all time to come, prevent child labor from getting a foothold in this State. The child has been practically eliminated from the factory, workshop and store, and the school attendance has been swelling as a consequence. During the year ending June 30, 1912, the attendance in the public schools of the State increased 20,147. A firm respect for the child labor law has been instilled into the minds of employers, and no one would care to be accused of employing child labor.

Since the Bureau has undertaken the enforcement of the laws requiring temporary floors in buildings under course of construction, the number of deaths caused by falls, in the ranks of structural ironworkers, has been reduced seventy-five per cent.

As stated before, the Bureau has undertaken the enforcement of all labor laws upon the statute books of this State, notwithstanding the fact that only in four instances is any provision made for their enforcement.

In order to accomplish all these things and to enforce the laws so that they would be of real benefit to the people, the Bureau was obliged to undertake 173 prosecutions during the past year, in addition to the many thousands of cases where the evils were corrected by warnings.

In turning our attention to the enforcement of labor laws, we have not neglected the gathering and compilation of statistics, or the inspection of factories and stores, as will be shown by a perusal of part two of this report, which is devoted to statistical tables.

The following tables are submitted in order to show at a glance what has been done in the enforcement of laws by this Bureau during the fiscal year ending June 30, 1912, the present commissioner having taken office March 1, 1911.

Record of Prosecutions by this Bureau during the fiscal year ending June 30, 1912.

Nature of offense.	Total for State.	San Francisco office.	Los Angeles office.	Disposition of cases.		
				Convicted.	Dismissed.	Pending.
Child labor law	32	25	7	16	15	1
Eight hour law for women	72	50	22	44	17	11
Payment of wages law	12	5	7	1	10	1
Pay check law	3		3		1	2
Employment agents—Advance fees	2	2		1	1	
Employment agents—Licenses	6	4	2	3	1	
Misrepresentation as to strikes	3	3		2	1	
Blower law	3	1	2	1	2	
Ten-hour law for drug clerks	1		1	1		
Weekly day of rest law	9	5	4		9	
Totals	143	95	48	80	48	15
Violations at night law	30	30			30	
Totals	173	125	48	80	78	15

These cases were against newsboys, and this Bureau did not desire to obtain convictions against the boys. The arrests were made more in the nature of a warning.

Record of Complaints filed in Bureau and investigated during fiscal year ending June 30, 1912.

	Total for State.	San Francisco office.	Los Angeles office.
Non-payment of wages	1,899	1,274	625
Eight-hour law for women	622	466	156
Employment agencies	487	345	142
Child labor	150	104	46
Blowers	61	30	31
Sanitation	62	45	17
Scaffolding, flooring, etc.	14	13	1
Weekly day of rest	29	24	5
Public work	6	4	2
Ten hours for drug clerks	5	5	
Seats for females	1	1	
Totals	3,336	2,311	1,025

REPORT OF THE BUREAU OF LABOR STATISTICS.

Disposition of Claims filed for non-payment of wages for year ending June 30, 1912.

	Claims filed.	Claims collected.	Amount of wages collected.
San Francisco Office	1,274	865	\$16,899 44
Los Angeles Office	625	427	7,546 15
Totals.....	*1,899	1,292	*\$24,445 59

*This only represents individual claims and does not include groups involving large sums, which would swell the total to over \$60,000.

Disposition of Claims against employment agencies for year ending June 30, 1912

	Com-plaints filed.	Fees and expenses ordered returned.		New positions furnished.	Dis-missed.
		Number.	Amount.		
San Francisco Office	325	248	\$1,157 15	15	62
Los Angeles Office	141	117	313 15	18	6
Totals.....	*466	365	\$1,470 30	*33	68

*In addition, several hundred new positions were ordered furnished, in cases where there was a slight misunderstanding, and no record was kept of these, as they were settled by telephone.

RECOMMENDATIONS.

The recommendations suggested herewith are the results of over a year's experience in the enforcement of the labor laws of this State. These recommendations are presented only after careful investigation and thought upon the subjects covered; and we urge upon the legislature the enactment of laws adequate to meet the conditions described.

CHILD LABOR.

Statutes of 1911, chapter 688, prohibiting any minor under the age of eighteen years, to vend and sell goods, engage in or conduct any business between ten o'clock in the evening and five o'clock in the morning, should be amended to prohibit any child under the age of twelve years from engaging in any of the above mentioned pursuits at any time, and to prohibit any child under sixteen years of age from engaging in them after eight o'clock in the evening. The penalty should be imposed upon the parent, guardian or person having charge or care of the child.

One of the most deplorable sights in our large cities is the child of six or seven years of age selling chewing gum, matches and papers upon the streets, up to ten o'clock at night. These children are mostly of foreign parents and it is absolutely necessary at this time to prevent this evil, in view of the increase of our foreign population after the opening of the canal. Conditions at present are such, that the children take their wares to school with them, so as to lose no time in getting to the business centers to start their work. We have found children selling on the streets within two or three minutes after the schools let out. These children often remain on the streets until eight or nine o'clock before going home to their evening meal.

The child labor law, Statutes of 1905, page 11, as amended, Statutes of 1911, Chapter 456, should be amended by providing for a special certificate permitting children under the age of fifteen years to work, providing they had completed the prescribed grammar-school course or its equivalent. At the present time this Bureau is issuing such a certificate in order to overcome a conflict between the child labor law and the compulsory education law.

BUREAU OF LABOR STATISTICS.

The act creating the Bureau, Statutes of 1883, page 27, should be amended with a view to enlarging the powers of the Commissioner to meet the present-day conditions. At present no provision is made for the enforcement of labor laws of this State, except in four instances.

A new section should be added, making it the duty of the Commissioner to enforce all labor laws now or hereafter in effect, and giving the officers of the Bureau the necessary power to enforce them. Provision should be made for the registration of all factories operating in this State, so as to facilitate the work of inspection and to enable the Bureau to keep a record of the growth of the industries of our State. Adequate appropriations should be made to meet the increased work of the Bureau.

WAGE CLAIMS.

The work of handling wage claims by this Bureau has grown to such proportion that it will be practically impossible for us to take up all these claims. Two courts should be established—one in San Francisco and one in Los Angeles—whose duty it shall be to decide claims involving wages. A mode of procedure especially adapted to this class of claims should be provided and no fees should be charged in claims amounting to less than \$100. Only one continuance should be granted to either party and a decision should be rendered within ten days from date of filing. In all other cities and towns the justices' courts should try cases involving wages, and a special procedure should be provided for such cases, similar to those to be used in San Francisco and Los Angeles.

In the chapter entitled "Payment of Wages" will be found a description of the methods now employed by this Bureau in handling wage claims; also a statement of what has been accomplished in the past year.

EMPLOYMENT AGENCIES.

The present laws regulating employment agencies, Statutes of 1903, page 14, and Statutes of 1909, page 191, should be amended with a view to obtaining uniformity in the issuance of receipts and the keeping of registers; also providing for the bonding of agents and the regulation of theatrical booking agencies, all of which are described in the chapter entitled "Employment Agencies."

FACTORY INSPECTION.

California at present has no adequate legislation for the protection of persons working in factories. What has commonly been called our factory inspection law, Statutes of 1889, page 3, is practically of no value. A comprehensive law should be enacted and such law should cover, among other things, the protection of employees operating machinery; the kind and location of stairs, doors and fire escapes; the size, ventilation, sanitation and lighting of work rooms; the number, location and care of wash-rooms and toilets; the inspection and operation of elevators, chutes, and conveyors, and the inspection of boilers.

While at the present time we are not confronted with the problem of

tenant-factories, some provision should be made to prevent this undesirable system from ever getting a foothold in this State.

The inspection should extend to mercantile establishments and to all other places where labor is employed; also to theatres, places of amusement, and especially moving picture shows.

Provision should be made for a sufficient number of factory inspectors in order to make the law effective.

INSPECTION OF LABOR CAMPS.

Some of the labor camps maintained by companies and contractors in building railroads, highways and other construction work in this State are kept in an insanitary and unhealthful condition and are a source of disease. A law should be enacted providing for the inspection of these camps, making the company, contractor or person in charge responsible for their cleanliness, and giving the Commissioner of the Bureau the right to condemn a camp, if, after investigation, he is satisfied that it is dangerous to the public health.

MINE INSPECTION.

In mining—one of the largest and most important industries in our State—the men employed are practically without any protection. Some laws have been passed, but no provision was ever made for their enforcement. While investigating an accident at the Bunker Hill Mine, where sixty-eight men were entombed from 6.45 a. m. on February 7, 1912, to 12.55 p. m. on February 8, 1912—or a period of thirty hours—we found an utter disregard for the protection of the lives of the miners. In this case, the accident had been caused by the breaking of the steel cap which released the skip and caused a cave-in below the collar of the shaft at a depth of about eighty feet. In this mine no attention had been paid to the law, Statutes of 1871-72, page 413, providing for escape shafts. At one time this mine did have a 1900-foot tunnel leading out at the 200-foot level, but it had been allowed to cave in. It developed upon farther investigation that many mines in the same vicinity were also violating the law, and the Bureau secured the services of J. W. Atkins, a mining engineer, to make a special investigation. Mr. Atkins spent a month visiting the principal mines on the Mother Lode, and the results of his investigation are on file in the office of the Bureau. This report shows many flagrant violations of the present laws and practically a total disregard for the safety of the miners. Provision should be made for the appointment, by the Commissioner of this Bureau, of a competent mine inspector, whose compensation should be sufficient to insure the services of a man with the necessary technical and practical training.

EIGHT HOUR LAW IN MINES AND SMELTERS.

In view of the decision of the Supreme Court, *Ex parte Martin*, 106 Pac. Rep. 235, in which the court states that "It may be questioned whether, in view of the title of the act, the limitation of hours applies to all underground work or only that performed in mines," we believe that the title of the present law, Statutes of 1909, page 279, should be amended so as to include all that is now contained in the body of the act. Section 1 of the act provides: "That the period of employment for all persons who are employed or engaged in work in underground mines in search of minerals, whether base or precious, or who are engaged in such underground mines for other purposes, or who are employed or engaged in other underground workings whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design, or who are employed in smelters and other institutions for the reduction or refining of ores or metals, shall not exceed eight hours within any twenty-four hours, and the hours of employment in such employment or work day shall be consecutive, excluding, however, any intermission of time for lunch or meals; provided, that in the case of emergency where life or property is in imminent danger, the period may be a longer time during the continuance of the exigency or emergency," whereas the title to the act now reads "An act regulating the hours of employment in underground mines and in smelting and reduction works."

PROTECTION OF WORKMEN ON BUILDINGS.

While under the present law, Statutes of 1909, page 157, as amended, Statutes of 1911, Chapter 590, providing for temporary floors, the loss of life has been greatly reduced—the secretary of the structural iron workers reports a decrease of seventy-five per cent in the number of deaths due to falls since this Bureau undertook the enforcement of this law—we suggest that some effective method of enforcing the provisions of the act be provided. The Commissioner of this Bureau should be given the power to condemn a building not properly planked, and to prohibit any person from working on such building until the necessary planking is provided.

ALASKA SALMON CANNERIES.

About five thousand men are hired in San Francisco every year to work in the salmon canneries in Alaska. These men return to San Francisco after the season's work and are paid off here. The abuses practiced in the employment and the paying off of these men are such as to demand some regulation on the part of the State. This subject is treated in the chapter entitled "Alaska Salmon Canneries."

SOCIAL STATISTICS.

The act, Statutes of 1905, page 109, providing for the collecting and compilation of statistics relating to marriage, divorce and crime, by this Bureau, should be repealed. In the first place, these subjects have no proper place in such a Bureau as this, as we cannot conceive any close relation between them and labor, while in the second place the State at the present time maintains two bureaus that are investigating similar subjects. The Bureau of Vital Statistics compiles statistics on marriage, and we believe is best qualified to handle the related subject, divorce. The State Board of Charities and Corrections is gathering statistics on crime, and our work at present amounts to practically a duplication of theirs.

PAYMENT OF WAGES.

The legislature of 1911 enacted two laws that stand out as milestones in the cause of improving the conditions of those that depend upon their wages for their existence. These two laws are what are commonly known as the payment of wages law and the pay check law. The former provides for the payment of wages earned, immediately upon the discharge of an employee, or within five days, when an employee quits or resigns. It also provides for a monthly pay day and prohibits the withholding of wages for more than fifteen days. The latter law provides for the payment of wages in cash or in negotiable paper, payable upon demand without discount at some bank or established place of business in this State.

The legislature, however, failed to make any provision for the enforcement of these laws or to make any appropriation to defray the cost of enforcing them; and, like many other laws, they would have remained dead letters upon our statute books. This Bureau, however, appreciated their importance and immediately undertook to put them into effect, but we realized at the start what an enormous task lay before us: in fact, the collection of wages has taken up the bulk of our time and has made heavy inroads into our funds.

During the fiscal year ending June 30, 1912, 1899 claims for wages were filed in the Bureau, and investigated. We succeeded in collecting 1292 of these claims, amounting to \$24,445.59. These figures represent only the individual cases handled by the Bureau and do not include those involving large numbers or groups which were settled at one time. If we included the latter the amount would run to over \$50,000. For example, we had a case in which a large contractor failed and left his men stranded upon the work with wages amounting to over \$5,000 due them. We called a conference with the attorneys for the principals, the contractor and the bonding company, and after a series of meetings it was agreed that the bonding company would continue the work and protect the claims of the laborers.

If the claimants had been compelled to resort to the collection agents for the collection of their wages, they would have received less than \$5,000 out of this amount: for, in the first place, over one half of the wage claims were so small that a collection agent would not handle them, and, in the second place, the cost of collection would have amounted to over 50 per cent of the amount involved. Furthermore, the usual methods of collecting wages would take two or three months, whereas in the wages collected by this Bureau the majority of claims have been settled in a space of three days after filing.

A typical case of the abuses that were practiced upon wage-earners by collection agencies was one in which a laborer turned over his claim

for wages to an agent for collection. The agent brought an action in the Justices' Court, and after a delay of about three months succeeded in collecting the amount due. The agent then sent the laborer a check for 50 cents as his share of the \$20.00 wage claim he had presented, the remaining \$19.50 having gone to pay costs and commissions.

The wage collection agencies have been practically driven out of business since this Bureau undertook the enforcement of the payment of wages law.

It will be rather interesting to note the methods pursued by the Bureau in the handling of these wage claims, and will give the reader an idea of the amount of work involved.

When a claim for wages is presented at the office of the Bureau, a record of the facts is made and a special agent is sent out to the employer to make an investigation. If the employer refuses to pay the wages claimed and cannot offer a satisfactory explanation, he is cited to appear before the Commissioner, at a certain day and hour. It has been found necessary to cite the employer in over 80 per cent of the cases. At the time set in the citation the case is taken up and heard, and both sides have an opportunity of being heard. If no settlement can be arrived at and the employer refuses to pay the amount of wages that has been determined upon as due the claimant, a citation is issued directing the employer to appear at the office of the district attorney, to show cause why a warrant should not be issued for violation of the provisions of the payment of wages law. When the case is called at the district attorney's office both parties are present, also a representative of the Bureau, and the claim is again taken up, and if the employer then refuses to pay the amount determined upon, a warrant is issued for his arrest. It has always been our earnest endeavor to avoid court proceedings and to arrive at an amicable settlement. A warrant for the arrest of the employer is only sought after all other means have failed, or where we have reason to believe that the employer intends to flee the jurisdiction. During the fiscal year ending June 30, 1912, we were only obliged to make twelve arrests for non-payment of wages.

The Bureau in all this work has adopted a policy of absolute fairness in deciding disputes between employer and employee, and it has always been our aim to have both parties go away with the conviction that they have received a square deal, and with a better understanding of their obligations toward each other.

The collection of certain wage claims has often involved a great deal of work, time and expense when the employer has failed and his business is attached by creditors, or when he goes through bankruptcy. In these cases the Bureau has undertaken to make out and file the claims of the wage earner and to perform the necessary legal work involved. Our reason for assuming this additional work is that the wage earner has not the means to employ attorneys and as a consequence would be deprived of his earnings.

Our investigation into wage claims has brought to light some very

interesting phases of the abuses to which the ignorant laborer is a victim. These may be termed Schemes to Defraud Labor, and include a number of clever schemes which have for their object the defrauding of labor under the guise of increasing their earning power, teaching them trades and giving them employment. The most vicious of these schemes was encountered in San Francisco in May, 1912, and a recital of some of the facts of the case will give a fair idea of some of the practices the unprotected laborer is made a victim of. On May 1, 1912, our attention was called to a Greek who was hiring men to perform common labor for an electric light and power company at the rate of \$2.00 per day, whereas the prevailing rate of wages at that time for that class of labor was \$1.75. Circulars had been printed in the Greek language and distributed widely, and hundreds of Greek laborers were leaving their work on railroad construction, where they were only receiving \$1.75 per day, to apply for this new work. We obtained the service of a Greek laborer and gave him \$2.50 with which to apply for a position. When he handed the fee to the Greek agent, our special agent stepped in and demanded that the Greek agent show his license to conduct an employment agency. He produced a small typewritten sheet which he claimed was his license. This sheet bore a memorandum of the number of a license that had expired on March 31st of that year. When questioned he stated that he had paid \$60.00 for the license and then refused to make any further admissions. He was immediately placed under arrest and charged with conducting an employment agency without obtaining a license. We, however, realized at this time that there was something deeper involved in this case, and requested the court to raise the bail high enough so that we could hold this Greek agent and get at the real culprits. We first ascertained that there was no such company in existence as the one the men were being hired for, and there was no work whatever for them. When we confronted the Greek agent with these facts, he told us of all his dealings in the matter and it developed that he, himself, had been made a victim and had parted with over \$500.

We then obtained warrants for the arrests of the two men who had concocted the scheme. These two men were very prominent in San Francisco, and every influence, both political and personal, was brought to bear in their behalf, but to no avail. The Bureau procured the services of the Hon. D. M. Duffy as special prosecutor, and after a protracted trial in the police courts they were held for trial in the Superior Court.

The trial disclosed that these two men had drawn up a fictitious contract with a fictitious corporation in which they were authorized to employ 3,000 Greek laborers. They showed this contract to the Greek agent and instructed him to go out and hire the men. The Greek agent was told to collect \$2.50 from each man he hired and turn the money over to the two defendants. In consideration for his work he was to receive \$500 and the job of general foreman over the laborers. The Greek agent knew that a license was necessary and told the defendants that

he must have one. The defendants agreed to obtain one for him and he gave them \$60 for that purpose. In place of securing a license for him they went to an empty store that had formerly been an employment agency and copied the number and name of the license and handed him this memorandum in lieu of a license.

On November 20, 1912, the defendants were found guilty of obtaining money under false pretenses and sentenced to three years imprisonment in the state penitentiary.

Fortunately this scheme had been nipped in the bud, but even though it had only been in operation one day, 148 laborers had been fleeced out of \$2.50 each. If the Bureau had not taken such immediate action, 3,000 laborers would have been mulcted of \$2.50 each, or a total of \$7,500, and not alone this, but would have quit their jobs and rushed to San Francisco to get the increased pay that was offered.

Another of these schemes was what is known as cigar-making schools. Two of these institutions were thriving in San Francisco until the Bureau took a hand, and after a long campaign succeeded in putting them out of business. These so-called cigar-making schools were nothing more than schemes to fleece ignorant laborers—for the most part foreigners—who thought that they could improve their conditions by learning a trade. Attractive advertisements were placed in the newspapers and when the applicant applied he was told that he would have to pay \$25.00 deposit to cover the cost of the material he consumed in learning, and that in a very short space of time he would be employed by the factory—which was always a part of the school—at attractive wages. The following is a copy of the contract which he was given upon payment of \$25.00:

This Contract, made the _____ day of _____, in the year one thousand nine hundred and _____,

Between the GOLDEN WEST CIGAR COMPANY of the city and county of San Francisco, State of California, party of the first part, and _____, the party of the second part.

Witnesseth: that the party of the first part, in consideration of the covenants on the part of the party of the second part, hereinafter contained, hereby covenants with the party of the second part, that the party of the first part will in consideration of the sum of Twenty-five (25.00) Dollars to him in hand paid, by the said party of the second part, the party of the first part will teach the party of the second part the business of Cigar Making, including stripping, booking, packing, ringing, selecting colors, mold, hand and Spanish work.

And the party of the second part in consideration of the covenants on the part of the party of the first part hereinafter contained, agrees to and with the party of the first part that the party of the second part shall receive the first one thousand cigars he makes, for his time and labor and after the first 1000 cigars is made by the second party, he will be paid a certain wage per thousand, to be hereafter agreed upon.

And for the true and faithful performance of all and every of these covenants the parties to these presents bind themselves, each unto the other.

It is further agreed that in case the party of the second part fails to fulfill his part of the contract, he shall be entitled to the cigars he makes, nothing further.

It is further stipulated and agreed that the party of the second part will obey the factory rules of the first party.

In Witness Whereof, the parties have hereunto set their hands the day and year first above written.

GOLDEN WEST CIGAR COMPANY.

Signed and Delivered in the Presence of

This contract upon its face is quite plausible, but the persons operating these cigar factories figure that the applicant will become disgusted in a few days and quit, and under the terms of the contract is entitled only to the cigars that he has made, which, by the way, are made of such material that they are unfit to smoke. If the applicant persists in remaining and completes his first 1,000 cigars, he is either offered a ridiculously low wage or some excuse is found for discharging him.

A most novel scheme encountered was one that might be called a form of continuous agency. A case was reported to us by the local police department upon a report having been made by a young man who had parted with \$20.00. According to the terms of the contract entered into, this young man was to become a "manager" for the company for the period of one year at a fixed salary, but the salary was not to start until he had secured at least six agents. These agents were obliged to pay a deposit of \$5.00, of which the manager was to receive \$2.50 and the company \$2.50. The company furnished these agents with a sample case of pot-metal knives and scissors and cheap literature, all of which was practically unsalable. If the manager failed to comply with any of the provisions of the contract, he would forfeit his \$20.00 and this amount would "be retained by said company as pay for instructions furnished."

The officers of this Bureau located the official representative of the company, and made him return the \$20.00 he had received. We then took him before the district attorney and he was informed that he would not be permitted to operate in this State, even though the company which he was representing was a very large and wealthy one.

A rather peculiar case came to our attention and involved one of the large casualty companies. It appeared that shortly after the passage of the Roseberry Employers' Liability Act, the various casualty companies became very active in soliciting business in the mining districts, as most of the mining companies had refused to come under the provisions of the act. The mining companies seemed to look favorably upon the work of these casualty companies, in getting the miners to take out insurance against death, accident and sickness. During a visit of Mr. H. A. Scheel to Sutter Creek and vicinity, where he was making an investigation into a mine disaster, several miners appealed to him for relief from what they considered an unjust imposition by an insurance company. It developed that an agent of the company had come to the mine and had agreed to write a policy which provided for the payment of \$400 in event of death, or \$1.85 per day during sickness, and the appointment of a resident physician for the benefit of the policy holders. The amount to be paid by the miners was \$9.00 for a period of six months, which amount was deducted from their wages.

The policies which these miners received were entirely at variance with the statements made by the company's agent. In the first place it provided only for \$100.00 in event of death and \$35.00 per month

during sickness, and instead of being for six months was only for two months.

This Bureau immediately took up the matter with the State Insurance Commissioner, and on February 13, 1912, we made a demand upon the company for the return of \$9.00 for each of the thirty-two miners who had been defrauded. The company at first agreed to make this refund, but requested time to make an investigation. After a month had elapsed, we again made a demand upon them and they stated that the matter was being adjusted. In the mean time we had learned that nothing had been done by the company. On April 8, 1912, we cited the local representative of the insurance company, and to our surprise he appeared with counsel and informed us that his company did not have to refund the money collected, as the policies had expired on April 1, 1912, and as they had run for the period of two months, the time which premium covered, the company had earned the premium on account of its liability during that time. We informed the local agent and his counsel that we did not propose to sit idly by and tolerate such sharp practice, and we again took up the matter with the Hon. E. C. Cooper, Insurance Commissioner. Mr. Cooper instructed the company that if the money was not returned he would order an investigation of the books of the company and in the mean time revoke their license in the State of California. The local representative of the company tried to bring pressure to bear, and even went so far as to call on the Governor of this State, where they received little comfort. The company then sent thirty-two checks for \$9.00 each to the Insurance Commissioner, who, in turn, handed them over to this Bureau for distribution to the claimants.

One of the most prevalent forms of defrauding laborers of their wages occurs in the so-called "wild cat corporations." These corporations, as a rule, maintain elaborate offices in the larger cities, and only pay the office force a small part of the wages agreed upon, claiming that they are hard pressed for money and that they will soon be able to pay them. They pursue the same policy at their mines, oil wells, or other enterprises by furnishing the crew with just enough money for subsistence and informing them that the money for their wages will be forthcoming at a very early date. After a few months these wild cat companies evaporate, so to speak, and the employees are left with two to three months wages due them. As a rule, when we investigate these cases, we find a dummy board of directors or every one trying to shift the responsibility.

We have prepared the following table for the purpose of showing the occupations of the persons filing wage claims in the Bureau and also the industries in which most of the violations of the payment of wage law occur. It will be noted that the claims of those in the unskilled and unorganized branches of labor predominate. The claims of common laborers constitute 21.3 per cent, or over one fifth of all the claims filed

by men, while those engaged in general housework make up 23.7 per cent of all the claims filed by women.

In the industries against which claims were filed, that of construction and general contracting work stands out the most prominent, with a total of 397, or 20.9 per cent of all the claims filed, while restaurants come next with 227 claims, or 11.6 per cent; then hotels, apartment and boarding houses with 178 claims, or 9.4 per cent, and private places or homes with 149 claims, or 7.8 per cent of the total. This last item is interesting and may be accounted for by reason of the fact that in many instances women will discharge their servants in a fit of anger and will refuse to pay them the wages earned.

REPORT OF THE BUREAU OF LABOR STATISTICS.

Wage claims investigated during fiscal year ending June 30, 1912.
(Showing occupation and sex of complainants).

Occupation and sex.	Total for state.	San Francisco office.	Los Angeles office.
Males:			
Actors and performers	25	15	10
Automobile mechanics and chauffeurs.....	18	13	6
Bakers	31	21	10
Barbers	8	8	
Bartenders	9	9	
Blacksmiths	7		7
Bricklayers, cement workers, etc.....	18	9	8
Butchers	6	4	2
Cannery hands	18	18	
Carpenters	105	52	53
Cigar makers	9	9	
Clerical help	22	16	6
Cooks	86	53	33
Electricians	13	9	4
Engineers	14	11	3
Errand boys and messengers	24	19	5
Foremen	9	4	5
Foundry helpers	6	6	
Gardeners	3		3
General help	35	31	4
Hotel help	23	28	
Kitchen help	120	80	40
Laborers	333	203	130
Laundry workers	11	11	
Machinists	17	15	4
Mechanics	33	25	8
Metal workers	24	19	5
Milkers and dairymen	11	6	5
Miners	32	32	
Moving picture machine operators.....	6	1	5
Oil well drillers	4		4
Painters	41	21	20
Plasterers	5		5
Plumbers	4		4
Porters, janitors, etc.....	69	58	11
Printers	4	4	
Ranch hands	19	10	9
Salemen	51	39	12
Stablemen	19	12	7
Stone workers	15	15	
Tailors	48	35	8
Teamsters	70	24	46
Upholsterers	5	5	
Waiters	45	33	12
Unclassified	93	68	25
Totals.....	1,561	1,041	520
Females:			
Actresses	24	16	8
Chambermaids	38	24	14
Clerical help	17	13	4
Cooks	15	10	5
Housekeepers	15	10	5
Housework, general	80	63	17
Laundry workers	14	9	5
Nurses	12	5	7
Saleswomen	11	8	3
Seamstresses	25	18	7
Stenographers	23	17	6
Waitresses	48	30	16
Unclassified	18	10	8
Totals.....	338	233	105
Recapitulation:			
Males	1,561	1,041	520
Females	338	233	105
Totals.....	1,899	1,274	625

PAYMENT OF WAGES.

37

Wage claims investigated during fiscal year ending June 30, 1912.
(Showing Industries against which claims were filed).

Industries.	Total for state.	San Francisco office.	Los Angeles office.
Bakeries	42	26	16
Baker shops	17	17	
Cabinet making and upholstering	9	9	
Candy, confectionery, etc.	12	8	4
Chemicals	6		6
Cigars and cigarette factories	9	9	
Circuses and menageries	8		8
Clothing stores	15	11	4
Construction and general contracting work	397	208	189
Dairies	20	10	10
Dressmaking	6		6
Dry goods	17	12	5
Garages and repair shops	18	12	6
Gardeners	5		5
Garments and furnishings	12	6	6
Groceries	28	16	7
Hospitals	16	9	7
Hotels, apartment and boarding houses	178	142	36
Laundries	35	24	11
Lumber and milling	11	6	5
Metal working, foundries, etc.	38	30	8
Offices	73	53	20
Oil and mining companies	42	35	9
Packing houses	20	20	
Printing	14	8	6
Private places	149	102	47
Railroads	54	44	10
Ranching	33	16	17
Restaurants	227	145	82
Saloons	26	23	3
Shipping	16	16	
Sign painting	5		5
Stone and marble	18	18	
Tailors	59	50	9
Teaming, livery and storage	27	15	12
Telegraph and messenger service	13	13	
Theaters	59	32	27
Miscellaneous	170	131	39
Totale	1,899	1,274	625

Fifteenth Biennial Report

CALIFORNIA
STATE LIBRARY
MAY 1 1953

OF THE

DOCUMENTS SECTION

Bureau of Labor Statistics

OF THE

State of California

1911-1912

JOHN P. McLAUGHLIN, Commissioner

948 Market Street, San Francisco



FRIEND WM. RICHARDSON, SUPERINTENDENT OF STATE PRINTING

SACRAMENTO, CALIFORNIA

1912

THE ALASKA SALMON CANNERIES.

The question of the payment of wages to the men employed in the Alaska salmon canneries has been one of great annoyance to the Bureau during the past two seasons. These men are hired in San Francisco during the months of March and April and are shipped north to work in the salmon canneries, located on the coast of Alaska. They are returned during the months of August and September and are paid off in San Francisco for the full season's work. At the time these men are paid off the real trouble begins. Innumerable disputes arise on account of the deductions that are made for various items—principally for gambling debts, liquor and food. In order to fully realize the situation, it will be necessary to explain the methods resorted to in the hiring of men to work in these canneries. As a rule, the company owning or operating the cannery enters into a contract with a Chinese contractor, whereby the Chinese contractor agrees to furnish all the help necessary to clean, pack, cook, label and box all the salmon delivered to him at a certain cannery. The company agrees to pay the Chinese contractor a certain amount for each case of salmon packed and guarantees a minimum number of cases. If no salmon is packed—by reason of the failure to deliver the fish at the cannery, which may arise when the salmon are not running—the Chinese contractor receives his contract price. The Chinese contractor guarantees to deliver a certain number of men—necessary to operate the cannery—and is penalized in the sum of \$250 for each man he is short on the day of the sailing of the company's ships. As soon as the Chinese contractor signs up with the company, he sublets his contract to several other sub-contractors, consisting chiefly of Japanese, Filipinos, Porto Ricans and Mexicans. These sub-contractors go among their own people and hire them for the season at a fixed sum, usually from \$160 to \$180. This sum is, as a rule, the full amount that the Chinese contractor has allowed the sub-contractor, but the sub-contractor figures to make his money from the privileges of running the "slop chest"—which is the term applied to the store—and from the gambling. In addition the sub-contractor draws his wages, and it is the general practice for a sub-contractor to work along with his men at the cannery. The Chinese contractor advances \$40 for each man to the sub-contractor. The sub-contractor turns this amount over to his men, but not directly. Usually he permits them to go to some store which he selects—where they can purchase clothes—and he often pays their room and board up to the time of sailing, for it must be understood that the hiring of men goes on for months before the ship sails. When the men are on board the ship, whatever is left of the \$40 advance money, after the above deductions have been made, is paid to them. A rather interesting deduction is the one of \$2.50 to \$5.00 per man for services of detectives and watchmen,

who are employed by the sub-contractor to see that the men do not get away before the ship sails. Here we have the unique position of a man being obliged to pay for the privilege of being watched so that he cannot run away. The Chinese contractor furnishes the food on the voyage to and from and during the time the men are at the cannery. This food consists of the regular Chinese fare, namely, rice, kelp, tea, and sometimes beans, except that at the cannery, fish is often given to the men. The food question causes considerable trouble, owing to the fact that the men do not relish it and are compelled to buy American foods from the "slop chest" or from the Chinese stores. On the return to San Francisco, the company pays the Chinese contractor the total amount due him under the terms of the contract, and the Chinese contractor in turn pays to the men the amount agreed upon, less the charges that appear against them in an account rendered by the sub-contractor. In past years, the Chinese contractor would turn the money over to the sub-contractors for payment to the men, but it became a general practice for the sub-contractors to abscond with the money, and leave the men clamoring at the doors of the Chinese contractor for their wages.

During the past few years the offices of this Bureau have been besieged by hundreds of these cannery hands upon their return from Alaska. These men present a multitude of claims, which involve questions of false or exorbitant deductions on their wages. Many of these men are returned to San Francisco without a cent due them after a season's work, all of it having been charged against them for food or gambling debts, incurred at the gambling tables operated on the ships by the sub-contractors. While the Bureau has been successful in getting redress in many cases, still our laws at present are inadequate to cover the situation. And it is important to note that the situation is a grave one, for it must be borne in mind that, when you cast several thousand irresponsible men who are penniless—or almost penniless—adrift in this city, after they have toiled for five or six months—you add a large factor to the criminal element of the community.

The following are the totals copied from a pay roll and gives a good idea of the causes that lead to the trouble in the settlement of the wages of the cannery hands in Alaska.

ANALYSIS OF A SUB-CONTRACTOR'S PAYROLL.

Total number of men hired.....	138	
Total amount of wages.....		\$22,495 00
Less: Advance of \$40 per man.....	\$5,520 00	
Advance for gambling.....	6,611 80	
Slop chest (food, etc.).....	4,859 85	
Chinese store.....	731 50	
Total deductions.....		\$17,722 65
Balance of wages due at end of season.....		\$4,772 35
Average wages per man.....		\$163 00
Average deduction per man.....		128 42
Average payment per man in San Francisco.....		\$34 58

The following table shows the number of cannery hands and fishermen shipped from San Francisco during the season of 1912. What has been said in this chapter does not apply in any degree to the fishermen. The latter have a strong organization and are paid off under the supervision of the United States Shipping Commissioner. It applies only to cannery hands which consist chiefly of Chinese, Japanese, Filipinos, Porto Ricans, Mexicans, Spanish, Negroes and a sprinkling of many other races.

MEN SHIPPED FROM SAN FRANCISCO TO ALASKA SALMON FISHERIES,
SEASON OF 1912.

Cannery hands -----	4,954
Fishermen -----	1,965
Total -----	6,919

There is also submitted a table showing the exorbitant prices charged for food, etc., for it will be remembered that the men are only furnished with Chinese grub and crave these American foods and luxuries, which they are compelled to buy from the "slop chest" conducted by the sub-contractors.

COMPARATIVE PRICES OF VARIOUS COMMODITIES.

Commodity	Price charged by sub-contractor.	Price in San Francisco
Apricots, canned, per can.....	35 cents	15 cents
Beef, canned, per can.....	35 cents	15 cents
Beef, corned, per can.....	35 cents	15 cents
Beer, per bottle.....	50 cents	10 cents
Chocolate, per can.....	75 cents	35 cents
Cigars, each.....	10 cents	2½ cents
Clams, per can.....	25 cents	10 cents
Crabs, per can.....	35 cents	15 cents
Crackers, per box.....	30 cents	10 cents
Gum, chewing, per package.....	10 cents	5 cents
Jellies, per jar.....	25 cents	10 cents
Marmalade, per jar.....	30 cents	15 cents
Milk, condensed, per can.....	25 cents	10 cents
Peaches, canned, per can.....	35 cents	15 cents
Raisins, per package.....	35 cents	15 cents
Sardines, small, per can.....	15 cents	8 cents
Sardines, large, per can.....	50 cents	20 cents
Sausages, small, per can.....	25 cents	10 cents
Sausages, large, per can.....	35 cents	15 cents
Soda water, per bottle.....	15 cents	5 cents
Sugar, per package.....	25 cents	10 cents
Tobacco, chewing, per plug.....	10 cents	5 cents
Tobacco, smoking, per package.....	15 cents	5 cents
Tomatoes, canned, per can.....	35 cents	10 cents
Pineapple, canned, per can.....	35 cents	15 cents

During a recent investigation, we had occasion to take the testimony of several men who had been employed in the Alaska salmon canneries, and the following will give a fair idea of the conditions prevailing in this industry:

SWORN TESTIMONY OF PEDRO BARBOSA, ON LABOR CONDITIONS IN THE
ALASKA SALMON FISHERIES.

- Q. What is your name?
A. Pedro Barbosa.
Q. Where were you born?
A. Porto Rico.

- Q. Who hired you to go to Alaska?
 A. Marcelina Martinez.
 Q. How much did he agree to pay you for the season's work?
 A. \$160.00.
 Q. How much advance money did he give you?
 A. \$85.
 Q. How much advance money did he charge you with?
 A. \$40.
 Q. Why was there a difference of \$5.00.
 A. The \$5.00 was commission.
 Q. On what ship did you sail?
 A. On the St. Katherine.
 Q. On board the ship, who fed you?
 A. The Japanese.
 Q. What did they give you to eat?
 A. Rice and some kind of stuff like seaweed—kelp—and ten.
 Q. Did you get enough water to drink?
 A. Just got water to wash my face. Asked the Japanese for water but did not get any to drink.
 Q. When you got to Alaska, who did the cooking?
 A. Japanese.
 Q. What kind of food did you get there?
 A. The same kind. Only they had fish, cooked in "soya" and I could not eat it.
 Q. How many hours did you have to work in the cannery?
 A. Got up at three o'clock in the morning and work till 6 and 7 at night.
 Q. What kind of work did you do?
 A. Washing cans in lye.
 Q. Did you lose any time through sickness?
 A. No, sir.
 Q. What did they pay Indians?
 A. I heard they pay \$3.50 a day. They don't pay him money, but give him grub in the American store, and the company charges the Jap \$3.50 a day for grub.
 Q. Did they sell any whisky or liquor on the ship.
 A. Yes, sir. Marcelina and the Japanese both sold liquor.
 Q. Did they sell whisky at the cannery?
 A. Yes. Marcelina and the Jap did.
 Q. What did they charge you for whisky?
 A. A soda water bottle full cost \$1.00 from Marcelina, and 75c from the Japanese.
 Q. Was there gambling on board ship?
 A. You "betcher life."
 Q. What games were they running?
 A. Monte and poker.
 Q. Was you playing?
 A. Yes, I played myself. I ran the game. I paid Marcelina \$200.00 for the privilege of running the game.
 Q. How much did the boys lose in the game?
 A. Some boys lost as high as \$50.00 and \$60.00.
 Q. How were these losses charged up?
 A. Played for tickets.
 Q. Who furnished the tickets.
 A. Marcelina.
 Q. Where were these tickets payable?
 A. Marcelina cashed the tickets in San Francisco.
 Q. How did the men pay for the tickets?
 A. They were charged against their wages.
 Q. How much did Marcelina make on the gambling?
 A. He made \$200.00.
 Q. Did the Japanese run a gambling game too?
 A. Yes, they kept a different gambling table.
 Q. Did the Porto Ricans play at the Japanese table?
 A. No, the Japanese came over and played at the Porto Rican table.
 Q. When you came back to San Francisco, how much money did you have coming to you?
 A. \$193.90.

- Q. How is this amount so large?
 A. I made up the difference in gambling.
 Q. How much did you spend for groceries, etc?
 A. About \$35.00.
 Q. How long have you been in the United States?
 A. Since 1901.
 Q. Are you a citizen of the United States?
 A. Yes, sir.
 Q. How many trips have you made to Alaska?
 A. I made four trips; three for Marcelina and one for the Alaska Packers.
 Q. Do you reside in San Francisco?
 A. Yes, sir.
 Q. What is your address?
 A. 1316 Kearny street.
 Q. That is your own place?
 A. Yes, sir.
 Q. Do you reside there with your family?
 A. Yes, sir.
 Q. At what cannery did you work?
 A. The Ugashik, owned by Frank B. Peterson.
 Q. Do you know whether Marcelina had to pay the Japanese for the privilege of gambling?
 A. I don't know.

SWORN TESTIMONY OF ENRICO BONAPARTE ON LABOR CONDITIONS IN THE
 ALASKA FISHERIES.

- Q. What is your name?
 A. Enrico Bonaparte.
 Q. Where were you born.
 A. Porto Rico.
 Q. Are you a citizen of the United States?
 A. Yes, sir.
 Q. Who hired you to go to Alaska?
 A. Marcelina Martinez.
 Q. What did he hire you as?
 A. I was hired as bookkeeper; also to work washing cans in lye.
 Q. What compensation were you to receive?
 A. Was to receive \$100.00 for the season, and 25 per cent of all the receipts from the sale of food and liquor, and from gambling.
 Q. On what ship did you sail?
 A. St. Katherine.
 Q. When did it sail from San Francisco?
 A. On April 20, 1912.
 Q. Were you to get the same food as the other men?
 A. Just the same.
 Q. What food did you get?
 A. Rice, tea, same as other men.
 Q. Was there any gambling on the ship?
 A. Yes.
 Q. Who ran the gambling table?
 A. Pedro Barbosa.
 Q. Did you do any gambling yourself?
 A. Yes, sir.
 Q. Did you lose any money?
 A. I won about \$50.00.
 Q. What did you gamble with?
 A. First with money, and afterwards with the tickets I had won.
 Q. What game did you play?
 A. Monte.
 Q. Who was dealing?
 A. Sometimes I dealt, sometimes Barbosa and sometimes Martinez.
 Q. Did you keep the books showing the number of tickets?
 A. No, Martinez marked the books for the gambling tickets and I marked for the food and liquor.

- Q. Did you sell whisky and liquor up there?
 A. Yes, sir.
 Q. How much did you charge for it on the ship?
 A. \$1.50 for a big bottle on the ship; up at the cannery \$1.00 for a small soda water bottle full.
 Q. Did you do any gambling at the cannery?
 A. No.
 Q. Do you know how many, or how much worth of gambling checks Martinez had?
 A. Between \$400.00 and \$500.00 worth.
 Q. How much did Martinez charge Barbosa for the gambling table?
 A. \$200.00.
 Q. How much did you have coming to you when you came back to San Francisco?
 A. \$183.85 for wages and gambling.
 Q. How much did you have to pay for food?
 A. I got most of my food by giving the Americans liquor.
 Q. Could you eat the Japanese food?
 A. No.
 Q. At what cannery did you work?
 A. Ugashik.
 Q. Who runs this cannery?
 A. Frank B. Peterson & Co.
 Q. What were the names of the Japanese contractors?
 A. Kaipou and Sakamake.
 Q. Where is their place of business?
 A. They keep their general merchandise store in San Francisco. I do not know the address.
 Q. Where do you live?
 A. 1318 Kearny street.
 Q. Is your home in San Francisco?
 A. Yes, I live here all the time.
 Q. Has Marcelina settled up with you for your 25 per cent yet?
 A. Not yet.
 Q. About how much is coming to you on commission?
 A. 25 per cent of \$200.00 for gambling, and 25 per cent of \$608.00, profit from the store for the sale of food and liquor.
 Q. How many trips have you made to Alaska?
 A. Nine trips. Seven times with Marcelina and twice for the Alaska Packers' Association.
 Q. Are the conditions any worse now than they were before?
 A. Conditions the same.

SWORN TESTIMONY OF RICHARD FELICIANO ON LABOR CONDITIONS IN THE
 ALASKA SALMON FISHERIES.

- Q. What is your name?
 A. Richard Feliciano.
 Q. Where were you born?
 A. Porto Rico.
 Q. Who employed you to go to Alaska?
 A. Marcelina Martinez.
 Q. Where did he hire you?
 A. In San Francisco.
 Q. At the time he hired you, what did he agree to pay you?
 A. \$160.00 for the season.
 Q. How much advance money did he give you?
 A. \$35.00.
 Q. How much advance money did he charge you up with?
 A. \$40.00.
 Q. Why this difference of \$5.00? Did he take off \$5.00 for getting you your job?
 A. I guess so. Yes.
 Q. Did you receive the \$35.00 advance money in actual cash?
 A. Yes, \$35.00 in cash. He paid me in my hand, and afterwards I paid the storekeeper.

- Q. When did you get the \$35.00, while on shore?
 A. On board ship.
 Q. Where did you buy your supplies, on board ship or on land.
 A. On shore.
 Q. How is it it you paid on board ship?
 A. The storekeeper came on board and I paid him for the goods.
 Q. Who fed you on the ship?
 A. The Japanese.
 Q. What did they give you to eat?
 A. Rice, kelp and tea.
 Q. Did you get the same food every day?
 A. Every day; sometimes beans—about two days on the trip.
 Q. Did you have anything else to eat.
 A. Yes, I had to buy it myself.
 Q. Did they give you enough water to drink?
 A. No.
 Q. How much water a day?
 A. One glass for a man a day. Some days none.
 Q. Some days you could get none at all?
 A. Some days no water.
 Q. Did you make any complaint about the water?
 A. No.
 Q. Did any of the boys complain?
 A. Some asked for water. Sometimes they got more and sometimes no water.
 Q. What did you have to drink?
 A. I went to the white kitchen.
 Q. What did the others do, buy some?
 A. No, you could not buy water on board.
 Q. When you got to Alaska, what cannery did you go to?
 A. Ugashik Cannery.
 Q. Who owns this cannery?
 A. Frank Peterson is the general agent.
 Q. Does this cannery belong to the Alaska Packers?
 A. No. To the Red Salmon Canning Company.
 Q. When you got to Alaska, where did they house you—where did you sleep?
 A. In bunk houses.
 Q. Who supplied the food while you were in Alaska?
 A. Japanese.
 Q. What did they give you to eat in Alaska?
 A. Same thing, but some days got fried salmon. When we worked hard, sometimes we got salmon twice a day or three times.
 Q. Did they sell any liquor or whisky aboard ship?
 A. I don't know; I didn't buy any.
 Q. Did they sell any whisky or liquor up at the cannery?
 A. I didn't see any sold.
 Q. What were the hours of work?
 A. Well, sometimes we worked 15 hours; sometimes 10, 12, 13, 14. Some days three or four hours. If the fish were running heavy, we had to work hard.
 Q. Were you sick while in Alaska?
 A. No.
 Q. Do you know how much the Indians got up there?
 A. No, I do not know.
 Q. Did you hear or ask any Indian?
 A. No.
 Q. Do the Indians get better food than the men sent from San Francisco?
 A. Oh, sure, the Indians get better food.
 Q. Do they get regular white man's food?
 A. Some of them got the same thing.
 Q. How much money did you have when you landed in San Francisco?
 A. \$85.00.
 Q. What did all the rest of your money go for?
 A. I owed some of this money to somebody else.
 Q. Did you gamble?
 A. No.
 Q. Was gambling on board?
 A. Yes, but I don't gamble.

5-18

- Q. Why did you come back with only \$65.00?
 A. Most of the difference went for to buy food.
 Q. Was there gambling on board the ship?
 A. I saw some gambling but I don't know if it was for money, they played with poker chips.
 Q. Did you see them use any tickets?
 A. I am not sure, but there was gambling on board.
 Q. What was the name of the ship you sailed on?
 A. Saint Katherine.
 Q. What day did you leave San Francisco?
 A. April 20, 1912.
 Q. When did you land in San Francisco?
 A. September 8, 1912.

SWORN TESTIMONY OF PETER HUNTER ON LABOR CONDITIONS IN THE
 ALASKA SALMON FISHERIES.

- Q. What is your name?
 A. Peter Hunter.
 Q. Where were you born?
 A. Charlotte, N. C.
 Q. By whom were you hired?
 A. Lino took me to the Chinaman, Quong Ham Wah, who hired me.
 Q. Was Lino your boss?
 A. Yes, sir.
 Q. Why did he take you to the Chinaman?
 A. He said he had all the men he wanted, but would take me up with the Chinese gang.
 Q. What did he agree to pay you for the season's work?
 A. Said \$160.00 for general work, and if I did extra work would get \$20.00 more.
 Q. On what ship did you sail?
 A. The Standard.
 Q. How much advance money did you get?
 A. \$40.00.
 A. Was the \$40.00 paid in cash?
 A. No, sir, only \$19.75.
 Q. By whom was it paid you?
 A. It was paid by Snyder.
 Q. Why was there a difference—that is the \$40.00 advance money and the amount paid you, namely, \$19.75?
 A. The difference for supplies and board at Snyder's.
 Q. Who fed you on the boat?
 A. The Chinese contractor.
 Q. What food did he supply you with?
 A. Rice, seaweed and tea.
 Q. Same fare every day?
 A. Yes, sir.
 Q. Did you receive any drinking water?
 A. No, sir.
 Q. Did you ask for any?
 A. Yes, sir, every day.
 Q. What did they say?
 A. Said they did not have enough, and were afraid that it was going to run out.
 Q. Who fed you at the canneries?
 A. The same Chinese.
 Q. What food did you get at the canneries?
 A. Same food, except fish, during the fishing season.
 Q. What were the hours that you worked at the cannery?
 A. 4 a. m. to 9 p. m. during the season.
 Q. How long was the season?
 A. About two months.
 Q. Was there any liquor sold on board the ship?
 A. Yes, sir.
 Q. Who sold it?
 A. Lino and the Chinaman.

- Q. Did you buy any?
 A. Yes, sir.
 Q. What did you have to pay for it?
 A. \$1.50 a bottle.
 Q. Was it regular size bottle?
 A. Yes, sir.
 Q. Was any liquor sold at the cannery?
 A. Yes, sir.
 Q. Who sold it there.
 A. Lino and the Chinaman.
 Q. Did you buy any there?
 A. Yes, sir.
 Q. How much did you pay for it?
 A. \$2.75 a bottle.
 Q. Was there any gambling on board the ship?
 A. Yes, sir.
 Q. Who ran the gambling game?
 A. A Mexican, for Lino.
 Q. What was the Mexican's name?
 A. I think his name was Diaz.
 Q. Did you gamble?
 A. Yes, sir.
 Q. What did you play?
 A. Black Jack.
 Q. How much money did you lose?
 A. \$50.00.
 Q. What did you gamble with?
 A. I gambled with checks.
 Q. Where did you get the checks?
 A. From Lino.
 Q. How did you get them?
 A. Took them out of my wages.
 Q. Did you lose any time through sickness?
 A. No, sir.
 Q. How much money did you receive on your return to San Francisco?
 A. He offered me \$4.50.
 Q. Why this difference in this amount and \$180.00?
 A. The balance went for gambling, food and liquor.
 Q. How much did you spend for food?
 A. About \$27.00.
 Q. Where do you live?
 A. At the Dixie Hotel, Pacific street, between Grant avenue and Stockton street, San Francisco.
 Q. Is San Francisco your regular home?
 A. No, Fresno.
 Q. Have you folks down there?
 A. Yes, sir, they live on M street.

SWORN TESTIMONY OF EDWARD SANDERLIN ON LABOR CONDITIONS IN THE
 ALASKA SALMON FISHERIES.

- Q. What is your name?
 A. Edward Sanderlin.
 Q. Where were you born?
 A. Denver, Colorado.
 Q. Who hired you to go to the Alaska fisheries?
 A. Lino Quisada.
 Q. Where is he located?
 A. I don't know where he is now.
 Q. Where was he at that time?
 A. He was living at 1257 Montgomery street.
 Q. What did he agree to pay you for the season's work?
 A. \$180.00 for general work.
 Q. Did he have a contract?
 A. Yes, sir, from Quong Ham Wah.

- Q. How much advance money did he give?
 A. \$40.00.
 Q. Did he give it to you in cash?
 A. No. He allowed us to buy clothing, etc., at Snyder's store, Pacific and Grant avenues, and the balance they gave to us on the ship.
 Q. Who gave it to you?
 A. Snyder.
 Q. Was there any money held out for commission for getting you the job?
 A. No.
 Q. On what ship did you sail from San Francisco?
 A. On the Standard.
 Q. On what day?
 A. 13th day of April, 1912.
 Q. In what cannery did you work?
 A. Haller Cannery at Ecock.
 Q. Who fed you on board the ship?
 A. Chinamen.
 Q. What food did they give you?
 A. Rice, kelp, and tea.
 Q. Were you supplied with drinking water?
 A. Not a bit.
 Q. Did you ask for water?
 A. Asked for water every day.
 Q. What was said?
 A. Said they were figuring on the water running short.
 Q. When did you arrive at the canneries?
 A. On the 24th day of May, 1912.
 Q. Who furnished the food at the canneries?
 A. The Chinese contractor.
 Q. What food did they give you in Alaska?
 A. They gave us rice, same food, with the exception of fish during the season.
 Q. You were taken sick on your way up to Alaska, were you not?
 A. Yes, sir.
 Q. Were you in good health when you left San Francisco?
 A. Yes, sir, was passed by physician.
 Q. When did you first take sick?
 A. After about one week out. First I was taken seasick, then typhoid fever, after about two weeks out.
 Q. As soon as you arrived in Alaska, did they put you in a hospital?
 A. No, sir.
 Q. When did they put you in the hospital?
 A. On the second day of June.
 Q. Where were in the interim?
 A. At the cannery—in bed.
 Q. Was a physician aboard the "Standard"?
 A. Yes, sir, but he was not a licensed doctor.
 Q. Did he diagnose your case as typhoid fever?
 A. He did not know what it was, he said he would have to go to a doctor.
 Q. How is it they finally came to put you in a hospital?
 A. Through the physician saying that I was pretty sick.
 Q. Where did they put you in the hospital?
 A. At Nulik.
 Q. To whom does this hospital belong?
 A. I understood it was a government hospital.
 Q. Who was the doctor in charge?
 A. Dr. French.
 Q. When were you discharged from the hospital?
 A. June 28, 1912.
 Q. When did you go to work again?
 A. On the 29th day of June.
 Q. Did you work through until the end of the season?
 A. No, I was off about five days altogether during the balance of the season.
 Q. Were you sick during those five days?
 A. Yes, sir.
 Q. When did the season close?
 A. I think it was the 10th or 11th of August.

- Q. Was any liquor sold on board the ship?
A. Yes, sir, whisky and beer.
Q. Who sold it?
A. The Chinaman and Lino, both.
Q. What did they charge for it?
A. Going up on the boat it was \$1.75 for a quart bottle.
Q. Did you buy any?
A. I bought one bottle.
Q. Was any liquor sold at the canneries?
A. Yes, sir.
Q. Who sold it there?
A. Same people.
Q. What did they charge for it there?
A. \$2.75 a bottle.
Q. Was there any gambling aboard the ship?
A. Yes, sir.
Q. Who ran the gambling game?
A. A Mexican under Lino.
Q. Did you play at all?
A. Yes, sir.
Q. What did they play?
A. Black jack, poker, piute and coon-can.
Q. How much money did you lose?
A. I lost about \$25.00 altogether.
Q. Did many of the men gamble?
A. Yes, the largest part of them.
Q. What did they gamble with?
A. With money and with checks.
Q. Where did you get the checks?
A. From Lino.
Q. How did you get them?
A. Whenever we got broke he would issue us checks and charge against our wages.
Q. When you came back to San Francisco, how much money did you have coming to you?
A. My book showed a credit of \$67.50, but they presented a hospital bill of \$87.50.
Q. This left you indebted to them for \$19.20, after a whole season's work?
A. Yes, sir.
Q. About how much money did you have to spend for food?
A. About \$48.00.
Q. Where do you live?
A. At the Dixie Hotel, Pacific street, between Grant avenue and Stockton.



Legislative Research Incorporated

926 J. Street, Suite 1100, Sacramento, CA 95814
(800) 530.7613 · (916) 442.7660 · fax (916) 442.1529
www.lrihistory.com · intent@lrihistory.com

Appendix: Additional LRI Resources

Legislative Research Incorporated hereby certifies that the accompanying record/s is/are true and correct copies of the original/s obtained from one or more official, public sources in California unless another source is indicated, with the following exceptions : In some cases, pages may have been reduced in size to fit an 8 ½" x 11" sized paper. Or, for readability purposes, pages may have been enlarged or cleansed of black marks or spots. Lastly, for ease of reference, paging and relevant identification have been inserted.

**Costs Are Recoverable For
Legislative History Research Expenses
Incurred By A Commercial Service
Such As Legislative Research, Inc.1**

Van De Kamp v. Gumbiner
(1990) 221 Cal. App. 3d 1260, 1280



LRI
Legislative
Research
Incorporated

(800) 530-7613

Established 1983

Cited By Name In

Redlands Community Hospital v.
New England Mutual Life Insurance Co.
(1994) 23 Cal. App. 4th 899, 906

1 Formerly Legislative Research Institute

Exhibit 2

ASSEMBLY BILL NO. 295

67576

AUTHOR W. J. ...

RECEIVED 5/5 1943

ACTION OF GOVERNOR 617 1943

CHAPTER NO. 1027

COPIES SENT TO _____

D. L. BENM, PRESIDENT
MERCED

EARL TRAPLEMAN, FIRST VICE-PRESIDENT
IRVINE
LELAND PICKERING, SECOND VICE-PRESIDENT
REBECA

J. V. GUILFOYLE, SECRETARY-TREASURER
LOS ANGELES

25323

SOUTHERN CALIFORNIA RETAIL HARDWARE ASSOCIATION

BOARD OF DIRECTORS

FLOYD HICKEY, VENTURA
H. G. MUEGGE, SAN FERNANDO
E. B. WALLACE, LOS ANGELES
DON H. WEBB, GLENDALE
S. B. ROWE, UPLAND
LEON C. ELLIOTT, SANTA ANA
MARK E. YOUNG, SAN DIEGO
OLIVER ARNOID, REDONDO BEACH

509 RIVES-STRONG BUILDING
118 WEST NINTH STREET
PHONE VANDIKE 2188
LOS ANGELES, CALIFORNIA

ADVISORY BOARD

GEORGE L. WELLS, ARLINGTON
MAURICE J. HELLMAN, LOS ANGELES
HERBERT L. JOHNSON, ORANGE

PUBLISHERS OF
HARDWARE DEALER PRICE GUIDE

AFFILIATE
ARIZONA HARDWARE ASSOCIATION

RECEIVED
MAY 26 1943
MAY 24, 1943

Governor Earl Warren
State Capitol
Sacramento, California

Dear Governor Warren:

Our Officers and Directors, at the request of our membership, had a special meeting last week, the result of which was instructions to the writer to communicate to you our views regarding Senate Bill No. 295.

We feel that the enactment of this Bill and your approval of it is adding another burden of responsibility upon merchants who are already undermanned as to personnel, and all of their employees are working long and tedious hours trying to get through the mass of questionnaires, Governmental reports, regulations and restrictions, etc.

The average small merchants with less than 25 employees are not essentially accountants, nor do the majority of them have extra and separate bookkeepers. To ask them to make out more reports for the deductions on the payroll of employees, for Victory tax, Social Security, Unemployment Insurance, and other approved deductions at this time, would be to impose quite an extra burden upon the employer and his staff, and this seems to be particularly unnecessary as these deductions are merely a repetition each week, or pay day, as there are practically no changes in the deductions made from such wages at each payment.

With the mounting number of taxes and the severity of same, and the overhanging menace of making out too many reports and questionnaires, it is slowly becoming impossible for a merchant to do business except to comply with State and Governmental regulations and demands.

We believe that most merchants are essentially honest, and we believe that their employees know this as a fact. Of course we are referring to the home-owned independent merchants whose average employee has been with them a great many years. It is hard to expect that such type of merchants should be obligated to do the same thing as great big monster employers of labor, among which there is probably considerable dissention and lack of understanding.

It has become my duty to request, on behalf of the over 600 hardware retailers in Southern California, that you give due consideration to the

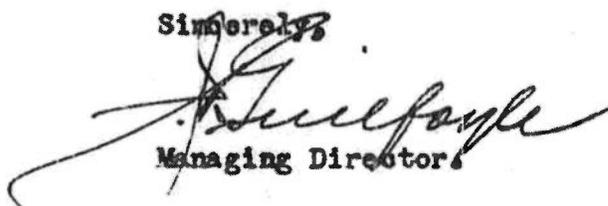
Governor Bari Warren

-2-

May 24 1943

signing of this Bill, as under its present wording and intent, we feel that the signing and passing of same would be unfair and quite unnecessary.

Sincerely,

A handwritten signature in cursive script, appearing to read "J.V. Guilfoyle". The signature is written in dark ink and is positioned above the typed name and title.

Managing Director

J.V. Guilfoyle
en

FRESNO COUNTY

RETAIL GROCERS ASSOCIATION

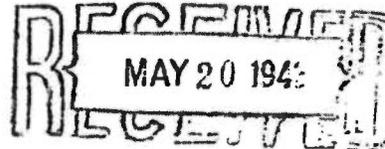
FRESNO, CALIFORNIA

Affiliated with STATE and NATIONAL ASSOCIATIONS

HOLLAND BUILDING
2135 FRESNO STREET
TELEPHONE 3-1346

May 18th., 1943.

Honorable Earl Warren, Governor
State of California,
Sacramento, Calif.



My Dear Governor:-

We wish to offer objections to Senate Bill number 295 now before you for consideration for the following reasons:

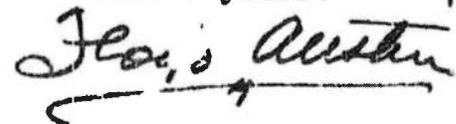
This bill provides that every employer shall semi-monthly or at the time of each payment of wages, furnish each of his employes either as a part of the check, draft or voucher paying the wages, or seperately, an itemized statement in writing showing all deductions made from such wages; provided, all deductions made on written orders of the employee may be aggregated and shown as one item.

This means that every one of our employers will have to submit such a list of deductions as the 5% Victory Tax, Social Security, Unemployment Insurance and other approved deductions at each time of payment or semi-monthly throughout the entire period of such employees service. This is merely a repetition of work each week as there are practically no changes in the deductions made from such wages at each payment. If an employer fails to comply with this law, he is committing a misdemeanor and subject to prosecution.

The enactment of this bill is adding another burden of responsibility upon our people that seems so unnecessary as we have no objections to supplying any of the information any employee may desire relative to his own interest. Therefore, we will appreciate your further consideration to amendments of this bill in the light of fairness to all employers and particularly the Retail Grocer whose "man hours" are at the breaking point now trying to comply with the many Rules and Regulations of business

Most sincere yours.

Floyd Austin,
President.



Conf. Fed. of Labor Letters

Filed in A.B. 347

ASSEMBLY BILL NO. 295

"An act to add Section 226 to the Labor Code, relating to wages."

The Federation is very much in favor of A.B. 295 providing that employers shall furnish their employees with itemized statements in writing showing all deductions made from the employees' wages, semi-monthly or at the time of each payment of such wages.

The number of workers who have entered large war plants and similar enterprises employing thousands of men and women has increased tremendously and is continuing to rise. These wage-earners called upon to pay taxes for the first time, purchasing war bonds through pay-roll deduction plans, subscribing to voluntary health plans, and borrowing money where necessary to meet emergency needs, should be assisted by the receipt of a statement of the type provided for in A.B. 295, either as a part of the pay check or voucher, or separately. Book-keeping will not be increased thereby to any unreasonable extent for the employer, and the employee will be assured of an accurate accounting of deductions made from his pay, for any and all purposes. All deductions made on written orders of the employee may be aggregated and shown as one item.

Most employers have voluntarily provided such statements to their employees or have assented to a provision for them in collective bargaining agreements. A few employers have discriminated among their working people by providing statements for some, while refusing them to others.

This legislation is really of a non-controversial character. No honest employer can have cause to oppose its enactment into law, since it merely provides for the explanation of legitimate deduc-

A.B. 295 - (2)

tions to the individual employee from whose wages the deductions have been made. Unnecessary disputes over deductions left unexplained to an employee who anticipated a larger check would thus be eliminated. A.B. 295 represents a gain for all parties affected in this sense.

-000-

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT

E. E. BENNETT,
GENERAL SOLICITOR
EDWARD C. RENWICK,
GENERAL ATTORNEY, CALIFORNIA
MALCOLM DAVIS,
ATTORNEY

422 WEST SIXTH STREET
LOS ANGELES

19770

May 8, 1943

MAY 10 1943

The Honorable Earl Warren
Governor of the State of California
Sacramento
California

My dear Governor:

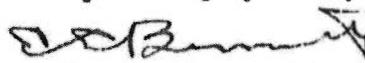
Assembly Bill 295 is before you for signature and I respectfully request that you veto this bill.

The bill adds Section 226 to the Labor Code requiring every employer to furnish to employes at the time of payment of wages, either as a part of the check or separately, itemized statement showing all deductions from such wages. As you know, it is customary in the railroads for these deductions to be made only upon order of the employe. The employe is fully aware of the nature of all deductions so made from his pay check.

As you are well aware, there is a very serious shortage of man power in the railroad situation, and although the Union Pacific at this time does furnish certain information with respect to such deductions to its employes, it is quite possible that with the increased shortage in clerical help, we may be obliged to discontinue this practice for the duration.

It would seem, therefore, that there would be no need for a mandatory provision of this kind, and I respectfully request that you veto the bill.

Very truly yours,



E. E. Bennett

EEB:brh

GENERAL OFFICE
315 VAN NESS AVENUE
SAN FRANCISCO

DISTRICT OFFICES:

BAKERSFIELD
416 PROFESSIONAL BLDG.
EL CENTRO
795 MAIN STREET
FRESNO
231 HOLLAND BUILDING
LONG BEACH
211 JACOBS TRUSTY BLDG.
LOS ANGELES
STATE BUILDING
OAKLAND
1540 SAN PABLO AVE.
SACRAMENTO
300 FORUM BUILDING
SAN BERNARDINO
302 D STREET
SAN DIEGO
609 CALIFORNIA BUILDING
SAN FRANCISCO
417 CALIFORNIA BUILDING
SAN JOSE
614 BANK OF AMERICA BLDG.
SANTA BARBARA
CARRILLO BUILDING
STOCKTON
ROOM 6, CITY HALL

State of California
Department of Industrial Relations
Governor of California



STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS

Division of Labor Statistics and Law Enforcement

JOHN F. DALTON
STATE LABOR COMMISSIONER

FILE NO.

PLEASE ADDRESS REPLY TO
315 VAN NESS AVENUE
SAN FRANCISCO
TELEPHONE: UNDERHILL 8700

May 10, 1943

His Excellency Hon. Earl Warren
Governor of the State of California
State Capitol
Sacramento, California

My dear Governor Warren:

In re: Assembly Bill No. 295

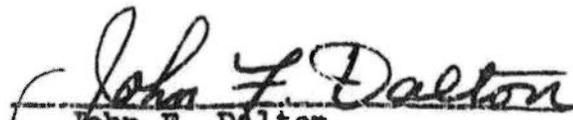
This bill, concerning which you have asked for a recommendation, requires an employer to furnish semi-monthly, or at the time of each payment of wages, each of his employees an itemized statement in writing showing all deductions made from the wages of the employee.

The majority of employers at the present time supply their employees with statements of deductions, and this statute will affect but a small percentage of employers.

It is to the advantage of the employee to know exactly how much is deducted from his wages, and with the increasing deductions required by law and voluntary deductions authorized by him, it becomes difficult for the employee to determine the exact amount which is due him. Such a statement as required by this statute will tend to eliminate disputes between the employer and the employee as to the correctness of deductions and wage payments.

I recommend that you approve the bill.

Respectfully yours,


John F. Dalton
State Labor Commissioner

MEMORANDUM

OFFICE OF ATTORNEY GENERAL

To: GOVERNOR WARREN

PLACE San Francisco

FROM: Mr. Chamberlain

DATE May 11, 1943

SUBJECT: Assembly Bill 295

An act to add section 226 to the Labor Code, relating to wages.

Requires every employer, either semi-monthly or at such other time as wages are paid, to furnish each employee, as part of his pay check or on a separate statement in writing, an itemized statement showing all deductions made from wages, provided that all deductions made on written orders from the employee may be segregated and shown as one item.

There appears to be no penalty section in the Code which would apply to a violation of this new section. The enforcement of this law would seem to fall within the authority of the Division of Labor Statistics and Law Enforcement, by virtue of Labor Code sec. 95, which vests enforcement authority in that agency where none other is specifically provided.

This new requirement is mandatory (sec. 15--"shall" is mandatory), and no doubt would place a heavy burden upon employers throughout the State. Nevertheless, it is probably within the authority of the Legislature to enact.

D.K.

J.W.



RECEIVED
MAY 13 1943
RECEIVED

CHESTER F. GANNON
MEMBER OF ASSEMBLY, EIGHTH DISTRICT

VICE CHAIRMAN
COMMITTEE ON MILITARY AFFAIRS
COMMITTEE ON CIVIL SERVICE AND STATE
DEPARTMENTS

May 13th, 1943.

Governor Earl Warren,
State Capitol,
Sacramento, California.

Dear Governor Warren:-

Re: A.B. 295.

A.B. 295 was introduced by me at the request of thousands of employees of the Southern Pacific Company. That is the only labor bill I have introduced to date. Their claims were so just and fair I had no hesitancy in offering the Bill. They only request that which is their right. They only request that their pay checks show deductions made therefrom. Any merchant who sells one a bill of goods itemizes that for which he charges. To give an employee a check with only the amount of money due him showing thereon is confusing and unreasonable on the part of the employer.

I wish to call to the Governor's attention, the fact that 99% of employers of the State of California do this very thing already because the law requires it. I have in my possession dozens of exemplars in the form of checks showing all deductions made. The S.P. Company, being an interstate corporation, does not do it with the exception of five groups of employees, viz: firemen, engineers, brakemen, conductors and yard men, totaling in all about eleven thousand men. The balance of its employees are given their checks with absolutely no explanation as to how the company arrived at the amounts shown thereon. The reason for the five groups above getting this information is a result of an old agreement between their Unions and the company.

There was opposition to the Bill from groups who already show deductions or should show them according to law. Why they complain is beyond me. Some who represented agriculture objected but agriculture is exempt. Yet they complained. One lobbyist who represented grocers complained it would work a hardship on an employer with two employees. Such an employer would have to figure out what to pay his employees before he could pay them. With these figures it would not take one half a minute to write on a piece of paper and hand to employee the deductions made from his check, or cash, if he paid in cash.

I amended the Bill as much as I could to please 1 parties and make the work of employer easier. After amendments, most of lose who



COMMITTEES—
CIVIL SERVICE AND STATE DEPARTMENTS
JUDICIARY
LABOR AND CAPITAL
MILITARY AFFAIRS
PUBLIC HEALTH
REVENUE AND TAXATION
WAYS AND MEANS

CHESTER F. GANNON
MEMBER OF ASSEMBLY, EIGHTH DISTRICT

VICE CHAIRMAN
COMMITTEE ON MILITARY AFFAIRS
COMMITTEE ON CIVIL SERVICE AND STATE
DEPARTMENTS

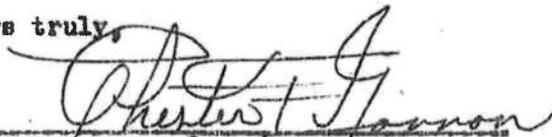
objected withdrew their objections, but a few held out and tried to defeat the Bill for no logical reason. The amended Bill passed the Senate without a dissenting vote. The Assembly concurred in amendments without a dissenting vote.

Thus you see things were pretty well ironed out. A great deal could be written on the merits of the Bill but I do not desire to burden you with a long letter. The Bill is thoroughly just and the few employers who do not show the deductions from their pay checks should do so voluntarily as a matter of justice between employer and employee. Again I repeat, 99% of California employers do the very thing the Bill requires.

If you have any idea of vetoing this Bill, will you please permit me to bring a small delegation of working men to your office and hear our side of the case. I have the utmost faith in the right and justice of A.B. 295 and can in person offer convincing proof that that which the comparatively few working men in California do not get without the Bill should be theirs as a matter of right.

Thank you for your consideration of this argument in favor of Bill.

Yours truly,



Assemblyman 8th District.

FRED B. WOOD
LEGISLATIVE COUNSEL
ARTHUR MCHENRY
CHIEF DEPUTY

JOSEPH W. PAULUCCI
HARRIETT R. BUHLER
JOSEPH L. KNOWLES
DEPUTIES



STATE OF CALIFORNIA
Office of Legislative Counsel

220 STATE CAPITOL, SACRAMENTO
995 MARKET STREET, SAN FRANCISCO
108 STATE BUILDING, LOS ANGELES

✓
May 19, 1943

REPORT ON ASSEMBLY BILL NO. 295

GANNON

SUBJECT: Adds Section 226 to the Labor Code, relating to an itemized, written statement of deductions made from wages.

FORM: Approved.

TITLE: Approved.

CONSTITUTIONALITY: Approved.

ANALYSIS: Requires each employer, semimonthly or at the time wages are paid, to furnish each employee an itemized written statement showing all deductions made from his wages. Permits all deductions made on written orders of the employee to be aggregated and shown as one item.

A handwritten signature in cursive script that reads "Fred B. Wood".

Fred B. Wood
Legislative Counsel

MD/MB

MEMORANDUM

GOVERNOR'S OFFICE

To: Governor Warren

PLACE Sacramento

From: R. H. C.

DATE May 25, 1943

1. BILL NO. A.B. 295
2. SUBJECT MATTER Adds Labor C. No. 226 which requires every employer to accompany each pay check with an itemized statement showing all deductions.
3. AUTHOR Gannon
4. VOTE Unanimous in both houses.
5. LEGALITY
 - (a) LEGISLATIVE COUNSEL Title, form, and constitutionality approved.
 - (b) ATTORNEY GENERAL Probably within authority of Legislature
6. SPONSORSHIP Southern Pacific Company employees; endorsed by large number of labor unions.
7. OPPOSITION Large number of business concerns, including railroads, mercantile and manufacturing establishments and various other businesses.
8. DEPARTMENTAL REPORTS Division of Labor Statistics approved.
9. COMMENTS The bill presents serious question as to relative weight to be given to benefit to employees of having this information furnished by employers and disadvantage to employers in requirement of additional accounting and clerical help and additional accounting machines during a period of acute shortage of manpower.
The most valid objection to the bill is that it goes so far as to require furnishing of this information with each payroll so that a concern now furnishing the information once a month to employees paid bi-monthly will be required to get out such statements. I personally believe that the employee's right to obtain

Address 320 Ulysses St.



#8

LOCAL FEDERATION

AFFILIATED WITH

SYSTEM FEDERATION No. 114

Railway Employees Department
of the
American Federation of Labor

31889

Date June 19, 1943

Governor Earl Warren

Sacramento, Calif.

Honorable Sir:

It is with kindest regards I write you in behalf of approximately 2000 members of seven crafts on the Southern Pacific Lines at Los Angeles for your signing of Bill #295.

This is something the laboring man has wanted and needed for a long time. Something he will not soon forget.

AB

Sincerely,

A handwritten signature in cursive script that reads "E. I. Carberry".

E. I. Carberry
Secy-Treasurer
Local Fed. Crafts #8

RECEIVED
JUN 22 1943
REG. DIV.



CALIFORNIA STATE CHAMBER OF COMMERCE
AGRICULTURE AND INDUSTRY
SAN FRANCISCO

28878

OFFICE OF THE GENERAL MANAGER

June 3, 1943

RECEIVED
JUN 4 1943
RECEIVED

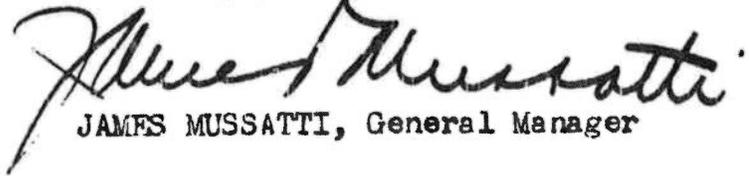
Honorable Earl Warren
Governor of California
State Capitol
Sacramento, California

My dear Governor:

In compliance with your request made by telephone through your Secretary, Dick Chamberlain, we are enclosing the results of our survey with regard to the impact of A.B. 295 on selected California industries.

With sincerest regards,

Cordially yours,


JAMES MUSSATTI, General Manager

JM:CH
Encl.

ON SELECTED CALIFORNIA INDUSTRIES

I

RAILROADS

1. Southern Pacific Company -- The Southern Pacific Company reports:

"that to comply with the provision of that bill it would be necessary to employ 12 additional clerks. The actual work of complying with the bill would amount to 123 clerk days per month, but as this is divided into two five day periods 12 clerks would be required to do the work. It would not be practical to take clerks from other work without interfering therewith because the department is at the present time short 20 clerks. In actual operation the department would use 15 to 20 people a day or two at a time to make out the statements, but while they are doing that work other work is being neglected."

2. The Western Pacific Railroad Company -- The Western Pacific Railroad Company reports:

"that compliance with the requirements of this law would require 180 additional man hours per month in the Treasurer's Department, which would have to be consolidated into the space of four days. In the Auditing Department, 1132 additional man hours per month would be required, the bulk of which would have to be consolidated into a period of five days.

"This bill is particularly onerous as far as we are concerned because, under our present practice, while we pay twice a month, the first payment is on account and the second payment is a final payment. If required to comply with the requirements of this law, each payment would be in full. This requires a tremendous additional amount of posting, which accounts for the bulk of the man hours involved."

3. The Atchison, Topeka and Santa Fe Railway Company -- The Atchison, Topeka and Santa Fe Railway Company reports that it:

"is required to make certain deductions from the employee's wages by reason of the Railroad Retirement and the Victory Tax Acts, and undoubtedly other deductions will be required

by future legislation. Additional deductions such as for hospital benefits, purchases of War Bonds, purchases of watches, insurance, uniforms, etc., are made only upon the written authorization or order of the employee.

"At the present time this company furnishes to its employees once a month all of the information which the proposed law requires to be furnished semi-monthly. It has always been our practice to keep our employees fully informed of deductions required to be made from their wages, but we most strenuously object to the unnecessary requirement that this information be furnished twice a month instead of once a month under our present practice, which we would continue. Complete information concerning the amounts of the various deductions is available at the division offices throughout the State and is always supplied promptly to any employee upon request. The present system is eminently satisfactory to our employees, and we have had no complaints whatsoever.

"In order to comply with the proposed law a large amount of additional work would be required and new employees will have to be added to our Accounting Department. This Department has suffered heavy losses of personnel to the armed services and the war industries. It is becoming increasingly difficult to secure and retain competent employees. At the present time we are short thirty-five employees in the Accounting Department, and we feel that it would be virtually impossible to take on the additional work required by this bill. Additional highly-trained Key-punch operators will be required, and it is impossible today to secure them or to train and retain employees for such tasks."

II

PUBLIC UTILITIES

1. Pacific Gas and Electric Company

The Pacific Gas and Electric Company reports that it is already doing for its employees that which this bill would require it to do. Its accounting operations are entirely by machine and, therefore, this will not place a burden upon it.

2. Pacific Telephone and Telegraph Company

The Pacific Telephone and Telegraph Company reports that all of their accounting operations are by machine and that they are now doing what this Act would require them to do. They report, however, that without the machines, the carrying out of the provisions of this Act would cost them a minimum of \$30,000 per annum.

III

PACKING AND CANNING COMPANIES

California Packing Corporation

The California Packing Corporation reports that their operations are largely divided into two parts - the head office and the plants. As far as the head office is concerned, A.B. 295 would not affect them adversely, since their employees there are permanent and are paid regularly twice a month and now have deductions shown when paid.

However, the picture is entirely different with their other operations in their plants throughout the State. For the five or six months seasonal period that they operate, the provisions of A.B. 295 would play havoc with them and would impose a tremendous task from the viewpoint of work and additional manpower requirements. **THEY ESTIMATE THAT IT WOULD ALMOST DOUBLE THEIR PRESENT CLERICAL STAFF REQUIREMENTS IN ALL OF THESE PLANTS.** They make many deductions at the request of employees in the plants and factories for such things as purchase of caps, gowns, food and other items in the cannery.

The labor shortage which exists in the canning industry necessitates that every effort be made by them to secure help from school students, housewives, etc. to take part-time jobs for seasonal work to help pack the tremendous amount of canned food that is being produced.

They maintain that it would be absolutely impossible for them to find the increased clerical help to take care of the extra accounting and bookkeeping.

- 4 -

IV

RETAILERS

1. California Retail Grocers and Merchants Association

This organization reports that the smaller merchants in the State would be adversely affected by A.B. 295 from the viewpoint of imposing extra work on the small merchants who are already working many hours overtime. In these smaller stores, the payroll is on a Saturday night basis and would require a minimum of 52 reports per year on each employee.

2. Department Stores

The larger retailers, like the department stores, generally speaking, are now doing for their employees what the bill would require them to do.

V

OIL COMPANIES

We are informed that practically all of the large oil companies are now doing what this bill would require them to do. We understand that there is only one company that is not now so doing, but we were unable to determine what company it is.

VI

BANKS

The California Bankers Association reports that, generally speaking, the banks throughout the State are already doing for their employees what A.B. 295 would require them to do.

VII

AGRICULTURE

1. Organizations like the California Fruit Growers Exchange have been itemizing all deductions from each salary or wage check as issued. The exchange affiliates of this organization are likewise doing the same thing, so they are now complying with what A.B. 295 would require them to do.

2. The Agricultural Council of California reports that the real problem as far as Agriculture is concerned is with individual farmers. During seasonal operations, farm labor goes through a very heavy turn-over. They are required under the law to pay off in cash every time a farm laborer quits, even if he works only for one day. This would require a separate payroll statement for each such payment. Due to the present shortage of farm labor, it would appear that this would impose an additional difficult task upon individual farm operators.

VIII

MOTION PICTURES

The Motion Picture Producers & Distributors of America, Inc. report:

"A.B. 295 is particularly burdensome upon the motion picture industry, because studios employ several thousand 'casual' workers, including extra players, who are hired for only a day or two at a time, and who are paid off at the completion of their employment; or, in the case of extra players (since January 1st, 1943), are required to be paid within twenty-four hours after the conclusion of their employment. Prior to January 1st, 1943, these extra players were paid in cash at the end of each day's work. Manifestly, under the provisions of A. B. 295, it will be impossible for the studios to go back, should they ever desire to do so, and pay these extras on a cash basis and, at the same time, furnish them with 'an itemized statement in writing' of all deductions made from their wages. It has been our custom for years, when paying these people on a cash basis at the termination of the day's employment, to furnish them with a written statement, quarterly, showing total earnings for the quarterly period and all deductions made therefrom. All regular employees of our studios are now paid weekly by check, and all deductions from wages are shown on a stub or voucher attached to said checks. Hence, the studios are now fulfilling the spirit and purpose of A. B. 295, but under less restrictive conditions."

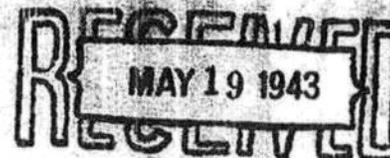
THE WESTERN PACIFIC RAILROAD COMPANY

WESTERN PACIFIC BUILDING, 526 MISSION STREET
SAN FRANCISCO, CALIFORNIA

CHARLES ELBEY
PRESIDENT

May 18, 1943.

23722



Honorable Earl Warren,
Governor of the State of California,
State Capitol,
Sacramento, California.

Dear Governor Warren:

Assembly Bill 295 passed by the Legislature is now before you for action. It requires every employer at least twice a month to furnish its employees, either as a part of the check-draft or voucher paying the wages, or separately, an itemized statement showing all deductions from such wages except that deductions made on written order of the employee may be shown in a lump sum.

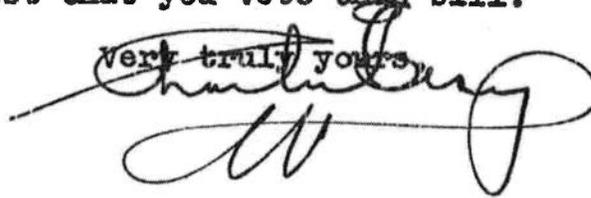
The Trustees in Reorganization of The Western Pacific Railroad Company, for whom I am operating the property as Agent pursuant to Order of Judge A. F. St. Sure in whose Court the reorganization proceedings of The Western Pacific Railroad Company are pending, have on order payroll machines and as soon as these machines are delivered, which we expect to occur within the next thirty days, all of our employees will be furnished once a month with the information called for by this bill. To give this information twice a month, as required by Assembly Bill 295, would seem to serve no useful purpose and would double the burden of our already over-burdened Auditing and Treasury Departments. Superficially, it might seem that the burden imposed by this bill is one that we can easily bear. However, this is not the fact because the ex-

-2-

tra man-hours required all occur between the time the payrolls reach the Auditing Department from the different parts of our System after the 1st and 15th of each month and before the 10th and 25th of the month, when the pay checks must be delivered to the employees out on the line by the Treasurer's office. Because of this, the extra work has to be accomplished within a very few days and, frankly, we do not see where we can possibly secure the additional employees that would be required.

I respectfully request that you veto this bill.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Charles E. Ferguson". The signature is written in dark ink and is positioned below the typed phrase "Very truly yours,".

DINING CAR COOKS AND WAITERS' UNION, LOCAL 456

Aligned with
Hotel & Restaurant Employees'
International Union
American Federation of Labor
California State Federation of
Labor
Joint Council of Dining Car
Employees

705 PERALTA STREET
Telephone TRAmphalar 9123

OAKLAND, CALIFORNIA,



RECEIVED
JUN 8 1943
RECEIVED

June 8, 1943

29915

His Excellency
Governor Earl Warren
Governor of California
Capitol Building
Sacramento, California

Dear Sir:

In behalf of the 3,000 Southern Pacific Dining Car Employees, it is our desire to have you affix your signature to Assembly A.B. #295 which provides that the management furnish payroll deduction slips on the checks of their employees twice a month. We seek this legislation as Dining Car Employees because many deductions are made monthly from our pay checks of which we have no accounting. The following items are deducted monthly: Railroad Retirement, Hospitalization, Group Insurance, Sick and Accident Insurance, Articles purchased through salesmen authorized by the Southern Pacific and War Bonds. The failure to attach such slips on our checks is interfering with the sale of War Bonds through the payroll deduction plan. Many of our men are threatening to cancel their monthly subscription.

We are further inconvenienced in filing our Income Tax returns for we are unable to estimate what our monthly deductions amounted to during the year. We are one of the few departments on the Southern Pacific that fails to receive such an accounting. The employees of our company represented by the Railroad Brotherhoods are receiving these deductions slips through a collective bargaining agreement, but we along with the shop employees have failed to acquire this needed item through collective bargaining. Employees on the Santa Fe, Western Pacific, Union Pacific and most of the Southern Pacific employees have been receiving these slips for years. We feel that by giving these slips to the remainder of the workers would not only serve the employees but the employers as well. We urge your favorable consideration of this just legislation.

Very truly yours,

William E. Pollard

William E. Pollard
Secretary-Treasurer
Local 582

Exhibit 3

AUTHOR Warren

RECEIVED 6-17 1963

LAST DAY 7-26 1963

ACTION OF GOVERNOR 6-29 1963

Date

JUN 17 1963

REQUESTS FOR DIGESTS

Legislative Counsel Attorney General

RECOMMENDATIONS

- Health and Welfare Agency
- Highway Transportation Agency
- Resources Agency
- Youth and Adult Corrections Agency
- Law Revision Commission
- Mental Hygiene
- Military Department
- Motor Vehicles
- Natural Resources
- Personnel Board
- Professional and Voc. State
- Public Health
- Public Utilities Commission
- Public Works
- Real Estate
- Reclamation Board
- Savings and Loan Commission
- Secretary of State
- Social Welfare
- State Lands Commission
- Taxation
- Treasurer
- Veterans Affairs
- Water Pollution Control Board
- Water Resources
- Youth Authority
- Adjutant General
- Aeronautics Commission
- Agriculture
- Alcoholic Beverage Control
- Atomic Energy Development
- Banks
- Compensation Insurance Fund
- Consumer Counsel
- Controller
- Corporation Commissioner
- Corrections
- Disaster Office
- Education
- Employees Retirement
- Employment
- Equalization
- Finance
- Fire Marshal
- Fish and Game
- Franchise Tax Board
- Highway Patrol
- Industrial Accident Commission
- Industrial Relations
- Insurance
- Judicial Council

6-18

Memorandum

AB 1750

To : Paul Ward
Legislative Secretary
Governor's Office

Date : June 7, 1963

File No.: 53:MPMc:vw

1963 JUN 10 7 19 21

From : Department of Employment
Albert B. Tieburg, Administrator

Subject: Report - Enrolled Bill
Dept. Industrial Relations

AB 1750 amends Section 226 of the Labor Code which presently provides that every employer shall furnish each employee an itemized statement in writing, every time wages are paid, showing all deductions made from those wages. The bill requires that the statement show the inclusive dates for which payment of wages is made, the name of the employee or his social security number, and the name of the employer.

This change will be of benefit to the employee, especially those employees working for more than one employer during the year, in maintaining an awareness of the amount deducted from his wages at a particular time. It will also provide accurate documentation in the event of any dispute over whether or not deductions were properly made.

The bill was proposed by the Teamsters' Legislative Council.

There was no opposition.

Labor Commissioner Sigmund Arywitz appeared before the Assembly Industrial Relations Committee, at the request of the Committee, to give a technical explanation of the bill.

I concur in the recommendation of Director Ernest B. Webb that AB 1750 be approved.

Albert B. Tieburg
Albert B. Tieburg

AUTHOR Warren

RECEIVED 6-17 1963

LAST DAY 7-26 1963

ACTION OF GOVERNOR 6-29 1963

Date JUN 17 1963

REQUESTS FOR DIGESTS

Legislative Counsel Attorney General

RECOMMENDATIONS

- Health and Welfare Agency
- Highway Transportation Agency
- Resources Agency
- Youth and Adult Corrections Agency
- Law Revision Commission
- Mental Hygiene
- Military Department
- Motor Vehicles
- Natural Resources
- Personnel Board
- Professional and Voc. Stds.
- Public Health
- Public Utilities Commission
- Public Works
- Real Estate
- Reclamation Board
- Savings and Loan Commission
- Secretary of State
- Social Welfare
- State Lands Commission
- Taxation
- Treasurer
- Veterans Affairs
- Water Pollution Control Board
- Water Resources
- Youth Authority
- Adjutant General
- Aeronautics Commission
- Agriculture
- Alcoholic Beverage Control
- Atomic Energy Development
- Banks
- Compensation Insurance Fund
- Consumer Counsel
- Controller
- Corporation Commissioner
- Corrections
- Disaster Office
- Education
- Employees Retirement
- Employment
- Equalization
- Finance
- Fire Marshal
- Fish and Game
- Franchise Tax Board
- Highway Patrol
- Industrial Accident Commission
- Industrial Relations
- Insurance
- Judicial Council

6-18

Memorandum

AB 1750

To : Paul Ward
Legislative Secretary
Governor's Office

1963 JUN 13 11 52 AM

Date : June 7, 1963

File No.: 53:MPMc:vw

From : Department of Employment
Albert B. Tieburg, Administrator

Subject : Report - Enrolled Bill
Dept. Industrial Relations

AB 1750 amends Section 226 of the Labor Code which presently provides that every employer shall furnish each employee an itemized statement in writing, every time wages are paid, showing all deductions made from those wages. The bill requires that the statement show the inclusive dates for which payment of wages is made, the name of the employee or his social security number, and the name of the employer.

This change will be of benefit to the employee, especially those employees working for more than one employer during the year, in maintaining an awareness of the amount deducted from his wages at a particular time. It will also provide accurate documentation in the event of any dispute over whether or not deductions were properly made.

The bill was proposed by the Teamsters' Legislative Council.

There was no opposition.

Labor Commissioner Sigmund Arywitz appeared before the Assembly Industrial Relations Committee, at the request of the Committee, to give a technical explanation of the bill.

I concur in the recommendation of Director Ernest B. Webb that AB 1750 be approved.

Albert B. Tieburg
Albert B. Tieburg

DISTRICT ADDRESS
SUITE 1080
811 WILSHIRE BOULEVARD
LOS ANGELES 17, CALIFORNIA

STATE CAPITOL
SACRAMENTO 14, CALIFORNIA

COMMITTEES
GOVERNMENT ORGANIZATION
GOVERNMENTAL EFFICIENCY
AND ECONOMY
MUNICIPAL AND COUNTY
GOVERNMENT
TRANSPORTATION AND COMMERCE

Assembly California Legislature

CHARLES WARREN
MEMBER OF THE ASSEMBLY, FIFTY-SIXTH DISTRICT
VICE CHAIRMAN
COMMITTEE ON GOVERNMENT ORGANIZATION

June 15, 1963

Hon. Edmund G. Brown
Governor of California
State Capitol
Sacramento, California

Re: A.B. 1750

Dear Governor Brown:

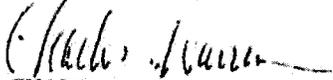
This bill was given to me by the California Teamsters Legislative Counsel. As amended, there is no opposition to it.

Under existing law, employers are required to issue a check stub showing all deductions made from an employee's wages. This bill provides that an employer shall issue check stubs showing: all deduction, the inclusive dates of the period for which employee is paid, the name of the employee or his social security number and the name of the employer.

Adequate check stubs are necessary in many instances such as grievances arising out of wages, to correct a computation for unemployment insurance, to prove to the Department of Employment that such wages have been earned in the test period to qualify under the lag quarter rule, or to show the name of the last employer. Adequate check stubs are also very often the most convenient and convincing evidence of wages for income tax and pension purposes.

When wage stubs fail to show the name of the employee, confusion or even fraud are possible. When they fail to specify the period for which such wages are earned, they are inconclusive, and the absence of the employer's name makes identification difficult.

Respectfully yours,


CHARLES WARREN

CW/vp

DISTRICT ADDRESS
SUITE 1080
611 WILSHIRE BOULEVARD
LOS ANGELES 17, CALIFORNIA

STATE CAPITOL
SACRAMENTO 14, CALIFORNIA

COMMITTEES
GOVERNMENT ORGANIZATION
GOVERNMENT EFFICIENCY
AND ECONOMY
MUNICIPAL AND COUNTY
GOVERNMENT
TRANSPORTATION AND COMMERCE

Assembly California Legislature

CHARLES WARREN
MEMBER OF THE ASSEMBLY, FIFTY-SIXTH DISTRICT
VICE CHAIRMAN
COMMITTEE ON GOVERNMENT ORGANIZATION

June 15, 1963

Hon. Edmund G. Brown
Governor of California
State Capitol
Sacramento, California

Re: A.B. 1750

Dear Governor Brown:

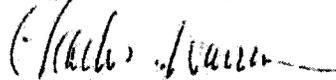
This bill was given to me by the California Teamsters Legislative Counsel. As amended, there is no opposition to it.

Under existing law, employers are required to issue a check stub showing all deductions made from an employee's wages. This bill provides that an employer shall issue check stubs showing: all deduction, the inclusive dates of the period for which employee is paid, the name of the employee or his social security number and the name of the employer.

Adequate check stubs are necessary in many instances such as grievances arising out of wages, to correct a computation for unemployment insurance, to prove to the Department of Employment that such wages have been earned in the test period to qualify under the lag quarter rule, or to show the name of the last employer. Adequate check stubs are also very often the most convenient and convincing evidence of wages for income tax and pension purposes.

When wage stubs fail to show the name of the employee, confusion or even fraud are possible. When they fail to specify the period for which such wages are earned, they are inconclusive, and the absence of the employer's name makes identification difficult.

Respectfully yours,


CHARLES WARREN

CW/vp

To: Honorable Edmund G. Brown
Governor of California

Bill Report

From: Office of the Attorney General

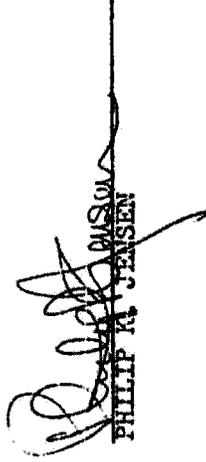
A.B. No. 1750

By Phillip K. Jensen
Deputy Attorney General

June 18, 1963.

We have examined the above bill and find no substantial
legal objection thereto.

PKJ:jmp


PHILLIP K. JENSEN

ANGUS C. MORRISON
LEGISLATIVE COUNSEL
GEORGE H. MURPHY
CHIEF DEPUTY
BERNARD CRESLA
J. GOULD
PRINCIPAL DEPUTIES
EDWARD F. NOWAK
DEPUTY IN CHARGE
LOS ANGELES OFFICE



STATE OF CALIFORNIA
Office of Legislative Counsel

3021 STATE CAPITOL, SACRAMENTO 14
110 STATE BUILDING, LOS ANGELES 12

June 20, 1963

TERRY L. BAUM
BARBARA C. CALAIS
VIRGINIA COKER
KENT L. DECHAMBEAU
ROBERT A. GALGANI
LLOYD M. HARRISON, JR.
ROSE M. JACOBSON
L. DOUGLAS KINNEY
OWEN K. KUNS
ERNEST H. KUNAI
STANLEY M. LIGURIMORE
SHERWIN C. MACKENZIE, JR.
ANN M. MACEY
ROSS OLIVER
EDWARD K. PURCELL
ALAN W. STRONG
TAKETSUGU TAKEI
RAY H. WHITAKER
DEPUTIES

REPORT ON ASSEMBLY BILL NO. 1750. WARREN.

SUMMARY: Amends Sec. 226, Lab. C., relating to wages.

Provides that statements which employers are presently required to furnish to employees upon payment of wages must state the period of time covered by each payment, the name or social security number of the employee, and the name of the employer, in addition to the present requirement of itemizing all deductions.

FORM: Approved. TITLE: Approved.

CONSTITUTIONALITY: Approved.

A. C. Morrison
Legislative Counsel

Ronald W. Tochterman
By
Ronald W. Tochterman
Deputy Legislative Counsel

RWT:bjc

BILL MEMORANDUM

Date: June 24, 1963

To: GOVERNOR BROWN

From: PAUL D. WARD

Assembly BILL No. 1750 By Warren

VOTE: Senate ayes: 31
 noes: 1 - Stiern
 Assembly ayes: 69
 noes: 2 - Holmes and Lanterman

Amends the Labor Code to require that statements furnished to employees upon payment of wages include a statement of the period of time covered by each payment, the name or social security number of the employee, and the name of the employer, in addition to the presently required itemization of all deductions.

The Legislative Counsel and Attorney General have no constitutional or substantial legal objection to approval.

Assemblyman Warren, the author, recommends approval. The information required by this bill is useful when grievances arise out of wages, for unemployment insurance purposes and for income tax and pension purposes. When wage stubs fail to show the name of the employee confusion or even fraud are possible; when they fail to specify the period for which such wages are earned they are inconclusive and the absence of the employer's name makes identification difficult.

The Department of Employment recommends approval. This change will be of special benefit to employees working for more than one employer during the year; it will also provide adequate documentation in the event of disputes. The bill was proposed by the Teamsters' Legislative Council; there was no opposition.

OK/PLS
Recommendation: Approve. (Birdlebough)

Exhibit 4

Date of Hearing: April 12, 2000

ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT
Darrell Steinberg, Chair
AB 2509 (Steinberg) - As Introduced: February 24, 2000

SUMMARY : Revises statutes relating to the administrative and civil enforcement of wage and hour laws including wage collection and enforcement procedures before the Labor Commissioner (Commissioner). Specifically, this bill :

- 1) Provides that in an administrative wage claim proceeding (Berman hearing) before the Commissioner, a notice for production of documents, which is served by mail, may be used in lieu of subpoena, which requires personal service.
- 2) Provides that the legal rate of interest on due and unpaid wages at a Berman hearing shall be at the rate established by Civil Code Section 3289(b), which is 10%.
- 3) Provides that following a Berman hearing, an employer filing an appeal shall post an undertaking in the amount of the Commissioner's final order, decision or award. Provides further that the requirement of judicial arbitration does not apply in such proceedings. Provides that in cases where the Commissioner represents the wage claimant in such proceedings, the Commissioner may be awarded attorneys fees in the same manner as private counsel representing a wage claimant.
- 4) Provides if the United States Department of Labor (Labor Department) determines that the Commissioner has erred in dismissing the complaint of an employee of unlawful retaliation, as specified, the Commissioner shall, within 15 days after receipt of the Labor Department's determination, either notify the parties of the ongoing of the investigation of the employees complaint, or shall issue a new determination in the matter.

Provides that an employee may file a civil action for unlawful retaliation, as specified, without first filing a discrimination claim before the Commissioner, and that the limitation periods for such administrative remedies do not apply in such a civil action.

- 5) Provides that the parent of and substantial shareholders in a

corporation are jointly and severally liable with the corporation for unpaid wages and penalties. Defines "substantial shareholder" as provided in Labor Code section 3717, as a shareholder who owns at least 15 percent of the total value of all classes of stock, or fifteen percent of the beneficial interests in the corporation.

- 6) Provides that a successor, as defined, to an employer who owes wages to his or her former employees is liable for those wages.
- 7) Provides that in cases where wages are paid with a check for which payment is refused due to insufficient funds, the imposition of up to 30 days' waiting time penalties applies to all employers, rather than employers only in the building and construction industry.
- 8) Clarifies that Labor Code Section 1194, which provides for an award of attorneys fees for an employee in cases involving failure to pay minimum wage and overtime wages, is separate from, and not controlled by Labor Code Section 218.5, which provides for prevailing party attorneys fees in other wage cases.
- 9) Provides that the legal rate of interest on due and unpaid wages in a civil action for unpaid wages shall be established by Civil Code Section 3289(b), which is 10%.
- 10) Provides that an employer's itemized wage statement shall include, among other information, the number of piecework units earned and any applicable piece rate if paid on a piecework basis, and for non-exempt employees, the applicable hourly rates in effect during the pay period and the hourly

rate of pay and hours worked, where applicable.

Clarifies that the employer shall keep specified payroll records for employees paid in cash and by check.

Provides, in the case of a knowing and intentional failure by an employer to comply with the itemized wage statement requirements, for an employee to recover a penalty of up to \$100 per payroll period up to a maximum of \$10,000. Provides that an employee may bring a complaint before the Commissioner or file a civil action for damages or penalties, and attorney's fees.

AB 2509
Page 3

- 11) Provides that in a case where an employer fails to maintain records that identify each employee to whom wages are paid, penalties shall be computed by multiplying the number of employees employed on the date the penalty for the preceding year, unless the employer affirmatively establishes evidence that supports a lesser penalty based upon proof of a lesser number of affected employees.
- 12) Provides for penalties for an employer who violates the requirement that no employer shall require any employee to work during any meal or rest period mandated by an applicable order of the Industrial Welfare Commission (IWC). Provides for penalties of \$50 per employee per pay period and payment of an amount equal to twice the average hourly rate of compensation for the employee for the full length of the meal or rest period. Provides that an employee may bring a complaint before the Commissioner or file a civil action or for damages or penalties, and attorney's fees.
- 13) Provides that the Commissioner may order an employer to post a bond if the employer fails to satisfy a final judgment for interest, penalties and other demands for compensation within the jurisdiction of the Commissioner, as well as unpaid wages. Provides that the bond shall cover such interest, penalties, or other demands, as well as unpaid wages.
- 14) Provides that the Commissioner shall, under specified circumstances, order the employer to post a workplace notice describing the nature of a violation and related information.
- 15) Provides that any amounts paid directly by a patron to a dancer employed by an employer subject to IWC Order No. 5 or 10 shall be deemed a gratuity.
- 16) Prohibits an employer from deducting from a gratuity indicated by a patron on a credit card slip any credit card payment processing fee or cost. Requires payment of gratuities made by credit card to be made to the employees not later than the next regular payday following the date the patron authorized the credit card payment.
- 17) Provides that an employer shall maintain payroll records showing the number of piece-rate units earned by and any applicable piece rate paid to employees.

AB 2509
Page 4

- 18) Provides that the civil penalty for an employer who willfully fails to maintain specified payroll records includes, in addition to records required by statute, records required by any applicable wage orders of the IWC. Revises the penalty for a violation of this section from \$500 to \$100 per employee for each payroll period up to a maximum period of three years.
- 19) Provides that the liquidated damages for a violation of minimum wage laws may be awarded in a hearing before the Commissioner in the same manner as a civil action under current law.
- 20) Provides that with respect to a claim for a failure to pay minimum wages, the Commissioner may, in the same proceeding, order both payment of wages owed, interest thereon, statutory liquidated damages and civil penalties.

EXISTING LAW :

- 1) Provides in a Berman hearing for documents to be obtained by subpoena served by personal service, but not a notice delivered by mail.
- 2) Establishes the rate of interest on unpaid wages a Berman hearing based on a statute which has been repealed.
- 3) Provides for the appeal to and a de novo review in court of the Commissioner's order, decision, or award following a Berman hearing.
- 4) Provides for an appeal to the Labor Department of a dismissal of an employee's complaint of unlawful discrimination.
- 5) Provides under Labor Code section 2717 for a civil action to hold substantial shareholders of a corporation without workers' compensation insurance liable for reimbursement of the Uninsured Employers Fund.
- 6) Provides under Labor Code section 2684 that in garment manufacturing, a business which is a successor to an employer who owes wages to the former employees is liable for those wages if the successor meets specified criteria.
- 7) Provides a penalty of up to 30 days' wages for an employer in

AB 2509
Page 5

the building and construction trades who intentionally pays wages with a check for which payment is refused due to insufficient funds.

- 8) Provides for an employee to recover in a civil action for a failure to pay minimum wage or overtime compensation reasonable attorney's fees, and costs of suit.
- 9) Provides under Civil Code Section 3289(b) for recovery of interest at a rate of 10% in a civil action for a breach of contract, as specified.
- 10) Provides that when wages are paid, an employer shall issue an itemized wage statement including specified information including net and gross wages earned; total hours worked; the dates of the period covered; and all deductions.

Provides, in the case of a knowing and intentional failure by an employer to comply with the itemized wage statement requirements, an employee may recover a penalty of actual damages or \$100, whichever is greater, plus costs and reasonable attorneys fees.
- 11) Provides that an employer who violates the itemized wage statement requirements is subject to a civil penalty in the amount of \$250 per employee per violation in an initial citation and \$1,000 per employee for each violation in a subsequent citation. Provides that the Commissioner shall take into consideration whether the violation was inadvertent, and may decide not to penalize an employer for a first violation when that violation was due to a clerical error or inadvertent mistake.
- 12) Provides, under Wages Orders of the IWC for meal periods and rest periods. Provide under the Wage Orders for an "on duty" meal period when the nature of the work prevents an employee from being relieved of all duty and when by written agreement between the parties an on-the-job paid meal period is agreed to.
- 13) Provides that the Commissioner may order an employer to post a bond to ensure future payment of wages in cases where the employer has failed to satisfy a final judgment for nonpayment of wages.

AB 2509
Page 6

- 14) Provides for employers to post specified information including applicable wage orders of the IWC, information on safety and health, harassment and discrimination in

employment, and rights under the Family and Medical Leave Act.

- 15) Defines "gratuity" to mean any tip, gratuity, money or part thereof, which has been paid or given to or left for an employee by a patron of a business over and above the actual amount due for services rendered or for goods, food, drink, or articles sold or served to the patron.
- 16) Provides that no employer shall collect, take or receive any gratuity or part thereof paid, given or left for an employee by a patron, or deduct any amount from wages due an employee on account of such gratuity. Provides that this prohibition does not apply under specified circumstances.
- 17) Requires an employer to keep payroll records containing specified information including the names, addresses and hours worked daily by employees.
- 18) Provides a civil penalty of \$500 for an employer who fails to keep specified payroll records.
- 19) Provides that the liquidated damages in an amount equal to the wages unlawfully unpaid and interest thereon for a violation of minimum wage laws may be awarded in a civil action.
- 20) Provides for the Commissioner to issue a civil penalty citation of \$50 for an initial violation of minimum wages and \$250 for subsequent violations, and establishes a proceeding to contest such a penalty citation.

Provides for the Commissioner to order payment of minimum wages owed to an employee in a separate proceeding before the Commissioner under Labor Code section 98.

FISCAL EFFECT : Unknown

COMMENTS :

- 1) Current statutes, regulations, and wage orders of the IWC establish requirements for the payment of wages including

AB 2509
Page 7

minimum wages and overtime, hours of work, and a framework of administrative and civil remedies for violations of wage and hour laws. This bill revises the administrative and civil procedures, remedies and record keeping requirements for the stated purpose of strengthening enforcement of existing wage and hour standards. It does not increase minimum wages or revise overtime requirements.

- 2) Revisions in the administrative procedures for wage claims before the Commissioner and appeals of the Commissioner's decision include:
 - a) Allowing records to be obtained through a notice, rather than a subpoena. A subpoena, which is allowed under current law requires personal service. A notice may be mailed.
 - b) Allowing the commissioner to combine two separate proceedings established under current law, one for payment of minimum wages owed, and another for civil penalties for failure to pay minimum wage, into a single proceeding.
 - c) Providing that the Commissioner may award liquidated damages for a minimum wage violation instead of requiring the Commissioner or employee to file a civil suit to recover such damages. Under current law such damages may be recovered in a civil action by the Commissioner or the wage claimant, but not in an administrative hearing before the Commissioner.
 - d) Establishing the rate of interest on unpaid wages at 10% in both administrative and civil court cases. Current law cites a repealed section and is confusing.
 - e) Requiring an employer appealing a Commissioner's order following a hearing to post an undertaking and waiving the requirement for judicial arbitration in such cases. The judicial arbitration hearing may be viewed as redundant to the Berman hearing in these cases.
- 3) Revisions related to wage and payroll records include:
 - a) Providing that itemized wage statements and central payroll records include piece rate and hourly pay rate information

for piece rate and hourly workers.

AB 2509
Page 8

- b) Increasing the penalties for violation of itemized wage statement and central payroll records requirements.
 - c) Shifting the burden of proof concerning the number of workers at an establishment where payroll records are missing.
- 4) Revisions related to penalties for violations of other wage and hour standards include:
- a) Applying penalties for intentional issuance of a bad (insufficient funds) payroll check applies to all employers rather than construction employers only. Under current law, the penalty is limited to construction employers.
 - b) Requiring an employer determined by the Commissioner to have engaged in a pattern and practice of wage law violations to post a workplace notice of findings and the Commissioner's telephone number to report further violations.
- 5) Revisions for the purpose of clarifying existing law include:
- a) Clarifying that an employee may bring a civil action for unlawful retaliation without exhausting administrative remedies, as specified, with the Commissioner.
 - b) Clarifying that Labor Code Section 1194, which provides for an award of attorneys fees for an employee in cases involving failure to pay minimum wage and overtime wages, is separate from, and not controlled by Labor Code Section 218.5, which provides for prevailing party attorneys fees in other wage cases.
- 6) This bill also provides for unpaid wages to be collected from substantial shareholders and successor entities under specified circumstances. The substantial shareholders provision is based on substantial shareholder liability for corporations which lack workers' compensation insurance. The successor entity provision is based on the existing provision related to successor liability for unpaid wages in the garment manufacturing industry.

AB 2509
Page 9

- 7) Last year the supporters sponsored similar legislation in AB 633 and AB 1652, which passed and were vetoed. This bill does not contain a number of controversial provisions proposed in last year's legislation. For example, it does not establish a private right of action to recover and share in a portion of the state's civil penalties for wage violations, and for minimum wage and overtime violations. It does not carry forward a proposal to establish liquidated damages for overtime violations. It does not prescribe the Commissioner's required efforts to collect wage judgments.
- 8) Supporters state that California has a large and growing "underground economy" of employers who are chronic violators of wage and hour, safety, and tax laws. Such employers pay cash under the table or with checks that bounce, fail to report and pay employment taxes, work their employees long hours without rest breaks, and avoid paying wage judgments issued against them. They cheat workers out of billions of dollars in wages owed to them under minimum wage and overtime laws. California's underground economy supplants an estimated \$60 billion in legal business transactions. According to executive orders concerning the expanding underground economy issued by Governor's Deukmejian and Wilson, the state's loss of income taxes alone increased from \$2 billion in 1986 to \$3 billion in 1993.
- They state that this bill streamlines the Commissioner process by allowing document requests by mail; by allowing the commissioner to re-open a discrimination case on remand from

the Department of Labor; and providing for a "one-stop" civil penalty system where both wages and penalties can be recovered at one time; ensures that workers are provided adequate record keeping information, ensures that employers cannot easily escape wage liability, and that this bill clarifies areas of the law.

9)Opponents state that they have serious concerns regarding nearly all of the twenty-nine changes proposed by this bill and their impact on California's employers who even inadvertently violate a wage and hour law. These include: authorizing the Commissioner to create new, different rules of evidence and subpoenas process for wage and hour claims; eliminating judicial discretion to require non-binding arbitration on appeals; reopening of previously dismissed claims when letters criticizing a state program are filed with

AB 2509
Page 10

the U.S. Department of Labor; establishment of joint, and several liabilities for substantial shareholders, parent corporations and successors for unpaid wages and penalties; mandated private taxpayer payment of civil servant attorneys; wage and hour claims permitted in civil court prior to exhaustion of administrative remedies; new commissioner authority to assess civil damages, including liquidated damages; and new mandated payment of restitution plus civil penalties for failure to pay minimum wage consisting of all underpaid wages, any interest owed and statutory liquidated damages.

REGISTERED SUPPORT / OPPOSITION :

Support

American Federation of State, County and Municipal Employees
California Conference Board of the Amalgamated Transit Union
California Conference of Machinists
California Labor Federation, AFL-CIO
Employment Law Center, Legal Aid Society of San Francisco
Engineers and Scientists of California
Exotic Dancers Alliance
Hotel Employees, Restaurant Employees International Union
Mexican American Legal Defense and Educational Fund
Region 8 States Council of the United Food & Commercial Workers
Service Employees International Union
Transport Workers Union of America

Opposition

Associated General Contractors
California Chamber of Commerce
California Manufacturers and Technology Association
California Retailers Association
Civil Justice Association of California
Western Growers Association

Analysis Prepared by : Ralph Lightstone / L. & E. /
(916)319-2091

SENATE RULES COMMITTEE	AB 2509
Office of Senate Floor Analyses	
1020 N Street, Suite 524	
(916) 445-6614 Fax: (916)	
327-4478	

THIRD READING

Bill No: AB 2509
 Author: Steinberg (D)
 Amended: 8/25/00 in Senate
 Vote: 21

SENATE INDUSTRIAL RELATIONS COMMITTEE : 4-1, 6/28/00
 AYES: Alarcon, Figueroa, Karnette, Solis
 NOES: Mountjoy

SENATE JUDICIARY COMMITTEE : 5-3, 8/8/00
 AYES: Escutia, O'Connell, Peace, Sher, Schiff
 NOES: Haynes, Morrow, Wright

SENATE APPROPRIATIONS COMMITTEE : 7-5, 8/21/00
 AYES: Johnston, Bowen, Burton, Escutia, Karnette, Perata,
 Vasconcellos
 NOES: Johnson, Kelley, Leslie, McPherson, Mountjoy

ASSEMBLY FLOOR : 41-32, 5/25/00 - See last page for vote

SUBJECT : Employment: remedies for employment law violations

SOURCE : California Labor Federation

DIGEST : This bill makes various changes to the Labor Code relative to rights, remedies, and procedures. The bill streamlines and alters many enforcement and administrative procedures of wage and hour laws before the Labor Commissioner and the courts, increases civil penalties and damages for violations.

CONTINUED

AB 2509
 Page

2

Senate Floor Amendments of 8/25/00 delete major provisions of this omnibus labor standards enforcement measure and make minor amendments. These amendments delete provisions relating to:

1. The consolidation of administrative proceedings.
2. Notice by mail as an option to subpoena.
3. Exemption from judicial arbitration.
4. Attorney's fees and costs relating to appeals.
5. Liquidated damage awards by the Labor Commissioner for unpaid wages.
6. Wage bond requirements to include interest penalties and other demands.
7. Shareholder liability.
8. Successor liability.
9. Increased penalties for payroll record violations relating to each employee.
10. Right of private action in discrimination complaints.
11. Posting of violation notices.
12. Penalties relating to failure to provide necessary tools and equipment.

ANALYSIS :

Background

Existing law provides a framework for the enforcement of laws relating to the payment wages and overtime compensation, and working conditions by the Labor Commissioner, chief of the Division of Labor Standards Enforcement (DLSE) in the State Department of Industrial Relations (DIR).

Despite the efforts of DIR, California has a large and growing "underground economy" of employers who are chronic violators of wage and hour, safety, and tax laws. Such employers pay cash under the table or with checks that bounce, fail to report and pay employment taxes, work their employees long hours without rest breaks, and avoid paying wage judgments issued against them. In so doing, according to executive orders issued by Governor's Deukmejian and Wilson, it is estimated that the State's loss of income taxes alone increased from \$2 billion in 1986 to \$3 billion

AB 2509
Page

3

in 1993.

Changes to existing law

1. Existing law provides that interest on all due and unpaid wages shall accrue at the rate established in Section 19269 of the Revenue and Taxation Code. This section of law has been repealed.

This bill provides that the legal rate of interest on due and unpaid wages shall be at the statutory rate established by Civil Code Section 3289(b), which is 10 percent.

2. Existing law does not require an appellant to post a bond as a condition of filing an appeal from an adverse Berman hearing decision.

This bill requires employers filing an appeal of the commissioner in a Berman hearing to post a prescribed undertaking and provides for disposition thereof.

3. Existing law provides that an employer in the building and construction industry is liable for a penalty of up to 30 days' wages and fringe benefits to any employee paid by a check, draft, or voucher that is drawn on a nonexistent account or that is dishonored for insufficient funds if the instrument is presented for payment within 30 days of receipt. This penalty does not apply if the employer can establish that the violation was unintentional.

This bill makes this penalty applicable to all employers, as specified, and makes related conforming and technical, nonsubstantive changes.

4. Existing law provides that employers are required to provide employees semimonthly, with payment of wages, an itemized statement listing gross wages, total hours worked of employees paid by the hour, specified deductions, net wages, and certain other information. Violation of these requirements is a misdemeanor.

This bill provides that total hours need not be

AB 2509
Page

4

disclosed for salaried employees exempt from payment of overtime compensation.

The bill requires disclosure of the number of piece-rate units and the applicable piece rate for employees paid on that basis, and requires disclosure of all applicable hourly rates and the number of hours worked by the employee at each rate.

5. Existing law provides an employee suffering injury as a result of the employer's knowing or intentional failure to comply with the above disclosure requirement is entitled to recover the greater of actual damages or one hundred dollars (\$100), plus costs and reasonable attorney's fees.

This bill revises the liability of employers for knowing or intentional noncompliance with this disclosure requirement to entitle an aggrieved employee to recover the greater of actual damages or penal

damages of \$50 for the initial pay period in which a violation occurs and \$100 per employer for each subsequent pay period in which the violation occurs up to \$4,000, plus costs and reasonable attorney's fees.

- Existing law authorizes the Industrial Welfare Commission to adopt orders respecting wages, hours, and working conditions. Under this authority, IWC Wage Orders require meal and rest periods.

Places into statute the existing provisions of the Industrial Welfare Commission requiring employers to provide a 10-minute rest period every four hours and a 30-minute meal period every five hours. On-duty meal periods are permitted when the nature of the work performed so dictates. Failure to provide such meal and rest periods would subject an employer to paying the worker one hour of wages for each work day when rest periods were not offered. The option of filing a right of private action is deleted.

FISCAL EFFECT : Appropriation: No Fiscal Com.: Yes
Local: Yes

SUPPORT : (Verified 8/8/00 - Unable to reverify due to

AB 2509
Page

5

time constraints)

California Professional Firefighters
Golden Gate University, School of Law, Women's Employment Rights Clinic
Equal Rights Advocates
Legal Aid Society of San Francisco, Employment Law Center
Transport Workers Union of America
California Rural Legal Assistance Foundation
California Conference Board of the Amalgamated Transit Union
Engineers and Scientists of California
Region 8 States Council of the United Food & Commercial Workers
Hotel Employees, Restaurant Employees International Union
California Conference of Machinists
Service Employees International Union
California Chapters of the National Electrical Contractors Association
California Legislative Conference of the Plumbing, Heating and Piping Industry
Western Wall and Ceiling Contractors Association
Air Conditioning and Refrigeration Contractors Association
California Association of Sheet Metal and Air Conditioning Contractors, National Association
American Federation of State, County and Municipal Employees, AFL-CIO
California Teamsters, Public Affairs Council
California Labor Federation
La Raza Centro Legal, Inc.
Exotic Dancers Alliance
Asian Law Caucus
Mexican-American Legal Defense and Education Fund
Asian Pacific Legal Center of Southern California

OPPOSITION : (Verified 8/8/00 - Unable to reverify due to time constraints)

Western Growers Association
California Retailers Association
Civil Justice Association of California
California Grocers Association
California Chamber of Commerce
Roofing Contractors Association of California Associated

AB 2509
Page

6

General Contractors and Associated General Contractors San Diego
Orange County Business Council
Engineering Contractors' Association
Marin Builders' Exchange
Sacramento Builders' Exchange
Fence Contractors' Association

Flasher/Barricade Association
Seismic Gas Valve Manufacturers'
California Manufacturers and Technology Association
California Employment Law Council
San Rafael Chamber of Commerce
California Farm Bureau Federation

ASSEMBLY FLOOR

AYES: Alquist, Aroner, Bock, Calderon, Cardenas, Cardoza,
Cedillo, Corbett, Davis, Ducheny, Dutra, Firebaugh,
Floyd, Gallegos, Honda, Jackson, Keeley, Knox, Kuehl,
Lempert, Longville, Lowenthal, Machado, Migden, Nakano,
Reyes, Romero, Scott, Shelley, Steinberg, Strom-Martin,
Thomson, Torlakson, Vincent, Washington, Wayne, Wesson,
Wiggins, Wildman, Wright, Hertzberg
NOES: Aanestad, Ackerman, Ashburn, Baldwin, Bates, Battin,
Baugh, Brewer, Briggs, Campbell, Cox, Cunneen, Florez,
Granlund, House, Kaloogian, Leach, Leonard, Maddox,
Maldonado, Margett, Mazzoni, McClintock, Olberg, Oller,
Robert Pacheco, Rod Pacheco, Pescetti, Runner,
Strickland, Thompson, Zettel

NC:kb 8/28/00 Senate Floor Analyses

SUPPORT/OPPPOSITION: SEE ABOVE

**** END ****