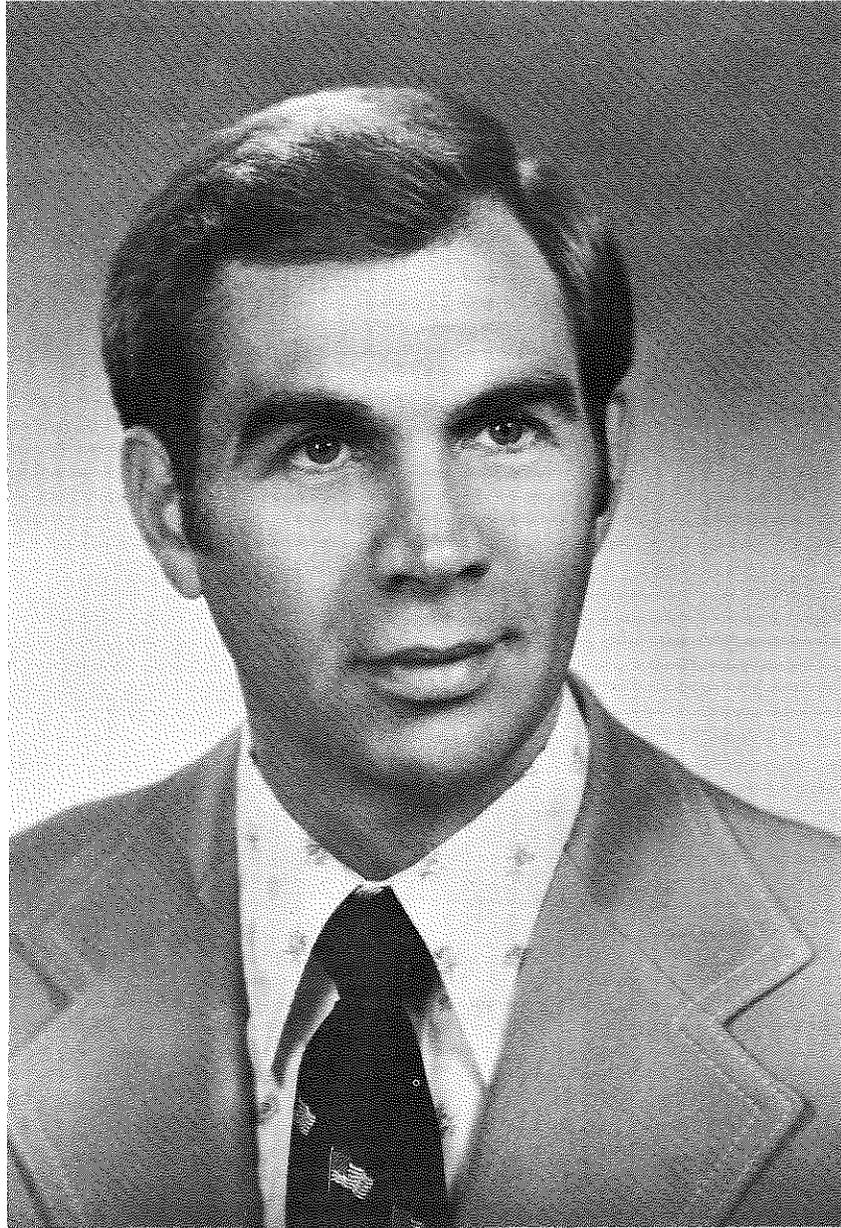




Seventy-five Years 1903-1978

oregon bureau of labor
BILL STEVENSON, COMMISSIONER

Patricia Landes, Director
Technical Assistance



Bill Stevenson, Labor Commissioner

To the People, The Governor, and the Legislative Assembly of the State of Oregon:

As 1978 draws to a close, it means the end of the seventy-fifth year of the existence of the Oregon Bureau of Labor. The people of Oregon can feel justly proud of the accomplishments of the Bureau over these long years. It has been my privilege to serve for the past four years in the capacity of Labor Commissioner, knowing the selfless dedication of those who came before me.

From its inception in 1903 it has been the duty of the Labor Commissioner and the Bureau to enforce "all laws enacted for the protection of the working classes." The pages of this small volume reflect the achievements of hard working people who never allowed the pressures of their times to let them forget this basic directive of the people.

The years and the necessities of modern living have altered many of the duties of the Bureau of Labor, but always towards the same end: protection of Oregon's wage earners. It is easy to forget in the seventies the struggles during the early 1900's for laws to regulate new electrical devices and mechanized industries. History shows that the Bureau never contented itself with merely carrying out the tasks delegated to it by the legislature. The Bureau was, and is, an active force in promoting sorely needed legislation in the areas of safety and employer-employee relationships.

A consistent theme of cooperation between the business community and the Bureau runs throughout these seventy-five years. Now, as before, the goodwill of the state's employers is needed if the Bureau is to be effective in carrying out its sworn duties.

In leaving this office, I can think of no better words to express my feelings than those of the first commissioner, O.P. Hoff, when he left the fledgling Bureau at the conclusion of his service. "I wish that my successor may have the continued support of the many friends that have aided in making a success of this department. And again, I wish to extend to those friends such thanks as may be given here for their unfailing assistance and cooperation during the period of my connection with this office."

Bill Stevenson

Bill Stevenson, Commissioner
Oregon Bureau of Labor



Dedication

Millie Reid Trumbull
December 5, 1866 - December 4, 1940

As Executive Secretary of the Board of Inspectors of Child Labor, Millie Trumbull served the State tirelessly from 1903 until 1931 even though the legislature failed to appropriate money to enforce these laws until 1911. She also served as secretary to the State Industrial Welfare Commission from 1917 to 1931.

An Iowan by birth, Millie Trumbull was educated at Iowa State Normal, the Armour Institute of Technology, and the University of Chicago. Before coming to Oregon in 1900, she worked for child labor and prison reform in Illinois. Continuing her fight for the welfare of children and the disadvantaged in Oregon, she served as registrar for Associated Charities for five years, secretary of the Prisoner's Aid Society for ten years, president of the Oregon Prison Association from 1930 to 1933, vice-president of the National Consumers League, first probation officer for Portland, and as a member of Portland's Vice Commission.

Until her death in 1940, Millie Trumbull worked without stint for the passage of legislation to protect children and women, and to provide pensions for widows. Millie Trumbull went beyond the legislative arena to insure the rights of Oregonians by giving of her own time and money to support these laws in their infancy.

This volume is dedicated to her spirit of selfless service to Oregon and its citizens.

TEXT.....	1953 - 1973, Patricia Landers Director of Technical Assistance
	1903 - 1953, Jacqui Koch
	1973 - 1978, Joan Kinzer Technical Assistance Coordinators
RESEARCH AND PRODUCTION.....	Kathleen Harbaugh Administrative Assistant
PHOTOS.....	Oregon Historical Society Oregon Bureau of Labor
COVER DESIGN.....	Carol Linville
STAFF.....	Karen Walker Joyce Mooney Felice Villareal Ann Kobashigawa Barbara Moshofsky Charlotte Simons Andy Palatka Dorothea Hills

The industrial revolution of the nineteenth century brought about sudden economic growth which continued to accelerate as factories, mines and logging camps mushroomed across the United States. Virtually no attention was given safeguarding workers. Factory buildings were often of flimsy construction, without adequate ventilation, sanitation and lighting. Deaths and crippling injuries were taken as a matter of course and as recently as 60 or 70 years ago, over half of the industrial working population suffered disabling injuries during their working years. Women and children, sometimes as young as six or seven, were put to work for

long hours, seven days a week for very little pay. Factories were locked to keep children on the job.

Public furor grew with mounting industrial disaster. In Pennsylvania, 179 mine workers lost their lives in an underground fire. 146 employees, mostly young women, died in a fire in a third story loft that was kept locked at the Triangle Shirt Company in New York.

Oregon remained primarily an agricultural state and its newly formed industry did not experience this level of disaster. Governor George Chamberlain noted the cooperative spirit between industry and the

1903-1913

Work in factories kept children out of school.



workers in his 1903 inaugural address and called for the creation of a Bureau of Labor to study conditions in Oregon factories. With Oregon's industrial growth came an increase in concern for the worker. The number of labor unions doubled during the years 1900-1903 and the state legislature established the Oregon Bureau of Labor Statistics and Inspector of Factories and Workshops in 1903. A statewide elective post of Labor Commissioner was established. The commissioner's duties were defined as "to cause to be enforced all the laws regarding the employment of children, minors and women; operatives in workshops, factories

and mills and other places, and all laws enacted for the protection of the working classes."

Oregon's first commissioner of labor was O.P. Hoff, appointed by the Board of Control under Governor Chamberlain. Since 1906 the commissioner has been an elected official, directly responsible to the people. Hoff served from June 2, 1903 to January 6, 1919. During the first four years, Hoff was the sole employee of the Bureau. There were three laws to be enforced by the Bureau, which were all part of Oregon's initial labor legislation passed in 1903; the Child Labor Law, the ten-hour day for women and the Factory Inspection Law.

1903-1913

Young women sat on boxes to label salmon cans. Commission later required seats and tables.



The Factory Inspection Law gave the commissioner permission only to enter workshops for the purpose of gathering facts and to examine methods of protecting employees from danger. Until the law was amended in 1907, the commissioner could make recommendations, but could not enforce them. Under the 1907 law, the Bureau could prohibit the use of defective or dangerous machinery. Upon willful violation, an employer became liable for damages in case of injury to an employee. Under this law, the employer paid to the state a fee every year which entitled the employer to one or more inspections during the year. Upon

satisfactory inspection, the commissioner was empowered to issue a certificate showing that the premises met acceptable working standards.

In his third biennial report to the legislature, Commissioner Hoff reported that "*accidents in lumber camps remain the same as before, but in mills and factories owing to the inspection law have been greatly reduced.*" By 1910, accidents in factories, mills and workshops had been reduced by 35 to 50 percent and incidental litigation had been reduced by 70 to 80 percent. In addition to these benefits, working conditions had been markedly improved overall.

1903-1913

Youngsters worked in high-risk jobs in the logging industry.



The success of this early law can be measured by the fact that many manufacturers were now actively requesting inspections.

The legislature in its 1903 Child Labor Law set 14 as the age under which school attendance would be compulsory. Under this law, no minor under 14 could be employed in a factory, store, workshop, mine, the telegraph and telephone industry, or as a public messenger. No child under 16 could work before 7 a.m. or after 6 p.m., nor longer than 10 hours a day for a six-day week. No minor under 16 could be employed who was unable to read or write legibly simple sentences

in the English language if there was a school in his town. An employer hiring a minor had to have proof of the child's age on file. A physical examination could be ordered on any child under 16 before allowing him to work.

The legislature created this law and a Board of Inspectors of Child Labor to administer it, but failed to appropriate any funds to pay the Board. This Board, under the direction of Millie Trumbull, worked without pay, meeting all expenses out of their own pockets, until the legislature finally appropriated the necessary funds in 1911. During this early period, Secretary Trumbull reported, "*Child*

1903-1913

Youthful cannery workers put in 14-hour days.





During Commissioner Hoff's administration Chinese workers were felt to be a threat to white worker. One of the Bureau's first duties was to inspect dwellings of aliens.



Commissioner Hoff pledged to rid the State of the "yellow peril". Above, 1922 photo shows deportation of Chinese. Since then, the Bureau of Labor's philosophy has become reversed. Employment opportunities for all are the chief concern.

labor in Oregon is on the increase, due partly to the larger number of factories, and also to the increase in the cost of living which is driving many of the children to the factories and stores from families where the father is earning a wage that a few years ago would have kept the children in school and the family comfortable." She further cautions, "The Commissioner is opposed to any change in the law which would result in children under the age of fourteen years being allowed to work in factories, stores, shops or in the messenger service. This change is being advocated by persons whose knowledge of the conditions under which the children work is largely a theoretical, instead of a practical knowledge."

Violations of child labor laws were not prosecuted for first time offenses. Parents and employers were persuaded to voluntarily comply with the law. In like manner, violators of the laws governing the employment of women were also warned the first time; employers who persisted in working women over the lawful ten hour day and sixty hour week or failed to provide adequate seats, were prosecuted in the courts. These misdemeanors generally brought penalties of 25 to 50 dollars.

In addition to enforcing child labor laws, working hours and conditions for women, and performing factory inspections, Commissioner Hoff commented on the state of domestic help and convict labor. As required under the law, he inspected the living and sanitary conditions of Orientals within the state. He gave his services as conciliator in labor disputes. Hoff looked beyond those specific areas assigned to him by the legislature to the protection of workers in the future; he asked for authority to inspect boilers and electrical work. He called for fixed age limits for elevator operators and for a law governing employment agencies. Hoff advocated changes in methods of obtaining

water rights and fought to extend existing laws to help those not yet covered, such as telephone operators and those not fully covered, such as railroad workers.

The legislature rejected Hoff's requests for electrical and boiler safety standards, but heeded his advice in a third area; a Workman's Compensation law was passed in 1913 and the Industrial Accident Commission was set up to administer it. The purpose of this law was to bind together working men, employers, and the state in the creation of an industrial accident fund, from which payment of benefits to workmen and their families could be made for loss suffered because of injuries or death. This law would supplement the Employer's Liability Law under which an injured workman could sue an employer for negligence in providing safeguards on the job.

In addition to this important piece of legislation, the Bureau was now responsible for the first enforceable Wage and Hour laws in the United States. The diligence of the Oregon Consumers League and the excellence of their comprehensive report on wages and working conditions for women were responsible in part for the passage of this landmark legislation. This statistical study was painstakingly performed by Caroline Gleason (later Sister Mirriam Theresa) and her staff. Much of the material was gathered by these women actually obtaining jobs in the most maligned mills and factories to gain first hand knowledge of the conditions. Statistics gathered from 5,656 women wage earners revealed that \$10.00 per week was the minimum level at which a woman could decently support herself. Over half the women surveyed received less than this minimum amount, some were paid as little as \$1.50 per week. The average rate of pay was \$8.20 per week.

The First World War, prohibition and automobiles brought increased mobility to workers. Men left for the European war, laborers left for non-prohibition states, and small towns

1903 - 1913

were deserted for larger industrial centers. By the end of the war, women were working as elevator operators, mail carriers, on delivery wagons, in shipyards, in brass foundries, in railroad yards, as freight truckers, scrap iron sorters, as section hands, engine wipers and hostlers. Few were paid the same wages as men for the same tasks, the railroad company's employees being the exception. But none expressed a desire to return to the traditional employment offered to women. The Industrial Welfare Commission promised to keep in touch with the changing conditions for women, but remained firm in upholding its protective rulings. Adjustments were made where they could be made without sacrificing Oregon's high standards; this included remaining firm in closing times for factories and mercantile establishments.

The first order passed by the Commission restricted the work of women under 18 to an eight hour day and 50 hour week. It set \$1.00 a day as the minimum wage for women 16 to 18. The second order gave women in Portland a nine hour day, 54 hour week, a 45 minute lunch period, and a minimum of \$8.64 per week. These orders contained the first minimum wage determination made by any commission in America. They were to be attacked by employers and the attack carried to the Supreme Court of the United States, where Justice Louis D. Brandeis wrote the historic brief defending the constitutionality of Oregon's minimum wage law.

In 1915 the state legislature finally acceded to the Bureau's pleas and enacted a law regulating private employment agencies. Their agents were now required to be bonded and licensed. This helped to eliminate crooked agents. The worker was further protected by the refund of fees and train fare if the job that had been promised didn't materialize. A worker's total fee would be refunded if he or she worked less than two days,

and half would be refunded for less than six days work.

In 1916, the legislature established one year as the maximum length of time for women to be paid at lower apprenticeship rates. The federal Child Labor Law came into effect in 1917. Oregon's work permit system was endorsed by the federal government and Oregon was given the task of enforcing the federal law which prohibited the employment of minors under 16 for more than 8 hours per day. Even though the federal law was found unconstitutional the following year, Oregon maintained these standards through a ruling of the Industrial Welfare Commission. In 1919, the Child Labor Law was amended to require all children under 18 to have work permits, and those minors between 16 and 18 who have finished grammar school to attend school five hours per week.

After 16 years of service, Commissioner Hoff left office in 1918. In his parting report to the legislature, Hoff recommended continuing factory inspections as he felt they reduced *"the hazards of industry"* and had been *"equally beneficial to industry itself by a marked and noticeable increase in the efficiency of and a more contented spirit on the part of the workers."*

Commissioner C.H. Gram took office in 1919, having previously served as a deputy to Hoff. In his first report to the legislature, Gram dwells on new attempts to achieve greater safety for the worker. A cooperative venture among the State Industrial Accident Commission, a local branch of the National Safety Council, and the Bureau of Labor started an educational campaign on accident prevention aimed at hazardous industries in the state. Gram comments, *"Since the adjournment of the regular session of the legislature, six serious boiler explosions have occurred in this state, in which ten men were killed and three seriously injured, one being maimed for life. Neighboring states have passed legislation against the operation of dangerous boilers, with the result...that*

1913-1923

Oregon is fast becoming the dumping ground for second hand boilers..."

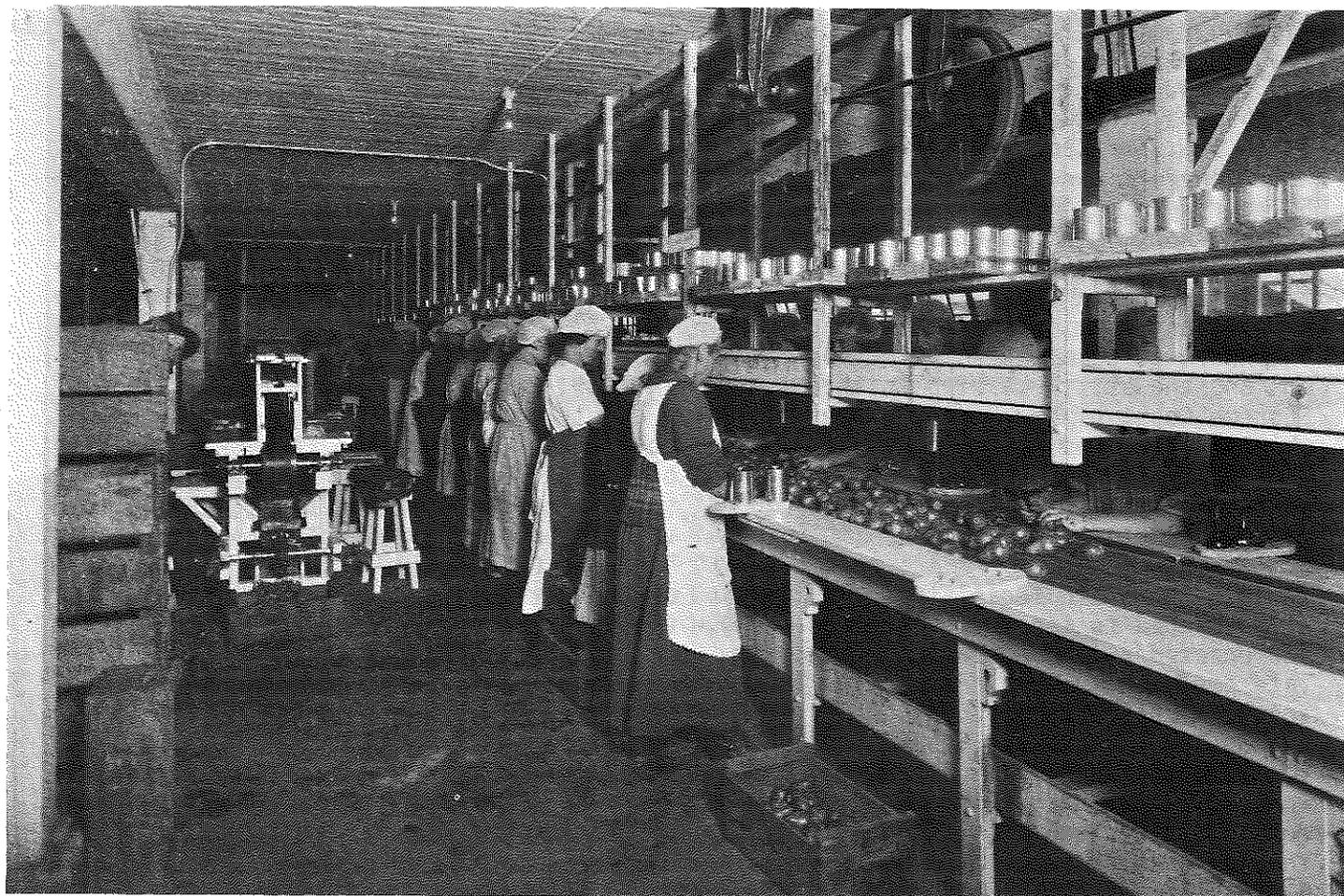
This proliferation of accidents called the legislature back into special session in 1920 to pass a law authorizing the Industrial Accident Commission to establish safety standards for the construction and operation of steam boilers. Enforcement powers were given to the Bureau of Labor, however no funds to make inspections were provided directly or through fees. This was unlike the Electrical Safety Law passed during the regular session, which provided fees to be collected for administration of the provisions of the law. All men engaged in the busi-

ness of installing electrical equipment and electrical wiring in the state had to be licensed; illumination of all factories, mill, and workshops was to be standardized.

In 1921, the American Society of Mechanical Engineers Code regulating the construction, installation and operation of steam boilers, was adopted by the State of Oregon. A voluntary board was set up to examine all applicants for positions of boiler inspectors. Arrangements were made with insurance companies where inspectors employed to inspect boilers were deputized by the Bureau of Labor to make reports to the Bureau. This enabled the Bureau to inspect close

1913-1923

Commission set minimum wage and maximum hours for women saying, "We must protect her (the working woman) from the greed as well as from the passion of men."



to 20,000 boilers from 1922-24 instead of the 4,427 inspections performed by Bureau personnel.

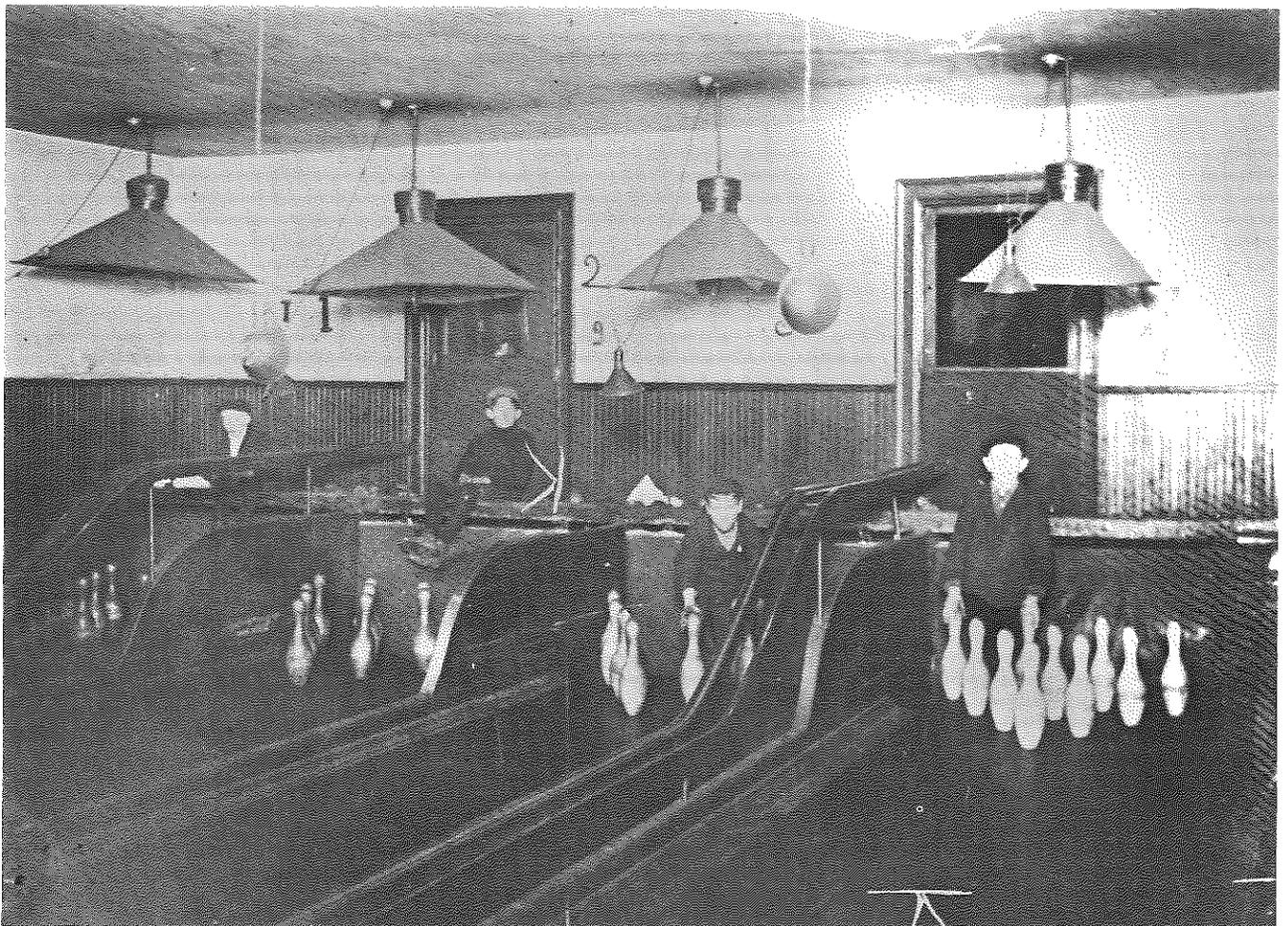
Commissioner Gram's early terms saw improvements in safety standards, enforcement of employment agency law, and cooperation with the federal employment service. Of increasing concern was the rising number of wage claims brought to the Bureau. Commissioner Gram elaborates for the legislature: *"The adjustment of wage claims and the difficulties encountered therein form to a large extent the most trying work of the Bureau of Labor... It is not only an evil to the worker, but its effect extends to the*

grocer, the butcher, the landlord... Many contractors actually gamble with the wages of their employees. Building and construction projects of many kinds are undertaken without capital to finance the payroll... It is easy for workers seeking legal aid to fall into the hands of unscrupulous lawyers or collection agencies... The attorney will extract from the worker a fee to file the lien, does nothing further, the property is moved to market, the lien lost, and all the worker usually gets is loss of faith..."

Life for the worker improved during the twenties; scarcity of labor made his services more valuable. The cost of living was rising, but so were

1923-1933

Work after 6 p.m. such as this was prohibited for minors under 16-years of age by Commission order.



wages. By 1926, the minimum wage for women was \$13.20 per week. The work day for women was reduced to nine hours with a forty-five minute lunch break. Girls under 18 worked a 48 hour week, and no minor under 16 could work more than 8 hours per day. Life was good; There was more money to spend, which made the economy grow even faster. Then, in 1929, the unbelievable happened: the depression hit and brought with it mounting unemployment.

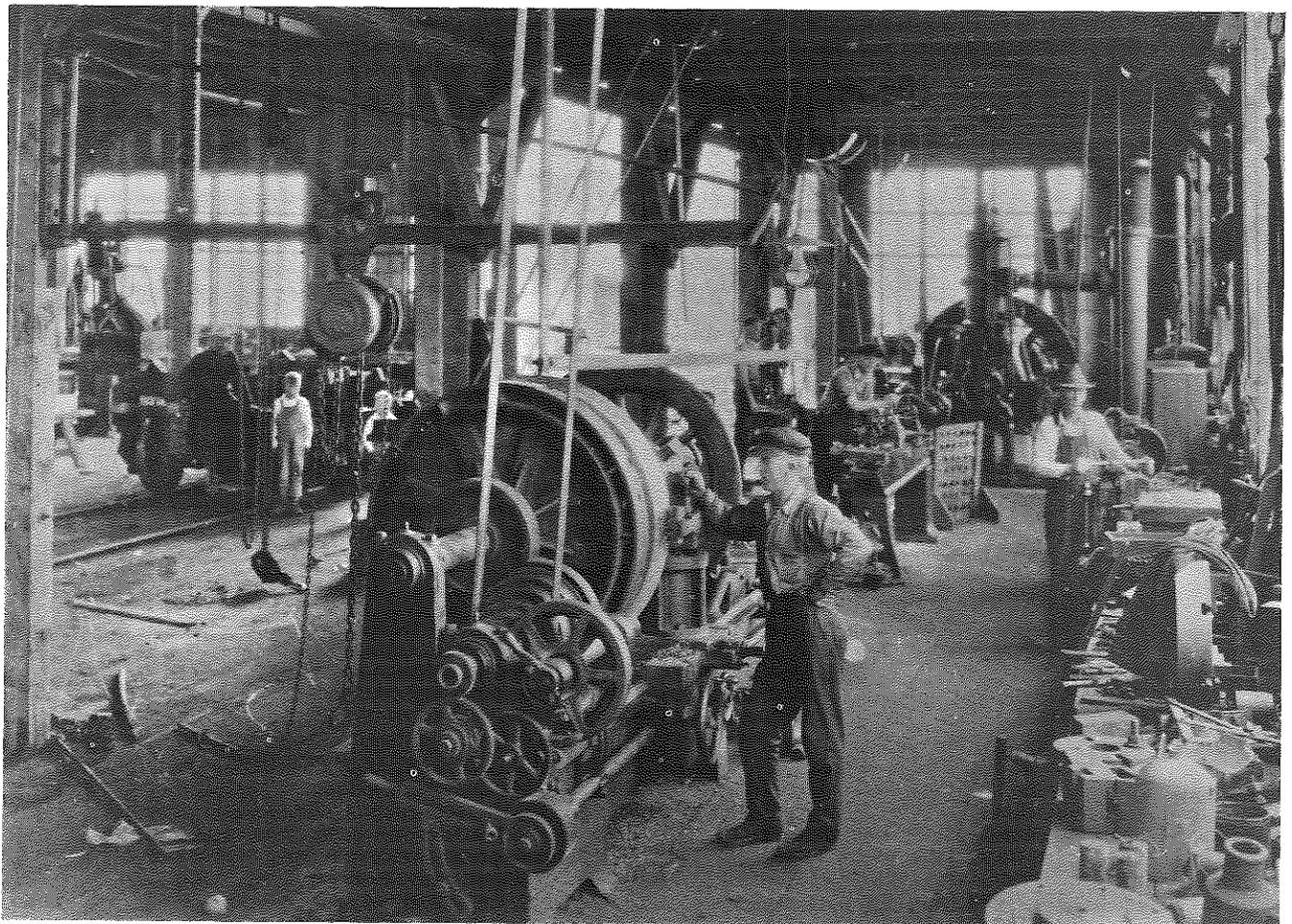
Cheap labor was the rule of the day. Their parents unable to get work, children were forced back into the labor market to work the jobs form-

erly held by adults, for less pay. 1929-30 brought 7,197 children to the Bureau for work permits, as compared with only 1,201 for the previous biennium.

The years before the crash saw increased cooperation between the legislature and the Bureau. In 1925, the Pay Day Law was amended. Now it was a misdemeanor if an employer did not post notice of and provide a regular pay day, the first such pay day to be within 30 days of the beginning, of employment. Only a couple of cases were prosecuted under this new provision however, and Commissioner Gram complained that although the law is widely violated, the results through

1923-1933

Early machine shop with very young employee in background.



the court are uncertain. Unauthorized mediation by the Bureau had been more successful than litigation and Gram asked the legislature for legal jurisdiction over this law. In 1931, the legislature finally gave the Bureau enforcement powers "to more fully provide for the payment and collection of wages and the enforcement of the rights of employees in such matters." The law was still limited in its effectiveness, because it covered only certain employees, leaving thousands working in the service trades, hotels and restaurants still uncovered.

Although the Oregon minimum wage law had been upheld by the United States

Supreme Court, later rulings by the Court cast grave doubts upon the future of all minimum wage legislation. In Oregon, employers gradually found themselves favoring the state minimum wage law as beneficial not only to employees, but to themselves as well. The Manufacturers and Merchants Association of Oregon pledged their cooperation in maintaining the present law and in being governed by the rulings of The Industrial Welfare Commission. This cooperation continued until the constitutionality of the Wage and Hour Act was affirmed once again by the Supreme Court of the United States in 1937.

The legislature in 1925 added to the

1923-1933

Employment agency newspaper ad, 1913.

PACIFIC EMPLOYMENT CO. HELP

222 AND 224 COUCH ST. PORTLAND, OREGON

FURNISHED FREE

Phone or Wire Rush Orders At Our Expense

We Give Special Attention to Furnishing

HELP

for the LUMBERING INDUSTRIES

LARGEST AND BUSIEST LABOR OFFICE IN OREGON

Bureau's duties registration of plumbers and providing minimum standards for installation. The statute allowed the commissioner to fix a registration fee and penalties for violation of the act. These fees were the only monies provided for making inspections and adjusting complaints. Twenty-two prosecutions under this law were reported during 1927-28, all defendants pleading guilty, with fines being assessed from \$10.00 to \$75.00. In addition, the Bureau stepped in to help adjust many complaints made by homeowners. Complaints dropped off significantly after this period, although during 1931-32 the Bureau reported 12 new buildings where all of the plumbing had to be removed and reinstalled to meet the sanitary rules of the code. Provisions of the electrical laws were similarly enforced, with reports of some buildings that were ordered completely rewired. Boiler inspections continued under the earlier agreement with the insurance companies, allowing the Bureau to quadruple its number of inspections through the unpaid efforts of these deputies.

The State of Oregon formally entered the apprenticeship picture in 1931, when Commissioner Gram called a meeting in Salem to discuss an apprenticeship bill which asked the legislature for the establishment of a commission having jurisdiction over minors receiving training in the skilled trades. The bill passed the legislature and Oregon became the second state in the nation, after Wisconsin, to give legal recognition to the training of youth for the modern industrial age. Oregon's apprenticeship law preceded the national program (1937 Fitzgerald Act) by six years, and much of the federal apprenticeship plan was based upon the Oregon experience.

In 1923 the Commissioner called the situation of the farm worker "a human as well as a commercial problem." He noted that there was much sickness in the migrant camps due

to the lack of sanitary facilities. Some camps had no places for bathing, others had only icy cold irrigation ditches. Gram pointed out that at least for efficiency's sake workers should be provided with good water, healthful food and a clear, dry place in which to sleep. With the depression, conditions worsened and the numbers of migrants seeking work increased. School officials could not enforce mandatory schooling for this rising tide of transients.

By a cooperative arrangement with the United States Employment Service, the Labor Commissioner acted as Federal Director of the United States Employment Service for the State of Oregon. In addition, private employment agencies placed a total of 25,176 men and women from October, 1930 to October, 1932. Despite these efforts, unemployment was the major economic problem of the state and the country.

Commissioner Gram spoke to the legislature of "*drastic, determined and far-reaching action*" needed to eliminate unemployment. The argument that such massive unemployment was caused by 'overproduction' caused Gram to comment, "*It is not that we make more than we can use, but that we make more than the wages of the workers can buy back.*" Gram advocated consideration of a five day work week and six hour day. The main thrust of his solution to Oregon's growing unemployment problem, was simple legislation for a back-to-land movement with the three fold object of:

1. Employment of the unemployed
2. Encouraging the development of an increasing class of small home owners sustaining themselves from the soil
3. Replacing on the tax rolls of the state an increasing volume of land now unproductive and non-tax-bearing. Commissioner Gram saw as a result of such a program, "*the money spent in haphazard charity and so-called relief would by now have seen these unfortunate citizens well on the way to a condition of permanent self-support.*"

During the thirties, Oregon and the

1923-1933

Country worked slowly towards a more prosperous economy. With no monies appropriated by the legislature, the Bureau of Labor and the State Welfare Commission consolidated and survived solely on inspection fees. Frustrated by the lack of funds, Commissioner Gram remarked, "*Some of these laws in effect, on account of nonenforcement, have become but empty promises to the citizens of our state.*" With no funds available with which to hold public hearings, the commission was unable to promulgate any new orders for women and minors. Working within the confines of existing orders the commission strove to protect these workers, while mitigating as far as possible any rulings which would keep women and children from being employed. It was at this time that the only challenge to the Wage and Hour was successful: A Portland food merchant fought the constitutionality of the 6 p.m. limit on women's work hours and won.

Organized labor mushroomed under the National Recovery Act and the National Labor Relations Act. Union membership nearly doubled. This increase in union activity brought an increase in labor disputes. The Bureau of Labor through its Conciliation and Arbitration Board had long standing success in mediating such disputes. During the 1938-40 biennium, 34 disputes were conciliated including 4 strikes and during the following biennium, the Bureau was called in on 29 industrial disputes, 9 of them strikes. It was the Bureau's proud boast that despite this tremendous increase in labor problems no other state had a lower percentage of man-days idle due to labor disputes. Although the Bureau was overwhelmingly successful in helping settle these problems, Commissioner Gram noted sadly, "*Strikes are evidence of imperfect industrial relations, no one wants them; the employer loses through interruption of production and the employee suffers severe want and hardship.*"

1933-1943

The federal Fair Labor Standards Act of 1938 helped promote better hours and wages for many workers. Local unions also worked to lower hours in the work week and achieve higher wages for the worker. Industries were steadily increasing their number of employees and their payrolls. By 1939 a Bureau survey showed that 141 Oregon industries had increased their employees by 7.38% and their payrolls by 20.76%.

With the advent of World War II, unemployment ceased to be a problem; laborers were desperately needed to work in war related industries. As in the First World War, women and minors were in great demand in all industries. The year before Pearl Harbor, 2,845 work permits were issued. In 1942, these shot up to 13,846 and during the next two years 72,918 permits were processed by the Bureau. Because of this great emergency demand, an arrangement was made by the Bureau with the United States Employment Service to have it issue temporary work permits for minors, to expire 10 days after issue. This allowed minors to go to work on the same day an application was filed, while giving the Bureau time to check the application.

In spite of war production pressures and the tight labor market, child labor standards were strictly maintained. Acceptable hours for minors were now 44 per week with an 8 hour day. Minor permit applications were examined to determine if they met this requirement and other safeguards set by law.

Employment of women was also limited to the legal 8 hour day. Enforcement of the minimum wage was no problem during the acute labor shortage. Employers had to pay high wages to both men and women to get sufficient workers. Wage claims which had proliferated during the depression steadily declined during the war years.

In 1941, the State Welfare Commission was re-named the Wage and Hour Commission to distinguish it from the State Public Welfare Commission which

had been set up during the depression to provide relief.

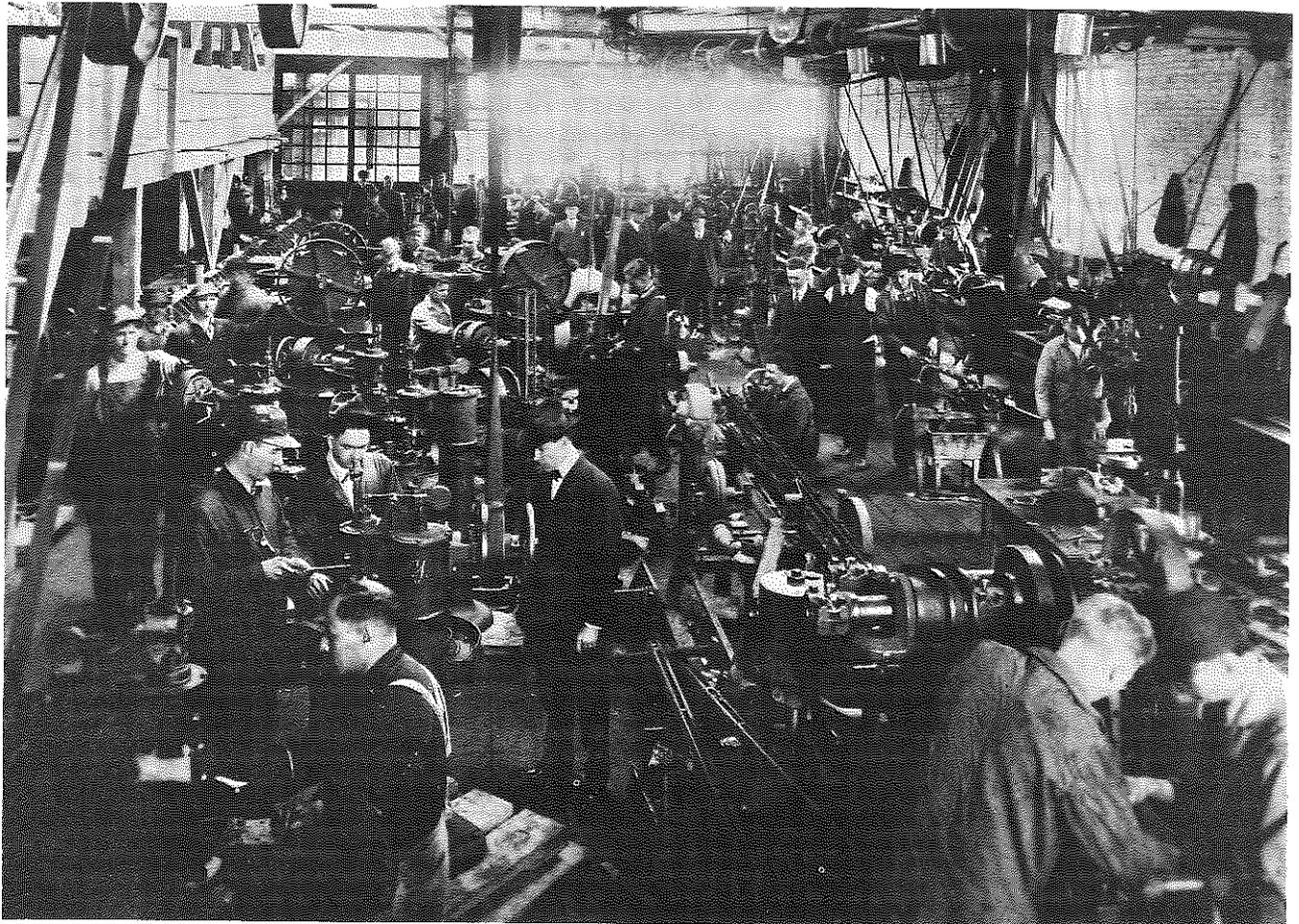
In 1937 the legislature granted another long time request of the Bureau, and gave the Bureau authority to inspect all elevators in use in the state. The American Standard Safety Code for Elevators was adopted as the standard for these inspectors. As with boiler inspections, cooperation through insurance inspectors allowed the Bureau to accomplish many more inspections than otherwise would have been feasible. At the time the law was enacted, over half of the elevators in the state were found to be in defective condi-

tion. During the first biennium following the enactment of this law, 13 elevator accidents were reported; two being fatal.

Use of electricity expanded during the depression and presented new problems. Many installations were being made by homeowners with only a smattering of knowledge of electricity. Also, many substandard materials were on the market. The Bureau sponsored safety laws requiring examination of wiring installations, licensing of electrical journeymen for competency, and the licensing of electrical dealers with periodic examinations of their stock. The first examination of the stock of 1360 electrical dealers dis-

1933-1943

Inspections were made to safeguard workers.



closed 7,388 defective electrical articles for sale to the public. During the thirties, the Bureau sponsored an extensive program in electrical safety both within the electrical industry itself and with the public at large.

Commissioner Gram declined renomination in 1942 to the post he had held for 23 years. William E. Kimsey, who had served as a deputy to Gram, became the new commissioner.

As the war was drawing to a close, Commissioner Kimsey gave attention to the inevitable drop in employment that would come when hostilities ceased. He called for new activities

in existing industries and new industries to fill the gap. Kimsey recognized that public projects, while able to fill a temporary need, could never offer the employee the opportunities to be found in private industry.

But the spectre of unemployment after V-J day did not materialize. Migrant workers left. Children went back to school. Offices and service establishments, work hungry during the war, absorbed many job seekers. Manufacturing plants spurted with activity to turn out a backlog of unfilled orders. A tremendous increase in building activities absorbed other workers. Despite earlier predictions, the available supply of workers

1933-1943

Women shipyard workers, World War II.



didn't fill the state's post war needs.

Getting the 16 and 17 year old back to school after they had earned high wages was a real problem. But a change in the law in 1945 helped cut down the teenaged work force; compulsory school was now required through the 12th grade. During 1944-46 the number of work permits issued dropped to 54,251. By the 1948-50 biennium, permits had dropped to 19,638 and these were issued mainly for vacation periods.

The tremendous number of new buildings going up all over the state left the Bureau without the man-

power to properly inspect them. Only fifteen percent of these new installations were inspected. In the 1948-50 biennium, twelve additional inspectors were hired.

There was a slight reduction in the number of boilers used in Oregon, but the number of unfired pressure vessels was increasing rapidly. During 1946-48, there were 2,000 more of these vessels, and in 1948-50 there was a further increase of 25 percent. In 1947 the Bureau was given the additional job of inspecting vessels holding liquefied petroleum products such as propane and butane gas.

1943-1953

Industry was relying on women during the war.



Since the early days of the Bureau, Commissioners Hoffand Gram had repeatedly asked the legislature to include inspection of school buildings under the Bureau's jurisdiction. When this authority was not directly given, the Bureau performed this most needed function anyway, with the cooperation of the Superintendent of Schools. During the late forties this duty was formally added to the Bureau's roster.

The apprenticeship program of the Bureau of Labor was accelerated by the return of the war veterans. Many of these young men had been inducted into the armed services

before their education had been completed, or before they had had a chance to enter a trade. 80 percent of these returning veterans did not have sufficient work experience to qualify as skilled or competent workmen. Early in 1945 there had been less than 50 registered apprentices in the state. By 1948, their numbers zoomed to 5,008. 84 percent of these were veterans.

In anticipation of this post war increase, Oregon's apprenticeship program had been streamlined through an amendment of the apprenticeship law. In 1943 the governing body was changed to the State Apprenticeship Council composed of members from the public,

1943-1953

Skilled craftsmen of the future in an apprenticeship program.



labor and management sectors. The Commissioner of Labor chaired the new council which was charged with responsibility for the supervision of apprentices in the state, the establishment of state-wide standards for each trade, and rules and regulations protecting the apprentice from exploitation.

The 45th legislative assembly passed the Oregon Fair Employment Practices Act, giving its jurisdiction to the Bureau of Labor. This act made discrimination against an employee by an employer, labor union or employment agency unlawful because of his color, race, national origin or religion. Oregon was the sixth state to pass such legislation. This early law was fairly comprehensive, protecting the employee against discrimination in hiring, firing, conditions on the job, referrals to work or in admission to unions.

A long range educational program to wipe out prejudices that resulted in discriminatory practices was the thrust of the Bureau's early efforts in this area. Speech making, forums, distribution of materials and conferences with schools, libraries, civic, social and religious groups all played a part in informing the public. Examinations of application forms used by Oregon employers, labor unions and employment agencies were conducted by Bureau personnel. During the 1950-52 biennium, 127 such examinations were made and 58 violations found. There were few actual complaints filed with the Bureau in the early days of this law. The 1950-52 biennium began with 12 cases pending and 44 new cases filed with the Bureau during this period. All 44 were filed on the basis of race with refusal to hire the primary reason given.

Commissioner Kimsey reported discriminatory practices being exercised by vocational and trade schools. The situation was brought to his attention by the refusal of Oregon beauty schools to admit black stu-

dents. He asked the 1951 legislature to pass an act prohibiting this discrimination.

The Wage and Hour Commission had now set minimum wages in almost all occupations held by women and minors with the exception of domestic and agricultural work. Old orders were being revised to bring them in line with present industrial conditions. There were few violations of the minimum wage law, most violations occurring where employers worked employees in excess of the legal 8 hour day, 44 hour week. Women were entering more and more industries, but seldom were they paid at the same rate as men.

1954 brought a new labor commissioner, Norman O. Nilsen, the first democrat to be elected to the office. He was the fourth labor commissioner.

In that year there were 18 Wage & Hour Commission Work Orders in effect regulating minimum wages, hours, overtime pay, safety and sanitation for working women and minors. Each work order regulated a different industry and minimum wages ranged from 35¢ to 75¢ an hour. Federal minimum wage had been set at 75¢ in 1949, but was increased to \$1.00 in 1955. It covered workers engaged in interstate commerce. There was no minimum wage law covering men, then, unless they were working in interstate commerce and therefore, entitled to federal minimum wage.

Some of the other provisions in the work orders required rest periods, and the furnishing of transportation to women who worked nighttime hours. Girls under 18 were not permitted to work as carhops, canvassers or hotel maids.

Four field inspectors were employed by the Wage & Hour Division to investigate violations and to keep employers informed of the laws. Just over 50% of the wage claims that were filed were being settled by conciliation wherein the Wage and Hour inspector witnessed the payment made to the employee. The balance were invalid claims because of the employ-

1943-1958

er's insolvency or in the case of about 13% of claims they were referred to the attorneys for legal action.

In the early 50's the electrical division suffered the loss of three inspectors due to a lack of funds. It was the primary function of the division to inspect electrical wiring and equipment and elevators for safety. Most of the division's funding came from electrical license fees.

The electrical law required installations and equipment to conform to the National Electrical Code as approved by the American Standards Association. Because this association had a membership engaged in the manufacture of the very products being tested, in 1958 the law was challenged in the Oregon Supreme Court. That part of the law was declared unconstitutional. For all practical purposes it became impossible to enforce what remained of the law.

A new electrical law was passed by the 1959 legislature in an effort to remedy the situation. The old law was repealed.

Elevator inspections continued. The Elevator Safety Law carried with it no enforcement power. When violations were found the inspector could make recommendations regarding needed corrections.

Another of the Bureau's functions was the issuing of licenses to those who install butane and propane tanks or who operate such gas delivery trucks. Two accidents reported in the early 50's involved butane or propane. One resulted in the death of a man burned severely in a fire; in another, a child was asphyxiated by unburned liquified petroleum gas.

But in 1957 the legislature assigned the enforcement of the liquified petroleum gas regulations to the State Fire Marshall.

The legislature amended the Boiler law to include safety requirements for and inspections of anhydrous ammonia containers used for fertilizing. Anhydrous ammonia is not only highly inflammable, but the vapors can burn severely.

By 1954 over 1,000 industrial firms were training apprentices under agreements regulated by the Bureau in 95 trades. The State Apprenticeship Council chaired by the Labor Commissioner set the standards for training and issued certificates of journeymanship to apprentices in metal, building, service and printing trades. Among states offering apprenticeship programs, Oregon had the highest percentage of apprentices in its state-regulated program. But, again, lack of funds caused a loss of manpower; four employees were eliminated.

By the end of the decade, the need for skilled craftsmen was obvious. The nation's population was increasing rapidly generating a great deal of new construction. By 1960 there were over 2,000 registered apprentices being trained on the job by journeyman workers. The program gave many youths opportunities they would otherwise not have had to become highly skilled. It was an economical program for the public since industry supplied the training facilities.

Under the 1954 Employment Agency Law, coverage was extended to fee-charging agencies placing persons in professional and clerical positions and the number of licenses being issued increased.

Private employment agencies meant quick money to unscrupulous entrepreneurs. Some of the more fraudulent practices were: charging a fee and failing to make any effort to place the applicant in a job, sending applicants to points where no work exists, conspiring with the employer to hire an applicant who pays a fee and then fire him in a few days after employer and agency have split the fee. The regulations re-

1953-1963

quired filing of fees but the Bureau of Labor was not granted authority to approve or disapprove fees.

1955 brought legislation regulating outdoor advertising. The Bureau of Labor was given enforcement authority. It was hoped that by requiring advertisers to apply for permits to place signs that much of the natural beauty of Oregon's highways might be restored. Inspections were made along 5,814 miles of road in spite of the fact that no funds had been allocated for this work.

The Fair Employment Practices Act had gone into effect in 1949 and

with it a new division of the Bureau emerged. It was called the Fair Employment Practices Division. It wasn't until 1959 that the name was changed to the Civil Rights Division.

Most of the complaints being received were based on race. The Bureau's enforcement policy centered on conference, conciliation and persuasion. There were no law suits filed. The main thrust of the Bureau's program though, was education. The division's administrator, Mark Smith, took an active part in the program, responding to the many requests received for speakers.

In these early efforts, particular

1953-1963

Governor Hatfield signs Oregon's Civil Rights Bill in 1953.



progress was made in opening up jobs in the retail sales and laundry industries to non-whites.

The Civil Rights Act passed in 1953 made it unlawful to discriminate in places of public accommodations, amusement or resort. 1955 saw the passage of the Equal Pay Act which mandated that employers establish pay scales which compensate the sexes equally for performing substantially the same kinds of jobs.

Discrimination in employment because of age was prohibited by legislation in 1959, and the Bureau added a Senior Worker Division. The law covered people 25 to 65

years of age. In 1960 Oregon newspapers voluntarily ceased to accept employment advertising which indicated age discrimination.

Farm labor and migrant workers were becoming a great concern to Governor Holmes and to Commissioner Nilsen. The writing of John Steinbeck and the urgings of the Greater Council of Churches were calling public attention to the anguish of these wandering families. Few social programs were available to farm workers and almost no laws protected them from injustice.

An exhaustive study of migrant farm labor was initiated in 1958 by the

1953-1963

Civil Rights Act prohibited discrimination in places of public accommodations.



Governor's Inter-Agency Committee on Agricultural Labor. The task force was given to the Bureau of Labor. Interviews with migrants were to be conducted to determine their age, education, background, attitudes, morale, wages, hours and working conditions. There was no budget provided for the study and so volunteer workers were called upon to take the survey. 500 volunteers, mostly college students, went into the fields and camps to inspect the living quarters and toilet facilities.

The work was sometimes dangerous. The volunteers and inspectors were often threatened, at times at gun

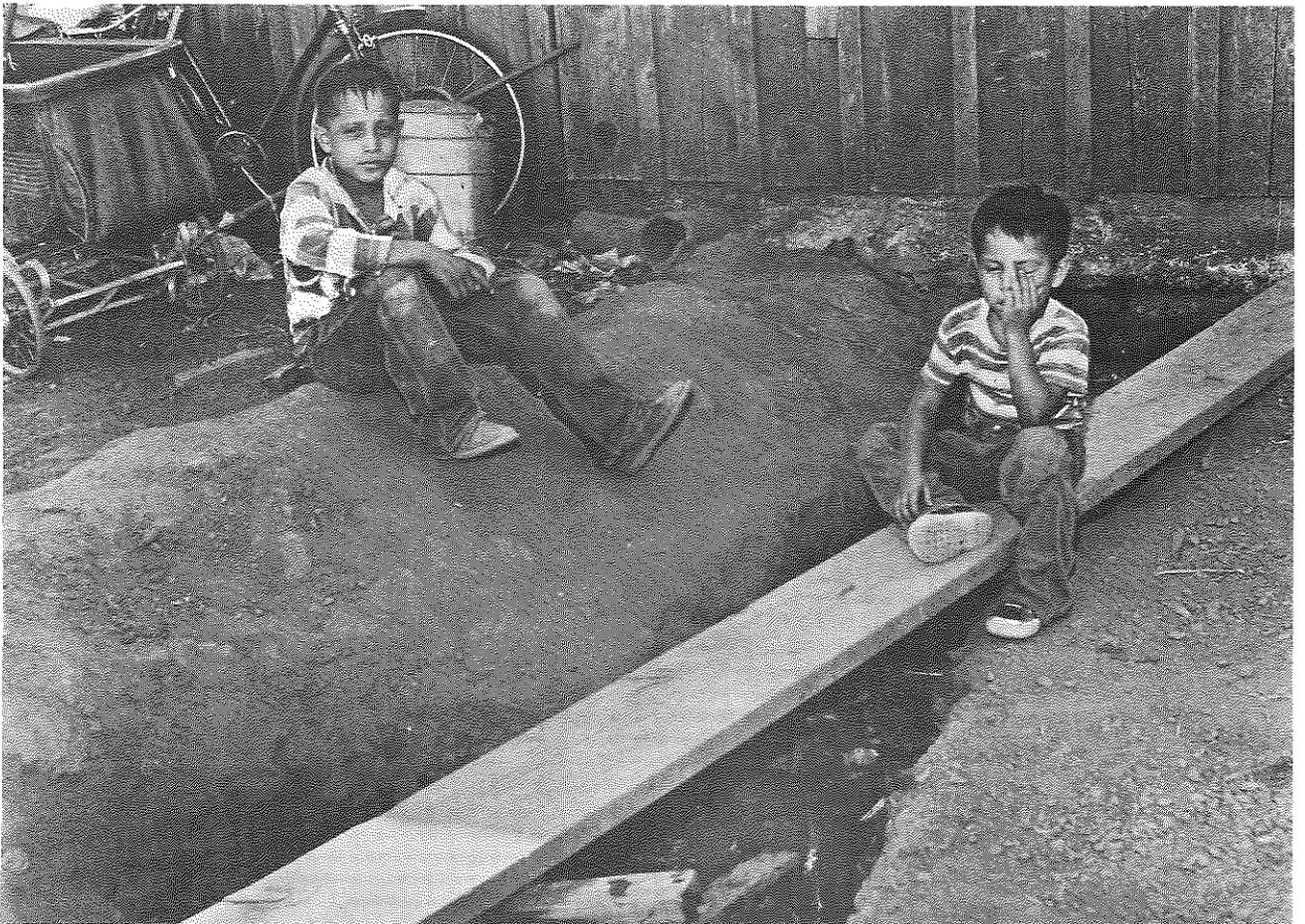
point, by the growers who resisted the intrusion. The volunteers were diligent and the inspectors dedicated.

This study became Eddie Hawes', the Chief Inspector for the Wage and Hour Division and later the Division's first administrator, proudest achievement. Hawes had been hired in 1950 by Commissioner Kimsey. He was the first male Wage and Hour Inspector, all of his predecessors having been women. Hawes and his assistant, Bud Gardner, worked tirelessly to complete the survey.

Tom Current, Assistant Commissioner of Labor, and Mark Martinez Infante,

1953-1963

These children of migrant workers call this their swimming pool. It is a drainage ditch from the shower.

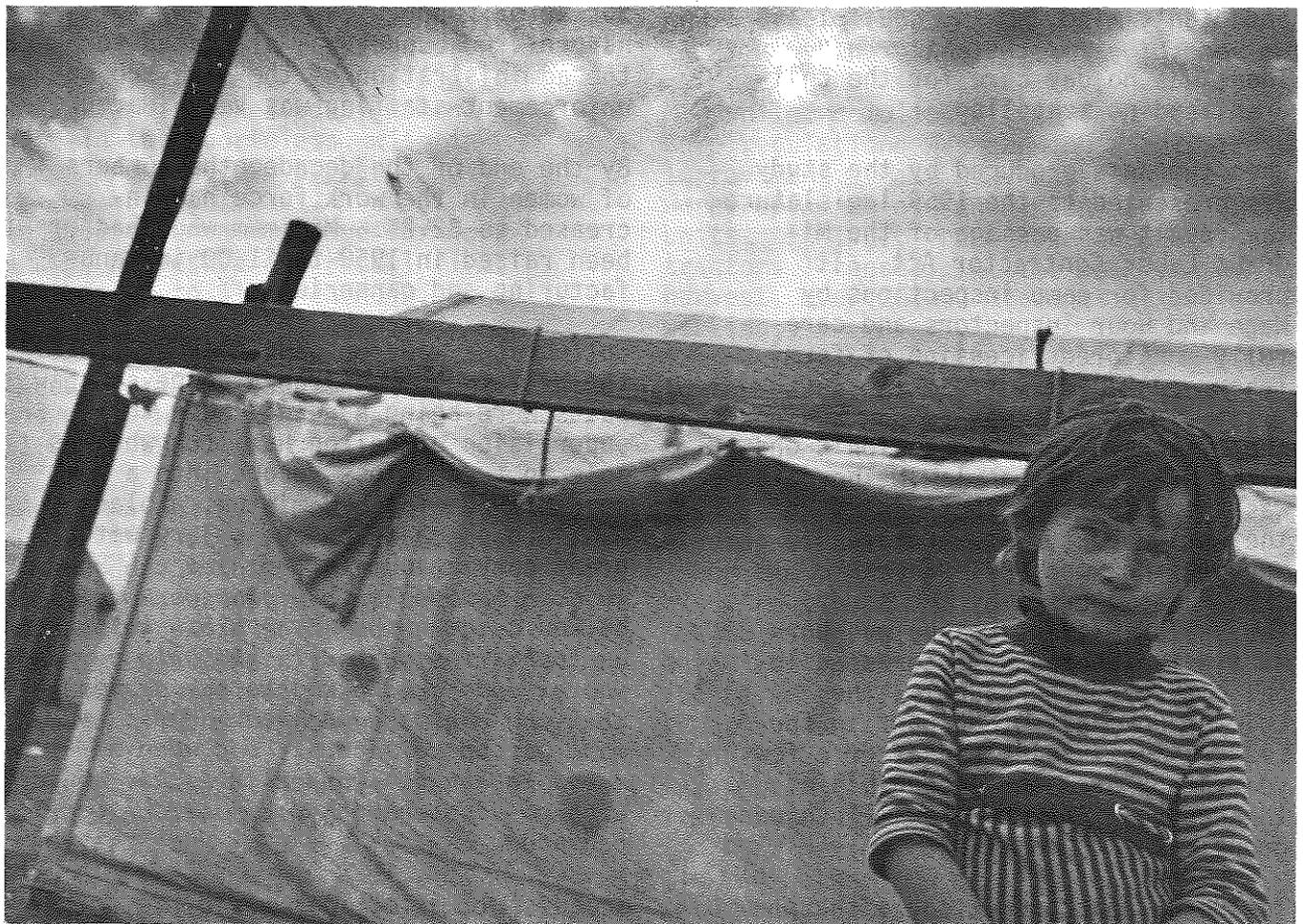


Director of Migrant Survey, headed up the project. In speaking of Infante, Current and Hawes make identical comments: "*For all his faults, and he had many, due credit must be given this man for his work on the Migrant Labor Study.*"

Infante had a rapport with the migrants. When he appeared in the camps they became enthralled by him. They would open up and talk to him as they would to no one else. Infante was later found to be a member of a group planning to overthrow the Mexican government and was jailed for his revolutionary activities.

1953-1963

There is no school or day care for her while parents work in the fields.



The results of the study revealed migrant families and large numbers of single males who were highly susceptible to exploitation by farm labor contractors. The farm labor contractor would finance the workers into an area where he was acting as an agent for the growers. The growers paid the contractor for the labor thus provided. The worker paid a rental on the meager living quarters provided in the camps. Sanitation was almost non-existent. A large family would share a one-room cabin.

At the end of the work day, the contractor frequently sold wine or marijuana to the worker, in this way recovering a good share of the daily

wages which the worker had earned.

"Running-Board Prostitution" was rampant and particularly difficult to stop. The buyer would ride to a deserted field with the contractor. There he would pay the contractor \$8.00 for services provided by the prostitute in the back seat of a car. The excellent visibility of the area surrounding the car made it impossible for a law officer to approach.

The contractor operated card games. Again, the workers' wages found their way back to the contractor.

These activities were easily ignored by the local townsfolk as segregation of Mexicans from whites was carefully maintained.

One weary worker, while being interviewed for the survey, remarked that he was used to the way of life and didn't mind, but *"my God, please do something for the children."* There was no day-care for the children, and no schooling.

When the data produced by the study was presented to the 1959 legislature the result was passage of the Migrant Labor Contractor Act. It provided for camp inspections by Wage and Hour Inspectors and carefully monitored licensing of farm labor contractors.

The effects of this work didn't end with the 1959 Oregon law. The data was also used to effect passage of the Anti-Poverty Act. Edward R. Murrow's documentary *"Harvest of Shame"* was spurred by the study. The Valley Migrant League was born at first directed by interested local citizenry. Gradually, the Chicano Community took part in the League's activities and after a few years took over the leadership of the League. It became an all Chicano group.

In 1957, the economy took a sharp dip, particularly in the lumber industry. The recession put a strain on labor and management relations

at the bargaining table. In order to offer assistance with these problems the Conciliation Act of 1957 was passed and responsibility for the Oregon State Conciliation Service given to the Bureau of Labor. Labor disputes referred to the Service were being peacefully adjusted by conciliation guided by Paul Tinning, the State Conciliator.

The newspaper strike of 1959 effected an increase in labor-management tensions. During the 1958 to 1960 biennium, the service handled 101 cases on a consultation-standby basis and 57 cases were formally conciliated.

The Prevailing Wage Rate Law was enacted in 1959. It required that contractors working on the construction of public works pay the wage rates which prevail in the locality where the work is being done. It also required that they submit certifications of their rates to the Bureau of Labor. But as often happens, no budget was allocated for the administration of the law, and so enforcement staffing was very inadequate.

By the end of the decade, the numbers of women in the work force had increased to 32.2%. Minimum wage had been raised in 1950 to \$1.00 in manufacturing and canneries.

Collections made on wage claims were the primary duty of the attorneys. Law suits were being handled under the supervision of Belton Hamilton who was able to turn a loss record into a record of 95% wins. Hamilton, a black man, argued cases before a jury with great conviction. *"Never let the sun go down before you pay your workmen,"* he would admonish. *"The bible tells us that...The worker is the only person who extends credit to the businessman. When the businessman needs a loan, he must put up collateral; but when he needs labor, the worker gives his hours with no assurance that he will be compensated."*

Successful collections meant increasing numbers of claims as word-of-mouth traveled.

1953-1963

The collection of judgments began backlogging seriously. There was no staff or budget to pursue the judgments.

In the early part of the 60's there were still 17 different orders setting a variety of minimum wages and working conditions requirements for women and minors. Most of the wages set for women were still well below the \$1.25 minimum wage set in 1961 at the federal level for adults engaged in interstate commerce. Five Wage and Hour inspectors were charged with the duties of enforcement for the entire state.

By 1964 the number of wage claims being filed reached an all time high since the passage of the Wage Collection Law of 1931. In the same year the United States Equal Pay Act of 1963 went into effect.

Women accounted for one-third of the work force. Three out of five women workers were married and 18 out of every 100 households were headed by a woman. One-half of those families headed by women were in the poor class, with incomes under \$3,000 a year.

In 1962 the minimum wage for workers in wholesale and retail firms was raised to \$1.00 an hour. Workers in homes for the aged and child care facilities were raised to 85¢ in 1963. Restaurant, hotel and motel workers were raised to \$1.00 in 1964.

There was a 31% increase in the number of work permits issued to minors during this period. On-the-job accidents involving minors increased 43%. The work permit system attempts to control the kinds of potentially hazardous jobs in which minors may be employed.

The Bureau's 1964 biennial report reiterated the message of prior reports: *"The issues involved in wage claims are so complex and varied that they challenge classifications..The root of many controversies is the failure of a definite working hour and wage agree-*

ment between employer and employees. Employees frequently are uninformed... Employers, on the other hand, are often unaware of Oregon's (Wage) Laws...A wide information program is needed to reach into both directions."

The new Prevailing Wage Rate Law was having its effect on the construction industry. Still, there were no funds allotted for the administration of the law. The Labor Commissioner was not authorized, in the early history of the law, to determine prevailing rates except in the event that a dispute on a rate cannot be settled by the parties involved. Contracting public agencies letting out contracts had the responsibility under the law to establish the necessary wage rates. Contractors and public agencies were often seeking information from the Bureau on the application of the law and on rates. It was felt that it would be of great value if the Commissioner could determine rates, publish them and make them available on request. That change was made in the law by the 1965 legislature.

Meanwhile, compliance with farm labor camp regulations was showing a notable improvement. Many new housing units were replacing old and unsanitary units. In 1961, there were 88 contractors licensed. At the peak of the harvest, over 20,000 migrants were working.

In the course of their daily work, the Wage and Hour inspectors were called upon to help with a variety of problems. In one instance, an inspector discovered three children playing with a dog in their farm labor camp. They were covered with ringworm sores. He informed the health authorities and explained the details of the contagious disease to the parents. The children received treatment as a result.

In another incident a farm labor contractor transported 100 Navajo Indians from New Mexico to Oregon for work picking beans. On arrival, the Indians were indignant, contending that they had been misled into thinking they were going to Phoenix, Arizona. They were demanding to be returned immedi-

1963-1973

ately. Assisted by a Navajo language interpreter, the Wage & Hour inspector conciliated the dispute. The group agreed to work in return for the contractor's financial aid on their return trip.

Over 50% of the fields being inspected were sub-standard. Most of these had unsanitary toilet facilities.

The Research Division of the Bureau of Labor was contributing greatly to the field of employment research. Under the direction of Dr. Eric Weiss one report had already gained national recognition, *"Up Against the Middle-Age Barrier"*. Another study on aging, *"Oregon's Older*

People - Economic Asset or Liability?" received special mention from the National Council on Aging, and was widely circulated at the 1960 White House Conference on Aging.

Activities of the Research Division were suspended for almost two years in the mid-60's due to lack of funds. When work resumed, attention was directed to a study of women heads of households and youthful occupational ambitions. Another of the Division's projects was the on-going maintenance of the Consumer Price Index and Food Price Index and wage trends by geographic location.

Elevator inspections increased by 250% in the biennium ending in 1964.

1963-1973

Urban League campaigned heavily to get bus company to hire blacks.



This was due to the additional safety requirements added to the Elevator Act in 1961.

Electrical installations in trailers were brought under the jurisdiction of the Electrical Division in 1962.

The success of the electrical inspections was shown in comparing Oregon's loss from electrically caused fires with the rest of the nation. The proportion of fires which were electrically caused throughout the nation was twice as great as the Oregon proportion.

Boiler inspections continued, but the staff was overloaded. Shop

inspections increased 66%.

The Outdoor Advertising Law was changed in 1961 to accommodate federal requirements regulating highway funding. Oregon's two highways in the Interstate System (Interstate 5 and Interstate 80-N) came under the new rules applied to "protected areas" (areas within 660 feet of the right-of-way).

As the law became more restrictive, the number of signs decreased. As signs decreased, so did the revenues. The Bureau eventually relinquished administration of the Outdoor Advertising Act to the Highway Commission.

1961 saw the creation of the Scenic

1963-1973

First black to work in mass media worked for radio KGON.



Area Commission within the Bureau of Labor, the first of its kind in the United States. The Commission was to establish and vacate scenic areas in which sign boards would not be allowed. The designated areas in that year were: the Old Columbia River Highway; U.S. Highway 80N, Columbia River; U.S. Highway 101, Coast; U.S. Highway 20, Bend-Sisters; U.S. Highway 126, Sisters-Redmond; U.S. Highway 97, Madras-Tarreboune; U.S. Highway 20, Bend-Burns.

In the area of Civil Rights law, progress was evident. In 1961, the Greater Portland Council of Churches Minority Housing Committee received more than 1400 signatures to an

open-housing covenant circulated in the Portland area. The signers agreed to welcome "*residents of good character regardless of race, creed or national origin to any neighborhood.*" The names of the signers appeared in a half-page Oregonian ad. Events of this sort indicated a spirit of compliance, at least in some sectors.

In employment, more jobs traditionally held only by whites were being opened to non-whites. The number of non-white teachers, clerical workers, social workers and public administrators was growing. But there was still much black employment of the "token" variety by 1964 when the Federal Civil Rights laws were passed.

1963-1973

Progress was being made in minority housing.



The State Apprenticeship Council was requiring a non-discrimination clause in each apprenticeship standard. In 1963 the Pacific Maritime Association and the International Longshoremen's and Warehousemen's Union acted to open the membership in Local 8 to blacks.

In 1961 the public accommodations law was extended to include any place where goods or services are offered, including barber and beauty shops.

On October 29, 1963, the annual Oregon Forum on Intergroup Relations at the State Capitol was keynoted by Governor Hatfield, and attended by several hundred offi-

cial of state, county, and municipal agencies. As a result of this important conference government officials recognized their increasing responsibility in civil rights vis-a-vis employment and training programs, use of government facilities and services, and the creation of city codes of Fair Practices.

In 1962, the Senior Worker Division initiated a pilot project in teaching creative job search techniques at Portland Community College. Evening classes were held with no fee charged. The project was designed to build self-confidence in the unemployed and underemployed. In the first 6 months, the program enabled 700 persons to find work more rapidly. The successful pro-

1963-1973

Portland area Girl Scouts didn't have a black member until 1947.



ject was continued for the following biennium.

By 1966, resistance was still being felt to the Public Accommodations Law and not only were there more vocal pro-segregation white groups, but a more militant attitude was evident in some black groups. In 1965, Oregon was the first state in the nation to enter a formal cooperation agreement with the federal government to secure free choice of housing for the state's residents in housing and urban programs conducted by federal agencies.

The Apprenticeship and Training Council in 1967 made plans for a new program called Outreach designed to recruit and prepare minority group members for entry into apprenticeship. New apprenticeship plans were adopted and approved by the Equal Employment Opportunity Commission. They included:

1. Selection procedures which rate each applicant in numerical order and require the employer to accept the highest rated apprentice from the list.
2. No formal selection procedures.
3. Applicant pools to be pre-qualified by a committee. Employer required to select from pool, but may select any person from pool he wishes.

The 1967 legislation was spurred in great part by a report published by Dr. Eric Weiss entitled "*Craftsmen for Oregon*". The report captured the interest of the U.S. Bureau of Apprenticeship and Training as well, and they reprinted it for national distribution.

The 1967 changes in the Apprenticeship law triggered a large number of new programs. The old law had covered only the traditional skilled trades while the new one allowed for apprentices in all occupations and could accommodate new occupations as they were developing.

More minorities were now entering

the program. The Division in cooperation with the federal Bureau of Indian Affairs, launched a pre-apprenticeship and training program on the Warm Springs Reservation. This was a timely effort in view of the Warm Springs Tribal Council's plans for the multi-million dollar expansion at Kah-nee-ta Hot Springs Resort.

By 1972, about 30% of registered apprentices were veterans receiving benefits under the GI Bill.

The Civil Rights Division initiated a job-development program for persons from minority groups. Under the program which was administered by a black woman, Mrs. Lois Williams, more than 400 persons were placed in jobs with over 100 employers. The project earned a citation from the Federal Government.

At that period of time the Division had only four field representatives who handled both investigations and educational programs.

In the 1966-68 biennium, the number of discrimination complaints doubled in number from the preceding two-year period, partly due to an increasingly assertive attitude on the part of non-whites.

The Bureau of Labor played an important part in the successful Official Human Rights Agencies Conference held in Portland in 1967. Belton Hamilton, Assistant Attorney General and the Bureau's Chief Counsel, served as Conference Chairman, and Mark Smith, Division Administrator, served on the Executive Board. The conference was attended by leaders from throughout the United States and Canada.

Still, the total employment rate for blacks in the workforce was disproportionately concentrated in lower paid less skilled jobs.

Discrimination based on sex was prohibited by an amendment to the statute in 1969. A report prepared by the Research Division, "*They Carry the Burden Alone*", played a major role in the passage of the legislation. The

1963-1973

report dealt with the socio-economic living pattern of Oregon's working women with dependents. It was the first study ever undertaken in the nation which addressed the many problems of widowed, divorced, separated or deserted women with dependents.

During the same period an important housing discrimination case was tried in the State Court of Appeals. The court upheld the constitutionality of Oregon's housing law and further upheld the Labor Commissioner's authority to award damages.

The 1967 legislature enacted the first minimum wage law ever to cover adult males in Oregon. Minimum wage was set at \$1.25.

It is interesting to note that although the Equal Pay Act was enacted in 1955, the Commission Rules still drew many differences between men and women in terms of their wages and working conditions. There were overtime requirements for women, but not for men. There were requirements for seats for women, but not for men; there were restrictions on the amount of weight a woman could lift, but not a man.

The Commission was having difficulty reconciling some of the provisions of the new laws with these historic practices. Their solution was to eliminate the rest periods and overtime pay requirements for women from their rules. This brought legislative action in 1971 giving the Commission statutory authority to set working conditions and overtime pay requirements for all adult workers. In its original form, the minimum wage law had not set overtime pay requirements. For the first time, then, rules were promulgated which mandated overtime pay, meal periods and rest periods for adult males in Oregon.

By 1970 the Wage and Hour Division had 8 full-time inspectors. In 1968 the inspectors had been given responsibility for wage collection. Prior to that time, the inspectors had assisted the attorneys with collections,

but had not had full responsibility. The 1967 Minimum Wage Law had stimulated an increase in work load.

The employment of minors reached an all time high, and in 1970, 64,065 work permits were issued.

Finally, the 17 orders which had been issued by the Commission beginning early in the century were supplanted by one Consolidated Work Order.

Complaints under the new sex discrimination amendment were coming in very heavily and as yet there were no enforcement guidelines. The Commissioner formed an Ad Hoc Committee to study the situation.

Some of the members of the committee were: Thelma Chapman Fowler, Chairman of the Wage and Hour Commission; Nellie M. Fox, Second Vice President of the Oregon AFL-CIO; Representative Connie McCready; Senator Betty Roberts; Thomas S. Enright, Executive Secretary of the Oregon State Employees Association; and Charles B. Scott, Public Affairs Manager for Pacific Northwest Bell Telephone Company. They were to determine:

1. the nature and extend of discrimination in employment based on sex in Oregon.
2. under what circumstances employers should be permitted to make selections based on sex.
3. what problems employers, employees and the general public anticipate in the enforcement of the law.

The committee held public hearings in Portland, Salem, Eugene, Medford and Pendleton. From these hearings they determined that discrimination based on sex was a pervasive national problem operating in any number of overt or subtle ways to keep women at lower pay scales or from seeking entry into traditionally "men's jobs". And, oddly, they found that the very legislation which had served to protect women over the years was being used to discriminate or was resulting in discrimination against them.

The committee recommended a strong educational program and that the

1963-1973

Commission make an extensive review of their rules. They also recommended adoption of the sex discrimination guidelines as drawn by the Equal Employment Opportunity Commission under the Civil Rights Act.

By 1970, although discrimination complaints were being filed at a rate about ten times greater than in the early 50's, there were only five field representatives handling the work load.

The 1971 legislature removed the Safety Division (Electrical, Elevator and Boiler Safety) from the jurisdiction of the Bureau and placed them in the newly formed

Department of Commerce. Conciliation Services had already gone.

The Wage and Hour Division assumed responsibility for the enforcement of the Private Employment Agency law and Prevailing Wage Rate law. Another responsibility of the division was the determination of bargaining units for hospital workers. The increased coverage given the National Labor Relations Board in 1974, however, has virtually eliminated the need for state regulation.

The number of wage claims being filed yearly soared to over 4,000 by 1972 and for the 1970-72 biennium wage claim collections reached almost a half a million dollars.

1963-1973

Years ago black workers were stereo-typed and kept in very limited kinds of jobs.



As the work load increased so did expenses. The Bureau's in-house attorneys had been removed to the Attorney General's office and their services were being billed at an hourly rate.

Still, incoming civil rights complaints were accelerating. Minorities and women were becoming increasingly knowledgeable of their rights and acting to assert them. Under the law, the Bureau was required to investigate the allegations of any person who believed (s)he had been the object of discrimination. In 1972 there was a backlog of 390 cases. Still, the staff had not been increased.

1963-1973

More jobs were being opened to minorities.



A great part of the division's obligation under the law is to maintain a continuing program of education. In consideration of this important objective the Commissioner had formed the State Human Rights Advisory Council. Its members came from varied religious and ethnic groups and from different areas of the state. Their study of minority employment led to the adoption of the state Affirmative Action Plan. It served as a model program to Oregon industry.

Despite lack of funding and lack of staff the Bureau continued its tradition of concern for the worker, in the same spirit exhibited by Justice Louis D. Brandeis.

Brandeis had early in the Bureau's history argued the constitutionality of Oregon's minimum wage law before the Supreme Court. He articulated the Bureau's aim when he said:

"Those who won our independence believed that the final end of the state was to make men free and to develop their faculties..."

1963-1973

Portland teachers and Portland student-bodies were integrating with the hope that the future would see better relationships with greater opportunity for all.





Even then women were working in woodwork.

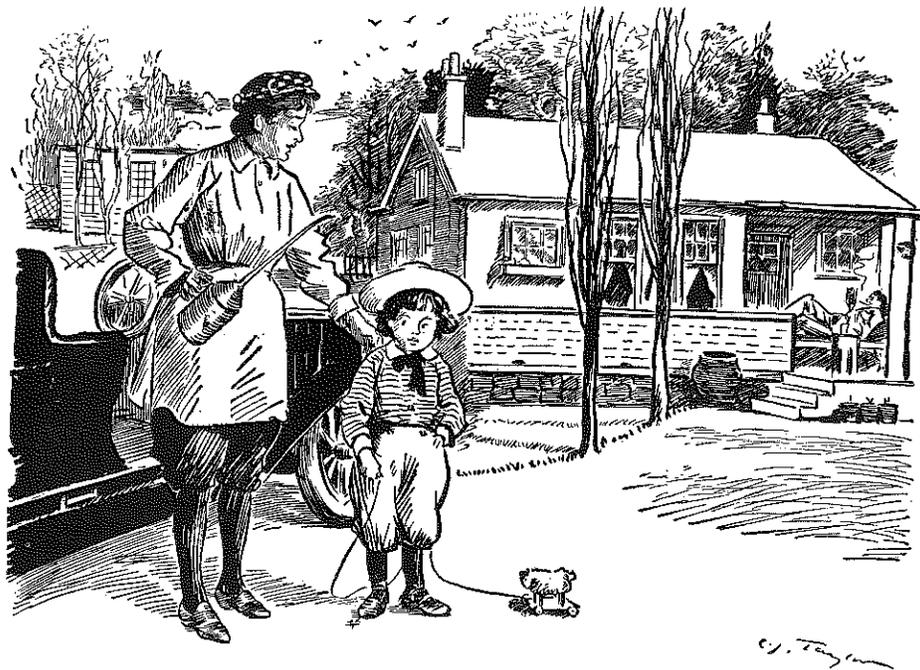


Barbering was not always a man's job either.



ALL-EMBRACING VANITY.
The new girl prepares to answer the 'phone.

Early cartoon takes a dim view of the working woman.



IN THE GOOD TIMES COMING.
Mrs. Betterhalf—"Go and tell your father I've got the auto all cleaned up, and I'm going to tax him for a run in about half an hour."

Nor was the women's movement looked at kindly.

RE-ORGANIZATION IN THE 70's: A REPORT

1973 - 1978

The 1973 legislative session produced several changes for the Bureau of Labor, particularly in the Civil Rights and Private Employment Agency laws. These changes broadened the jurisdiction of the Bureau. More workers were to be protected by the laws the Bureau enforces.

The legislation in Civil Rights added new areas of coverage. The law prohibiting age discrimination in employment was changed to cover people who are between the ages of 18 to 65, rather than 25 to 65. It was also extended to cover employers with 1 or more employees rather than 6 or more. Certain reemployment rights for workers who suffered on-the-job injuries were established by the legislature, and retaliation against workers who reported unsafe or unhealthy working conditions became illegal. Discrimination on the basis of mental or physical handicap became illegal in employment, housing and public accommodations. The legislature also made it unlawful to discriminate on the basis of sex and marital status in housing, public accommodations and admittance to vocational, technical or professional schools.

The Private Employment Agency statute was also amended by the 1973 legislature to allow for more effective consumer protection and civil penalties. The Bureau of Labor was also given rule making authority, and the fee-setting structure which regulates permissible charges, was changed. In addition, an advisory board was established.

These statutory changes broadened the coverage of the laws the Bureau enforces. The changes also contributed to an ever increasing workload for the Bureau.

In 1973, Commissioner Nilsen announced that he would not seek re-election to a sixth term. In November, 1974, Bill Stevenson, former AFL-CIO field representative and an eight-year veteran of the state legislature was elected Labor Commissioner. Over the next four years of the Stevenson Administration, efforts were directed at improving the methods of processing the increasing number of complaints filed in the Civil Rights and Wage and Hour Divisions, and expanding the apprenticeship and training programs, thus providing more opportunities to the working men and women of Oregon.

A Technical Assistance program was also established under Stevenson's Administration to help prevent violations of the law by providing information to employers about their statutory obligations.

One of the first tasks of the new Commissioner was the administrative reconsolidation of the Bureau. Historically the Bureau had been located in Portland, but during the late 60's and early 70's the administrative offices of the Wage and Hour and Apprenticeship Divisions were moved to Salem, leaving the administrative functions of the Bureau divided between Portland and Salem. During 1975, all administrative and support functions were housed in Portland. Also civil rights investigators

1973-1978

were placed in the Salem and Eugene offices to improve services to people in those areas of the State.

By the end of 1974, both the Wage and Hour Division and the Civil Rights Division had backlogs of citizen complaints. Wage claims were taking about 6 months to one year to process, and the Civil Rights Division had approximately 1500 complaints to process that had been filed over the last 6 years.

1973-1978

Migrant labor camp, 1969.



Changes made in procedures of processing complaints have had a dramatic effect on both these divisions.

In an effort to reduce the number of complaints being filed, the Technical Assistance Unit of the Bureau was established in 1976. The primary purpose of this unit is to prevent inadvertent violations

of Oregon's labor laws by making the requirements of the law readily available to those who are expected to abide by its mandates. To carry out this mission the unit offers training seminars for Oregon employers and assists them daily by answering questions concerning the application of labor laws by telephone.

WAGE AND HOUR DIVISION

During 1976, several administrative changes were made in the Wage & Hour Division to ease the problem of the backlog of wage claims. A conference procedure was formalized, allowing the investigators to more easily and effectively mediate wage

disputes. Prior to this time, investigators had attempted resolution of the disputes by visiting the employers at their place of business. The conference procedure often saved an investigator having to make two of these trips. The success of the new procedure was dramatic. The backlog was quickly cleaned up and cases were being handled on a current basis. Most claims are processed within 3 weeks.

The Division also established an Intake Section, where claims are reviewed for completeness as they are filed. This section also sets up conferences, thus freeing the investigators from these duties. The position of Wage Claim Reviewer

1973-1978

1943 manpower shortage was felt by farmers. Mexican labor came to the rescue and has become a tradition in Oregon.



was established, to review cases for legal action and for filing in small claims court. All records were centralized in Portland, rather than being maintained in the field offices.

A Judgement Collection Section was established making it possible for the first time to collect judgements which previously had seemed uncollectable. The result of these changes is most visible in the decrease from an average of 6 months to 20 to 30 days needed to process a wage claim.

The 1977 legislature passed several laws which affect the enforcement activities of the Wage and Hour

Division. ORS 653.055 was amended to allow the Division to investigate cases and collect minimum wage and overtime back wages for workers even though an actual wage claim hadn't been filed. Workers who are reluctant to file wage claims against their employers can now more easily be assisted in collecting wages owed them.

ORS 653.035 was amended to make it unlawful for an employer to use a tip credit to satisfy the state minimum wage requirement. Regardless of how much an employee makes in tips, employers in Oregon, even though regulated by federal minimum wage law, must pay at least state minimum wage. Oregon was one of the first states

1973-1978

1953 Missouri family at lunch in Oregon field. They will move on to bean picking when strawberry season has ended.



to pass a law prohibiting the use of tip credit towards minimum wage requirements. For the first time, Oregon's minimum wage law was extended to some adults in federally covered enterprises.

ORS 652.610 allows employers to deduct money from wages only for medical benefit plans, union requirements, statutory requirements (taxes, social security, etc.), and for goods or services the employee voluntarily agrees may be deducted and has authorized the deduction in writing.

ORS 653.295 prohibits an employer from requiring an employee to sign a noncompetitive agreement,

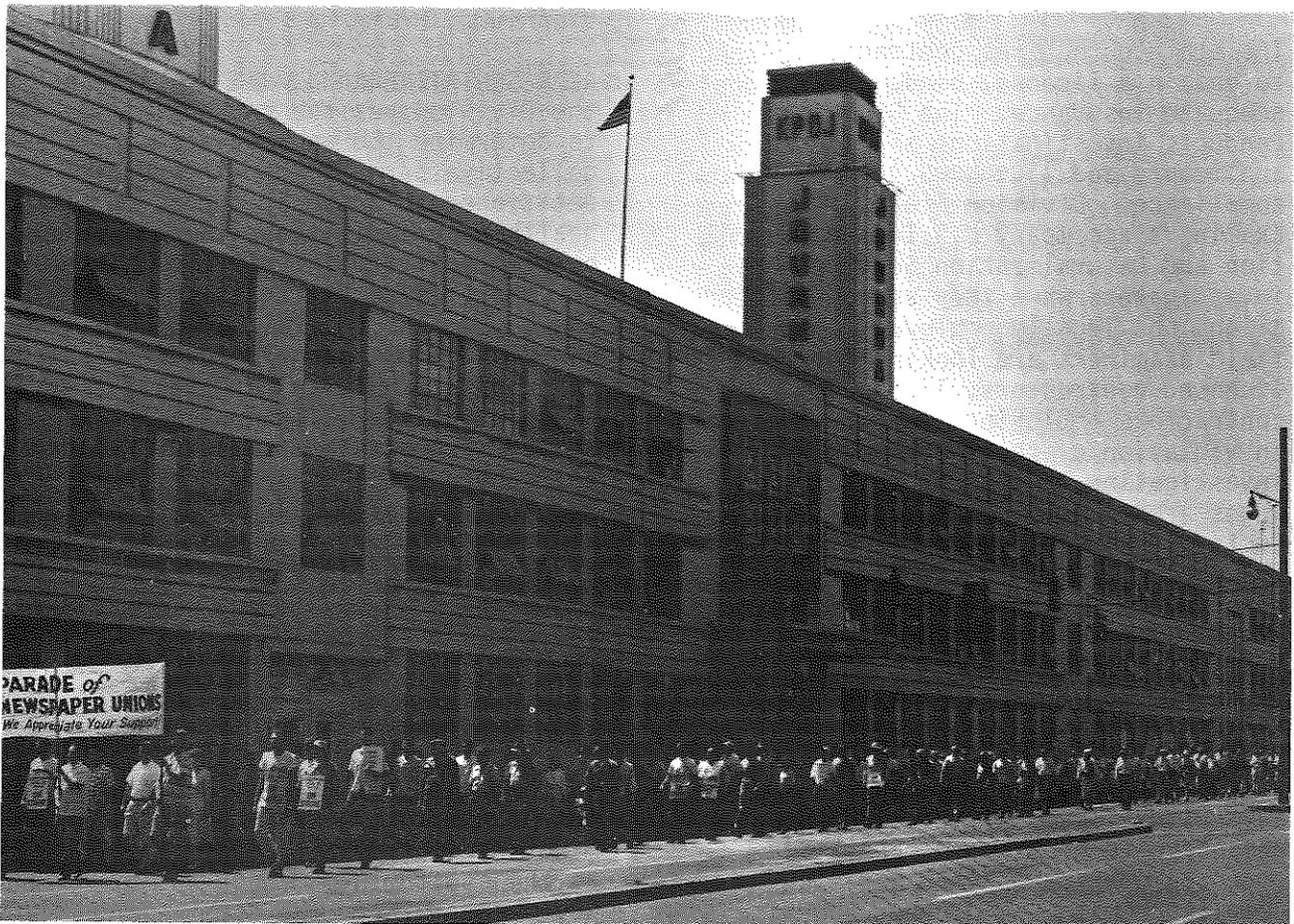
unless such agreement is made at the time of hire.

ORS 652.750 requires an employer to make copies of personnel records available to employees while they are employed and after termination of employment.

There has been a recent decrease in the number of wage claims filed with the Division. During the 1975-77 biennium, 9,735 claims were investigated, and \$1,204,817 in back wages were collected. It is estimated that 8,940 wage claims will be investigated during the 77-79 biennium, and approximately \$1,274,000 in back wages collected. The decrease in wage claims investigated, coupled

1973-1978

Conciliation Service felt an increase in labor-management tension during the newspaper strike in the 50's.



with the increase in back wages collected, may be the result of the more efficient processing methods and, possibly the efforts of the Bureau's Technical Assistance Unit.

FARM LABOR CONTRACTORS AND TREE PLANTERS. The Division is responsible for licensing and regulating Farm Labor Contractors and Tree Planters.

Authority over the tree planters was given to the Bureau of Labor by the 1975 legislature. During the 1975-77 biennium, 133 contractors were licensed, a large increase over previous years. This increase was due to a change in 1973 of the bonding requirements for contractors. Prior to 1973, a \$10,000 bond was required; this was reduced to a \$5,000 bond requirement. During the 1977-79 biennium, 205 contractors are expected to be licensed.

The statute requires contractors to obtain a license, bond, and adequate insurance. The Division conducts investigations of license applicants and licensees to assure compliance. Division Field Examiners accompany U.S. Immigration and Naturalization Service investigators when they search for aliens not legally employed. The field examiners are looking for unlicensed contractors, licensed contractors employing illegal aliens in violation of the law, and are investigating to assure that proper wages are paid. The Division conducted 133 investigations during the 75-77 biennium and will conduct 216 during the 77-79 biennium. Violation of the licensing law can result in suspension of the contractor's license.

MIGRANT LABOR. The Division continues to inspect Farm Labor camps and agricultural fields to assure compliance with health and sanitation codes, proper payment of wages, and compliance with Child Labor Laws. Violations of the health and sanitation codes are reported to the Workers Compensation Department.

The Division employs at least one person during the summer months to conduct these inspections.

WORK PERMITS. The Division's goals in enforcing Child Labor laws are to facilitate the safe entry of minors into the labor market consistent with working restrictions imposed by statute and to prevent the payment of exploitive wages. The Division processed 90,155 work permits during the 1975-77 biennium and expects to process 96,760 during the 1977-79 biennium.

Employers hiring a minor must file an employment certificate with the Wage & Hour Division, indicating wages, hours and conditions under which the minor will be working. 48,782 certificates were validated or denied during the 1975-77 biennium; an estimated 73,990 will be processed during the 1977-79 biennium.

REPRESENTATIVE NURSES CHECKS. Although the Division has the responsibility to determine the appropriate collective bargaining unit when petitioned to do so by nurses in health care facilities, there has been no activity in this area since November, 1974. At that time changes in the Federal National Labor Relations Act extended federal coverage over Health Care Facilities. Since this federal law pre-empts the state law, the state statute covers only those situations not covered by the federal government (i.e. facilities employing four or less nurses). There have been no petitions for determination since the change.

WAGE & HOUR COMMISSION. During the last four years the Wage & Hour Commission has been reviewing its orders. The Commission conducts an annual study on the impact of minimum wage requirements on minors. The minimum wage for minors now stays at the same level as the adult minimum wage (as of November, 1975). The Commission continues to study the effects of this requirement on job opportunities for minors.

1963-1973

The Commission is also conducting a study of hazardous work orders for minors, with an emphasis on changing outdated orders. They have recently promulgated a rule providing for the employment of 16 and 17 year old minors in commercial fishing and removing all age limitations from the employment of minors by their parents in that industry.

Changes have been made in the work permit system. For short term employment of minors, the Division's Administrator is now authorized to grant approval, which is later ratified by the Commission. Also, minors under 14 can be granted a special work permit by the Division Administrator so that they do not have to wait for approval at a scheduled commission meeting.

PRIVATE EMPLOYMENT AGENCIES. The Bureau of Labor is responsible for licensing private employment agencies. Before licensing an agency, an investigation is made to determine that the applicant is of good character. An examination is administered to determine the extent of the applicant's knowledge of the law, knowledge and experience in the field. Licensed agencies must comply with the law in setting fees, in advertising practices, in statements made in advertisements and written contracts, and in their own employment practices. Violations of the law carry civil penalties of up to \$2000 and revocation or suspension of the license.

The importance of this licensing function was exemplified by a case that occurred in 1973. While processing an application for an employment agency to be opened in Oregon, the Division received notice from another licensee that he was being sued for breach of contract by the applicant. The licensee claimed he was forced to sign a contract with the applicant on threat of losing his life. While checking into the background of the applicant it was

discovered that employment agencies owned by the applicant had had their licenses revoked for fraudulent practices in both Arizona and California. Throughout the investigation, the Division heard continued rumors and innuendos connecting the applicant with organized crime. The application was not approved.

The Division monitors advertising done by employment agencies and investigates citizen complaints of bad practices. Types of complaints coming to the Division include allegations of agencies charging excessive fees, requiring a placement fee prior to beginning a job, advertising misleading information, or operating without a license.

During the 1977 legislature, a bill was introduced which would have transferred enforcement of the Private Employment Agency law from the Bureau of Labor to the Department of Commerce. The Commissioner lobbied actively against this bill, believing that enforcement of this law should remain in the agency which enforces other laws protecting workers in Oregon. The bill was defeated.

PREVAILING WAGE RATES. The Division continues to enforce the Prevailing Wage Rate laws.

The law provides the Bureau with authority to set wage rates for projects of construction, reconstruction, maintenance or repair of a government structure, or on land owned by the government. The intent of the law is to prohibit "undercutting" of wages paid to workers by firms engaged in public construction projects, resulting in unfair competition among employers. The Bureau has authority to collect back wages due workers employed on these projects.

The prevailing wage rate is considered to be the amount paid to a majority of

1973-1978

workers in an occupation in a particular location, or the average rate if rates vary. If there is a statewide collective bargaining agreement between employer and employee organizations, then the rate of pay specified in the agreement is considered to be the prevailing rate. The rate for the largest city in the locality where the work is to be performed is the prevailing rate for the particular job.

The rates determined are published and are distributed to government agencies that let contracts, engineers, architects, contractor associations and unions. Prior

to 1967, the contracting agencies were responsible for setting and enforcing prevailing wage rates. The Commissioner could mediate disputes about wages. The 1967 legislature gave the Commissioner authority to promulgate rates at least once a year, updating as needed. The Bureau was also given authority to inspect.

The 1977 legislature passed several amendments to the Prevailing Wage Rate law. Exemptions were added for contracts under \$2000, and for contracts falling within the jurisdiction of the federal Davis-Bacon Act. Prior to this amendment, the state and federal government had concurrent coverage over many contractors in Oregon. The law

1973-1978

Young pickers have always been important to the successful harvesting of berries in Oregon.



was amended to require contractors to send a true copy of the wage certification forms to the Bureau of Labor for review, in addition to sending the original forms to the contracting agency. Also, the Bureau was granted access to Employment Service Records, so that wage rate on workers by occupation and locality could be more easily ascertained.

Throughout the history of this statute, the Bureau has had difficulty carrying out its responsibility because there has been no budget provided for this activity. The Bureau has continually assigned duties of enforcement to em-

ployees who have other responsibilities as well. There is a continuing need to provide money for enforcement and to adequately staff this activity.

APPRENTICESHIP AND TRAINING

Since 1975, the emphasis in the Apprenticeship and Training Division has been on expanding programs into new areas and opening opportunities in the apprenticeship and training programs to women, minorities and handicapped people. In the last four years, progress has been made on these goals.

The concept of apprenticeship is an old one. Apprenticeship has played a role in training craftsmen for cen-

1973-1978

Children of Oregon fishermen have grown up on fishing vessels. 1978 order issued by Commission recognized this traditional practice and provided for parental exemption.



turies. The formalization of apprenticeship meant that Labor, Management and Government could track the workers being trained to work in different trades, and better insure the availability of skilled workers. Oregon was one of the first states to have a formalized Apprenticeship Program.

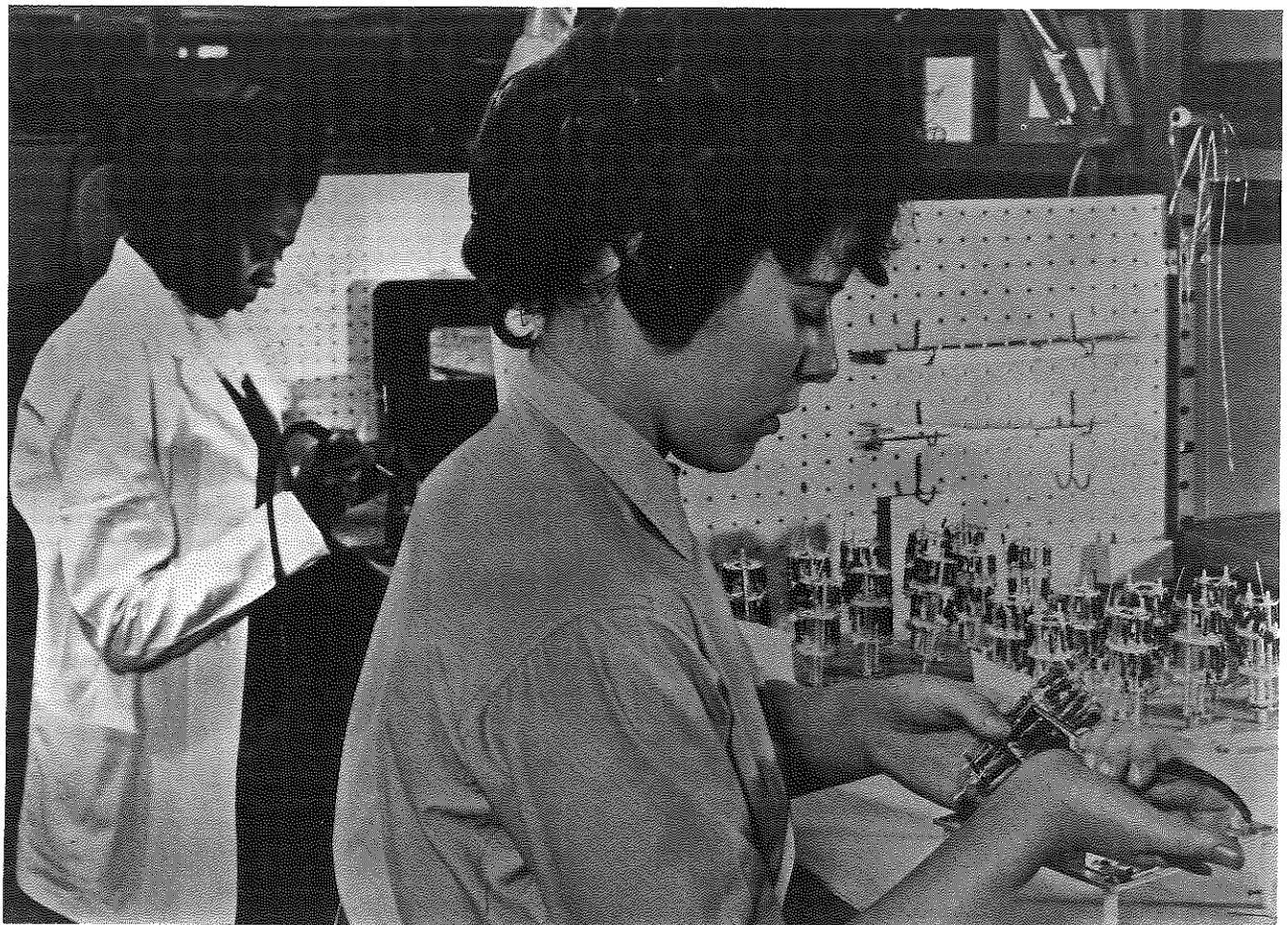
Traditionally, Apprenticeship programs have been developed mostly in the construction trades. Since 1967, as a result of legislative changes, programs have been developing in the industrial and public areas of employment. For example, in 1978, two new areas were opened in Apprenticeship and Training.

1973-1978

Due to legislation, parental-protective attitude held by Wage and Hour Commission in early years has been replaced by non-sexist point of view.

One program, in the area of forestry, trains workers in all phases of logging, emphasizing safety. This is the first program of its kind in the country, and serves as a pattern for national standards for logging training programs. The Division has indentured 79 trainees in this program, 30% of whom are women and minorities. In an industry with a high accident rate, there have been about 8 injuries, and no loss of life. Another new program is the Emergency Medical Technician Program, a two year program started in 1978. Currently, there are approximately 100 people training under this program.

Apprenticeship is a system in which industry trains its own workers while



they produce goods or services. The Apprenticeship and Training Division is recognized by the federal government as the agency authorized to register programs so the participants can receive federal benefits (e.g. Veteran's benefits).

The Apprenticeship and Training Division has offices in seven cities in Oregon. A field representative was placed in Bend in 1978 to serve that area.

The 17 field representatives serve 185 committees charged with directing specific apprenticeship programs. Through the committees, the field representatives give consultative

service for the development and constant revision of training standards, semi-evaluation of nearly 5000 apprentices and trainees, and selection and orientation for the 2400 new participants entering programs each year. The field representatives also visit hundreds of employers each year, explaining the programs and showing how properly supervised training combined with classroom instruction can produce qualified workers. In regular visits to high schools throughout the state, and through individual counseling, the field representative encourages young people to become applicants for Apprenticeship and Training Programs. The field representatives also meet with community based groups

1973-1978

Gradually women have been entering the field of engineering, but are still few in numbers.



working to encourage participation of minority people and women in Apprenticeship and Training Programs.

In May, 1978, the U.S. Department of Labor issued regulations requiring affirmative action goals and timetables for women in Apprenticeship and Training Programs. These regulations became effective June 12, 1978. Prior to these regulations, affirmative action goals and timetables were only required for minorities. Discrimination on the basis of race, color, religion, national origin and sex had been prohibited in Apprenticeship programs since the passage of the Title VII of the Civil Rights Act of 1964.

The inclusion of women under the Affirmative Action requirement was a result of an examination of the status of women in Apprenticeship programs by the U.S. Department of Labor responding to requests from concerned organizations. In June 1976, only 1.4% of the total apprentices in the U.S. were women. A petition for rulemaking submitted by a group of organizations stated:

The percentage of women in the civilian labor force has steadily increased from 1920 to 1976, when the percentage of the workforce which is female climbed to a new high of 40.5 percent. However, despite a continuing climb in the overall labor force participation, women are generally confined to five low-paying categories of work: clerical, domestic work, teaching, nursing and sales. Women comprised only 4.5 percent of all craft and kindred workers... in 1975. A woman working full-time, year-around, in 1974 as a clerical had a median income of \$6,827; a domestic earned \$2,676; a salesperson \$5,168; and a teacher, below the college level ... could expect \$7,739. In contrast, male craft workers reached a median income of \$12,028.

The Department of Labor concluded that women "were making very small

gains, numerically and proportionately" in apprenticeship programs, which have traditionally been the means by which many skilled craftworkers enter their jobs. Based on the positive effect of affirmative action goals and timetables on increasing the number of minorities in apprenticeship programs, and the results of several affirmative action programs for women in industries such as shipbuilding, construction and communications, the U.S. Department of Labor established specific requirements for all apprenticeship programs. For the first year after the effective date of the regulations, apprenticeship and training programs are expected to set goals for women entering programs at a rate not less than 50% of the portion women are of the workforce in the labor market. Goals for women and minorities must be continually evaluated and adjusted.

In Oregon, for most apprenticeship fields, the percentage of women in the labor market is approximately 41%. Thus, goals for women entering programs will be around 20% of the total new apprentices for 1978-79.

Currently, there are 104 women in Oregon's apprenticeship and training programs. The minority participation rate in programs in the Portland metropolitan area is 7%; for the state as a whole, the rate is 4.9%. In 1978, two women were placed on the State Apprenticeship and Training Council; these placements were strongly encouraged by the Bureau of Labor.

Recent federal regulations have had an impact on another issue for Apprenticeship and Training. Historically, unions have been strong proponents of the Apprenticeship programs, and the majority of programs require union membership. The development of non-union programs has been a more recent phenomenon.

The Oregon law has never prohibited

1973-1978

the development of parallel programs, one union and one non-union, in specific trades. However, the emphasis in the past has been more directed towards union programs.

The U.S. Department of Labor issued regulations in 1978 requiring that all program sponsors, whether union or non-union, must be registered, if not by the state agency, then by the Federal Bureau of Apprenticeship and Training. All sponsors must be allowed to participate in existing programs, whether state or federal. This regulation could result in dual federal and state registration of apprenticeship programs if the state system does not allow for the development of both the union and the non-union programs. Neither the U.S. Bureau of Apprenticeship and Training nor the Oregon Bureau of Labor wants this unnecessary confusion in the state's apprenticeship programs. The state apprenticeship committees and the Apprenticeship and Training Division are working together to ensure that all sponsors are allowed to participate in Oregon's apprenticeship programs.

1973-1978

CIVIL RIGHTS

The Civil Rights Division has experienced a change in the methods of processing complaints and an increase in staff size over the past four years.

In January, 1975, the Division had a backlog of over 1500 cases to process, some of which were up to six years old. At that time, the Division employed 14 investigators. The number of investigator positions has increased from 14 to 34; six compliance officer positions have been added for a total of seven. A team leader system has been established, where an investigative supervisor works directly with five or six investigators.

The complaint intake procedure for citizen complaints has been refined. Three staff members have been assigned to work on screening complaints. Prior to 1977, the agency

was obligated, as a matter of policy, to accept nearly all complaints. The 1977 legislature amended the law, allowing people to file a civil suit in state court, making the Bureau of Labor no longer the "sole remedy" available to a potentially aggrieved citizen. If the citizen believes that the Bureau has denied his or her complaint in error, he or she can take the case to a private attorney. The intake standards of the Division, thus, have been made more stringent. Enough information must be provided by the complainant to indicate a reasonable connection between the adverse action and agency jurisdiction. The intake process has been, in essence, converted to the first stage of the investigation by instituting close standards of evaluating complaints. This procedure has helped reduce the number of complaints needing to be investigated. In the first six months of 1977, the agency accepted 1056 complaints; in the first six months of 1978, the agency accepted 578 complaints.

These procedural changes permit the Division to more promptly process substantial citizen complaints and to help citizens whose complaints are outside the Bureau's jurisdiction to seek other remedies.

The Stevenson administration instituted a policy of prompt notification of the complaint to the employer. When a complaint is filed, notice is sent to the employer within five days. Prior to 1975, notice was not sent to the employer until the investigation was ready to begin, resulting in a delay in notification of up to 18 months in some cases. By 1978, investigations were commencing within 20 days of filing, following early resolution attempts.

Since 1975, after a complaint is filed, the Division has offered the opportunity of a Pre-Determination Settlement, that is, a voluntary agreement between the disputing parties. Each Pre-Determination Settlement reached is estimated to save the agency at least 200 hours of staff time. The number of

settlements reached has increased annually from 22 in the 1974-75 fiscal year to 157 in the 1977-78.

In November, 1978, the Division began to test a Fact Finding Conference procedure for certain cases in the Portland metropolitan area. If the Pre-Determination Settlement agreement cannot be reached, a compliance officer holds an informal proceeding between the two parties to seek resolution of the dispute. The purpose of the conference is to establish communication between the two parties and to explain the requirements of the law. The conference could result in a voluntary agreement between the parties, a dismissal of the complaint, or no resolution, in which case the complaint would be referred for investigation. It is anticipated that the Fact Finding Conference combined with the Pre-Determination Settlement procedure will significantly reduce the number of complaints needed to be investigated by the Bureau.

As of January, 1976, the Division has been issuing a more detailed notice of the Administrative Determination resulting from the investigation of the complaint. Prior to this time, the findings were summarized in a brief fashion. The new method lists the factual findings and the legal basis for the Bureau's conclusion. This step has had an impact on the Conciliation process: the issues of the case are clearly stated, providing a document for discussion during the Conciliation of meritorious cases.

The Conciliation process is a statutory attempt by the Division to facilitate a voluntary agreement between the two parties when the investigation reveals "substantial evidence" that discrimination did occur. The number of Conciliation agreements has increased steadily from 55 in the 1973-74 fiscal year, to 143 in 1977-78. The dollar value of Pre-Determination and Conciliation Settlements has also increased, from \$35,000 in 1974 to \$857,036 in fiscal year 1977-78. These figures do not include

dollar values for jobs obtained by complainants with the assistance of the Division.

Procedural changes in the Civil Rights Division have assisted in reducing the case backlog, dating back to 1974. The backlog had developed because the number of complaints being filed had increased dramatically in the 70's, but the number of staff in the Division had not. In 1973, 805 complaints were filed; in 1975, 1464 complaints were filed; in 1977, 1887 complaints were filed with the Division. During 1978, the Emergency Board granted authority for the Bureau to hire temporary staff to help investigate the cases. As a result of this step, the number of cases in process has been reduced dramatically. The goal of the Division is to reduce the number of cases in process to below 1000 by December 31, 1978. This would allow the agency to provide prompt resolution of complaints with present staff levels.

The 1977 legislature passed several laws amending the civil rights statute. Discrimination in employment on the basis of marital status, expunged juvenile record, or family relationship to other employees became illegal. The legislature clarified the sex discrimination statute by passing a bill which clearly states that discrimination on the basis of pregnancy is considered to be sex discrimination. This law requires an employer to treat pregnancy the same as other physical conditions affecting a worker's ability or inability to work. (In October, 1978, the federal government passed a similar law on pregnancy.) The law was also amended to allow Oregon citizens to file civil suits in court, rather than filing a complaint with the Bureau of Labor. Also, the Commissioner is required to notify a complainant of the right to bring a civil suit if the Bureau is unable to reach a Conciliation Agreement or serve specific charges within one year. As of October, 1977, complainants have one year from the occurrence of an alleged discriminatory act to file a complaint in court or with the Bureau of Labor. Prior to

1973-1978

this time there was no time limit.

RESEARCH

For the last 21 years, the Research Division of the Bureau of Labor, under the direction of Dr. Eric Weiss, has produced numerous studies which have influenced state and national legislation, policy decisions, and views of the world of work. Through exploration and analysis of facts and circumstances of economic and social significance, which affect the lives of employed and employable Oregonians, the Division seeks to provide evidence and concepts for social action. The ultimate goal of this Division, and the Bureau of Labor is to remove obstacles to individual opportunities, to eliminate conditions that stunt growth or impair human development. Research has often been the first link in a chain of efforts to enable every Oregonian, who has the will and the capacity, to build a life richer in purpose, in meaning and rewards, and to pass on to children a legacy of hope. In keeping with this ultimate goal, the Research Division has published seven studies since 1975, each focusing on the facts and feelings reported by different segments of Oregonian society. These studies, as much as the enforcement activities, illustrate that the Bureau of Labor is an agency of social conscience and concern.

In 1975, Those Who Have Fallen Behind The Rest ... A Profile of Portland's Underemployed was published. This study focused on a somewhat loosely defined group characterized by inadequate earnings resulting from inadequate employment situations, largely determined by personal circumstances. These people experienced a "bad-fit" between their training and skills and the requirements of the job. This skills problem resulted both from inappropriate skills and skills that exceeded the job requirements. The report concluded that "the resulting underutilization is the most wasteful and demoralizing form of underemployment" and generates a very deep and genuine

feeling of job dissatisfaction; workers had difficulties in finding jobs and holding on to them. Some objective factors contributed to the worker's difficulty, such as lack of transportation or inadequate child care opportunities. Also, any form of bias or prejudice in employment intensifies the problem.

In 1977, three studies were published. What They Look For When They're Looking For New Employees was a survey of 140 personnel managers of Portland - based employers. The report focused on two questions: How do Oregon employers look for new employees? and What are Oregon employers looking for in new employees? The study was intended to help job seekers adjust their ambitions and abilities to the demands and standards of the job market.

Urban Indian Youth in Oregon was an inquiry into the status of young urban Indians in the State of Oregon -- their ambitions as well as the obstacles they must face. It was found that the basic dilemma facing these young people was the preservation of ethnic identity and cultural heritage versus assimilation into the social and economic structure of the dominant society. The majority of those surveyed sought to strike a balance between the two alternatives. The path to achieving this balance is blocked by lack of marketable skills and discrimination in employment and educational opportunities.

Human Beings - Not Faceless Statistics was a joint undertaking of the Bureau of Labor and the Adult and Family Services Division. It was an inquiry into work habits and attitudes of welfare recipients in Oregon. It was found that the vast majority of welfare recipients want to work, but they realize that lack of marketable skills is their basic problem. There was a weak awareness among those surveyed of programs designed to improve educational and vocational skills.

Also, in 1977, the Research Division released an update of its nationally acclaimed study, Up Against the Middle Age Barrier, an inquiry into the problems facing older workers in Oregon.

1973-1978

The study investigated barriers erected both by employers and employees that keep middle-aged citizens from employment and advancement on the job.

In December, 1978, the Bureau will release two studies. One explores the socio-economic status of divorced women in Portland; the other is a study of the broad issue of mandatory versus voluntary retirement.

1973-1978

In early 1978, Bill Stevenson announced he would not seek re-election. Mary "Wendy" Roberts, a six year veteran of the state legislature, was elected Labor Commissioner in November, 1978. Ms. Roberts is the first woman to hold this position in the history of the Bureau of Labor.

Since 1977, the Bureau of Labor has regularly presented workshops to aid employers in learning how to apply Civil Rights Laws and Wage and Hour Laws. Over 1,000 employers have participated.



ADMINISTRATION

Bill Stevenson, Commissioner of Labor
Dale Ward, Deputy Commissioner of Labor
Bill Garrett, Director of Policy and Planning
Paul Tiffany, Administrator of Wage and Hour
Malcolm Cross, Administrator of Civil Rights Division
Charles Ganter, Administrator of Apprenticeship and Training
Dr. Eric Weiss, Director of Research
Patricia Landers, Director of Technical Assistance
Carol Linville, Public Information Officer

WAGE AND HOUR COMMISSION

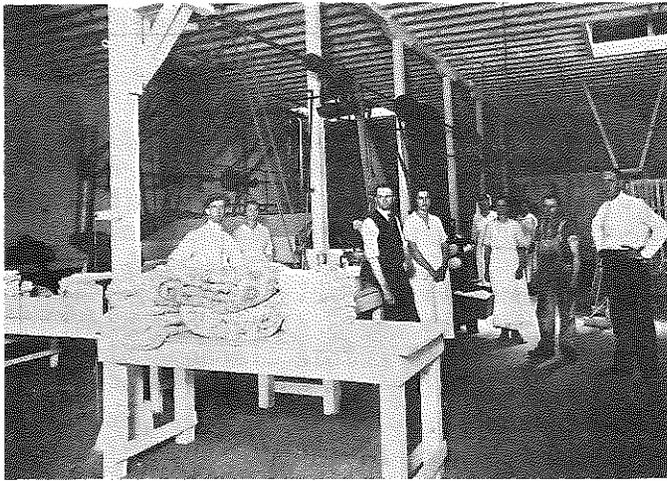
Jerry Haggin, Portland, Chairperson
Everett Baggerly, Portland
Janice Wilson, Portland

PRIVATE EMPLOYMENT AGENCY ADVISORY BOARD MEMBERS

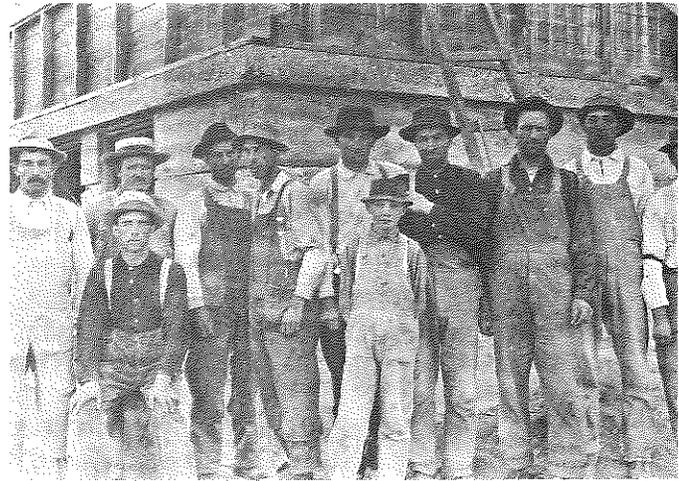
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Jane Farrand DeGidio, Eugene



This woolen mill had open belts, no seats.



Early Portland brick yard employees.



Work-days in cannery were very long; often floors became wet and cold. Commission later required wood platform over floors.

WAGE AND HOUR LAWS: A CHRONOLOGY

- 1903 - Legislature passed a bill creating the Bureau of Labor. The first Labor Commissioner was appointed by the Governor, Secretary of State and the State Treasurer. A Republican O. P. Hoff was appointed. The agency was given the name "Bureau of Labor Statistics and Inspections of Factories and Workshops".

In setting up the agency the legislature gave the Labor Commissioner authority to enforce all laws for the protection of women and minors, all laws enacted for the protection and safety of those employed in workshops, factories, mills and other working places, all laws regulating and prescribing the qualifications of persons in trades and handicrafts; to collect statistics on Japanese and Chinese population, habits, living quarters, and work force in Oregon.

The Commissioner was also given authority to issue subpoenas, administer oaths, and take testimony in all matters relating to the duties required by the Bureau, to enter any mill, factory or workshop and gather statistics and examine sanitary, health and working conditions.

A law prohibiting employment of women for more than 10 hours in a day in mechanical establishments, factories and laundries was enacted. Provides civil penalties.

The law prohibiting blacklisting of employees by employers for the purpose of preventing such employees from securing similar or other employment was enacted in 1903.

- 1906 - The Labor Commissioner was elected for the 1st four year term by popular vote of the people. O. P. Hoff was elected to the office.

Constitutionality of the 10 hour law for women was attacked by laundrymen in Oregon, but the Oregon Supreme Court and U. S. Supreme Court upheld the law. This court case set a precedent for all subsequent hour legislation in the United States for women.

- 1907 - Law limiting women's workday to 10 hours amended to include mercantile establishments, but did permit 12 hours in any one day for one week immediately preceding Christmas Day. This held until orders of Industrial Welfare set hours by industry.

Legislature passed a law requiring that payment of wages be made in a manner which is negotiable and payable without discount at a bank or other establishment in the county where issued.

The law also required immediate payment of wages upon termination of employment when an employee has been fired, and for all wages earned and unpaid at the time of quitting to be paid immediately, provided the employee has given no less than 3 days notice of his intention to quit. If the employee gives no notice, wages are due and payable 3 days after he quits. Provides penalties, and attorney fees.

The 1907 legislature also passed a law providing that wages of employees entering into a strike shall not be due and payable until the next regular payday after commencement of the strike, provided such pay period does not exceed 30 days.

A law establishing a maximum 8-hour day in mines, and for state and county employees was enacted by the 1907 Legislature.

- 1909 - The law governing the 10-hour day was further amended to cover any telegraph or telephone establishment or office or any express or transportation company and limit the number of hours of work for women to 60.

- 1910 - Employer's Liability Act was enacted by initiative petition at the general election in November of 1910.

The law requires that owners, contractors, sub-contractors, etc. who are engaged in construction or repair or in the transmission or use of electricity, the manufacture of any dangerous appliances or substances shall see that all machinery, material or whatsoever used shall be carefully selected and inspected and tested to insure the protection and safety of life and limb of the employee, and that managers, foremen or any person in charge of work or operations, shall be held as the agent of the employer in suits for damages for death or injury to workmen. (Provides civil penalties)

1913 - Law passed setting up the Industrial Welfare Commission of 3 commissioners appointed by the Governor. Commissioners to receive expenses, but no salary. As far as practicable, they shall be appointed:

- One to represent interests of employers
- One to represent interests of employees
- One to represent the best interest of the public

The law gave authority to the Commission to investigate and ascertain, wages, hours and working conditions of labor for women and minors in different occupations, and authority to examine books, payrolls and other records, required employers to keep records, and to furnish true statement of wages, hours and working conditions.

Commission had authority to hold public hearings, to issue obligatory orders, issue subpoenas, administer oaths, and appoint conference boards, to investigate subjects brought to Commission's attention.

Commission was also given authority to set less than minimum wage for handicapped women.

Legislature passed a law prohibiting employment of persons in any mill, factory or manufacturing establishment in the state for more than 10 hours a day, except watchmen and persons making repairs or an emergency not to exceed 3 hours in any one day at the regular wage.

June

1913 - Law setting up Industrial Welfare Commission went into effect. 1st meeting of Industrial Welfare Commission was held in the office of the Commission in Portland.

July

1913 - 1st Conference Committee held to investigate into wages, hours and general conditions of women employed in mercantile establishments in Portland.

Sept.

1913 - 1st public hearing of the State Industrial Welfare Commission was held in Portland, to hear findings and recommendations of the Conference Board and establish minimum wages, hours and working conditions for women employed in the manufacturing industry.

Oct. 14

1913 - Suit was brought against the Industrial Welfare Commission to restrain it from carrying out the provisions of manufacturing Order #2 by F. C. Stettler, a paper box manufacturer in Portland, on the grounds that the Act was unconstitutional.

Nov. 7

1913 - Judge Cleeton of the Circuit Court declared the law unconstitutional and refused to grant an injunction against the Commission.

Nov. 10

1913 - 1st Order of the Industrial Welfare Commission setting minimum wages, and maximum hours for women employed in the manufacturing industry in the City of Portland. Order set a minimum wage of \$8.64 per week, provided for a lunch break of at least 45 minutes at noon, and limited the number of hours to no more than 9 hours in a day nor more than 54 hours in a week in manufacturing establishments in Portland.

Nov. 23

1913 - Order #3 governing the employment of women in mercantile establishments in the City of Portland, went into effect. Order #3 established a minimum wage of \$9.25 per week for experienced women workers, prohibited employment of women for longer than 8 hours and 20 minutes in any day, or more than 50 hours in any one week, or after six o'clock in the afternoon on any day.

Feb.

1914 - Order #4 (Office Order) went into effect. Minimum wage set for experienced women employed

Feb.

1914 - at any work in any office in the City of Portland at a rate to be no less than \$40.00 a month. Women to be employed no longer than fifty-one (51) hours in any one week.

Order #5 set \$8.25 as the minimum wage for experienced women in any industry in the State of Oregon. Maximum number of hours for women employees was set for all industries at 54 hours a week. \$6.00 was the minimum wage to be paid inexperienced women workers, for no longer than one year. The Order also prohibited employment of women in manufacturing, mercantile and laundry establishments past 8:30 p.m.

Case of Stettler vs. Industrial Welfare Commission (Stettler vs. O'Hara) was appealed to the Oregon Supreme Court.

Mar.

1914 - Oregon Supreme Court handed down a decision upholding the constitutionality of the law. Suit was again brought against the Commission by Miss Elmira Simpson an employee of Stettler on the grounds the rulings would deprive her of her right to work. The law was again upheld by the Circuit, and Oregon Supreme Court. Both cases were then appealed to the U. S. Supreme Court. The Court upheld the constitutionality of the law.

1916 - In the spring of 1916, the Industrial Welfare Commission rescinded Orders #1 through #5.

18 new Industrial Welfare Orders went into effect:

Order #6, set regulations requiring all employers who hire women and minors to keep accurate records concerning such employees.

Order #7, added provision for an apprentice term for women workers in the mercantile trade of three equal periods of four months each. Established minimum wage of \$6.00 (first period), \$7.00 (second period), and \$8.00 (third period). It also provided for a 45 minute meal period, and prohibited employment of women for more than 6 days in any one week.

Order #8, provided apprenticeship for women in mercantile trade statewide.

Order #9, provided for at least 75% of women employed on a piece rate basis be paid at least the minimum wage of \$8.65, with 25% to be paid at least \$6.00 per week after three weeks, even if amount earned on piece rate was less.

Order #10, State-at-large Manufacturing Order, contains the same provisions as the Portland Order, except the minimum wage of \$8.25 per hour.

* Order #11, Portland Personal Service Occupation

* Order #12, State-at-large Personal Service Occupation

* Order #13, Portland Laundry Occupation

* Order #14, State-at-large Laundry Occupation

* Order #15, Portland Telephone and Telegraph Occupation

* Order #16, State-at-large Telephone and Telegraph Occupation

* Order #17, Portland Office Occupation

* Order #18, State-at-large Office Occupation

* Order #19, Portland Public Housekeeping Occupation

* Order #20, State-at-large Public Housekeeping Order

(* All Portland orders above, except Office, minimum wage is \$8.64 per week, Office is \$40.00 per month.

All State-at-large orders provide for minimum wage of \$8.25 per week.

All above orders have maximum hours of not more than 54 hours in one week, nor

more than 6 days in a week, nor past the hour of 8:30 p.m., except for the Portland Office Order which prohibits employment for more than 51 hours in one week. All orders require 45 minutes lunch period, and establish minimum wage for women apprentices.

Order #21, Child Labor Order

Order #22, prohibits employment of women and minors in any establishment where conditions do not conform to sanitation code for cleanliness, ventilation, light, toilet rooms, washrooms, dressing rooms, tables and seating. Provisions for exemptions may be made for employers with less than four women employed.

Order #23, prohibits employment of women and minor girls for more than 9 hours in one day. Provides for deduction from minimum wage for apprentices, for instruction in a shop for a specified time, in towns without vocational training schools, and provides for granting of emergency overtime permits.

1918 - Portland and State-at-large orders were combined, and minimum wage for all industries statewide was set at \$11.10 per week. Maximum hours for mercantile industries in Portland was set at 8-hour 20-minute day, no more than 50 hours per week, nor more than 6 days in a week, and no work past 6:00 p.m. In all other industries except Office, maximum hours set at 9 per day, 54 hours per week, 6 day week, and no work after 8:30 p.m.

Order #24, established piece rates for canneries by product. Over time on piece rate set at 1½ times the regular pieces, and 1½ times the regular hourly rate, for anything over 10 hours in a day.

1919 - Charles H. Gram, a Republican became the second Labor Commissioner and took office in January. 1st branch office was established in Portland, with the main office located in Salem.

Legislature passed law authorizing Labor Commissioner to establish minimum standards for lighting in all places of employment, and providing for a three-member commission to make illumination tests and establish a schedule of minimum lighting values. Tests were made, meetings of the commission were held, and a lighting code was adopted.

Minimum wages and maximum hours in all industries were brought together. Minimum weekly wage became \$13.20, for a 9-hour day, no more than 6 days out of seven, no more than 48 hours in a week, no work past 8:30 p.m., except in cigar stands, hotels and confectionaries. Mercantile establishments in the City of Portland were prohibited from employing women past 6:00 p.m. Minimum wage for Office employees was \$60.18 per month.

Public Housekeeping order was amended to raise the amount employers could deduct from the minimum wage for board and room.

1920 - Women's Bureau in U. S. Department of Labor was established.

Order#48 set maximum number of hours for student nurses to be 56 hours in any one week.

Order #49 required adequate drinking water facilities and toilets separate from men's, in hop yards, berry fields, orchards and packing houses, and required sanitary disposal of garbage in camp grounds where employees live.

1923 - A U. S. Court decision declared the District of Columbia minimum wage law unconstitutional on the grounds it deprived liberty of contract in personal employment. (Adkins vs. Children's Hospital, 261 U. S. 525)

Employers in the State of Oregon regulated their wage scale by a signed agreement with manufacturer and mercantile associations, and with the support of hotel, laundry owners, Oregon group of Northwest Cannery and office building owners associations.

1925 - Law went into effect establishing a regular payday, which must be maintained at least once within every 30 days. This regulation covered only a few occupations at the time it was enacted, such as mercantile establishments, manufacturing, logging, mining, milling, and contracting businesses.

1931 - The Bureau of Labor was given authority by law to collect wages and enforce the rights of employees. The new law provided for jurisdiction only in mines, smelters, mining mills, sawmills, logging concerns, mercantile establishments or manufacturing.

The legislature created the State Welfare Commission, transferring the duties of the former Industrial Welfare Commission, and Board of Inspectors of Child Labor, establishing a three member board: one representing employers, one representing employees, and one representing the general public. The Labor Commissioner served as executive secretary.

Fred Meyer Stores, Inc. were found in violation of the mercantile order, by working their women employees past the hour of 6:00 p.m. Efforts to persuade Fred Meyers to conform to the Order failed. Meyer argued the order was unfair to mercantile establishments, because other businesses were allowed to employ women past 6:00 p.m.

The Commission referred the matter to the District Attorney. All women employed by Fred Meyer were subpoenaed to the district attorney's office in Portland to give testimony as to hours and conditions under which they were employed.

1932 - The Circuit Court of Multnomah County granted a temporary injunction forbidding the Commission and its Officers from enforcing the hours provision in the Mercantile Order. Judge Hewitt took the case under advisement for several months and then rendered a decision in favor of Fred Meyer Inc. The State Welfare Commission appealed the decision to the Oregon Supreme Court.

Women in canneries petitioned the Wage and Hour Commission to lower the minimum wage for women from 27½¢ per hour to 22½¢ per hour, as men and boys were being hired for less than 27½¢ per hour which was keeping them from being employed. The Commission lowered the wage to 22½¢ per hour provided the canneries mail to the Commission a copy of their payroll.

1933 - The Oregon Supreme Court handed down its decision to the Wage and Hour Commission, ruling that the Commission did not have the authority to designate the hours women may work. The legislature was in session at that time, and Commission Chairman Dorr Keasey succeeded in having senate bill 109 passed which gave the Commission authority to set minimum wages and hours for women and minors. A new order was promulgated.

1934 - A new mercantile order went into effect increasing the minimum wage to 30¢ an hour, providing for additional rest periods of 10 minutes in each one half of the day, and prohibiting the employment of women past the hour of 6:00 p.m. in mercantile establishments in the state of Oregon. The Commission voted to suspend the enforcement of the six o'clock ruling during the period of the National Recovery Act.

1937 - Public Housekeeping Order prohibited the use of tip credits as any part of minimum wage.

Most orders were revised to establish a maximum 44 hour work week for women and minors.

1938 - Federal Fair Labor Standards Act went into effect setting a minimum wage of 25¢ per hour with 1½ times regular rate of pay for overtime over 40 hours in a week.

1941 - Minimum wages were raised to 35¢ per hour in public housekeeping, telephone and telegraph, manufacturing, cherry stemming, office and personal services industries employing women and minors. Laundry and dry cleaners order set minimum wage of 40¢ per hour for experienced women and minors and 28¢ for beginners. Minimum wage for women and minors employed in canneries was raised to 42½¢ per hour.

All above orders have maximum 8 hour, 44 hour, 6 day week, with 1½ times the regular rate of pay for overtime.

Use of gratuities as part of wages was prohibited for women and minors employed in services.

The new manufacturing order prohibited employers from permitting manufacture of goods in

private homes, unsanitary basements and buildings, etc.

Law requiring payment of wages not exceeding \$200.00 to surviving spouse was enacted.

- 1942 - The State Wage and Hour Commission was established, and all functions and duties of the State Welfare Commission were transferred to the Wage and Hour Commission. The new Commission was charged with the same essential duties.

Due to gas shortage and transportation problems employers, with consent of their employees, petitioned the Wage and Hour Commission to reduce the mandatory 45 minute lunch period to 30 minutes. This was granted in certain industries.

Suits were filed against employers to compel them to furnish bond to insure payment of wages or cease doing business.

- 1943 - A law was enacted requiring all persons, firms, partnerships, corporations, associations, state, federal, local governments and political subdivisions, employing 5 or more persons to provide employees with an itemized deduction statement showing total deductions for the year.

Law passed limiting certain actions or suits filed in any court for recovery of overtime or premium pay including penalties to 6 months immediately preceding the institution of any action or suit.

William E. Kimsey, Republican, took office and became the 3rd State Labor Commissioner.

- 1944 - Mercantile and public housekeeping orders were revised. Minimum wage was raised from 35¢ to 40¢ per hour in both industries. Both orders prohibited use of tip credits to compute wages, and withholding of illegal deductions from wages. The public housekeeping order prohibited employer from compelling employees to eat their meals in the place of business, and from charging more than 50% of the price of a meal to employees. Mercantile order also included a weight lifting restriction for women of 25 lbs.

- 1946 - Laundry workers' minimum wage was raised to 50¢ per hour.

The Commission passed rulings requiring 10 minute rest periods in the middle portion of each working period for women and minors employed in some industries.

- 1947 - The law regarding payment of wages was amended so that employers who willfully fail to pay wages to employees who are discharged or who quit, can be penalized for such non-payment until the wages are paid.

Public Housekeeping Order was revised raising the minimum wage to 65¢ per hour, and requiring employers to pay half of regular shift to employees who are required to show up for work when work is not available.

- 1948 - Minimum wage was raised to 65¢ per hour in manufacturing and employers were required to pay employees half of their regular shift when required to come to work and work is not available. Order also provides for 1½ times regular rate of pay for Sundays and holidays, provided Sunday is not a regular work day. Rule established 30 minute lunch break, and 10 minute rest breaks in the middle portion of each working period.

- 1950 - Minimum wage for laundry employees was raised from 40¢ to 60¢ per hour, 65¢ per hour for hospitals. Hospital Order prohibited illegal deductions, or deductions for uniforms, tools, uniform maintenance, etc. The Laundry Order added a 25 lb. weight lifting restriction and 10 minute rest breaks.

- 1952 - The mercantile order raised minimum wage for women and minors to 70¢ per hour, and 60¢ per hour for inexperienced workers. Revised order also required payment of 1½ times regular shift for showup time.

- 1953 - Minimum wage for offices was raised to 75¢ per hour for experienced, 60¢ for inexperienced; work on legal holidays to be paid at time and one-half. Illegal deductions, and deductions for uniforms, tools, etc. from minimum wages was prohibited, 30 minute lunch and appropriate rest periods were allowed. Managerial, professional or executive workers who make more than \$250.00 per month were excluded.
- 1954 - Norman O. Nilsen was elected to the office of Labor Commissioner. Nilsen became the first democrat to be elected to this office, and the 4th Labor Commissioner.
- 1955 - Equal Pay Act went into effect, prohibiting different pay scales between men and women when both are engaged in the same or similar type work.
- 1956 - Personal Services and Telephone and Telegraph Orders were revised. Both orders raised the minimum wage from 35¢ to 70¢ per hour. Both orders further established 30 minute lunch and 10 minute rest breaks, and exempted women who were in professional, managerial or executive positions, and prohibited illegal deductions.
- Commission adopted a new order governing minimum wages, working conditions and maximum hours for women and minors employed in amusement and recreation. Minimum wage for women was set at 75¢ per hour, and minors at 60¢. Order set an 8 hour day, 44 hour, 6 day week, 30 minute lunch period, 10 minute rest breaks, prohibited illegal deductions, excluded women in managerial, professional and executive positions.
- 1957 - Legislature amended the wage collection law to provide that an employee who gives his employer 48 hours notice of his intention to quit, wages shall be due immediately, if no notice is given wages are due and payable within 48 hours excluding Saturdays, Sundays and holidays.
- Legislature also passed a law requiring an employer to maintain a designated wage scale, making it unlawful to secretly pay a lower wage while purporting to pay the wage designated.
- It was now unlawful for employers willfully or with intent to defraud to fail to make payments required by written health or welfare plan agreements.
- The Labor Commissioner was required to attempt for a period of not less than 7 years to make payment of wages collected by him, to the person entitled to the wages. All wages left unclaimed after 7 years were to be forfeited to the State Land Board Account for the benefit of the common school fund.
- The law regarding payment of wages upon termination was amended to read: an employer may avoid liability for the penalty by showing his financial inability to pay wages at the time such wages accrued.
- 1959 - Minimum wage of \$1.00 per hour, overtime pay of 1½ times the regular rate of pay for over 8 hours in a day and 44 in a week, and a 30 pound weight lifting restriction, were established for manufacturers.
- Minimum wage in canning and food processing plants was raised to \$1.00 per hour, and a new order was promulgated governing physical welfare and sanitation conditions of women and minors in agricultural fields.
- 1965 - Two bills were introduced to establish a State Minimum Wage of \$1.25 per hour for persons 18 years of age and older. BILLS FAILED TO PASS
- A bill was introduced by the legislative committee on Labor and Management to abolish the elective office of the Labor Commissioner, and make the office appointive by the Governor. BILL FAILED TO PASS
- 1966 - Biennial Report of 1964-66 shows women made up 38% of the work force in Oregon.
- Minimum wages under the Federal Fair Labor Standards Act escalated to \$1.40 and \$1.60 an hour. Approximately 40% of Oregon's work force were not covered by federal law,

leaving men not covered under federal law, with no coverage at all.

- 1967 - Wage claim law was amended to provide that the Labor Commissioner may take assignments of liens and other instruments of security for payment of wages. It also provides that the Commissioner may sue other persons or property liable for any payment thereof, and further provides that the Commissioner may deduct from any monies collected on a wage claim, costs and attorneys fees.

Oregon's first uniform minimum wage law was passed, and signed by the Governor July 6, 1967. It became effective February 1, 1968.

- 1968 - Oregon's Minimum Wage Law went into effect setting a minimum wage of \$1.25 per hour for every person 18 years of age or older covered under the state minimum wage.

The law gives the Wage and Hour Commission authority to set minimum conditions of employment for women, excluding minimum wages.

The Wage and Hour Conference Boards were abolished by the new law, and the Wage and Hour Commission was given full authority to act on its own after a public hearing on proposed changes.

During the 1966-68 biennium three orders were changed pertaining to weight lifting restrictions for women. The mercantile and manufacturing order restricted to a load limit lifting 25 lbs., if involved in consistent lifting (at least one-third of the daily work task), 35 lbs. occasionally, unless special permission is granted by the Wage and Hour Commission, and in no case 50 lbs.

In the food processing industry, employers were prohibited from requiring women to lift amounts beyond their physical capacity, and no more than 25 lbs. above their heads.

Suitable seats must be furnished female employees in manufacturing and food processing industries.

- 1969 - The Bureau hired a Hearings Referee who was legally trained, and a direct employee of the Bureau, to handle wage disputes.

- 1970 - The 1968-70 biennium outlined the new procedure set up in the Bureau for Wage Collection: the Wage and Hour Inspector accepts and evaluates claims working towards an amicable settlement with both the employer and the employee. If this approach fails, the inspector can arrange a hearing before the Bureau's legal staff for both parties. In the 21-month period from October 1, 1968 to June 30, 1970, 6,809 claims were closed with \$454,170.39 collected.

- 1971 - The 1st Consolidated Work Order of the Wage and Hour Commission went into effect. This order revoked all previous orders of the Wage and Hour Commission, and combined working and sanitary conditions for women and minors. The new Consolidated Work Order allowed a provision for employers to petition the Wage and Hour Commission to pay less than minimum wage to handicapped persons and persons over 65 years of age, also for employers and employees to petition for waivers to the weight lifting restrictions.

The order further prohibited illegal deductions, as for tools, uniforms, etc., and required employers to keep accurate daily and weekly hours worked and wages paid each employee, and required employers to make and keep available to the Commission for not less than 2 years, records for each employee.

The minimum wage law was amended to delete all reference to "women" and to include all employees in rules and regulations issued by the Wage and Hour Commission. The law further provided the Wage and Hour Commission with authority to set overtime regulations for all employees over 18 years of age, to over 40 hours in one work week instead of over 8 hours in a day, and over 40 hours in a week, at the rate of 1½ times the regular rate of pay, instead of 1½ times the minimum wage.

The law requiring payment of wages to surviving spouse was amended to raise from \$200.00 to \$1,000.00 wages earned by an employee within a period of three months prior to his death.

In the 1971 session a bill was introduced which would abolish elective offices of the Labor Commissioner, Attorney General and others, and make them appointive by the Governor. BILL FAILED TO PASS

A bill was also introduced (at the request of the Wage and Hour Commission) which would require all employers to provide rest periods for all employes in the state. BILL FAILED TO PASS

1972 - Within the 1970-72 biennium the Wage and Hour Division was reorganized, and given further responsibilities. The Division assumed the administration and enforcement of the Private Employment Agencies Law, and the Prevailing Wage Laws.

1973 - In 1972 and 1973 the Wage and Hour Commission held public hearings on promulgating and adopting revised administrative rules governing hours and working conditions for adults falling under the jurisdiction of the Oregon Minimum Wage Law. The revised rules of the Commission were adopted June 26, 1973. Overtime regulations for adults were set at one and one-half times the regular rate of pay for all work performed in excess of 40 hours per week, when computed without the benefit of commissions, overrides, spiffs and similar benefits. The rule also set minimum lunch period for adults of not less than 30 minutes, commencing after the first 5 hours and 1 minute after reporting to work.

The law giving authority to the Governor to appoint the 3 members of the Wage and Hour Commission was amended to provide that these appointments by the Governor were now subject to confirmation by the Senate.

The 1973 Legislature amended the State Minimum Wage Law raising the minimum wage from \$1.25 per hour to \$1.60 to become effective January 1, 1974.

1974 - The \$1.60 per hour minimum wage went into effect.

An amendment to the Wage and Hour Consolidated Work Order was ordered deleting the weight lifting restrictions for women, and by adding the following language in lieu thereof: "No employee shall be required to lift excessive weights" - Excessive weights was not defined.

1975 - The minimum wage was raised to \$1.75 per hour.

The Wage and Hour Division revised its system in dealing with wage claims. Wage and Hour Examiners began mediating wage disputes at informal conferences held in the Bureau of Labor Offices throughout the state, both parties to bring their records, and other evidence to the conference to resolve their dispute. Records show the success of the new system eradicated a back-log of from 6 to 9 months, down to 22 to 30 days in resolving most wage disputes.

During the 1975-77 biennium the Wage and Hour Division processed 9,735 wage claims, and collected a total of \$1,204,817 in back wages. In the biennium Wage and Hour Field Examiners made 3,687 on-site compliance contacts at the employers' place of business.

The Minimum Wage Law was amended raising the State Minimum Wage for adults to \$2.10 per hour. The amended law also provided the 1st State Minimum Wage of \$1.80 per hour for individuals employed in agriculture, who were not exempt. The amended law went into effect July 1, 1975.

The legislature amended the definition of pay to include: An employer and an employee may agree to authorize an employer to deposit the employee's wages without discount, in a bank, national bank, mutual savings bank, credit union or savings and loan association in this state.

The 1975 legislature further amended the Wage Collection Law to prohibit employers from discharging or discriminating against employees who have filed wage claims, instituted any proceeding or who have testified or are about to testify in any such proceeding, and provided civil penalty for violation of this law.

The 1975 legislature broadened authority of the Labor Commissioner. In addition to issuing subpoenas, administering oaths, and taking testimony in all matters relating to the

duties of his office, he can obtain evidence, and may issue "subpoena duces tecum". The law further provided that authority of the Commissioner in issuing subpoenas, etc., specifically included the powers and duties of the Commission in enforcing wage claims, and Child Labor Laws.

1976 - The State Minimum Wage was raised to \$2.30 per hour. The minimum wage for agricultural workers was also raised to \$2.00 per hour.

1977 - Minimum wage for agricultural workers was raised to \$2.20 per hour.

The 1977 legislature passed a bill at the request of the Labor Commissioner, giving the Commissioner authority to initiate suits against employers without the necessity of assignments of wage claims, to require employers to pay minimum wages and overtime due employees, but not paid prior to the filing of the suit, and to enjoin future failure to pay.

At the request of the Labor Commissioner the legislature passed a bill setting the portions of employees wages which may be legally withheld as those which are required by law to be withheld, deductions for medical, surgical or hospital care, or by a voluntary signed authorization for deduction by employees.

The legislature raised from \$350.00 to \$650.00 per month the minimum wage law exemption for administrative, executive or professional employees.

The Minimum Wage Law was further amended to prohibit employers from including any amount received by employees as tips in determining the State Minimum Wage. The amended law also required employers to post summaries of all rules promulgated by the Wage and Hour Commission, the Commission to furnish such rules to employers upon request without charge.

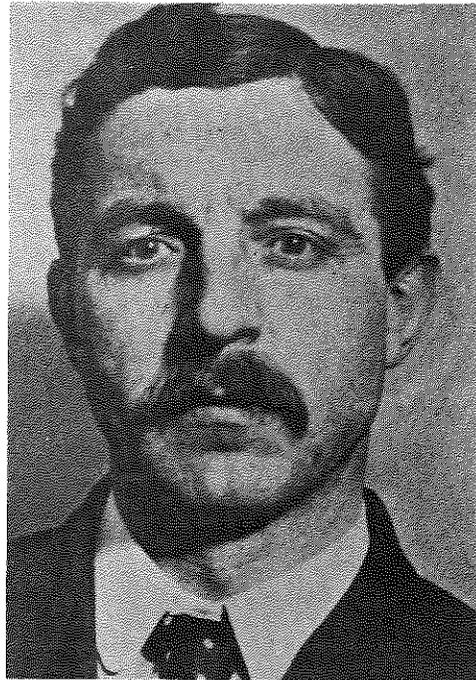
A law requiring an employer to provide reasonable opportunity to an employee to inspect his/her own personnel file, if such request is made by the employee, was passed by the 1977 legislature.

1978 - A Judgment Collection Section was initiated as a pilot project within the Wage and Hour Division. Through the program the Bureau of Labor attempts to locate persons against whom the Bureau has a judgment for wages. During the first six months of the pilot project (January 1, 1978 to June 30, 1978) the Bureau collected \$3,110, closed or satisfied 16 judgments, and referred 20 judgment cases to the Attorney General's Office for execution.

Through the reorganization and centralization efforts of the Wage and Hour Division, which has brought about standard investigation procedures, and a more thorough screening of wage claims received, it is estimated that in the 1977-79 biennium, 8,936 wage claims will be processed, with \$1,273,866 in back wages collected. It is also anticipated that Wage and Hour Field Examiners will make some 5,000 compliance contacts at employers business establishments.



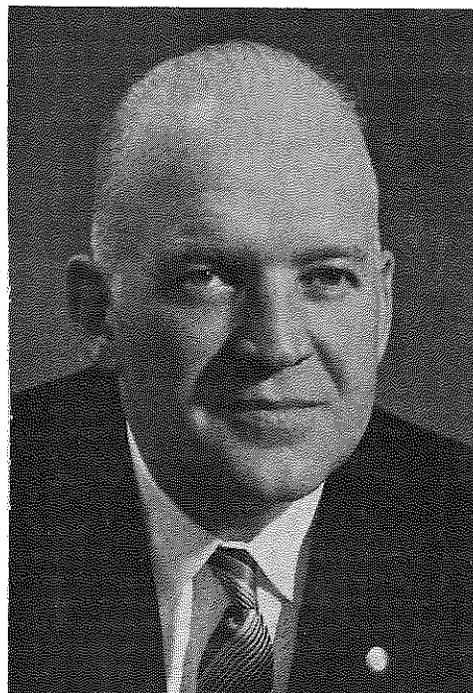
O. P. Hoff, 1903-1918



W. H. Gram, 1919-1942



W. E. Kimsey, 1943-1954



N. O. Nilsen, 1955-1974



Mary " Wendy " Roberts

First woman to be elected Labor Commissioner, Mary Wendy Roberts will take office on January 1, 1979. Women have always played a leading role in the Bureau's fight for the welfare of Oregon's workers. The first Wage and Hour investigators were women dedicated to the task of raising the quality of working conditions and safeguarding the health and education of children. Commissioner-elect Roberts will follow a proud tradition.

