

**FIRST BIENNIAL REPORT OF THE  
MINNESOTA MINIMUM WAGE  
COMMISSION TO THE GOVERNOR  
AND LEGISLATURE OF THE STATE OF  
MINNESOTA, MARCH 1ST, 1918 TO  
MARCH 1ST, 1919**

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First Biennial Report of the Minnesota Minimum Wage Commission to the Governor and Legislature of the State of Minnesota, March 1st, 1918 to March 1st, 1919 by Various

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**VARIOUS**

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FIRST BIENNIAL REPORT 4

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**Minnesota Minimum  
Wage Commission**

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**Governor and Legislature**

*of the*

**State of Minnesota**



March 1st, 1918, to March 1st, 1919



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## Minimum Wage Commission

John P. Gardiner  
Charles W. Gordon  
Eliza P. Evans

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# First Biennial Report

OF THE

## Minnesota Minimum Wage Commission

The Minnesota Minimum Wage Law was enacted by the 1913 session of the Minnesota Legislature and the Minimum Wage Commission began to work on August 1, 1913. Minimum wage rates for women and minors of "ordinary ability" were determined pursuant to law and issued October 23, 1914, to become effective throughout the state on November 23, 1914. Then A. H. Lindeke, the employer member of the commission, resigned and Charles W. Gordon was appointed in his place.

An order was served upon the members of the commission and upon the state auditor on October 23, 1914, in an action commenced by E. W. Williams, a shoe manufacturer of Winona, who as a taxpayer asked to have the commission restrained from spending any more public money. On November 10th an action was commenced by A. M. Ramer Co., a candy manufacturer of the same city, who as an employer asked to have the law declared unconstitutional. The case was argued on November 14th, and on November 23, 1914, the lower court rendered its decision holding the law unconstitutional and ordering the issuance of a temporary injunction. An appeal was immediately taken to the State Supreme Court and the case was argued and briefs were submitted on January 21, 1915. On November 21, 1917, a motion for re-argument was heard and on December 21, 1917, the Minnesota Supreme Court, by a unanimous decision, held the minimum wage law to be constitutional. A further motion for re-argument was made on January 21, and denied on March 1, 1918.

Williams vs. Evans, et al., 165 N. W. 495. A. M. Ramer Co. vs. Evans, et al., 166 N. W. 504.

Judgment of reversal was entered in the State Supreme Court and a copy of the judgment of reversal was filed in the Ramsey county district court on March 9, 1918, on which date the wage orders issued in 1914 became operative.

The minimum wage law of Oregon had already been held constitutional by the supreme court of that state and on April 9, 1917, the United States Supreme Court "by an equally divided court" affirmed the decision of the Oregon court. Justice Brandeis, who had argued for the constitutionality of the Oregon law, later became a member of the United States Supreme Court and so was disqualified from taking part in the decision of the case.

Stettler v. O'Hara, 69 Ore. 519; Stettler v. O'Hara, 37 Sup. Ct. Reporter 475.

Under the rule of the United States Supreme Court, where the court is equally divided, no opinion is rendered and the decision of the lower court stands. There is, therefore, no written decision by the United States Supreme Court on the constitutionality of the minimum wage legislation and probably no attempt will be made to again bring the question before the court until some change occurs in the personnel of the court.

Other cases dealing with minimum wage legislation are State v. Crowe, 197 S. W. 4 (Ark.); Holcombe, et al., v. Cramer, et al., 120 N. E. 354 (Mass.); Larsen v. Rice, 100 Wash. 642, 171 Pac. 1037.

Inasmuch as the minimum wage rates for apprentices and learners and the period of time during which a worker is to be considered an apprentice

or learner had not been determined prior to the issuance of the injunction, the court held that "until some action is taken by the commission, or by statute, the matter will be subject to regulation by contract between the employer and employe," subject, of course, to that provision of the minimum wage law which provides for "minimum wages sufficient for living wages for learners and apprentices."

The members of the Minimum Wage Commission were reappointed by Governor Burquist on April 1, 1918, and one of the first matters to be taken up by the commission was the determination of a minimum wage and the period of apprenticeship for learners and apprentices. The commission decided to base the apprentice and learner wage rate upon the rates established for workers of "ordinary ability," that is, upon the cost of living in 1914. An investigation into the cost of living under war conditions in 1917 would have meant a long delay in putting into effect new rates. It was thought better to enforce the old rates and get the employers familiar with the operation of the law. Pay rolls have already been checked in a number of the large cities.

The employers submitted the following suggestions on apprenticeship:  
To the Minimum Wage Commission of the State of Minnesota:

Representing certain business interests in Minnesota we desire to submit for your consideration in connection with rulings about to be made on learners and apprentices the following:

We wish to direct your attention.

- I. To the period of apprenticeship, and
- II. To the question of making time served under different employers cumulative.

#### I.

#### PERIOD OF APPRENTICESHIP.

As we understand it your commission is considering a period of six months divided into two periods of three months each as the term for learners and apprentices in all trades. While this period may be fair in some trades, we submit that in the vast majority of the trades a longer period and one based in part on age would be fairer and for the best interests of all concerned; the employe as well as the employer; for in the final analysis wages must be based on earning capacity or you erect an unsound economic structure.

Wages, earning capacity if you will, of necessity depend not only upon experience in the trade but upon age as well. Maturity, the ability to learn and apply one's learning, to realize responsibilities, and to meet and deal with the public, is of vital importance in considering one's qualifications as a wage earner of average ability. It is hard to draw arbitrary lines yet of necessity such lines have to be drawn and we wish to suggest to your commission that you establish a general apprenticeship period at this time of

Twelve months when applied to persons entering a trade during their minority, and

Six months when applied to persons entering a trade after reaching their legal majority.

In each case the time to be divided into three month periods having a graduated scale of wages.

The above system of making a difference in ages is

First, in accord with the practice adopted in other states such as Massachusetts, Utah, California and Washington.

Second, gives due debit or credit to the recognized effect age has on one's capacity to learn and become skilled in any calling and to carry out the responsibilities or obligations of a trade.

Third, allows needed time to properly place employes, an accomplishment that requires both time and attention and one not easy to solve in the individual case.

## II. CUMULATIVE TIME.

This proposition is not an easy one. It is recognized by investigators that time spent with one firm counts more than time spent in various establishments. On the other hand, due recognition must be given for time spent in the trade irrespective of employers.

We suggest from a practical standpoint that perhaps registration might accomplish the desired object. If the apprentice or learner is compelled to secure a certificate from the employer showing the time of apprentice or learner service in the trade, and if employers require learners or apprentices to produce these certificates, we believe that the "floaters" will soon find the doors of employment closed and that perhaps from a practical standpoint the object desired by all parties will be attained. It is possible that ultimately some allowance will have to be made by reason of change of employment and this is especially true as to certain trades.

No credit should be allowed for time spent in other trades.

Such a system of registration as is here proposed has been adopted in other states and we believe is working fairly well.

In view of the shortness of the time allotted to us we have not endeavored to prepare in detail facts or figures but have taken the liberty of submitting the above statement as a suggestion of a method of procedure to be followed by your commission.

We feel that the above suggestions are fair and that if the commission has any doubts as to their fairness then an investigation going into facts and figures of the matter will prove a correctness of our position. If such an investigation is had may we be notified and have an opportunity to submit figures?

Respectfully submitted,

**MOORE, OPPENHEIM & PETERSON,**  
Attorneys at Law,

Suite 1015 Merchants Bank Building,  
St. Paul, Minn.

The commission has required the employer to get an apprentice certificate for each apprentice employed by him. This certificate to be obtained from the Minimum Wage Commission upon proper application. Thus the commission has the opportunity to decide whether the person applying is an apprentice or not and if not, the employer is notified that he must pay the minimum or "ordinary ability" wage rate or else dismiss the girl.

### Number of Certificates of Employment for Apprentices Issued from July 26, 1918, to March 1, 1919.

Number issued to apprentices 14 years and less than 16 years.....	237
Number issued to apprentices 16 years and less than 18 years.....	1,279
Number issued to apprentices 18 years and over.....	979
<b>Total .....</b>	<b>2,495</b>
Number having no experience.....	1,090
Number having less than one year.....	1,150
Number having one to five years.....	189
Number having over five years.....	26
Number experience not given.....	40
Number of certificates in force.....	1,405
Number of certificates returned.....	1,090
Number returned that quit.....	894
Number returned receiving the minimum.....	196

Wage orders Nos. 7 and 8, fixing wage rates for all apprentices and learners, were issued on June 26, 1918, and effective on July 26, 1918. On August 7, 1918, the wage commission issued a wage order, No. 9 which