

The Commissioners are of the view that the protection afforded workers of the District of Columbia by title II of the Minimum Wage and Industrial Safety Act should be broadened to include other employees whose working conditions may be such as to be hazardous to them. Further, the Commissioners believe that District of Columbia law in this regard should be at least equal to the industrial safety legislation that is in effect in the more progressive States and municipalities of the United States. Accordingly, they favor, in principle, legislation which amends the existing District of Columbia law relating to the safety of employees so as to extend it to places of employment other than places of industrial employment.

The first section of the bill has the effect, by the elimination of the term "industrial employment" in the definition of "employer", and by striking "industrial" in the definition of "place of employment", of broadening title II of the Minimum Wage and Industrial Safety Act so as to cover virtually every place of employment in the District of Columbia, with the exception of the premises of any Federal or District of Columbia establishment. The Commissioners consider this unnecessary. They believe it would be better were the Minimum Wage and Industrial Safety Act, as amended by the bill, limited to essentially those kinds of employment covered by the Longshoremen's and Harbor Workers' Act, as made applicable to employment within the District of Columbia by the first section of the Act approved May 17, 1928 (45 Stat. 600; D. C. Code, sec. 36-501), but extending the Minimum Wage and Industrial Safety Act to cover the employees of common carriers, not now covered by the Longshoremen's and Harbor Workers' Act. Accordingly, the Commissioners propose that the first section of the bill be amended to read as follows:

"That section 2 of title II of the Act approved September 19, 1918 (40 Stat. 960), as amended (sec. 36-432, D. C. Code), is amended (a) by striking in the definition of "Employer" the term "industrial employment"; (b) by striking in the definition of "Place of employment" the word "industrial"; and (c) by inserting immediately before the period at the end thereof the following: "": *Provided further*, That this title shall not apply in respect to the injury or death of (1) a master or member of a crew of any vessel; (2) an employee subject to the provisions of subchapter I of Chapter 81 of title 5, United States Code; and (3) an employee engaged in agriculture, domestic service, or any employment that is casual and not in the usual course of the trade, business, occupation, or profession of the employer".

Section 3 amends section 12 of title II of the Minimum Wage and Industrial Safety Act (D. C. Code, sec. 36-442) to provide a penalty of not less than \$100 nor more than \$1000, or imprisonment for not more than 90 days, for violations of the title, and to prohibit the forfeiture of collateral in cases involving personal injury. The Commissioners are of the view that the prohibition against the forfeiture of collateral in all cases involving personal injury need not necessarily be provided by statute. The right to post collateral in any amount (in lieu of bond) for later appearance in court is established by rule of court. The privilege of forfeiting collateral is, likewise, fixed by rule of court. The District of Columbia Court of General Sessions, in its current collateral list, prohibits the forfeiture of collateral in a number of offenses. Should the court, for good cause shown, see fit to do so, it could similarly provide that there shall be no forfeitures in cases of violations of industrial safety regulations resulting in personal injury. Accordingly, the Commissioners see no reason for providing by statute that there shall be no forfeiture of collateral in such cases, and they recommend the deletion of so much of the amendment of section 12 of title II of the minimum wage and industrial safety law as reads "In any case involving personal injury, no forfeiture of collateral shall be permitted."

As the Commissioners have indicated above, they approve, in principle, the broadening of the Minimum Wage and Industrial Safety Act so as to make it applicable to more places of employment than are covered by existing law. Were the bill amended as the Commissioners have recommended in this report, they would favor its enactment. In its present form, however, for the reasons set forth above, the Commissioners are constrained to object to its enactment.

Sincerely yours,

WALTER N. TOBRINER,
President,
Board of Commissioners, D.C.

Mr. KNEIPP. I would like to start out first, Mr. Chairman, by saying the Commissioners favor the legislation in principle. They do have