

Wage and Hour Division, Labor

Pt. 510, App. A

clerical, secretarial, supply and janitorial.

(d) No employees of a municipality or government corporation may be paid in accordance with the Tier 4 phase-in schedule unless the employee:

(1) Is engaged in one of the specific activities listed in paragraphs (a) and (b) of this section, and

(2) Is employed by a municipality or government corporation in which the average wage is less than \$4.00 per hour.

APPENDIX A TO PART 510—MANUFACTURING INDUSTRIES ELIGIBLE FOR MINIMUM WAGE PHASE-IN

This appendix contains a listing of all manufacturing industries for which data were collected and compiled by the Commonwealth of Puerto Rico for purposes of implementing the 1989 Amendments to FLSA. This listing follows the order and classifications used in the *SIC Manual, 1987*, which is incorporated by reference in these regulations (§510.21).

The data in this appendix are presented by major industry group (two-digit classification), industry group number (three-digit classification), and industry number (four-digit classification). Tiers will not be listed for industry categories in which there were fewer than three employers, in conformance with standard procedures used by the Commonwealth of Puerto Rico in collecting and publishing these data until such time as Puerto Rico receives appropriate waivers of confidentiality from all employers in such categories. These categories are noted with an “a” on the following table. In addition, no tier will be listed where an industry was not included in the original survey, because it was not in existence, because the industry was too small to be included, or for other reasons.

Employers who do not find the four-digit classification for their industry shall refer to

the appropriate three-digit classification under which their establishment falls. If the appropriate three-digit classification is not listed, employers shall refer to the appropriate two-digit classification. For example, no tier is listed for industry number 2034, dried and dehydrated fruits, vegetables, and soup mixes. Thus, an employer in industry 2034 must use the tier listed for industry group 203, i.e. Tier 2.

Further, employers who find the appropriate four-digit designation in this appendix *must* use that designation and cannot refer to a two- or three-digit classification. For example, an employer in industry number 2033, canned fruits, vegetables, preserves, jams, and jellies, which has a Tier 1 designation, cannot use the Tier 2 designation of industry group 203, canned, frozen, and preserved fruits, vegetables, and food specialties.

If no four-digit, three-digit, or two-digit classification is listed for an industry, employees in that group must pay the Tier 1 rates.

Important: In referring to this appendix to determine appropriate tier designations, please note that certain categories of employees are subject to treatment under Tier 1 regardless of the average hourly wage rate for the industry and the tier designation contained herein. These employees, as listed in the 1989 Amendments, are those employed by:

- (a) The United States
- (b) An establishment that is a hotel, motel, or restaurant, or
- (c) Any other retail or service establishment that employs such employee in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of clubs.

Please note that these named categories may not correspond exactly to categories established by the SIC manual.

MANUFACTURING INDUSTRIES

Major group	Industry group number	Industry number	Tier	Industry
20	201	.....	1	Food and kindred products.
		.....	2	Meat products.
		.....	2	Meat packing plants.
		.....	1	Sausages and other prepared meat products.
		.....	2	Poultry slaughtering and processing.
	202	.....	1	Dairy products.
		.....	a	Natural, processed, and imitation cheese.
		.....	1	Dry, condensed, and evaporated dairy products.
		.....	1	Ice cream and frozen desserts.
		.....	1	Fluid milk.
	203	.....	2	Canned, frozen, and preserved fruits, vegetables, and food specialties.
		.....	a	Canned specialties.
		.....	1	Canned fruits, vegetables, preserves, jams, and jellies.

MANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
	.....	2035	3	Pickled fruits and vegetables, vegetable sauces and seasonings, and salad dressings.
	.....	2037	2	Frozen fruits, fruit juices, and vegetables.
	.....	2038	3	Frozen specialties, not elsewhere classified.
	204	.....	1	Grain mill products.
	.....	2041	a	Flour and other grain mill products.
	.....	2043	a	Cereal breakfast foods.
	.....	2044	1	Rice milling.
	.....	2045	1	Prepared flour mixes and doughs.
	.....	2046	1	Wet corn milling.
	.....	2048	1	Prepared feeds and feed ingredients for animals and fowls, except dogs and cats.
	205	.....	1	Bakery products.
	.....	2051	1	Bread and other bakery products, except cookies and crackers.
	.....	2052	1	Cookies and crackers.
	.....	2053	a	Frozen bakery products, except bread.
	206	.....	1	Sugar and confectionery products.
	.....	2061	1	Cane sugar, except refining.
	.....	2062	a	Cane sugar refining.
	.....	2064	1	Candy and other confectionery products.
	.....	2066	3	Chocolate and cocoa products.
	.....	2067	a	Chewing gum.
	208	.....	1	Beverages.
	.....	2082	1	Malt beverages.
	.....	2084	3	Wines, brandy, and brandy spirits.
	.....	2085	1	Distilled and blended liquors.
	.....	2086	1	Bottled and canned soft drinks and carbonated waters.
	.....	2087	1	Flavoring extracts and flavoring syrups, not elsewhere classified.
	209	.....	1	Miscellaneous food preparations and kindred products.
	.....	2091	1	Canned and cured fish and seafoods.
	.....	2095	2	Roasted coffee.
	.....	2096	1	Potato chips, corn chips, and similar snacks.
	.....	2097	3	Manufactured ice.
	.....	2098	a	Macaroni, spaghetti, vermicelli, and noodles.
	.....	2099	2	Food preparations, not elsewhere classified.
21	.....	.....	1	Tobacco products.
	211	.....	a	Cigarettes.
	.....	2111	a	Cigarettes.
	212	.....	1	Cigars.
	.....	2121	1	Cigars.
	213	.....	1	Chewing and smoking tobacco and snuff.
	.....	2131	1	Chewing and smoking tobacco and snuff.
	214	.....	a	Tobacco stemming and redrying.
	.....	2141	a	Tobacco stemming and redrying.
22	.....	.....	1	Textile mill products.
	221	.....	1	Broadwoven fabric mills, cotton.
	.....	2211	1	Broadwoven fabric mills, cotton.
	224	.....	1	Narrow fabric and other smallwares mills: cotton, wool, silk, and manmade fiber.
	.....	2241	1	Narrow fabric and other smallwares mills: cotton, wool, silk, and manmade fiber.
	225	.....	2	Knitting mills.
	.....	2251	1	Women's full-length and knee-length hosiery, except socks.
	.....	2253	2	Knit outerwear mills.
	.....	2254	3	Knit underwear and nightwear mills.
	226	.....	1	Dyeing and finishing textiles, except wool fabrics and knit goods.
	.....	2261	3	Finishers of broadwoven fabrics of cotton.
	.....	2262	1	Finishers of broadwoven fabrics of manmade fiber and silk.
	227	.....	1	Carpets and rugs.
	.....	2273	1	Carpets and rugs.
	228	.....	3	Yarn and thread mills.
	.....	2281	3	Yarn spinning mills.
23	.....	.....	2	Apparel and other finished products made from fabrics and similar materials.
	231	.....	3	Men's and boys' suits, coats, and overcoats.
	.....	2311	3	Men's and boys' suits, coats, and overcoats.
	232	.....	2	Men's and boys' furnishings, work clothing, and allied garments.
	.....	2321	2	Men's and boys' shirts except work shirts.
	.....	2322	1	Men's and boys' underwear and nightwear.
	.....	2323	2	Men's and boys' neckwear.
	.....	2325	2	Men's and boys' separate trousers and slacks.

MANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
	.....	2326	3	Men's and boys' work clothing.
	.....	2329	3	Men's and boys' clothing, not elsewhere classified.
	233	.....	3	Women's, misses', and juniors' outerwear.
	.....	2331	3	Women's, misses', and juniors' blouses and shirts.
	.....	2335	3	Women's, misses', and juniors' dresses.
	.....	2337	3	Women's, misses', and juniors' suits, skirts, and coats.
	.....	2339	2	Women's, misses', and juniors' outerwear, not elsewhere classified.
	234	.....	2	Women's, misses', children's, and infants' undergarments.
	.....	2341	2	Women's, misses', children's, and infants' underwear and nightwear.
	.....	2342	2	Brassieres, girdles, and allied garments.
	235	.....	3	Hats, caps, and millinery
	.....	2353	3	Hats, caps, and millinery
	236	.....	3	Girls', children's, and infants' outerwear.
	.....	2361	3	Girls', children's, and infants' dresses, blouses, and shirts.
	.....	2369	3	Girls', children's, and infants' outerwear, not elsewhere classified.
	238	.....	3	Miscellaneous apparel and accessories.
	.....	2385	3	Waterproof outerwear.
	.....	2387	3	Apparel belts.
	.....	2389	3	Apparel and accessories, not elsewhere classified.
	239	.....	3	Miscellaneous fabricated textile products.
	.....	2391	2	Curtains and draperies.
	.....	2392	3	Housefurnishings, except curtains and draperies.
	.....	2393	3	Textile bags.
	.....	2395	2	Pleating, decorative and novelty stitching, and tucking for the trade.
	.....	2396	2	Automotive trimmings, apparel findings, and related products.
	.....	2399	3	Fabricated textile products, not elsewhere classified.
24	.....	.....	2	Lumber and wood products, except furniture.
	242	.....	3	Sawmills and planing mills.
	.....	2421	3	Sawmills and planing mills, general.
	243	.....	2	Millwork, veneer, plywood, and structural wood members.
	.....	2431	2	Millwork.
	.....	2434	2	Wood kitchen cabinets.
	.....	2435	a	Hardwood veneer and plywood.
	244	.....	3	Wood containers.
	.....	2448	3	Wood pallets and skids.
	.....	245	3	Wood buildings and mobile homes.
	.....	2451	3	Mobile homes.
	249	.....	2	Miscellaneous wood products.
	.....	2491	2	Wood preserving.
	.....	2499	2	Wood products, not elsewhere classified.
25	.....	.....	2	Furniture and fixtures.
	251	.....	3	Household furniture.
	.....	2511	3	Wood household furniture, except upholstered.
	.....	2512	3	Wood household furniture, upholstered.
	.....	2514	3	Metal household furniture.
	.....	2515	2	Mattresses, foundations, and convertible beds.
	.....	2517	3	Wood television, radio, phonograph, and sewing machine cabinets.
	.....	2519	3	Household furniture, not elsewhere classified.
	252	.....	2	Office furniture.
	.....	2521	a	Wood office furniture.
	.....	2522	2	Office furniture, except wood.
	253	.....	3	Public building and related furniture.
	.....	2531	3	Public building and related furniture.
	254	.....	1	Partitions, shelving, lockers, and office and store fixtures.
	.....	2541	2	Wood office and store fixtures, partitions, shelving, and lockers.
	.....	2542	1	Office and store fixtures, partitions, shelving, and lockers, except wood.
	259	.....	2	Miscellaneous furniture and fixtures.
	.....	2591	3	Drapery hardware and window blinds and shades.
	.....	2599	a	Furniture and fixtures, not elsewhere classified.
26	.....	.....	1	Paper and allied products.
	261	.....	1	Pulp mills.
	.....	2611	1	Pulp mills.
	.....	262	2	Paper mills.
	.....	2621	2	Paper mills.
	263	.....	a	Paperboard mills.
	.....	2631	a	Paperboard mills.
	265	.....	1	Paperboard containers and boxes.
	.....	2652	1	Setup paperboard boxes.
	.....	2653	1	Corrugated and solid fiber boxes.
	.....	2655	1	Fiber cans, tubes, drums, and similar products.

MANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
	.....	2657	1	Folding paperboard boxes, including sanitary.
	267	.....	1	Converted paper and paperboard products, except containers and boxes.
	.....	2671	2	Packaging paper and plastics film, coated and laminated.
	.....	2672	a	Coated and laminated paper, not elsewhere classified.
	.....	2673	2	Plastics, foil, and coated paper bags.
	.....	2674	1	Uncoated paper and multiwall bags.
	.....	2676	1	Sanitary paper products.
	.....	2677	1	Envelopes.
	.....	2678	3	Stationery, tablets, and related products.
	.....	2679	a	Converted paper and paperboard products, not elsewhere classified.
27	.....	.....	1	Printing, publishing, and allied industries.
	271	.....	1	Newspapers: publishing, or publishing and printing.
	.....	2711	1	Newspapers: publishing, or publishing and printing.
	273	.....	a	Books.
	.....	2731	a	Books: publishing, or publishing and printing.
	.....	2732	3	Book printing.
	274	.....	1	Miscellaneous publishing.
	.....	2741	1	Miscellaneous publishing.
	275	.....	1	Commercial printing.
	.....	2752	1	Commercial printing, lithographic.
	.....	2754	1	Commercial printing, gravure.
	.....	2759	1	Commercial printing, not elsewhere classified.
	276	.....	1	Manifold business forms.
	.....	2761	1	Manifold business forms.
	278	.....	1	Blankbooks, looseleaf binders, and bookbinding and related work.
	.....	2782	1	Blankbooks, looseleaf binders and devices.
	279	.....	1	Service industries for the printing trade.
	.....	2796	1	Platemaking and related services.
28	.....	.....	1	Chemicals and allied products.
	281	.....	1	Industrial inorganic chemicals.
	.....	2813	1	Industrial gases.
	.....	2819	1	Industrial inorganic chemicals, not elsewhere classified.
	282	.....	1	Plastics materials and synthetic resins, synthetic rubber, cellulosic and other manmade fibers, except glass.
	.....	2821	a	Plastics materials, synthetic resins, and nonvulcanizable elastomers.
	.....	2822	2	Synthetic rubber (vulcanizable elastomers).
	283	.....	1	Drugs.
	.....	2833	1	Medicinal chemicals and botanical products.
	.....	2834	1	Pharmaceutical preparations.
	.....	2835	1	In vitro and in vivo diagnostic substances.
	.....	2836	1	Biological products, except diagnostic substances.
	284	.....	1	Soap, detergents, and cleaning preparations; perfumes, cosmetics, and other toilet preparations.
	.....	2841	1	Soap and other detergents, except specialty cleaners.
	.....	2842	1	Specialty cleaning, polishing, and sanitation preparations.
	.....	2844	1	Perfumes, cosmetics, and other toilet preparations.
	285	.....	1	Paints, varnishes, lacquers, enamels, and allied products.
	.....	2851	1	Paints, varnishes, lacquers, enamels, and allied products.
	286	.....	1	Industrial organic chemicals.
	.....	2865	1	Cyclic organic crudes and intermediates, and organic dyes and pigments.
	.....	2869	a	Industrial organic chemicals, not elsewhere classified.
	287	.....	1	Agricultural chemicals.
	.....	2873	1	Nitrogenous fertilizers.
	.....	2879	1	Pesticides and agricultural chemicals, not elsewhere classified.
	289	.....	1	Miscellaneous chemical products.
	.....	2891	1	Adhesives and sealants.
	.....	2899	1	Chemicals and chemical preparations, not elsewhere classified.
29	.....	.....	1	Petroleum refining and related industries.
	291	.....	1	Petroleum refining.
	.....	2911	1	Petroleum refining.
	295	.....	1	Asphalt paving and roofing materials.
	.....	2951	1	Asphalt paving mixtures and blocks.
	.....	2952	1	Asphalt felts and coatings.
	299	.....	a	Miscellaneous products of petroleum and coal.
	.....	2992	a	Lubricating oils and greases.
30	.....	.....	1	Rubber and miscellaneous plastics products.
	302	.....	1	Rubber and plastics footwear.
	.....	3021	1	Rubber and plastics footwear.
	305	.....	2	Gaskets, packing, and sealing devices and rubber and plastics hose and belting.

MANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
	.....	3052	2	Rubber and plastics hose and belting.
	306	.....	2	Fabricated rubber products, not elsewhere classified.
	.....	3069	2	Fabricated rubber products, not elsewhere classified.
	308	.....	1	Miscellaneous plastics products.
	.....	3081	a	Unsupported plastics film and sheet.
	.....	3082	3	Unsupported plastics profile shapes.
	.....	3083	1	Laminated plastics plate, sheet, and profile shapes.
	.....	3084	a	Plastics pipe.
	.....	3085	1	Plastics bottles.
	.....	3086	2	Plastics foam products.
	.....	3087	3	Custom compounding of purchased plastics resin.
	.....	3088	1	Plastics plumbing fixtures.
	.....	3089	1	Plastics products, not elsewhere classified.
31	.....	.....	2	Leather and leather products.
	313	.....	2	Boot and shoe cut stock and findings.
	.....	3131	2	Boot and shoe cut stock and findings.
	314	.....	2	Footwear, except rubber.
	.....	3142	b	House slippers.
	.....	3143	2	Men's footwear, except athletic.
	.....	3144	1	Women's footwear, except athletic.
	.....	3149	2	Footwear, except rubber, not elsewhere classified.
	315	.....	3	Leather gloves and mittens.
	.....	3151	3	Leather gloves and mittens.
	316	.....	3	Luggage.
	.....	3161	3	Luggage.
	317	.....	2	Handbags and other personal leather goods.
	.....	3171	3	Women's handbags and purses.
	.....	3172	1	Personal leather goods, except women's handbags and purses.
32	.....	.....	1	Stone, clay, glass, and concrete products.
	321	.....	2	Flat glass.
	.....	3211	2	Flat glass.
	322	.....	1	Glass and glassware, pressed or blown.
	.....	3221	1	Glass containers.
	323	.....	1	Glass products, made of purchased glass.
	.....	3231	1	Glass products, made of purchased glass.
	324	.....	1	Cement, hydraulic.
	.....	3241	1	Cement, hydraulic.
	326	.....	3	Pottery and related products.
	.....	3261	3	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories.
	3269	.....	3	Pottery products, not elsewhere classified.
	327	.....	1	Concrete, gypsum, and plaster products.
	.....	3271	2	Concrete block and brick.
	.....	3272	1	Concrete products, except block and brick.
	.....	3273	1	Ready-mixed concrete.
	.....	3274	1	Lime.
	.....	3275	a	Gypsum products.
	328	.....	1	Cut stone and stone products.
	.....	3281	1	Cut stone and stone products.
	329	.....	1	Abrasive, asbestos, and miscellaneous nonmetallic mineral products.
	.....	3295	a	Minerals and earths, ground or otherwise treated.
	.....	3296	1	Mineral wool.
33	.....	.....	1	Primary metal industries.
	331	.....	1	Steel works, blast furnaces, and rolling and finishing mills.
	.....	3312	1	Steel works, blast furnaces (including coke ovens), and rolling mills.
	.....	3317	1	Steel pipe and tubes.
	334	.....	1	Secondary smelting and refining of nonferrous metals.
	.....	3341	1	Secondary smelting and refining of nonferrous metals.
	335	.....	1	Rolling, drawing, and extruding of nonferrous metals.
	.....	3351	1	Rolling, drawing, and extruding of copper.
	.....	3353	a	Aluminum sheet, plate, and foil.
	.....	3354	1	Aluminum extruded products.
	336	.....	a	Nonferrous foundries (castings).
	.....	3365	a	Aluminum foundries.
	339	.....	1	Miscellaneous primary metal products.
	.....	3398	a	Metal heat treating.
	.....	3399	1	Primary metal products, not elsewhere classified.
34	.....	.....	1	Fabricated metal products, except machinery and transportation equipment.
	341	.....	1	Metal cans and shipping containers.
	.....	3411	1	Metal cans.

MANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
	.....	3412	1	Metal shipping barrels, drums, kegs, and pails.
	342	.....	1	Cutlery, handtools, and general hardware.
	.....	3421	3	Cutlery.
	.....	3423	a	Hand and edge tools, except machine tools and handsaws.
	.....	3429	a	Hardware, not elsewhere classified.
	343	.....	2	Heating equipment, except electric and warm air; and plumbing fixtures.
	.....	3433	2	Heating equipment, except electric and warm air furnaces.
	344	.....	2	Fabricated structural metal products.
	.....	3441	1	Fabricated structural metal.
	.....	3442	2	Metal doors, sash, frames, molding, and trim.
	.....	3443	1	Fabricated plate work (boiler shops).
	.....	3444	2	Sheet metal work.
	.....	3446	3	Architectural and ornamental metal work.
	.....	3449	2	Miscellaneous structural metal work.
	345	.....	1	Screw machine products, and bolts, nuts, screws, rivets, and washers.
	.....	3452	1	Bolts, nuts, screws, rivets, and washers.
	346	.....	1	Metal forgings and stampings.
	.....	3469	1	Metal stampings, not elsewhere classified.
	347	.....	2	Coating, engraving, and allied services.
	.....	3471	2	Electroplating, plating, polishing, anodizing and coloring.
	349	.....	2	Miscellaneous fabricated metal products.
	.....	3494	1	Valves and pipe fittings, not elsewhere classified.
	.....	3495	2	Wire springs.
	.....	3496	1	Miscellaneous fabricated wire products.
	.....	3498	a	Fabricated pipe and pipe fittings.
	.....	3499	2	Fabricated metal products, not elsewhere classified.
35	.....	.....	1	Industrial and commercial machinery and computer equipment.
	353	.....	a	Construction, mining, and materials handling machinery and equipment.
	.....	3535	a	Conveyors and conveying equipment.
	354	.....	1	Metalworking machinery and equipment.
	.....	3541	a	Machine tools, metal cutting types.
	.....	3544	1	Special dies and tools, die sets, jigs and fixtures, and industrial molds.
	.....	3545	1	Cutting tools, machine tool accessories, and machinists' precision measuring devices.
	355	.....	1	Special industry machinery, except metalworking machinery.
	.....	3555	1	Printing trades machinery and equipment.
	356	.....	1	General industrial machinery and equipment.
	.....	3562	a	Ball and roller bearings.
	.....	3563	1	Air and gas compressors.
	.....	3564	a	Industrial and commercial fans and blowers and air purification equipment.
	.....	3568	1	Mechanical power transmission equipment, not elsewhere classified.
	.....	3569	1	General industrial machinery and equipment, not elsewhere classified.
	357	.....	1	Computer and office equipment.
	.....	3571	3	Electronic computers.
	.....	3572	1	Computer storage devices.
	.....	3577	1	Computer peripheral equipment, not elsewhere classified.
	.....	3579	1	Office machines, not elsewhere classified.
	358	.....	1	Refrigeration and service industry machinery.
	.....	3585	1	Air-conditioning and warm air heating equipment and commercial and industrial refrigeration equipment.
	.....	3589	b	Service industry machinery, not elsewhere classified.
	359	.....	2	Miscellaneous industrial and commercial machinery and equipment.
	.....	3592	2	Carburetors, pistons, piston rings, and valves.
	.....	3596	a	Scales and balances, except laboratory.
	.....	3599	1	Industrial and commercial machinery and equipment, not elsewhere classified.
36	.....	.....	1	Electronic and other electrical equipment and components, except computer equipment.
	361	.....	1	Electronic transmission and distribution equipment.
	.....	3612	1	Power, distribution, and specialty transformers.
	.....	3613	1	Switchgear and switchboard apparatus.
	362	.....	1	Electrical industrial apparatus.
	.....	3621	1	Motors and generators.
	.....	3624	1	Carbon and graphite products.
	.....	3625	1	Relays and industrial controls.
	.....	3629	1	Electrical industrial apparatus, not elsewhere classified.
	363	.....	a	Household appliances.
	.....	3639	a	Household appliances, not elsewhere classified.
	364	.....	1	Electric lighting and wiring equipment.
	.....	3641	1	Electric lamp bulbs and tubes.

MANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
	.....	3643	1	Current-carrying wiring devices.
	.....	3644	1	Noncurrent-carrying wiring devices.
	.....	3645	a	Residential electric lighting fixtures.
	.....	3646	2	Commercial, industrial, and institutional electric lighting fixtures.
	.....	3648	2	Lighting equipment, not elsewhere classified.
	365 .....	.....	1	Household audio and video equipment, and audio recordings.
	.....	3651	1	Household audio and video equipment.
	.....	3652	a	Phonograph records and pre-recorded audio tapes and disks.
	366 .....	.....	1	Communications equipment.
	.....	3661	1	Telephone and telegraph apparatus.
	.....	3663	1	Radio and television broadcasting and communications equipment.
	.....	3669	1	Communications equipment, not elsewhere classified.
	367 .....	.....	1	Electronic components and accessories.
	.....	3672	2	Printed circuit boards.
	.....	3674	1	Semiconductors and related devices.
	.....	3677	2	Electronic coils, transformers and other inductors.
	.....	3678	1	Electronic connectors.
	.....	3679	1	Electronic components, not elsewhere classified.
	369 .....	.....	1	Miscellaneous electrical machinery, equipment, and supplies.
	.....	3692	1	Primary batteries, dry and wet.
	.....	3694	1	Electrical equipment for internal combustion engines.
37 .....	.....	.....	1	Transportation Equipment.
	371 .....	.....	1	Motor vehicles and motor vehicle equipment.
	.....	3713	1	Truck and bus bodies.
	.....	3714	1	Motor vehicle parts and accessories.
	372 .....	.....	1	Aircraft and parts.
	.....	3721	a	Aircraft.
	.....	3728	1	Aircraft parts and auxiliary equipment, not elsewhere classified.
	373 .....	.....	1	Ship and boat building and repairing.
	.....	3731	a	Ship building and repairing.
	.....	3732	2	Boat building and repairing.
	379 .....	.....	a	Miscellaneous transportation equipment.
	.....	3792	a	Travel trailers and campers.
38 .....	.....	.....	1	Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods, watches and clocks.
	381 .....	.....	1	Search, detection, navigation, guidance, aeronautical, and nautical systems, instruments, and equipment.
	.....	3812	1	Search, detection, navigation, guidance, aeronautical, and nautical systems, instruments, and equipment.
	382 .....	.....	1	Laboratory apparatus and analytical, optical, measuring, and controlling instrument.
	.....	3821	1	Laboratory apparatus and furniture.
	.....	3822	1	Automatic controls for regulating residential and commercial environments and appliances.
	.....	3823	1	Industrial instruments for measurement, display, and control of process variables; and related products.
	.....	3824	a	Totalizing fluid meters and counting devices.
	.....	3825	1	Instruments for measuring and testing of electricity and electrical signals.
	.....	3829	2	Measuring and controlling devices, not elsewhere classified.
	384 .....	.....	1	Surgical, medical, and dental instruments and supplies.
	.....	3841	1	Surgical and medical instruments and apparatus.
	.....	3842	1	Orthopedic, prosthetic, and surgical appliances and supplies.
	.....	3843	1	Dental equipment and supplies.
	.....	3844	a	X-ray apparatus and tubes and related irradiation apparatus.
	.....	3845	1	Electromedical and electrotherapeutic apparatus.
	385 .....	.....	1	Ophthalmic goods.
	.....	3851	1	Ophthalmic goods.
	386 .....	.....	a	Photographic equipment and supplies.
	.....	3861	a	Photographic equipment and supplies.
	.....	387	1	Watches, clocks, clockwork operated devices, and parts.
	.....	3873	1	Watches, clocks, clockwork operated devices, and parts.
39 .....	.....	.....	1	Miscellaneous manufacturing industries.
	391 .....	.....	1	Jewelry, silverware, and plated ware.
	.....	3911	1	Jewelry, precious metal.
	.....	3914	a	Silverware, plated ware, and stainless steel ware.
	.....	3915	1	Jewelers' findings and materials, and lapidary work.
	394 .....	.....	2	Dolls, toys, games, and sporting and athletic goods.
	.....	3942	2	Dolls and stuffed toys.
	.....	3949	2	Sporting and athletic goods, not elsewhere classified.
	395 .....	.....	2	Pens, pencils, and other artists' materials.

MANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
	3951	3	Pens, mechanical pencils, and parts.
	3952	a	Lead pencils, crayons, and artists' materials.
	3953	1	Marking devices.
	396	.....	1	Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metal.
	3961	1	Costume jewelry and costume novelties, except precious metal.
	3965	a	Fasteners, buttons, needles, and pins.
	399	.....	1	Miscellaneous manufacturing industries.
	3991	a	Brooms and brushes.
	3993	2	Signs and advertising specialties.
	3995	2	Burial caskets.
	3999	2	Manufacturing industries, not elsewhere classified.

a=Category contained less than three employers.

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APPENDIX B TO PART 510—NONMANUFACTURING INDUSTRIES ELIGIBLE FOR MINIMUM WAGE PHASE-IN

This appendix contains a listing of all non-manufacturing industries (except those in major groups 01, 02, 08, and 09, pertaining to agriculture) for which data were collected and compiled by the Commonwealth of Puerto Rico for purposes of implementing the 1989 Amendments to FLSA. This listing follows the order and classifications used in the *SIC Manual, 1987*, which is incorporated by reference in these regulations (§510.21).

The data in this appendix are presented by major industry group (two-digit classification), industry group number (three-digit classification), and industry number (four-digit classification).

Tiers will not be listed for industry categories in which there were fewer than three responding employers, or one responding employer had more than 80 percent of the employment in the category, in conformance with practices of the U.S. Bureau of Labor Statistics in collecting and publishing similar data, until such time as Puerto Rico receives appropriate waivers of confidentiality from all employers in such categories. These categories are noted with an "a" on the following table. In situations where one or more employers declined to furnish a waiver, categories are noted with a "b" on the following table.

In addition, no tier will be listed where an industry was not included in the original survey because it was not in existence, because the industry was too small to be included, or for other reasons.

Employers who do not find the four-digit classification for their industry shall refer to the appropriate three-digit classification under which their establishment falls. If the appropriate three-digit classification is not

listed, employers shall refer to the appropriate two-digit classification.

For example, no tier is listed for industry number 1423, crushed and broken granite. However, a tier is listed for industry group 142, crushed and broken stone, including riprap. Thus, an employer in industry 1423 must use the tier listed for industry group 142, *i.e.*, Tier 1. Furthermore, employers who find the appropriate four-digit designation in this appendix *must* use that designation and cannot refer to a two- or three-digit classification. For example, an employer with industry number 5719, miscellaneous homefurnishings stores, which has a Tier 1 designation, cannot refer to industry group number 571, home furniture and furnishings stores, which has a Tier 2 designation.

Important: In referring to this appendix to determine appropriate tier designations, please note that certain categories of employees are subject to treatment under Tier 1 regardless of the average hourly wage rate for the industry and the tier designation contained herein. These employees, as listed in the 1989 Amendments, are those employed by:

- (a) The United States,
- (b) An establishment that is a hotel, motel, or restaurant, or
- (c) Any other retail or service establishment that employs such employee in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of clubs.

Please note that these named categories may not correspond exactly to categories established by the SIC manual.