Wage and Hour Division, Labor

(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,
(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.

<table>
<thead>
<tr>
<th>Major group</th>
<th>Industry group number</th>
<th>Industry number</th>
<th>Tier</th>
<th>Industry</th>
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</thead>
<tbody>
<tr>
<td>20</td>
<td>201</td>
<td>2011</td>
<td>1</td>
<td>Food and kindred products.</td>
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<td>2013</td>
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<td>Meat products.</td>
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<tr>
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<td>2015</td>
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<td>Meat packing plants.</td>
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<tr>
<td></td>
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<td>2</td>
<td>Sausages and other prepared meat products.</td>
</tr>
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<td>2022</td>
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<td>Poultry slaughtering and processing.</td>
</tr>
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<td>2023</td>
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<td>Natural, processed, and imitation cheese.</td>
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<td>2024</td>
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<td>Dairy products.</td>
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<td>2032</td>
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<td>Fluid milk.</td>
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<td>Industry number</td>
<td>Tier</td>
<td>Industry</td>
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<td></td>
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<td>2035</td>
<td>3</td>
<td>Pickled fruits and vegetables, vegetable sauces and seasonings, and salad dressings.</td>
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<td>2037</td>
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<td>Frozen fruits, fruit juices, and vegetables.</td>
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<td>2038</td>
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<td>Frozen specialties, not elsewhere classified.</td>
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<td>204</td>
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<td>2041</td>
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<td>Flour and other grain mill products.</td>
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<td>2043</td>
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<td>2045</td>
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<td>Prepared flour mixes and doughs.</td>
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<td>2046</td>
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<td>2048</td>
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<td>Prepared feeds and feed ingredients for animals and fowls, except dogs and cats.</td>
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<td>Bakery products.</td>
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<td>Cane sugar, except refining.</td>
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<td>Candy and other confectionery products.</td>
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<td>Beverages.</td>
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<td>Malt beverages.</td>
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<td>Wines, brandy, and brandy spirits.</td>
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<td>Distilled and blended liquors.</td>
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<td>Bottled and canned soft drinks and carbonated waters.</td>
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<td>Flavoring extracts and flavoring syrups, not elsewhere classified.</td>
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<td>Roasted coffee.</td>
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<td>Potato chips, corn chips, and similar snacks.</td>
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<td>Manufactured ice.</td>
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<td>Macaroni, spaghetti, vermicelli, and noodles.</td>
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<td>Narrow fabric and other smallwares mills: cotton, wool, silk, and manmade fiber.</td>
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<td>Knitting mills.</td>
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<td>Women's full-length and knee-length hosiery, except socks.</td>
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<td>Knit outerwear mills.</td>
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<td>2254</td>
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<td>Knit underwear and nightwear mills.</td>
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<td>226</td>
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<td>Dyeing and finishing textiles, except wool fabrics and knit goods.</td>
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<td>2261</td>
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<td>Finishers of broadwoven fabrics of cotton.</td>
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<td></td>
<td>2262</td>
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<td>Finishers of broadwoven fabrics of manmade fiber and silk.</td>
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<td>228</td>
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<td>Yarn and thread mills.</td>
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<td>2281</td>
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<td>Yarn spinning mills.</td>
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<td>231</td>
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<td>Apparel and other finished products made from fabrics and similar materials.</td>
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<td></td>
<td>2311</td>
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<td>Men’s and boys’ suits, coats, and overcoats.</td>
</tr>
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<td>232</td>
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<td>Men’s and boys’ furnishings, work clothing, and allied garments.</td>
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<td>2321</td>
<td>2</td>
<td>Men’s and boys’ shirts except work shirts.</td>
</tr>
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<td>Men’s and boys’ underwear and nightwear.</td>
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<td>Men’s and boys’ neckwear.</td>
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<td>Men’s and boys’ separate trousers and slacks.</td>
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### Manufacturing Industries—Continued

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<th>Major group</th>
<th>Industry group number</th>
<th>Industry number</th>
<th>Tier</th>
<th>Industry</th>
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<td>Women's, misses', and juniors' blouses and shirts.</td>
</tr>
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<td>2332</td>
<td>3</td>
<td></td>
<td>Women's, misses', and juniors' dresses.</td>
</tr>
<tr>
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<td>2333</td>
<td>3</td>
<td></td>
<td>Women's, misses', and juniors' suits, skirts, and coats.</td>
</tr>
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<td>Women's, misses', children's, and infants' undergarments.</td>
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<td>Brassieres, girdles, and allied garments.</td>
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<td>2339</td>
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<td>Hats, caps, and millinery</td>
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<td>Miscellaneous apparel and accessories.</td>
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<td>2421</td>
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<td>Sawmills and planing mills, general.</td>
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<td>Hardwood veneer and plywood.</td>
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<td>2429</td>
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<td>Wood buildings and mobile homes.</td>
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<td>2430</td>
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<td>Mattresses, foundations, and convertible beds.</td>
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<td>Wood television, radio, phonograph, and sewing machine cabinets.</td>
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### MANUFACTURING INDUSTRIES—Continued

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<tr>
<td>3494</td>
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<td>3499</td>
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<td>Wire springs.</td>
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<tr>
<td>3496</td>
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<td>Miscellaneous fabricated wire products.</td>
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<td>3498</td>
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<td>Fabricated pipe and pipe fittings.</td>
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<td>3535</td>
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<td>3541</td>
<td>a</td>
<td>Metalworking machinery and equipment.</td>
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<td>3544</td>
<td>1</td>
<td>Special dies and tools, die sets, jigs and fixtures, and industrial molds.</td>
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<td>3545</td>
<td>1</td>
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<td>3555</td>
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<td>3562</td>
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<td>3592</td>
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<td>Carburators, pistons, piston rings, and valves.</td>
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<td>Scales and balances, except laboratory.</td>
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<td>Tier</td>
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<td>Ship building and repairing.</td>
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<td>Boat building and repairing.</td>
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<td>Totalizing fluid meters and counting devices.</td>
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<td>Instruments for measuring and testing of electricity and electrical signals.</td>
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<td>Surgical, medical, and dental instruments and supplies.</td>
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<td>Orthopedic, prosthetic, and surgical appliances and supplies.</td>
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<td>Dental equipment and supplies.</td>
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<td>X-ray apparatus and tubes and related irradiation apparatus.</td>
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<td>Electromedical and electrotherapeutic apparatus.</td>
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<td>Ophthalmic goods.</td>
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<td>a</td>
<td>Photographic equipment and supplies.</td>
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<td>3871</td>
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<td>Watches, clocks, clockwork operated devices, and parts.</td>
</tr>
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<td>Watches, clocks, clockwork operated devices, and parts.</td>
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<td>Jewelers' findings and materials, and lapidary work.</td>
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<td>3942</td>
<td>2</td>
<td>Dolls, toys, games, and sporting and athletic goods.</td>
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<td>3949</td>
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<td>Sporting and athletic goods, not elsewhere classified.</td>
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<td>1</td>
<td>Pens, pencils, and other artists' materials.</td>
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### MANUFACTURING INDUSTRIES—Continued

<table>
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<tr>
<th>Major group</th>
<th>Industry group number</th>
<th>Industry number</th>
<th>Tier</th>
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<td>3951</td>
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<td>Pens, mechanical pencils, and parts.</td>
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<tr>
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<td>3952</td>
<td>a</td>
<td></td>
<td>Lead pencils, crayons, and artists' materials.</td>
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<td>Marking devices.</td>
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<tr>
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<td>Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metal.</td>
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<td>3965</td>
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<td></td>
<td>Fasteners, buttons, needles, and pins.</td>
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<tr>
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<td>3999</td>
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<td>Manufacturing industries, not elsewhere classified.</td>
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</tbody>
</table>

*a=Category contained less than three employers.

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.