

PART 510—IMPLEMENTATION OF THE MINIMUM WAGE PROVISIONS OF THE 1989 AMENDMENTS TO THE FAIR LABOR STANDARDS ACT IN PUERTO RICO

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AUTHORITY: Sec. 4, Pub. L. 101-157, 103 Stat. 938; 29 U.S.C. 201 *et seq.*

SOURCE: 55 FR 12120, Mar. 30, 1990, unless otherwise noted.

Subpart A—General

§ 510.1 Summary.

(a) The Fair Labor Standards Amendments of 1989 (Pub. L. 101-157) were enacted into law on November 17, 1989. Among other provisions, these amendments to the Fair Labor Standards Act (FLSA) increased the minimum wage in section 6(a)(1) of the Act to \$3.80 an hour effective April 1, 1990, and to \$4.25 an hour effective April 1, 1991. With respect to certain industries and governmental entities in the Commonwealth of Puerto Rico, the Amendments pro-

vided that these increases would be phased in over extended periods of time.

(b) Section 6(c) of the FLSA provides for four separate categories or tiers for implementing the minimum wage rate increases in Puerto Rico.

(1) For Tier 1, which includes employees of the United States, employees of hotels, motels, or restaurants, retail or service establishments that employ such employees primarily in connection with the preparation or offering of food or beverages for human consumption, and industries in which the average hourly wage is greater than \$4.64, there shall be no phase-in. The wage rates and effective dates shall be those specified in section 6(a)(1) of FLSA, i.e., \$3.80 per hour beginning April 1, 1990 and \$4.25 per hour beginning April 1, 1991.

(2) For Tier 2, which includes industries in which the average hourly wage is not less than \$4.00 but not more than \$4.64, the increases in the minimum wage rates shall be phased-in in five annual increments (rounded to the nearest 5 cents) beginning April 1, 1990, and ending April 1, 1994.

(3) For Tier 3, which includes industries in which the average hourly wage is less than \$4.00, the increases in the minimum wage shall be phased-in in six annual increments (rounded to the nearest 5 cents) beginning April 1, 1990, and ending April 1, 1995.

(4) For Tier 4, which includes certain employees of the Commonwealth of Puerto Rico, municipalities, and other governmental entities of the Commonwealth in which the average hourly wage is less than \$4.00, the increases shall be phased-in in seven annual increments (rounded to the nearest 5 cents) beginning April 1, 1990 and ending April 1, 1996.

(c) The Amendments also eliminated reference to Puerto Rico in those sections of FLSA relating to the establishment and conduct of special industry committees which recommend minimum wage rates in certain territories. These sections now apply only to American Samoa. (Industry committee regulations pertaining to American Samoa are found in 29 CFR parts 511 and 697).

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§510.2 Purpose and scope of regulations.

(a) The purpose of these regulations is to implement the 1989 Amendments to the FLSA with respect to minimum wage increases in Puerto Rico. These regulations establish the applicable wage rates and effective dates in the four statutory tiers and categorize industries and governmental entities in Puerto Rico in those tiers according to average hourly wage rates. In addition, these regulations explain the methodology used to determine appropriate tiers, including the use of standard industrial classification (SIC) codes to categorize industries.

(b) Subpart A of this part summarizes the provisions of the Amendments as applicable to Puerto Rico and defines the terms used herein. Subpart B of this part states the specific minimum wage rates for each tier and the effective dates of those rates. Subpart C of this part explains how industry and governmental categories were determined, the general methodology used to conduct the surveys which provided the data used to determine average hourly wage rates, and special issues in the classification of governmental entities. Appendix A of this part contains a listing of manufacturing industries by Standard Industrial Classification (SIC) code and indicates the tier to which each industry is subject. Appendix B of this part contains a listing of nonmanufacturing industries by SIC code and indicates the tier to which each industry is subject. Appendix C of this part contains a listing of government corporations and indicates the tier to which each such corporation is subject. Appendix D of this part contains a listing of municipalities and indicates the tier to which each municipality is subject.

(c) Nothing contained in this part should be construed as precluding the Puerto Rico Minimum Wage Board, which has been granted authority to promulgate minimum wage rates above the Federal statutory minimum, from

providing for increases in any industry which would exceed the rates provided for in these regulations or in section 6(a)(1) of the Act.

§510.3 Definitions.

(a) *Act* or *FLSA* means the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201, *et seq.*).

(b) *Amendments* or *1989 Amendments* means the Fair Labor Standards Amendments of 1989 (Pub. L. 101-157).

(c) *Secretary* means the Secretary of Labor, or a duly authorized representative of the Secretary.

(d) *Administrator* means the Administrator of the Wage and Hour Division of the Employment Standards Administration, U.S. Department of Labor, or a duly authorized representative of the Administrator.

(e) *Department* means the U.S. Department of Labor.

(f) *Tier* means one of the four categories established for an extended phase-in of the statutory increases in the minimum wage under section 6(c) of the Act as amended.

(g) *Standard Industrial Classification (SIC)* refers to the classifications established in the *Standard Industrial Classification Manual, 1987*, published by the Office of Management and Budget, Executive Office of the President.

Subpart B—Schedule of Minimum Wage Rates Applicable in Puerto Rico

§510.10 Table of wage rates and effective dates.

(a) The following table provides effective dates of minimum wage increases for the four statutory tiers. Appendices A and B to these regulations contain listings of manufacturing and non-manufacturing industries in Puerto Rico by SIC code, and indicate which tier is applicable. Appendices C and D contain listings of government corporations and municipalities and indicate which tier is applicable.

EFFECTIVE DATES

Tier	4/1/90	4/1/91	4/1/92	4/1/93	4/1/94	4/1/95	4/1/96
One	\$3.80	\$4.25	\$4.25	\$4.25	\$4.25	\$4.25	\$4.25
Two	3.55	3.70	3.90	4.05	4.25	4.25	4.25
Three	3.50	3.65	3.80	3.95	4.10	4.25	4.25

EFFECTIVE DATES—Continued

Tier	4/1/90	4/1/91	4/1/92	4/1/93	4/1/94	4/1/95	4/1/96
Four	3.50	3.60	3.75	3.85	4.00	4.10	4.25

(b) Tier 1 applies to employees of the United States, employees of hotels, motels, or restaurants, retail or service establishments that employ such employees primarily in connection with the preparation or offering of food or beverages for human consumption, and industries in which the average hourly wage is greater than \$4.64.

(c) Tier 2 applies to industries in which the average hourly wage is not less than \$4.00 but not more than \$4.64.

(d) Tier 3 applies to industries in which the average hourly wage is less than \$4.00.

(e) Tier 4 applies to certain employees of the Commonwealth of Puerto Rico, municipalities, and other governmental entities of the Commonwealth in which the average hourly wage is less than \$4.00.

Subpart C—Classification of Industries

§ 510.20 Wage surveys in Puerto Rico.

(a) The legislative history to the 1989 Amendments (Conference Report 101-47 on H.R. 2, May 8, 1989) stated that for any industry to qualify for an extended minimum wage phase-in, the government of Puerto Rico would be required to furnish official survey data substantiating that an industry's average hourly wage is below either the \$4.65 or \$4.00 threshold level. Such data were to be compiled and submitted for review to the Department.

(b) *Manufacturing industries.* For purposes of implementing section 6(c) of the Act, as amended, Puerto Rico has submitted its Census of Manufacturing Industries. The Bureau of Labor Statistics of Puerto Rico regularly gathers data from manufacturing establishments regarding employment, hours and earnings. The data include hourly earnings for production and related workers and are generally specific to the four-digit SIC code level.

(c) *Non-manufacturing industries.* The Bureau of Labor Statistics of Puerto

Rico designed and executed a survey to supplement data regularly gathered for the U.S. Bureau of Labor Statistics (*i.e.*, that included in the payroll establishment survey published in *Employment and Earnings*). The supplemental survey was carried out to determine average hourly earnings for production workers or non-supervisory employees in the private non-agricultural, non-manufacturing sector. Employment and payroll information was collected for the payroll period which included April 12, 1989. The data provided to the Department were generally specific to the four-digit SIC code level.

(d) *Agriculture.* At the request of the Department, the Bureau of Labor Statistics of Puerto Rico conducted a survey of wages paid to agricultural workers which included employment and earnings from at least a specified number of sugarcane farms, coffee farms, ornamental farms, vegetable farms, and other farms, following standard statistical random sampling techniques. The survey included information on earnings, employment, and hourly wage rates paid to workers for the workweek including March 11 through March 17, 1990. In addition, applicable collective bargaining agreements were reviewed for sugarcane farms.

(e) *Commonwealth government.* In the case of the Commonwealth Government of Puerto Rico, a census of hourly earnings was undertaken of all government departments, commissions and other agencies. A separate survey was conducted of government corporations. Managers, officials and employees in positions which require a college degree were excluded from the surveys.

(f) *Municipalities.* In the case of the municipalities of Puerto Rico, a census of hourly earnings was conducted. Managers, officials and employees in positions which require a college degree were excluded from the survey.

[55 FR 12120, Mar. 30, 1990, as amended at 55 FR 53247, Dec. 27, 1990]

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§510.21 SIC codes.

(a) The Conference Report specifically cites Puerto Rico's annual Census of Manufacturing Industries as a source of average hourly wage data by industry. Industries in that census are organized by Standard Industrial Classification (SIC), the statistical classification system used for a variety of governmental and statistical purposes. With respect to non-manufacturing industries, or other industries not included in the Census of Manufacturing, the Conference Report stated that data "should be at a level of specificity comparable to the four digit Standard Industry Code (SIC) code level."

(b) The Standard Industrial Classification (SIC) codes listed in appendix A and B herein are designated in accordance with the Standard Industrial Classification (SIC) Manual, 1987, published by the Executive Office of the President, Office of Management and Budget. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. Copies may be inspected at all federal depository libraries in the Commonwealth of Puerto Rico; at the district office of the Wage and Hour Division, U.S. Department of Labor, New San Juan Office Building, 159 Chardon St., room 102, Hato Rey, PR 00918; at the Commonwealth of Puerto Rico Department of Labor and Human Resources, Prudencio Rivera Building, Munoz Rivera Avenue 505, Hato Rey, PR 00918; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Establishments are classified according to their primary activity. The classification structure classifies industries by:

- (1) Two-digit major group,
- (2) Three digit industry group, or
- (3) Four-digit industry code, according to the level of industrial detail which may be required.

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Each operating establishment is assigned an industry code on the basis of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered.

[55 FR 12120, Mar. 30, 1990; 55 FR 12778, Apr. 5, 1990, as amended at 69 FR 18803, Apr. 9, 2004]

§510.22 Industries eligible for minimum wage phase-in.

(a) Appendix A contains a listing of all industries included in the Census of Manufacturing. Appendix B contains a listing of non-manufacturing industries. These listing are organized by SIC numbers, presented by:

(1) Major group (two-digit classification),

(2) Industry group (three-digit classification), and (3) industry (four-digit classification). In each instance the phase-in tier which applies to that industry or group is indicated.

(b) Employers are required to utilize the most detailed classification which applies to their industry. Where an employer's four-digit SIC code is listed, the tier applicable to that code determines the minimum wage phase-in schedule for that employer. (See §510.10, above).

(c) Where an industry is not listed by four-digit SIC code, employers shall utilize the three-digit which applies to their industry. If a three-digit code is not listed, employers shall use the applicable two-digit code.

[55 FR 12120, Mar. 30, 1990; 55 FR 12778, Apr. 5, 1990]

§510.23 Agricultural activities eligible for minimum wage phase-in.

Agriculture activities eligible for an extended phase-in of the minimum wage in Major groups 01, 02, and 07 have been incorporated into Appendix B—Nonmanufacturing Industries Eligible for Minimum Wage Phase-In. Applicable wage rates are effective retroactive to April 1, 1990. Employers in the sugarcane farming industry (SIC Number 0133) who are subject to Tier 3 wage rates but who have paid wage rates based on Tier 2 wage rates may not take any action to recoup such payments where those actions would have the effect of reducing the wage rate

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being paid at the time of such recoupment to below that required under Tier 3.

[55 FR 53247, Dec. 27, 1990]

§ 510.24 Governmental entities eligible for minimum wage phase-in.

(a) The Commonwealth government of Puerto Rico has been determined to be eligible for treatment under Tier 2, on the basis of wage data supplied to the Department.

(b) Appendix C of this part contains a listing of Commonwealth government corporations, indicating the phase-in tier which applies. Entities which do not appear on the list are those for which no wage data were supplied. These entities are therefore categorized under Tier 1, and are ineligible for an extended phase-in.

(c) Appendix D of the part contains a listing of municipalities, indicating the phase-in tier which applies. Municipalities categorized under Tier 1 are those which failed to supply wage data.

(d) Employees of municipalities who have reason to believe that the municipality by which they are employed has been incorrectly categorized, e.g., categorized under Tier 3 instead of Tier 2, may no later than June 1, 1990, file with the Administrator a petition for review. The petition shall be accompanied by any information the employee may have to support a determination that the municipality is incorrectly categorized. In the event the Administrator determines that a tier other than that listed in appendix D of this part applies, the affected municipality shall be liable for retroactive payment of any back wages found to be due.

(e) Certain employees of municipalities or government corporations in which the average wage is less than \$4.00 per hour are eligible to be paid under Tier 4, rather than Tier 3. Tier 4 applies only to those employees employed by municipalities or government corporations who are principally engaged in one or more of the "traditional" functions listed in § 510.24 (a) or (b). All other employees of such enti-

ties must be paid in accordance with Tier 3.

[55 FR 12120, Mar. 30, 1990; 55 FR 12778, Apr. 5, 1990]

§ 510.25 Traditional functions of government.

(a) Section 6(c)(4) of the Act, as amended, limits the six-year phase-in of the statutory minimum wage ("Tier 4") to those employees with an average wage of less than \$4.00 per hour who were brought under minimum wage coverage "pursuant to an amendment made by the Fair Labor Standards Amendments of 1985." The Department has interpreted this language as referring to section 2(c) of the 1985 FLSA Amendments, which provided for deferred liability for minimum wage violations (until April 15, 1986) "with respect to any employee who would not have been covered under the Secretary's special enforcement policy" published in 29 CFR 775.2 and 775.4. The latter subsection listed those functions of State or local government which were determined by the Supreme Court's ruling in *National League of Cities v. Usery*, 426 U.S. 833 (1976) (subsequently overruled by *Garcia v. San Antonio Metropolitan Transit Authority*, 469 U.S. 528 (1985)) to be integral operations of the governments in areas of traditional governmental functions. The listed "traditional" functions included the following:

- (1) Schools.
- (2) Hospitals.
- (3) Fire prevention.
- (4) Police protection.
- (5) Sanitation.
- (6) Public health.
- (7) Parks and recreation.
- (8) Libraries.
- (9) Museums.

(b) The Supreme Court in *National League of Cities* clearly did not limit "traditional" functions of government to those set out in paragraph (a) of this section. The Court included within this concept all those governmental services which the States and their political subdivisions have traditionally afforded their citizens, which the States have regarded as integral parts of their governmental activities, and which

State and local governments are created to provide. The Department interprets the Court's analysis of "traditional" functions as turning in large part upon whether the States or local governments had, prior to initial enactment of federal regulatory legislation applicable to a particular field of service or activity (such as FLSA), generally established themselves as providers of the services. The Department therefore views the following government functions as falling within the "traditional" category:

- (1) Finance (including Auditor, Budget and Comptroller).
- (2) Elections.
- (3) Personnel.
- (4) Public works.
- (5) Office of the Mayor.
- (6) Legal Affairs.
- (7) Planning.
- (8) Waterworks.
- (9) Social services.
- (10) Street and highway construction and maintenance.
- (11) Automobile licensing.
- (12) Sewage treatment.

(c) Employees whose primary function falls within one or more of the activities listed in paragraph (a) or (b) of this section, are therefore considered to be engaged in "traditional" functions of government. This would include employees who provide support functions for such activities, such as 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 incor-

porated 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.

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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.
	202	2011	2	Meat packing plants.
		2013	1	Sausages and other prepared meat products.
	203	2015	2	Poultry slaughtering and processing.
			1	Dairy products.
		2022	a	Natural, processed, and imitation cheese.
		2023	1	Dry, condensed, and evaporated dairy products.
		2024	1	Ice cream and frozen desserts.
		2026	1	Fluid milk.
		2032	2	Canned, frozen, and preserved fruits, vegetables, and food specialties.
		2033	a	Canned specialties.
		2035	1	Canned fruits, vegetables, preserves, jams, and jellies.
		2037	3	Pickled fruits and vegetables, vegetable sauces and seasonings, and salad dressings.
	204	2038	2	Frozen fruits, fruit juices, and vegetables.
			3	Frozen specialties, not elsewhere classified.
		2041	1	Grain mill products.
		2043	a	Flour and other grain mill products.
		2044	a	Cereal breakfast foods.
		2045	1	Rice milling.
		2046	1	Prepared flour mixes and doughs.
		2048	1	Wet corn milling.
		2051	1	Prepared feeds and feed ingredients for animals and fowls, except dogs and cats.
		205	2052	1	Bakery products.
	1			Bread and other bakery products, except cookies and crackers.
	2053		1	Cookies and crackers.
	2061		a	Frozen bakery products, except bread.
	2062		1	Sugar and confectionery products.
	2064		1	Cane sugar, except refining.
	2066		a	Cane sugar refining.
	2067		1	Candy and other confectionery products.
	2082		3	Chocolate and cocoa products.
	2084		a	Chewing gum.
	208	2082	1	Beverages.
			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.
		2091	1	Miscellaneous food preparations and kindred products.
		2095	1	Canned and cured fish and seafoods.
		2096	2	Roasted coffee.
2097		1	Potato chips, corn chips, and similar snacks.	
209	2097	3	Manufactured ice.	
		a	Macaroni, spaghetti, vermicelli, and noodles.	
	2098	2	Food preparations, not elsewhere classified.	
	2099	1	Tobacco products.	
	21	211	a	Cigarettes.
			a	Cigarettes.
		212	1	Cigars.
		213	1	Cigars.
		214	1	Chewing and smoking tobacco and snuff.
		2141	a	Chewing and smoking tobacco and snuff.
22	221	a	Tobacco stemming and redrying.	
		a	Tobacco stemming and redrying.	
	224	1	Textile mill products.	
	2241	1	Broadwoven fabric mills, cotton.	
	225	1	Broadwoven fabric mills, cotton.	
	2251	1	Narrow fabric and other smallwares mills: cotton, wool, silk, and manmade fiber.	
	1	Narrow fabric and other smallwares mills: cotton, wool, silk, and manmade fiber.		
	2	Knitting mills.		
	1	Women's full-length and knee-length hosiery, except socks.		

MANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
23	.....	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.
	.....	.....	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.
	.....	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.	

MANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
26	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.
	.....	.....	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.
27	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.
	.....	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.
	28	2678	3	Stationery, tablets, and related products.
.....		2679	a	Converted paper and paperboard products, not elsewhere classified.
.....		.....	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.	
28	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.
	.....	.....	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.	

MANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
	.....	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.
	.....	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.

MANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry	
34	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.	
	1	Fabricated metal products, except machinery and transportation equipment.
	341	1	Metal cans and shipping containers.
	3411	1	Metal cans.
	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.	

MANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
36	3596	a	Scales and balances, except laboratory.
	3599	1	Industrial and commercial machinery and equipment, not elsewhere classified.
	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.
	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.
38	379	a	Miscellaneous transportation equipment.
	3792	a	Travel trailers and campers.
	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.	

MANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
39	.....	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.
	.....	.....	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.
	.....	.....	2	Dolls and stuffed toys.
	.....	3949	2	Sporting and athletic goods, not elsewhere classified.
	.....	395	2	Pens, pencils, and other artists' materials.
	.....	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.

[55 FR 12120, Mar. 30, 1990; 55 FR 12778, Apr. 5, 1990, as amended at 55 FR 39575, Sept. 27, 1990; 57 FR 1103, Jan. 10, 1992]

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.

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

NONMANUFACTURING INDUSTRIES

Major group	Industry group number	Industry number	Tier	Industry	
01	011	0119	3	Agricultural production—crops.	
	013	0133	3	Cash grains.	
	016	0139	3	Cash grains, not elsewhere classified.	
	017	0133	3	Field crops, except cash grains.	
	018	0139	3	Sugarcane and sugar beets.	
	019	0161	3	Field crops, except cash grains, not elsewhere classified.	
	020	0174	3	Vegetables and melons.	
	021	0179	3	Vegetables and melons.	
	022	0181	3	Fruits and tree nuts.	
	023	0179	3	Citrus fruits.	
	024	0181	3	Fruits and tree nuts, not elsewhere classified.	
	025	0181	3	Horticultural specialties.	
	026	0191	3	Ornamental floriculture and nursery products.	
	027	0191	3	General farms, primarily crop.	
	028	0191	3	General farms, primarily crop.	
	029	0191	3	Agricultural production—livestock and animal specialties.	
	02	021	0211	3	Livestock, except dairy and poultry.
		022	0213	3	Beef cattle feedlots.
		023	0213	3	Hogs.
024		0241	3	Dairy farms.	
025		0241	3	Dairy farms.	
026		0251	3	Poultry and eggs.	
027		0252	3	Broiler, fryer, and roaster chickens.	
028		0254	2	Chicken eggs.	
029		0271	3	Poultry hatcheries.	
030		0272	3	Animal specialties.	
031		0273	3	Fur-bearing animals and rabbits.	
032		0279	2	Horse and other equines.	
07		072	0729	3	Animal specialties, not else where classified.
	073	0729	3	Agricultural services.	
	074	0729	3	Crop services.	
	075	0723	3	Crop preparation services for market, except cotton ginning.	
	076	074	2	Veterinary services.	
	077	0751	a	Animal services except veterinary.	
14	142	1422	a	Livestock services, except veterinary.	
	143	1422	3	Landscape and horticultural services.	
	144	1422	1	Mining and quarrying of nonmetallic minerals, except fuels.	
	145	1429	2	Crushed and broken limestone.	
15	152	1442	1	Crushed and broken stone, not elsewhere classified.	
	153	1442	1	Sand and gravel.	
	154	1442	1	Construction sand and gravel.	
	155	1442	1	Building construction-general contractors and operative builders.	
16	161	152	1	General building contractors-residential buildings.	
	162	154	1	General building contractors-nonresidential buildings.	
	163	1611	1	Heavy construction other than building construction-contractors.	
	164	1611	1	Highway and street construction, except elevated highways.	
	165	1622	1	Highway and street construction, except elevated highways.	
17	171	1622	1	Heavy construction, except highway and street construction.	
	172	1622	1	Bridge, tunnel, and elevated highway construction.	
	173	1623	1	Water, sewer, pipeline, and communications and power line construction.	
	174	1629	a	Heavy construction, not elsewhere classified.	

NONMANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
17	171	1711	1	Construction-special trade contractors.
	172	1721	1	Plumbing, heating and air-conditioning.
	173	1731	2	Plumbing, heating and air-conditioning.
	174	1741	2	Painting and paper hanging.
	174	1742	2	Painting and paper hanging.
	175	1751	1	Electrical work.
	176	1761	1	Electrical work.
	179	1791	1	Masonry, stonework, tile setting, and plastering.
	179	1791	1	Masonry, stone setting, and other stone work.
	179	1793	1	Plastering, drywall, acoustical, and insulation work.
	179	1794	1	Terrazzo, tile, marble, and mosaic work.
	179	1795	a	Carpentry and floor work.
	179	1796	a	Carpentry work.
	179	1797	2	Roofing, siding, and sheet metal work.
	179	1798	2	Roofing, siding, and sheet metal work.
	179	1799	1	Miscellaneous special trade contractors.
	41	411	4111	1	Structural steel erection.
412		4121	2	Glass and glazing work.
413		4131	a	Excavation work.
415		4151	a	Wrecking and demolition work.
415		4151	1	Installation or erection of building equipment, not elsewhere classified.
415		4151	1	Special trade contractors, not elsewhere classified.
42	421	4211	3	Local and suburban transit and interurban highway passenger transportation.
	422	4221	2	Local and suburban passenger transportation.
	422	4222	2	Local and suburban transit.
	422	4223	3	Taxicabs.
	422	4224	3	Taxicabs.
	422	4225	3	Intercity and rural bus transportation.
	422	4226	3	Intercity and rural bus transportation.
	422	4227	a	School buses.
	422	4228	a	School buses.
	422	4229	1	Motor freight transportation and warehousing.
44	442	4421	1	Trucking and courier services, except air.
	442	4422	1	Public warehousing and storage.
	442	4423	1	Farm product warehousing and storage.
	442	4424	a	Refrigerated warehousing and storage.
	442	4425	1	General warehousing and storage.
	442	4426	1	Special warehousing and storage, not elsewhere classified.
	442	4427	1	Water transportation.
45	444	4441	a	Deep sea domestic transportation of freight.
	444	4442	a	Deep sea domestic transportation of freight.
	444	4443	1	Water transportation of freight, not elsewhere classified.
	444	4444	1	Water transportation of freight, not elsewhere classified.
	444	4445	1	Services incidental to water transportation.
	444	4446	1	Marine cargo handling.
	444	4447	a	Towing and tugboat services.
	444	4448	1	Water transportation services, not elsewhere classified.
46	451	4511	1	Transportation by air.
	451	4512	1	Air transportation, scheduled, and air courier services.
	451	4513	1	Air transportation, scheduled.
	451	4514	a	Air transportation, nonscheduled.
	451	4515	a	Air transportation, nonscheduled.
47	458	4581	a	Airports, flying fields, and airport terminal services.
	458	4582	a	Airports, flying fields, and airport terminal services.
	458	4583	a	Airports, flying fields, and airport terminal services.
48	461	4611	a	Pipelines, except natural gas.
	461	4612	1	Pipelines, except natural gas.
	461	4613	1	Refined petroleum pipelines.
	461	4614	1	Transportation services.
49	472	4721	1	Arrangement of passenger transportation.
	472	4722	1	Arrangement of passenger transportation, not elsewhere classified.
	472	4723	1	Arrangement of transportation of freight and cargo.
	472	4724	1	Arrangement of transportation of freight and cargo.
	472	4725	1	Miscellaneous services incidental to transportation.
	472	4726	1	Fixed facilities and inspection and weighing services for motor vehicle transportation.
50	482	4821	1	Communications.
	482	4822	b	Telegraph and other message communications.
	482	4823	b	Telegraph and other message communications.
51	483	4831	1	Radio and television broadcasting stations.

NONMANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry	
49	.....	4832	1	Radio broadcasting stations.
	.....	4833	1	Television broadcasting stations.
	.....	489	3	Communications services, not elsewhere classified.
	.....	4899	3	Communications services, not elsewhere classified.
	.....	492	1	Electric, gas and sanitary services.
	.....	.....	1	Gas production and distribution.
	.....	4923	1	Natural gas transmission and distribution.
	.....	4925	1	Mixed, manufactured, or liquefied petroleum gas production and/or distribution.
	.....	495	1	Sanitary services.
	.....	4953	1	Refuse systems.
	.....	497	a	Irrigation systems.
	.....	4971	a	Irrigation systems.
	50	501	1	Wholesale trade-durable goods.
		1	Motor vehicles and motor vehicle parts and supplies.
		5012	a	Automobiles and other motor vehicles.
.....		5013	1	Motor vehicle supplies and new parts.	
.....		5014	1	Tires and tubes.	
.....		502	1	Furniture and homefurnishings.	
.....		5021	2	Furniture.	
.....		5023	1	Homefurnishings.	
.....		503	2	Lumber and other construction materials.	
.....		5031	2	Lumber, plywood, millwork, and wood panels.	
.....		5039	1	Construction materials, not elsewhere classified.	
.....		504	1	Professional and commercial equipment and supplies.	
.....		5043	1	Photographic equipment and supplies.	
.....		5046	1	Commercial equipment, not elsewhere classified.	
.....		5049	1	Professional equipment and supplies, not elsewhere classified.	
.....		505	1	Metals and minerals, except petroleum.	
.....		5051	1	Metals service centers and offices.	
.....		506	1	Electrical goods.	
.....		5063	1	Electrical apparatus and equipment, wiring supplies and construction materials.	
.....		5064	1	Electrical appliances, television and radio sets.	
.....		5065	1	Electronic parts and equipment, not elsewhere classified.	
.....		507	1	Hardware, and plumbing and heating equipment and supplies.	
.....		5072	1	Hardware.	
.....		5074	1	Plumbing and heating equipment and supplies (hydronics).	
.....		5075	a	Warm air heating and air-conditioning equipment and supplies.	
.....		5078	a	Refrigeration equipment and supplies.	
.....		508	1	Machinery, equipment, and supplies.	
.....		5082	1	Construction and mining (except petroleum) machinery and equipment.	
.....		5083	a	Farm and garden machinery and equipment.	
.....		5084	1	Industrial machinery and equipment.	
.....		5085	1	Industrial supplies.	
.....		5087	2	Service establishment equipment and supplies.	
.....		509	1	Miscellaneous durable goods.	
.....		5091	a	Sporting and recreational goods and supplies.	
.....		5092	1	Toys and hobby goods and supplies.	
.....	5093	1	Scrap and waste materials.		
.....	5094	1	Jewelry, watches, precious stones, and precious metals.		
.....	5099	1	Durable goods, not elsewhere classified.		
51	.....	.....	1	Wholesale trade—nondurable goods.
	.....	511	1	Paper and paper products.
	.....	5111	1	Printing and writing paper.
	.....	5112	3	Stationery and office supplies.
	.....	5113	1	Industrial and personal service paper.
	.....	512	1	Drugs, drug proprietaries, and druggists' sundries.
	.....	5122	1	Drugs, drug proprietaries, and druggists' sundries.
	.....	513	2	Apparel, piece goods, and notions.
	.....	5131	2	Piece goods, notions, and other dry goods.
	.....	5136	1	Men's and boys' clothing and furnishings.
	.....	5137	3	Women's, children's, and infants' clothing and accessories.
	.....	5139	2	Footwear.
	.....	514	1	Groceries and related products.
	.....	5141	1	Groceries, general line.
	.....	5142	1	Packaged frozen foods.
.....	5143	a	Dairy products, except dried or canned.		
.....	5144	3	Poultry and poultry products.		
.....	5145	a	Confectionery.		

NONMANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
	.....	5146	a	Fish and seafoods.
	.....	5147	a	Meats and meat products.
	.....	5148	1	Fresh fruits and vegetables.
	.....	5149	1	Groceries and related products, not elsewhere classified.
	515 .....	.....	a	Farm-product raw materials.
	.....	5154	a	Livestock.
	516 .....	.....	1	Chemicals and allied products.
	.....	5169	1	Chemicals and allied products, not elsewhere classified.
	517 .....	.....	1	Petroleum and petroleum products.
	.....	5171	1	Petroleum bulk stations and terminals.
	.....	5172	1	Petroleum and petroleum products wholesalers, except bulk stations and terminals.
	518 .....	.....	1	Beer, wine and distilled alcoholic beverages.
	.....	5181	1	Beer and ale.
	519 .....	.....	1	Miscellaneous nondurable goods.
	.....	5191	3	Farm supplies.
	.....	5194	3	Tobacco and tobacco products.
	.....	5198	b	Paints, varnishes, and supplies.
	.....	5199	1	Nondurable goods, not elsewhere classified.
52 .....	.....	.....	2	Building materials, hardware, garden supply, and mobile home dealers.
	521 .....	.....	3	Lumber and other building materials dealers.
	.....	5211	3	Lumber and other building materials dealers.
	523 .....	.....	1	Paint, glass, and wallpaper stores.
	.....	5231	1	Paint, glass, and wallpaper stores.
	525 .....	.....	2	Hardware stores.
	.....	5251	2	Hardware stores.
	526 .....	.....	3	Retail nurseries, lawn and garden supply stores.
	.....	5261	3	Retail nurseries, lawn and garden supply stores.
53 .....	.....	.....	1	General merchandise stores.
	531 .....	.....	1	Department stores.
	.....	5311	1	Department stores.
	533 .....	.....	2	Variety stores.
	.....	5331	2	Variety stores.
	539 .....	.....	3	Miscellaneous general merchandise stores.
	.....	5399	3	Miscellaneous general merchandise stores.
54 .....	.....	.....	2	Food stores.
	541 .....	.....	2	Grocery stores.
	.....	5411	2	Grocery stores.
	542 .....	.....	1	Meat and fish (seafood) markets, including freezer provisioners.
	.....	5421	1	Meat and fish (seafood) markets, including freezer provisioners.
	.....	5421	a	Meat and fish (seafood) markets, including freezer provisioners.
	543 .....	.....	3	Fruit and vegetable markets.
	.....	5431	3	Fruit and vegetable markets.
	546 .....	.....	3	Retail bakeries.
	.....	5461	3	Retail bakeries.
	549 .....	.....	3	Miscellaneous food stores.
	.....	5499	3	Miscellaneous food stores.
55 .....	.....	.....	1	Automotive dealers and gasoline service stations.
	551 .....	.....	1	Motor vehicle dealers (new and used).
	.....	5511	1	Motor vehicle dealers (new and used).
	552 .....	.....	2	Motor vehicle dealers (used only).
	.....	5521	2	Motor vehicle dealers (used only).
	553 .....	.....	1	Auto and home supply stores.
	.....	5531	1	Auto and home supply stores.
	554 .....	.....	3	Gasoline service stations.
	.....	5541	3	Gasoline service stations.
56 .....	.....	.....	3	Apparel and accessory stores.
	561 .....	.....	3	Men's and boys' clothing and accessory stores.
	.....	5611	3	Men's and boys' clothing and accessory stores.
	562 .....	.....	3	Women's clothing stores.
	.....	5621	3	Women's clothing stores.
	563 .....	.....	3	Women's accessory and specialty stores.
	.....	5632	3	Women's accessory and specialty stores.
	564 .....	.....	3	Children's and infants' wear stores.
	.....	5641	3	Children's and infants' wear stores.
	565 .....	.....	3	Family clothing stores.
	.....	5651	3	Family clothing stores.
	566 .....	.....	2	Shoe stores.
	.....	5661	2	Shoe stores.
	569 .....	.....	3	Miscellaneous apparel and accessory stores.

NONMANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
57	5699	3	Miscellaneous apparel and accessory stores.
	2	Home furniture, furnishings, and equipment stores.
	571	2	Home furniture and furnishings stores.
	5712	2	Furniture stores.
	5713	a	Floor covering stores.
	5714	3	Drapery, curtain, and upholstery stores.
	5719	1	Miscellaneous homefurnishings stores.
	572	1	Household appliance stores.
	5722	1	Household appliance stores.
	573	2	Radio, television, consumer electronics, and music stores.
	5731	a	Radio, television, and consumer electronics stores.
	5735	1	Record and prerecorded tape stores.
	58	1	Eating and drinking places.
59	1 581	1	Eating and drinking places.
	1	Miscellaneous retail.
60	591	1	Drug stores and proprietary stores.
	5912	1	Drug stores and proprietary stores.
	592	a	Liquor stores.
	5921	a	Liquor stores.
	593	3	Used merchandise stores.
	5932	3	Used merchandise stores.
	594	1	Miscellaneous shopping goods stores.
	5941	1	Sporting goods stores and bicycle shops.
	5942	1	Book stores.
	5943	2	Stationery stores.
	5944	1	Jewelry stores.
	5945	3	Hobby, toy, and game shops.
	5946	2	Camera and photographic supply stores.
	5947	3	Gift, novelty, and souvenir shops.
	5949	3	Sewing, needlework, and piece goods stores.
	596	a	Nonstore retailers.
	5962	a	Automatic merchandising machine operators.
	5963	a	Direct selling establishments.
	598	2	Fuel dealers.
	5984	2	Liquefied petroleum gas (bottled gas) dealers.
.....	599	1	Retail stores, not elsewhere classified.	
.....	5992	3	Florists.	
.....	5999	1	Miscellaneous retail stores, not elsewhere classified.	
61	602	1	Depository institutions.
	6021	1	Commercial banks.
	6021	1	National commercial banks.
	6022	1	State commercial banks.
	6029	1	Commercial banks, not elsewhere classified.
	603	1	Savings institutions.
	6035	1	Savings institutions, Federally chartered.
	6036	1	Savings institutions, not Federally chartered.
	606	1	Credit unions.
	6061	1	Credit unions, Federally chartered.
	6062	1	Credit unions, not Federally chartered.
62	609	2	Functions related to depository banking.
	6099	2	Functions related to depository banking, not elsewhere classified.
	614	1	Nondepository credit institutions.
	6141	1	Personal credit institutions.
	615	1	Business credit institutions.
	6153	b	Short-term business credit institutions, except agricultural.
	6159	1	Miscellaneous business credit institutions.
	616	1	Mortgage bankers and brokers.
	6162	1	Mortgage bankers and loan correspondents.
	621	1	Security and commodity brokers, dealers, exchanges, and services.
63	621	1	Security brokers, dealers, and flotation companies.
	6211	1	Security brokers, dealers, and flotation companies.
	622	a	Commodity contracts brokers and dealers.
	6221	a	Commodity contracts brokers and dealers.
63	631	1	Insurance carriers.
	631	1	Life insurance.
	6311	1	Life insurance.
	632	1	Accidental and health insurance and medical service plans.
	6321	1	Accident and health insurance.
.....	6324	b	Hospital and medical service plans.	

NONMANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
	633	.....	1	Fire, marine, and casualty insurance.
	.....	6331	1	Fire, marine, and casualty insurance.
	635	.....	1	Surety insurance.
	.....	6351	1	Surety insurance.
	636	.....	b	Title insurance.
	.....	6361	b	Title insurance.
	637	.....	1	Pension, health, and welfare funds.
	.....	6371	1	Pension, health, and welfare funds.
64	.....	.....	1	Insurance agents, brokers, and service.
	641	.....	1	Insurance agents, brokers, and service.
	.....	6411	1	Insurance agents, brokers, and service.
65	.....	.....	1	Real estate.
	651	.....	1	Real estate operators (except developers) and lessors.
	653	.....	1	Real estate agents and managers.
	.....	6531	1	Real estate agents and managers.
	655	.....	1	Land subdividers and developers.
	.....	6552	1	Land subdividers and developers, except cemeteries.
	.....	6553	a	Cemetery subdividers and developers.
70	.....	.....	1	Hotels, rooming houses, camps, and other lodging places.
	701	.....	1	Hotels and motels.
	.....	7011	1	Hotels and motels.
	702	.....	1	Rooming and boarding houses.
	.....	7021	1	Rooming and boarding houses.
72	.....	.....	1	Personal services.
	721	.....	2	Laundry, cleaning, and garment services.
	722	.....	3	Photographic studios, portrait.
	.....	7221	3	Photographic studios, portrait.
	723	.....	1	Beauty shops.
	.....	7231	1	Beauty shops.
	724	.....	1	Barber shops
	.....	7241	1	Barber shops.
	725	.....	2	Shoe repair shops and shoeshine parlors.
	.....	7251	2	Shoe repair shops and shoeshine parlors.
	726	.....	1	Funeral service and crematories.
	.....	7261	1	Funeral service and crematories.
	729	.....	1	Miscellaneous personal services.
	.....	7299	1	Miscellaneous personal services, not elsewhere classified.
73	.....	.....	2	Business services.
	731	.....	1	Advertising.
	.....	7311	1	Advertising agencies.
	.....	7312	1	Outdoor advertising services.
	.....	7319	a	Advertising, not elsewhere classified.
	732	.....	b	Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies.
	.....	7323	b	Credit reporting services.
	733	.....	2	Mailing, reproduction, commercial art and photography, and stenographic services.
	.....	7338	2	Secretarial and court reporting services.
	734	.....	3	Services to dwellings and other buildings.
	.....	7342	3	Disinfecting and pest control services.
	.....	7349	3	Building cleaning and maintenance services, not elsewhere classified.
	735	.....	1	Miscellaneous equipment rental and leasing.
	.....	7359	1	Equipment rental and leasing, not elsewhere classified.
	736	.....	2	Personnel supply services.
	.....	7361	2	Employment agencies.
	.....	7363	2	Help supply services.
	737	.....	1	Computer programming, data processing, and other computer related services.
	.....	7372	1	Prepackaged software.
	.....	7374	1	Computer processing and data preparation and processing services.
	.....	7379	1	Computer related services, not elsewhere classified.
	738	.....	3	Miscellaneous business services.
	.....	7382	3	Security systems services.
	.....	7384	1	Photofinishing laboratories.
	.....	7389	1	Business services, not elsewhere classified.
75	.....	.....	1	Automotive repair, services, and parking.
	751	.....	1	Automotive rental and leasing, without drivers.
	.....	7513	3	Truck rental and leasing, without drivers.
	.....	7514	1	Passenger car rental.
	752	.....	3	Automobile parking.

NONMANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
	.....	7521	3	Automobile parking.
	753	.....	1	Automotive repair shops.
	.....	7532	2	Top, body, and upholstery repair shops and paint shops.
	.....	7534	1	Tire retreading and repair shops.
	.....	7538	3	General automotive repair shops.
	.....	7539	2	Automotive repair shops, not elsewhere classified.
	754	.....	3	Automotive services, except repair.
	.....	7542	3	Carwashes.
	.....	7549	3	Automotive services, except repair and carwashes.
76	.....	.....	1	Miscellaneous repair services.
	762	.....	1	Electrical repair shops.
	.....	7622	3	Radio and television repair shops.
	.....	7623	1	Refrigeration and air-conditioning service and repair shops.
	.....	7629	1	Electrical and electronic repair shops, not elsewhere classified.
	763	.....	2	Watch, clock, and jewelry repair.
	.....	7631	2	Watch, clock, and jewelry repair.
	764	.....	3	Reupholstery and furniture repair.
	.....	7641	3	Reupholstery and furniture repair.
	769	.....	1	Miscellaneous repair shops and related services.
	.....	7692	2	Welding repair.
	.....	7694	1	Armature rewinding shops.
	.....	7699	1	Repair shops and related services, not elsewhere classified.
78	.....	.....	1	Motion pictures.
	781	.....	1	Motion picture production and allied services.
	.....	7812	1	Motion picture and video tape production.
	782	.....	2	Motion picture distribution and allied services.
	.....	7822	2	Motion picture and video tape distribution.
	783	.....	3	Motion picture theaters.
	.....	7832	3	Motion picture theaters, except drive-in.
	.....	7833	a	Drive-in motion picture theaters.
79	.....	.....	1	Amusement and recreation services.
	791	.....	2	Dance studios, schools, and halls.
	.....	7911	2	Dance studios, schools, and halls.
	792	.....	a	Theatrical producers (except motion picture), bands, orchestras, and entertainers.
	.....	7929	a	Bands, orchestras, actors, and other entertainers and entertainment groups.
	793	.....	3	Bowling centers.
	.....	7933	3	Bowling centers.
	794	.....	a	Commercial sports.
	.....	7941	a	Professional sports clubs and promoters.
	.....	7948	a	Racing, including track operation.
	799	.....	2	Miscellaneous amusement and recreation services.
	.....	7993	2	Coin-operated amusement devices.
	.....	7997	1	Membership sports and recreation clubs.
	.....	7999	2	Amusement and recreation services not elsewhere classified.
80	.....	.....	1	Health services.
	801	.....	1	Offices and clinics of doctors of medicine.
	.....	8011	1	Offices and clinics of doctors of medicine.
	802	.....	1	Offices and clinics of dentists.
	.....	8021	1	Offices and clinics of dentists.
	803	.....	a	Offices and clinics of doctors of osteopathy.
	.....	8031	a	Offices and clinics of doctors of osteopathy.
	804	.....	1	Offices and clinics of other health practitioners.
	.....	8049	1	Offices and clinics of health practitioners, not elsewhere classified.
	805	.....	b	Nursing and personal care facilities.
	.....	8059	b	Nursing and personal care facilities, not elsewhere classified.
	806	.....	1	Hospitals.
	.....	8062	1	General medical and surgical hospitals.
	.....	8063	1	Psychiatric hospitals.
	.....	8069	1	Specialty hospitals, except psychiatric.
	807	.....	1	Medical and dental laboratories.
	.....	8071	1	Medical laboratories.
	.....	8072	a	Dental laboratories.
	809	.....	1	Miscellaneous health and allied services, not elsewhere classified.
	.....	8099	1	Health and allied services, not elsewhere classified.
81	.....	.....	1	Legal services.
	811	.....	1	Legal services.
	.....	8111	1	Legal services.
82	.....	.....	1	Educational services.
	821	.....	2	Elementary and secondary schools.

NONMANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
	.....	8211	2	Elementary and secondary schools.
	822	.....	1	Colleges, universities, professional schools, and junior colleges.
	.....	8221	1	Colleges, universities, and professional schools.
	.....	8222	1	Junior colleges and technical institutes.
	824	.....	2	Vocational schools.
	.....	8243	a	Data processing schools.
	.....	8244	2	Business and secretarial schools.
	.....	8249	2	Vocational schools, not elsewhere classified.
	829	.....	1	Schools and educational services, not elsewhere classified.
	.....	8299	1	Schools and educational services, not elsewhere classified.
83	.....	.....	1	Social services.
	832	.....	1	Individual and family social services.
	.....	8322	1	Individual and family social services.
	833	.....	3	Job training and vocational rehabilitation services.
	.....	8331	3	Job training and vocational rehabilitation services.
	835	.....	1	Child day care services.
	.....	8351	1	Child day care services.
	836	.....	2	Residential care.
	.....	8361	2	Residential care.
	839	.....	a	Social services, not elsewhere classified.
	.....	8399	a	Social services, not elsewhere classified.
84	.....	.....	3	Museums, art galleries, and botanical and zoological gardens.
	841	.....	3	Museums and art galleries.
	.....	8412	3	Museums and art galleries.
86	.....	.....	1	Membership organizations.
	861	.....	1	Business associations.
	.....	8611	1	Business associations.
	862	.....	1	Professional membership organizations.
	.....	8621	1	Professional membership organizations.
	863	.....	1	Labor unions and similar labor organizations.
	.....	8631	1	Labor unions and similar labor organizations.
	864	.....	2	Civic, social, and fraternal associations.
	.....	8641	2	Civic, social, and fraternal associations.
	866	.....	2	Religious organizations.
	.....	8661	2	Religious organizations.
	869	.....	2	Membership organizations, not elsewhere classified.
	.....	8699	2	Membership organizations, not elsewhere classified.
87	.....	.....	1	Engineering, accounting, research, management, and related services.
	871	.....	1	Engineering, architectural, and surveying services.
	.....	8711	1	Engineering services.
	872	.....	1	Accounting, auditing, and bookkeeping services.
	.....	8721	1	Accounting, auditing, and bookkeeping services.
	873	.....	1	Research, development, and testing services.
	.....	8733	1	Noncommercial research organizations.
88	.....	.....	3	Private households.
	881	.....	3	Private households.
	.....	8811	3	Private households.

"a" = Category contained less than three responding employers or one responding employer had more than 80 percent of the employment in the category.

"b" = Firm(s) declined to furnish waivers in these categories.

¹ Survey data reported on the basis of SIC code 5810. Data were not broken down by SIC 5812, Eating places, and 5813 Drinking places (Alcoholic beverages).

[55 FR 12120, Mar. 30, 1990; 55 FR 12778, Apr. 5, 1990, as amended at 55 FR 39577, Sept. 27, 1990; 55 FR 53248, Dec. 27, 1990; 57 FR 1104, Jan. 10, 1992]

APPENDIX C TO PART 510—GOVERNMENT CORPORATIONS ELIGIBLE FOR MINIMUM WAGE PHASE-IN

This appendix contains a listing of the public organizations (corporations) in Puerto Rico for which data have been provided by the Commonwealth for purposes of implementing the 1989 Amendments to FLSA. Such Corporations are subject to Tiers 1, 2,

or 3, as set forth below. Corporations which are listed under Tier 3 may pay rates specified under Tier 4 to employees engaged in traditional activities, as defined in §510.25 of the regulations. All other employees are subject to Tier 3. Organizations for which no data were provided are subject to Tier 1 treatment.

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Tier	Organization
1	Automobile Accidents Compensation Administration.
1	Cardiovascular Center Corporation of Puerto Rico and the Caribbean.
2	Culebra Conservation and Development Authority.
3	Government Development Bank of Puerto Rico.
1	Highway Authority.
2	Industries for the Blind, Mentally Retarded, and other Disabled Persons of Puerto Rico.
1	Institute of Puerto Rican Culture.
2	Corporation for the Development and Administration of Marine, Lacustrine, and Fluvial Resources of Puerto Rico.
1	Metropolitan Bus Authority.
2	Puerto Rico Mineral Resource Development Corporation.
1	Musical Arts Corporation.
1	Public Building Authority.
1	Puerto Rico Institute of Cinematographic and Television Arts and Industries.
1	Puerto Rico Aqueducts and Sewer Authority.
1	Puerto Rico Communications Authority.
1	Puerto Rico Land Administration.
1	Puerto Rico Marine Shipping Authority.
1	Puerto Rico Medical Service Administration.
1	Puerto Rico Ports Authority.
1	Puerto Rico Musical Performing Arts Corporation.
2	Puerto Rico Rural Development Corporation.
3	Puerto Rico Sugar Board.
1	Puerto Rico Telephone Company.
2	Puerto Rico Solid Waste Management Authority.
1	Puerto Rico Housing Bank.
1	Puerto Rico Tourism Company.
3	Puerto Rico Renewal and Housing Corporation.
3	Puerto Rico Industrial Development Bank.
3	Recreational Development Company.
2	Right to Work Administration.

Tier	Municipality
3	Aguas Buenas.
3	Aibonito.
3	Añasco.
3	Arecibo.
3	Arroyo.
3	Barceloneta.
3	Barranquitas.
3	Bayamon.
3	Cabo Rojo.
3	Caguas.
3	Camuy.
2	Canovanas.
3	Carolina.
3	Cataño.
3	Cayey.
2	Ceiba.
3	Ciales.
3	Cidra.
2	Coamo.
3	Comerio.
3	Corozal.
3	Culebra.
2	Dorado.
3	Fajardo.
3	Florida.
3	Guanica.
3	Guyama.
2	Guayanilla.
3	Guaynabo.
3	Guarbo.
3	Hatillo.
3	Hormigueros.
3	Humacao.
3	Isabela.
3	Jayuya.
3	Juana Diaz.
3	Juncos.
2	Lajas.
3	Lares.
3	Las Marias.
3	Las Piedras.
3	Loiza.
3	Luquillo.
1	Manati.
3	Maricao.
3	Maunabo.
3	Mayaguez.
2	Moca.
3	Morovis.
3	Naguabo.
2	Naranjito.
3	Orocovis.
3	Patillas.
3	Peñuelas.
3	Ponce.
3	Quebradillas.
3	Rincon.
3	Rio Grande.
3	Sabana Grande.
3	Salinas.
3	San German.
2	San Juan.
3	San Lorenzo.
3	San Sebastian.
3	Santa Isabel.
3	Toa Alta.
3	Toa Baja.
2	Trujillo Alto.
3	Utua.
3	Vega Alta.
3	Vega Baja.
3	Vieques.
3	Villalba.
3	Yabucoa.

APPENDIX D TO PART 510—MUNICIPALITIES ELIGIBLE FOR MINIMUM WAGE PHASE-IN

This appendix contains a listing of the municipalities in Puerto Rico and the tier applicable to each. Municipalities with average hourly earnings below \$4.65 but equal to or greater than \$4.00 are subject to Tier 2, as set forth below. Municipalities with average hourly earnings under \$4.00 are subject to Tier 3. Municipalities which are listed under Tier 3 may pay the rates specified under Tier 4 to employees engaged in traditional activities, as defined in §510.25 of the regulations. All other employees are subject to Tier 3. Municipalities which did not submit data are subject to Tier 1. The tiers set forth below are subject to petitions for review by affected employees, if filed prior to June 1, 1990. If upon review it is determined that the municipality should have been subject to Tier 1 or 2, back wages will have to be paid to April 1, 1990, to make up the difference between what municipal employees were paid and what they should have been paid.

Tier	Municipality
3	Adjuntas.
3	Aguada.
3	Aguadilla.

Wage and Hour Division, Labor

§ 511.3

Tier	Municipality
3	Yauco.

PART 511—WAGE ORDER PROCEDURE FOR AMERICAN SAMOA

Sec.

- 511.1 General method for issuance of wage orders.
- 511.2 Initiation of proceedings; notices of hearings.
- 511.3 Composition and appointment of committees.
- 511.4 Compensation of committee members.
- 511.5 Vacancies and dissolution of committees.
- 511.6 Investigation.
- 511.7 Committee staff.
- 511.8 Prehearing statements.
- 511.9 Requirements for quorum and decisions.
- 511.10 Subjects and issues.
- 511.11 Pertinent data.
- 511.12 Committee and subcommittee meetings.
- 511.13 Evidence.
- 511.14 Procedure for receiving evidence.
- 511.15 Submittals prior to reports.
- 511.16 Reports.
- 511.17 Records.
- 511.18 Publication and effective date of wage order.
- 511.19 Petitions.

AUTHORITY: 29 U.S.C. 205, 206, 208; 5 U.S.C. 551-559.

SOURCE: 21 FR 7669, Oct. 6, 1956, unless otherwise noted.

§ 511.1 General method for issuance of wage orders.

Pursuant to authority delegated by the Secretary of Labor, the Administrator of the Wage and Hour Division publishes the orders that are required by statute to make the recommendations of industry committees effective as wage orders under section 6(a)(3) of the Fair Labor Standards Act. The wage orders issued by the Administrator must by law give effect to the recommendations of the industry committees. All wage order proceedings will be conducted in accordance with the standards provided in the Administrative Procedure Act as interpreted and applied in this part.

[55 FR 53298, Dec. 28, 1990]

§ 511.2 Initiation of proceedings; notices of hearings.

(a) Wage order proceedings are initiated by order of the Secretary, published in the FEDERAL REGISTER, giving notice of hearings by industry committees to recommend the minimum rate or rates of wages to be paid under section 6 of the Act to employees in American Samoa engaged in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce. These orders will contain a definition of the particular industry in American Samoa, for which the committee is to make its recommendations, or these orders will direct the committee to recommend the minimum rate or rates of wages for all industry in American Samoa. All such orders will make provision for convening the committee. Any particular industry defined in such an order may be a trade, business, industry, or branch thereof, or group of industries, in which individuals are gainfully employed.

(b) These orders will also give reasonable notice (1) of the time and place of the commencement of the hearing of such witnesses and receiving of such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act, (2) of the general nature of the wage order proceedings and the authority under which they are proposed, (3) of the subjects and issues involved, and (4) that the committee will take official notice of the economic report (note § 511.13) and the parties will have an opportunity at the hearing to show any contrary or additional facts.

[26 FR 6513, July 20, 1961, as amended at 55 FR 12120, Mar. 30, 1990]

§ 511.3 Composition and appointment of committees.

An industry committee will be composed of residents of American Samoa and residents of the United States outside of American Samoa. The Secretary will appoint as members of each committee an equal number of persons representing:

- (a) The public,
- (b) Employees in the industry, and
- (c) Employers in the industry.