

For Release in Morning Papers  
Sunday, Nov. 13, 1938

R-87

U. S. DEPARTMENT OF LABOR  
Wage and Hour Division  
Washington, D. C.

The report of William M. Leiserson as presiding officer at the hearing held on the application of the Western Union Telegraph Company to employ messengers at wage rates less than those applicable under Section 6 of the Fair Labor Standards Act was filed today with Administrator Elmer F. Andrews, of the Wage and Hour Division of the U. S. Department of Labor.

It concluded:

"On the basis of the record the conclusion must be:

"(a) that it is not necessary, in order to prevent curtailment of opportunities for employment, to provide for the employment of messengers, employed exclusively in delivering letters and messages, under special certificates at wages lower than the minimum wage applicable under Section 6; and

"(b) that the Administrator is not authorized by Section 14 of the Act to issue such certificates for the messengers employed by the applicant companies.

"The applications must therefore be denied."

Under the regulations applicable to employment of messengers pursuant to Section 14 of the Act, this report constitutes the decision on the application of the Western Union Company and the other companies who joined with it.

A review of this action may be granted by the Administrator if an appeal is made within fifteen days, under the following section of the Regulations pertaining to messengers:

"SECTION 523.9 PETITION FOR REVIEW

"Any person aggrieved by the action of an authorized representative of the Administrator under these regulations may within fifteen days after the action of such representative file a petition with the Administrator requesting a review by the Administrator of the action of the representative. If the request for review is granted, all interested parties will be afforded an opportunity to be heard either in support or in opposition to the matters prayed for in the petition. A notice of the time and place and scope of the hearing will be published in the Federal Register and made public by general press release at least five days before the date of such hearing."

The hearing over which Mr. Leiserson presided as the authorized representative of the Administrator was held in New York City on October 20 and October 21. Representatives of the Western Union Company, Postal-Telegraph System, All America Cables & Radio, Inc., RCA Communications, Inc., Association of Western Union Employees, American Communications Association, and Commercial Telegraphers Union entered their appearance.

Mr. Leiserson is Chairman of the National Mediation Board and has been Secretary of the National Labor Board of the NRA; Chairman of the Petroleum Labor Policy Board; Chairman of the Board of Arbitration of the Men's Clothing Industry of New York; Chief of the Division of Labor Administration, U. S. Department of Labor, and Assistant Director of Research of the U. S. Commission on Industrial Relations.