

U.S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION

(R-90)
(146)

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION DENYING APPLICATIONS FOR PERMISSION TO EMPLOY MESSENGERS AT WAGES LOWER THAN APPLICABLE MINIMUM SPECIFIED IN SECTION 6 OF THE FAIR LABOR STANDARDS ACT OF 1938.

Whereas, the Western Union Telegraph Company, Postal Telegraph Landline System and All America Cables, Inc., pursuant to Part 523 (Regulations applicable to employment of messengers pursuant to Section 14 of the Fair Labor Standards Act of 1938) made application for permission to employ messengers employed exclusively in delivering letters and messages at wages lower than the applicable minimum wage specified in Section 6 of the Act; and

Whereas, a hearing on said application was held before William M. Leiserson, the representative of the Administrator of the Wage and Hour Division, duly authorized to hear and determine whether it is necessary in order to prevent curtailment of opportunities for employment to provide for the employment of such messengers at such lower wages, and, if such necessity were found to exist, to determine at what wages lower than the minimum wage applicable under Section 6 of the Act such employment shall be permitted and with what limitations as to time, number, proportion and length of service; and

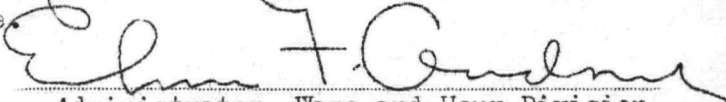
Whereas, following such hearing, the said William M. Leiserson duly made his report and found and determined as follows:

- "(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."

and therefore, determined that the said applications be denied; and

Whereas, said Report and Findings was duly filed with the Administrator on November 12, 1938, and is now on file in his office, Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties:

Now, Therefore, pursuant to the provisions of Section 523.9 of the aforesaid Regulations, notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date this notice appears in the Federal Register, file a petition with the Administrator requesting that he review the determination of the said representative.


Administrator, Wage and Hour Division
Department of Labor

November 14, 1938.