

U. S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
Washington, D. C.

FURTHER NOTICE OF HEARING AND
CHANGE OF HEARING DATE

In re: Application of the Postal Telegraph Landline System and sundry other parties pursuant to Section 14 of the Fair Labor Standards Act of 1938 and rules and regulations issued thereunder for permission to employ messengers at wage rates less than the applicable minimum wage specified in Section 6.

WHEREAS, application has been made by the Postal Telegraph Landline System and sundry other parties under Section 14 of the Fair Labor Standards Act of 1938 and regulations (Part 523 - Regulations Applicable to the Employment of Messengers pursuant to Section 14 of the Fair Labor Standards Act - Title 29, Labor, chapter 5, Wage and Hour Division) issued by the Administrator thereunder for permission to employ messengers at wages less than the applicable minimum wage specified in Section 6 of the Act; and

WHEREAS, a notice was published October 10, 1939, giving notice of a hearing to be held on the aforesaid application on October 25, 1939, before Merle D. Vincent; and

WHEREAS, it has appeared that the hearing should be held at an earlier date and that a final determination is desired and should be arrived at at the earliest possible date;

NOW, THEREFORE, pursuant to the Act and the regulations, the earlier notice published October 10, 1939, is amended and notice is hereby given of a public hearing to be held on said application at 2nd floor Association of the Bar Building, 42 W. 44th Street, New York City to commence at 10:00 a.m., on October 20, 1939, to take testimony for the purpose of determining whether it is necessary, in order to prevent curtailment of opportunities for employment, to provide for the employment of messengers (employed exclusively in delivering letters and messages) in the landline telegraph industry at wage rates lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938, and, if such necessity is found to exist, to determine at what wages lower than the minimum wage applicable under Section 6, such employment of messengers in the landline telegraph industry shall be permitted, and with what limitations as to time, number, proportion and length of service. The hearing is not limited to petitioner, Postal Telegraph Landline System, but will cover the entire landline telegraph industry.

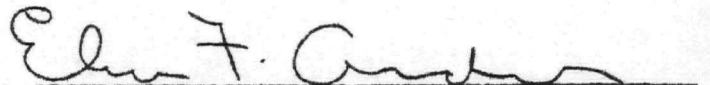
At this hearing, opportunity will be afforded to any interested person to present evidence relevant to the foregoing inquiry; provided such person files with George A. McNulty by noon October 19, 1939, a notice of intention to appear containing the following information:

- (1) The name and address of the person appearing.
- (2) If he is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
- (3) Whether he is appearing in support of or in opposition to the application for exemption.
- (4) The approximate length of time which has presentation will consume.

Pursuant to authority vested in the Administrator by the Fair Labor Standards Act of 1938, George A. McNulty is hereby designated as presiding officer to conduct the said hearing and to determine whether it is necessary in order to prevent curtailment of opportunities for employment, to provide for the employment of messengers (employed exclusively in delivering letters and messages) at wage rates lower than the minimum wage applicable under Section 6 of the Act, and if such necessity is found to exist, to determine at what wages lower than the minimum wage applicable under Section 6, such employment of messengers shall be permitted, and with what limitations as to time, number, proportion, and length of service.

The determination of the presiding officer shall be final and not subject to review under Section 523.9 of the aforesaid regulations.

Signed at New York, N. Y. this 13th day of October, 1939.



Elmer F. Andrews, Administrator
Wage and Hour Division
Department of Labor