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U. S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
165 W. 46th St.
New York, N. Y.

R-1846

SUPREME COURT PETITIONED FOR REHEARING IN WAGE-HOUR CASE AGAINST PUBLISHERS
OF DALLAS MORNING NEWS

A petition asking the United States Supreme Court to grant a rehearing in the Wage-Hour case against the A. H. Belo Corporation, publishers of the Dallas Morning News, has been presented to the court by the Solicitor General, acting on behalf of L. Metcalfe Walling, Administrator of the Wage and Hour Division, U. S. Department of Labor, Mr. Walling announced today.

The Supreme Court on June 8, 1942, in a 5 to 4 decision, ruled that the salary arrangement of the A. H. Belo Corporation, whereby it contracted with its employees to establish a certain "regular rate" of hourly pay to yield a guaranteed weekly wage regardless of the number of hours worked, up to a specified number of hours in a week, and with extra compensation thereafter, did not violate the overtime provisions of the Fair Labor Standards Act.

On the same day the Supreme Court, in the case of the Overnight Motor Transportation Co., Inc. v. Missel, upheld the Administrator's contention that the Act's overtime requirements were not satisfied by a weekly salary sufficient to yield the minimum wage and time and a half the minimum for the hours worked. The Government's petition for rehearing contends that the Belo decision is erroneous and deserves further consideration; that the apparent inconsistencies between the Belo decision and the Missel decision have introduced serious confusion into the administration of the Wage and Hour Law, and will produce unnecessary litigation; and finally, that the Belo decision offers strong support to schemes contrived to evade the requirements of the Act.

In the petition filed by the Solicitor General the Government states that "the chief field for operations of the evasive schemes will be found with respect to unorganized employees who do not have collective bargaining strength. Yet it is this very class of workers which, as this Court has often recognized, is most in need of statutory protection and for whom the Fair Labor Standards Act offers the most needed benefits."

The Supreme Court will not act upon the petition for a rehearing until October, and if the petition is granted, will then fix a date for reargument.

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