

For immediate release
Tuesday, November 1, 1938

R-74

U. S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
Washington

ADMINISTRATOR ANDREWS REPLIES TO HANSON ON NEWSPAPER STATUS

Administrator Elmer F. Andrews, of the Wage and Hour Division, U. S. Department of Labor, has replied to a letter from Elisha Hanson, attorney for the American Newspaper Publishers Association, as follows:

"By letter of October 28, you request a ruling as to the status of newspapers under Section 13 (a)(2) of the Act. As your letter points out, "Section 13 (a)(2) of the Act provides that the provisions of Section 6 and 7 shall not apply with respect to 'any employee engaged in any retail or service establishment the greater part of whose selling or servicing is in intrastate commerce'".

"It is the opinion of the General Counsel's office that newspapers are not service establishments within the meaning of Section 13 (a)(2).

"You will note that Section 13 (a)(8) provides an exemption for "any employee employed in connection with the publication of any weekly or semi-weekly newspaper with a circulation of less than three thousand the major part of which circulation is within the county where printed and published". If Congress had intended to exempt newspapers as service establishments, it would not have exempted a particular class of newspapers.

"The problem of overtime compensation you have mentioned, including the employment of reporters on "continuous assignments" is being carefully studied.

Sincerely yours,

(Signed) Elmer F. Andrews
Elmer F. Andrews
Administrator"