



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable John D. Reed, Commissioner
Bureau of Labor Statistics
Austin, Texas

Dear Sir:

Opinion No. 0-4911
Re: Whether women employees of
United States Post Offices
come within the provisions
of Article 1569-1572, Texas
Penal Code.

Your recent letter addressed to this department
requesting our opinion reads in part as follows:

"In order that this Department might take
proper action on a matter now pending, will you
please advise me whether or not female employees
of the U. S. Post Offices come within the provi-
sions of Article 1569 through Article 1572, P.C.,
commonly referred to as our Nine, Fifty-four Hour
Law.

"The female employees in question are em-
ployed as clerks, and their duties are primarily
to separate and route mail.

""
In the United States Supreme Court case of Erie
Railroad v. New York, 233 U. S. 671, 58 L. Ed. 1149, 34 S.
Ct. 756 (1914) the court stated:

" Indeed, when Congress acts in such a
way as to manifest its purpose to exercise its con-
stitutional authority, the regulating power of the
state ceases to exist. . . ."

Title 39 of the United States Code regulates in de-
tail the employment and hours of service of postal employees.
Sections 117, 613 and 629 of said Title 39 regulate specific-
ally the types of employment referred to in your letter.

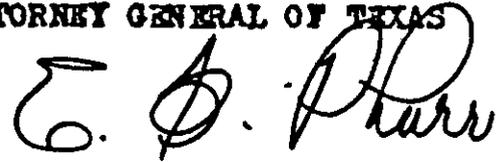
Honorable John D. Reed, Commissioner, Page 2

Obviously Congress has acted in such a way as to manifest its purpose to exercise its constitutional authority in regulating the hours of service of female employees in the postal service. You are therefore respectfully advised that female employees of the United States Post Offices do not come within the provisions of Article 1569 through Article 1572 of the Penal Code of Texas.

Yours very truly

ATTORNEY GENERAL OF TEXAS

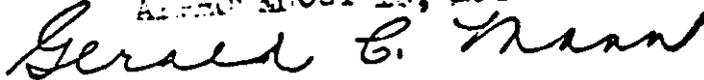
By



E. G. Pharr
Assistant

EGP:mp

APPROVED OCT 15, 1942



ATTORNEY GENERAL OF TEXAS

