



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

0-5401

GERALD C. HANN  
ATTORNEY GENERAL

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

Dear Sir:

Opinion No. 0-5401  
Re: Validity of certain contracts  
of employment and related  
matter.

Your request for opinion has been received and carefully considered by this department. We quote from your request as follows:

"Articles 5155, R.C.S., through Article 5159, R.C.S., commonly referred to as the Semi-Monthly Pay Day Law, sets out how certain wages are to be paid and also outlines the duty and authority of the Labor Commissioner in seeing that these statutes are carried out.

"Recently a complaint was made to our office by employees who had signed a certain contract regarding the withholding of part of their pay by their prospective employer.

"Will you please study the attached copy of these contracts and advise me whether or not they conflict with our State law and if so, are they valid contracts?"

Article 5155, Vernon's Annotated Texas Civil Statutes, reads as follows:

"Each manufacturing, mercantile, mining, quarrying, railroad, street railway, canal, oil, steamboat, telegraph, telephone and express company, employing one or more persons, and each and every water company not operated by a municipal corporation, and each and every wharf company,

and every other corporation engaged in any business within this State, or any person, firm or corporation engaged in or upon any public work for the State or for any county or any municipal corporation thereof, either as a contractor or a sub-contractor, therewith, shall pay each of its employees the wages earned by him or her as often as semi-monthly, and pay to a day not more than sixteen (16) days prior to the day of payment. (As amended Acts 1933, 43rd Leg., p. 730, ch. 217.)"

You have given us the further information that Gray Cleaners is a cleaning and pressing establishment and is not a corporation.

It is our opinion that Article 5155, supra, does not apply to Gray Cleaners and that you have no jurisdiction in the matter. Since you have no jurisdiction in the matter we do not express any opinion with reference to the contracts involved.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Wm. J. Fanning*  
Wm. J. Fanning  
Assistant

WJF:mp

APPROVED JUL 1 1945  
*Wm. J. Fanning*  
acting ATTORNEY GENERAL OF TEXAS

APPROVED  
OPINION  
COMMITTEE  
BY *BLW*  
CHAIRMAN