



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

July 24, 1962

Honorable R. B. Latting
Commissioner
Bureau of Labor Statistics
Austin, Texas

Opinion No. WW-1394

Re: Construction of the term
"calendar week" as used
in Article 5172a, Vernon's
Civil Statutes.

Dear Mr. Latting:

You have requested an opinion from this office upon the question of:

"Does the term 'calendar week' as used in the statute Article 5172a, Vernon's Civil Statutes mean the period Sunday through Saturday as registered on the calendar, or does the term 'calendar week' mean a fixed and regularly recurring period of 168 hours - seven consecutive 24-hour periods?"

Section 1 of Article 5172a, Vernon's Civil Statutes, reads in part as follows:

"No female shall be employed in any factory . . . or any other establishment, institution or enterprise where females are employed, for more than nine (9) hours in any one calendar day, nor more than fifty-four (54) hours in any one calendar week." (Emphasis added)

A review of Article 5172a reveals that the term "calendar week" appears in like manner throughout the statute.

While there have been no cases before the appellate courts of this State construing the term "calendar week" as used in Article 5172a, or otherwise, there have been cases before the appellate courts of other jurisdictions dealing with the interpretation to be placed upon the term "calendar week," and in one instance in a situation where there was involved a statute substantially identical to Article 5172a.

In the case of Chrysler Corporation v. State, 163 A.2d 239 (Del. Sup. 1960), the Supreme Court of Delaware had before it an appeal from a conviction involving violations of a statute

regulating the laws of employment of female workers. The statute involved is set forth as follows:

". . . no female shall be employed or permitted to work in an establishment or office to which this chapter applies, more than 6 days in any one calendar week, nor more than 10 hours in any one day, or more than 55 hours in any week. . . ." (Emphasis added)

The Court in its opinion stated that the sole question raised by the appeal was:

". . . whether the words 'calendar week' and 'week', as the same are used in the statute regulating the maximum hours of work of female employees, shall be interpreted as meaning a week beginning at 12:00 P. M. Saturday night and ending at 12:00 P. M. the following Saturday night, or any period of seven days."

The Court further held in its opinion that:

"We think that the language of the statute is clear and needs no construction. It is not disputed that absent any language therein requiring a contrary construction or showing a contrary intent, the words 'calendar week' must be construed to mean a week beginning at midnight on Saturday and ending at midnight on the following Saturday. Sonoma County v. Sanborn, 1 Cal.App. 2d 26, 36 P.2d 419; Syverson v. Saffer, Misc., 140 N.Y.S.2d 774, affirmed 1 A.D.2d 897, 150 N.Y.S.2d 551; Scilley v. Red Lodge-Rosebud Irr. Dist., 83 Mont. 282, 272 P. 543; King County v. City of Seattle, 7 Wash.2d 236, 109 P.2d 530. . . ." (Emphasis added)

Black's Law Dictionary, Fourth Edition, 1951, defines "calendar week" as:

"A block of seven days registered on calendar beginning with Sunday and ending with Saturday."

Webster's New International Dictionary, Second Edition, 1938, defines "calendar week" as:

"A period of seven days, usually reckoned from one Sabbath or Sunday to the next."

39 Tex.Jur., 197, Statutes, §105 provides that:

"One of the primary and settled rules of construction is that words in common use, when contained in a statute, will be read according to their natural, ordinary and popular meaning, unless a contrary intention is clearly apparent from the context, or unless there is some necessity, in a particular case, for adopting a different construction. . . ."

See also, Article 10, Vernon's Civil Statutes.

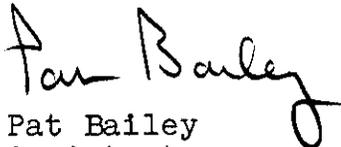
In view of the court decisions heretofore cited and the customary usage of the term "calendar week," we are of the opinion that the term "calendar week," as used in Article 5172a, refers to a period of time of seven (7) days commencing at 12:00 P.M. on a Saturday night and ending at 12:00 P.M. on the following Saturday night.

S U M M A R Y

The term "calendar week," as used in Article 5172a, Vernon's Civil Statutes, refers to a period of time of seven (7) days commencing at 12:00 P.M. on Saturday night and ending at 12:00 P.M. on the following Saturday night.

Yours very truly,

WILL WILSON
Attorney General of Texas

By 
Pat Bailey
Assistant

PB:wb:zt

APPROVED:

OPINION COMMITTEE
W. V. Geppert, Chairman

Robert Rowland
Charles Lind
Robert Patterson
Fred D. Ward

REVIEWED FOR THE ATTORNEY GENERAL
BY: Leonard Passmore