

Opinion No. 148.**Labor—Eight Hour Day—Managers
of Retail Stores.**

HELD: Managers of retail stores are not exempt from the provisions of Chapter 8, Laws of the Extraordinary Session, 1933-34; but the Act does not cover meetings of managers for the purpose of discussing matters pertaining to the business.

July 30, 1935.

Mr. Edward O'Byrne
Chief, Division of Labor and Publicity
Department of Agriculture
The Capitol

This will acknowledge receipt of your letter of July 26, requesting the opinion of this office upon the following two questions:

"In the case of a department store having a general manager, assistant manager, and/or department manager, and where these assistant managers and/or department managers sell to customers as well as buy or help select goods for their several departments, and in a general way superintend the activities of their several departments: does such manager, assistant manager and/or department managers come within the scope of the eight hour law for

clerks in wholesale and retail establishments?

"Would this law prohibit such managers and assistants meeting in their place of business either before or after the store has been closed and outside of the eight hour day limit and in excess of same, for the purpose of discussing matters pertaining to the business, or otherwise, but not for the purpose of selling goods or performing any other form of manual labor?"

Section 1 of Chapter 8 of the Laws of the Extraordinary Session, 1933-34, provides: "A period of eight (8) hours shall constitute a day's work and a period of not to exceed forty-eight (48) hours shall constitute a week's work in all cities and towns having a population of twenty-five hundred (2500), or over, for all persons employed in retail stores, and in all leased businesses where the lessor dictates the price, also kind of merchandise that is sold, and the hours and conditions of operation of the business, all persons employed in delivering goods sold in such stores, all persons employed in wholesale warehouses used for supplying retail establishments with goods, and all persons employed in delivering goods to retail establishments from such wholesale warehouses."

You will note that the law prohibits the employment of "all persons" for more than eight hours per day in all retail stores operated in cities and towns having a population of twenty-five hundred or more. Accordingly, your first question must be answered in the affirmative.

However, I doubt if a conviction could be sustained upon the statement of facts set forth in your second question, as the law limits only the hours of work and does not attempt to inhibit mere discussion.