

U.S. DEPARTMENT OF LABOR
WAGE AND HOUR AND PUBLIC CONTRACTS DIVISIONS
WASHINGTON, D.C. 20210

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This is in further reference to your letter of February 19, 1970, in which you ask whether the owner-operators of chain saws used under a contract for the clearing and disposal of debris left by Hurricane Camille would be considered employees or independent contractors for purposes of the Service Contract Act and the Contract Work Hours and Safety Standards Act.

After careful consideration of all the information in your letter and the case files forwarded by our Regional Office, it is our conclusion that an employment relationship exists between the contractor and the men involved. Since the chain saw operators would be considered employees of the contractor under the Fair Labor Standards Act, regardless of the fact that they own their own saws, we would adhere to the same conclusion under both the Service Contract Act and the Contract Work Hours and Safety Standards Act. See 29 CFR 4.155.

Sincerely,

ROBERT D. MORAN

Robert D. Moran
Administrator

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