

U. S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
WASHINGTON, D. C.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF
DETERMINATION DENYING APPLICATION FOR PARTIAL
EXEMPTION OF THE LUMBER INDUSTRY AS A SEASONAL
INDUSTRY PURSUANT TO SECTION 7(b)(3) OF THE FAIR
LABOR STANDARDS ACT OF 1938 AND PART 526 AS
AMENDED OF REGULATIONS ISSUED THEREUNDER.

WHEREAS, application has been made by the Northeastern Lumber Manufacturers Association, Timber producers Association of Minnesota and sundry other parties (representative of the lumber industry in the East, Middle West and South) under Section 7(b)(3) of the Fair Labor Standards Act of 1938, and Regulations, Part 526, as amended (Regulations applicable to Industries of a Seasonal Nature), issued by the Administrator thereunder, for partial exemption of the lumber industry from the maximum hours provisions of Section 7(a) of said Act pursuant to Section 7(b)(3) applicable to industries found by the Administrator to be of a seasonal nature; and

WHEREAS, a public hearing on said application was held before Harold Stein, the representative of the Administrator of the Wage and Hour Division, duly authorized to hear and determine whether or not the lumber industry or branch thereof is of a seasonal nature within the meaning of Section 7(b)(3) of the Fair Labor Standards Act of 1938, and Part 526 of Regulations issued thereunder, the term "lumber industry" being defined to mean the cutting, sawing, hauling and stacking of logs; and

WHEREAS, following such hearing, the said Harold Stein duly made his findings of fact and determined as follows:

"1. The 'lumber industry' involved in the applications consists of (a) the Northern branch of the logging industry (including the peeling of the pulpwood); and (b) the Northern branch of the sawmill industry.

"2. The Northern branches of the logging and sawmill industries include all logging and sawmill operations carried on in the northern portions of the states of Maine, Vermont, New Hampshire, New York, Pennsylvania, Michigan, Wisconsin and Minnesota, within the geographical limits specifically set forth on maps submitted by the applicants, and herein incorporated by reference.

"3. The Northern branch of the logging industry includes, within the above described geographical limits, cutting, hauling, driving, peeling and auxiliary operations. Labor and material requirements for the industry are largely predetermined and the chain of operations, all essential to production, continues throughout the year. The materials extracted or handled by the industry are not highly perishable. The industry has available a plentiful supply of labor, it is to some extent habituated to a regular workweek of 48 hours or less, and it may be characterized as an extractive industry.

"4. Cutting, hauling, driving and peeling of logs are not separate industries but are integral parts of the logging industry.

"5. The Northern branch of the logging industry engages in the handling, extracting, and processing of materials continuously throughout the year and does not at any time cease production (as the term 'production' is used in regulations, Part 526, and defined in Section 3(j) of the Act).

"6. The Northern branch of the sawmill industry consists of the operation of sawmills within the above described geographical limits. Some of its constituent mills operate continuously, others operate for longer or shorter periods at varying times of the year, but there is no cessation of work by the industry at any time. Its materials are not highly perishable, it has available a plentiful supply of labor, it is to some extent habituated to a regular workweek of 48 hours or less, and it may be characterized as a manufacturing industry.

"7. The Northern branch of the sawmill industry engaged in the handling and processing of materials throughout the year and does not at any time cease production (as the term 'production' is used in regulation, Part 526, and defined in Section 3(j) of the Act).

"8. The record does not warrant a finding that the Northern branch of the logging industry is an industry of a seasonal nature within the meaning of Section 7(b)(3) of the Act and Part 526 of Regulations issued thereunder; and

"9. The record does not warrant a finding that the Northern branch of the sawmill industry is an industry of a seasonal nature within the meaning of Section 7(b)(3) of the Act and Part 526 of Regulations issued thereunder."

and on the basis thereof denied the applications; and

WHEREAS, said Findings and Determination were duly filed with the Administrator on February 25, 1939, and are now on file in his Office, Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties:

NOW, THEREFORE, pursuant to the provisions of Section 526.7 of the aforesaid Regulations, notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date this notice appears in the Federal Register, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative.

Signed at Washington, D. C., this 28th day of February, 1939.



Elmer F. Andrews, Administrator,
Wage and Hour Division,
Department of Labor.