

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

NOTICE OF HEARING

IN THE MATTER OF THE APPLICATIONS OF THE NORTH-EASTERN LUMBER MANUFACTURERS ASSOCIATION AND SUNDRY OTHER PARTIES FOR EXEMPTION OF THE LUMBER INDUSTRY FROM THE MAXIMUM HOURS PROVISION OF THE FAIR LABOR STANDARDS ACT OF 1938 AS AN INDUSTRY OF A SEASONAL NATURE PURSUANT TO SECTION 7(b)(3) OF THE ACT AND PART 526 OF THE REGULATIONS ISSUED THEREUNDER

WHEREAS, the Northeastern Lumber Manufacturers Association, the Timber Producers Association of Minnesota, the American Pulpwood Association and the Wood-Turners Service Bureau applied, pursuant to Section 526.4 of the Regulations Applicable to Industries of a Seasonal Nature, for exemption of the lumber industry in the geographical areas where there member companies operate, from the maximum hours provision of the Fair Labor Standards Act of 1938 as an industry of a seasonal nature pursuant to Section 7(b)(3) of the Act, and

WHEREAS, a public hearing on the applications was held in Washington, D. C. on January 16, 1939, before Presiding Officer Harold Stein, a duly authorized representative of the Administrator of the Wage and Hour Division of the Department of Labor, and

WHEREAS, the said Presiding Officer determined on February 25, 1939, that the applications should be denied upon the basis of the record made at the hearing, and

WHEREAS, petitions have been filed by the applicants pursuant to Section 526.7 of the said Regulations for review of the determination of February 25, 1939, and

WHEREAS, upon due examination and consideration of the applications for exemption, the record of the proceedings, the findings of the Presiding Officer and the petitions for review, it has been found desirable to set a hearing pursuant to Section 526.5 of the Regulations for the purpose of taking evidence on the questions raised by the applications for exemption, in lieu of reviewing the determination under the provisions of Section 526.7 of the Regulations.

NOW, THEREFORE, notice is hereby given of a public hearing to be held before Administrator Elmer F. Andrews in Room 3229, Department of Labor Building, Washington, D. C., beginning at 10:00 A.M. on April 17, 1939, to take testimony for the purpose of determining:

(1) Whether the northern section of the lumber industry, as defined herein, is an industry of a seasonal nature within the meaning of Section 7(b)(3) of the Fair Labor Standards Act of 1938, and Part 526 of the Regulations issued thereunder.

(2) Whether the cutting, peeling, hauling, driving and auxiliary operations involved in the production of sap peeled pulpwood are of a seasonal nature within the meaning of Section 7(b)(3) of the Act and Part 526 of the Regulations, and whether such operations can be classified as an industry or a separate branch of an industry within the meaning of Sections 7(b)(3) and 3(h) of the Act and Part 526 of the Regulations.

(3) Whether there are any other divisions of the northern section of the lumber industry which are of a seasonal nature and can be classified as industries or separate branches of an industry within the meaning of Sections 7(b)(3) and 3(h) of the Act and Part 526 of the Regulations.

The "northern section of the lumber industry," as used in this notice, means the operations of logging and sawmilling, together with auxiliary operations, which are conducted in the States of Maine, Michigan, Minnesota, New Hampshire, New York, Pennsylvania,

Vermont and Wisconsin. In the case of sap peeled pulpwood production, the geographical area to be considered at the hearing will include, in addition to these States, Kentucky, Maryland, North Carolina, Ohio, Tennessee, Virginia and Washington.

In order to avoid unnecessary duplication of testimony, the transcript of the record of the hearing held on January 16, 1939, before the Presiding Officer, will be incorporated in the record of the hearing before the Administrator. Copies of the transcript may be obtained at prescribed rates from the official reporters, Ward and Paul, 1706 L Street, N. W., Washington, D. C.

Any person interested in supporting or opposing the applications may appear on his own behalf or on behalf of any other person, provided that he shall file with the Administrator at his office in Washington, D. C., prior to April 14, 1939, a Notice of Intention to Appear which shall contain the following information:

- (1) The name and address of the person appearing.
- (2) If he is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
- (3) Whether he is appearing in support of or in opposition to the applications for exemption.
- (4) The approximate length of time which his presentation will consume.

"Person," as used in this notice, means individual, partnership, firm, association, corporation, trust or labor organization.

Signed at Washington, D. C., this 31st day of March, 1939.



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