

U. S. DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
Washington

SEASONAL RULING ISSUED FOR CERTAIN BRANCHES OF THE LUMBER INDUSTRY

Certain branches of the lumber industry were given limited exemption from the maximum hours provisions of the Fair Labor Standards Act as seasonal industries by Administrator Elmer F. Andrews of the Wage and Hour Division, U. S. Department of Labor. Partial hours exemption was applied to the sap peeling of pulpwood wherever conducted, including sawing and piling, if performed during the sap peeling season, to ice and snow road hauling of saw timber and pulpwood in the Northeast and Lake States and to spring freshet driving in Maine, New Hampshire, New York and Vermont.

The applications for seasonal exemption of saw timber logging and saw milling were denied on the ground that the operations conducted in these industries did not come within the terms of the Regulations applicable to seasonal industries.

The Northeastern Lumber Manufacturers Association, Inc., The American Pulp Wood Association, the Timber Producers Association of Minnesota and others applied for exemptions of certain branches of the lumber industry on seasonal grounds and a hearing was held on January 16, before Harold Stein, Assistant Chief of the Hearings and Exemptions Section of the Wage and Hour Division, and, subsequently, when requests were filed for a review of his findings, Mr. Andrews held a new hearing on the applications on April 17 and 18.

Mr. Andrews found that sap peeling of pulpwood and the ice and snow road hauling and spring freshet driving of pulpwood and timber constituted separable branches of the lumber industry.

The Administrator also found that the sap peeling of pulpwood can only be performed during a limited period of the year when the sap is running.

The hauling on ice and snow roads of saw timber and pulpwood in Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Vermont, Michigan, Minnesota and Wisconsin must cease at the beginning of the spring thaw, Mr. Andrews found, and the spring freshet driving of saw timber and pulpwood can be performed only immediately following the spring breakup while the rivers and streams in these States are in flood stage.

This seasonal exemption, which is provided by Section 7(b)(3) of the Fair Labor Standards Act of 1938, permits the employment of workers for a workday not in excess of twelve hours and a workweek not in excess of fifty-six hours without the payment of overtime for periods aggregating not more than fourteen workweeks. The exemption does not relax the minimum wage provisions of the Fair Labor Standards Act.

In the case of saw timber logging in the Northeast, the Administrator found that the evidence developed at the hearings did not show that any cessation of operations which occurred was due of necessity to climatic or other natural conditions and in the case of saw milling, he found that, although there may be individual saw mills in the Northeast, which conduct their operations within a specified time period, the evidence did not show that the industry or any branch thereof ceased production because of climatic or other natural conditions. The applications for exemption of these branches of the lumber industry were, therefore, denied.