

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

IN THE MATTER OF THE APPLICATION FOR EXEMPTION OF THE SPRING FRESHET DRIVING OF LUMBER IN THE STATES OF MICHIGAN, MINNESOTA AND WISCONSIN FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 PURSUANT TO SECTION 7(b)(3) AND PART 526 OF THE REGULATIONS ISSUED THEREUNDER.

WHEREAS, the Timber Producers' Association of Minnesota has filed an application with Elmer F. Andrews, Administrator of the Wage and Hour Division, United States Department of Labor for a determination that spring freshet driving of lumber in the States of Michigan, Minnesota and Wisconsin is a branch of 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, and

WHEREAS, the Administrator determined, after a public hearing held before him in Washington, D. C. on April 17 and 18, 1939, that the spring freshet driving branch of the lumber industry conducted in the States of Maine, New Hampshire, New York and Vermont is entitled to the seasonal exemption provided in Section 7(b)(3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder, and

WHEREAS, it is alleged in the application filed by the Timber Producers' Association of Minnesota that spring freshet driving in Michigan, Minnesota and Wisconsin is similar in all material respects to spring freshet driving in Maine, New Hampshire, New York and Vermont.


NOW, THEREFORE, upon consideration of the facts stated in the said application, the Administrator hereby determines, pursuant to Section 526.5(c) of the Regulations, that a prima facie case has been shown for the granting of an exemption, pursuant to Section 7(b)(3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder to the branch of the lumber industry which is engaged in spring freshet driving in the States of Michigan, Minnesota and Wisconsin.

In accordance with the procedure established by Section 526.5(c) of the Regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for the hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding on the prima facie case shown upon the application.

The application may be examined in Room 5144, U. S. Department of Labor, Washington, D. C.

Signed at Washington, D. C., this 20th day of July, 1939.



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