

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

PLACER GOLD MINING GRANTED SEASONAL EXEMPTION

The open-cut mining of placer gold in Alaska and in the "more northerly and higher altitude states" of Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington and Wyoming was granted seasonal exemption today from the maximum hours provisions of the Fair Labor Standards Act of 1938 in an official "Findings and Determination" by Harold Stein, Assistant Chief of Hearings and Exemptions, Wage and Hour Division, U. S. Department of Labor.

Application for a seasonal exemption for placer gold mining operations was made by the Arctic Circle Exploration Company and other placer gold operators and a public hearing held June 19 and June 20, 1939 before Mr. Stein in Washington, D. C.

While the record indicates that open-cut mining of placer gold is not restricted to the states and territory enumerated in the findings, Mr. Stein reported that no pertinent testimony was offered concerning the operations in other parts of the continental United States and territories. The findings and determination specify, therefore, that this determination "is without prejudice to a determination on applications from other gold producing states and territories."

For the purposes of this ^{determination} ~~determination~~ the mining of placer gold from surface or open-cuts was defined to mean the extraction of such gold from pit, bank or marine deposits by hand or power methods, but was not considered to embrace any underground operations.

Approximately 50 per cent of the placer gold production in the Continental United States, territories and possessions is produced in the
(2445)

area covered by the application, and more than one half the placer gold produced in this area is excavated by floating connected dredges. Of the total gold produced in this area more than three fourths is produced in Alaska.

"The mining of placer gold from surface or open cuts in the above-defined area is characterized by annually recurrent cessation of operations caused by freezing temperatures and water shortage" the findings state, "and except for maintenance, repair and sales work the open-cut mining of placer gold in the above-defined area ceases completely at regularly recurring times of the year for a period of approximately six months or more in each part of the area, because due to climatic and other natural causes the materials used by the industry are not available in the form in which they are handled or processed."

The record of the hearing before Mr. Stein indicates that there were some 550 placer mines operating in Alaska during 1938 and employing almost 3,500 men. The record does not reveal the number of placer operations and employees outside of Alaska.

Under the exemption granted, gold placer mining operators in the defined area are permitted to work their employees 12 hours a day or 56 hours a week for a period of not more than fourteen weeks in the aggregate in any calendar year before paying them time and half for overtime.

Announcement was also made (Federal Register, November 15, 1939) that a period of fifteen days will be allowed in which to file objections to the granting of the exemption.