

UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
WASHINGTON, D. C.

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

WHEREAS, H. C. Oliver of Helena, Arkansas and sundry other parties, have filed applications with the Administrator of the Wage and Hour Division, United States Department of Labor for a determination that the spring freshet driving of lumber 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, as amended, of the Regulations issued thereunder, and

WHEREAS, the Administrator has determined that the spring freshet driving branch of the lumber industry conducted in the States of Maine, New Hampshire, New York, Vermont, Michigan, Minnesota, and Wisconsin is entitled to the seasonal exemption provided in Section 7(b)(3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the Regulations issued thereunder, and

WHEREAS, it appears from the applications filed by H. C. Oliver and sundry other parties and upon further investigation that spring freshet driving elsewhere is similar in all material respects to spring freshet driving in the above-listed states.

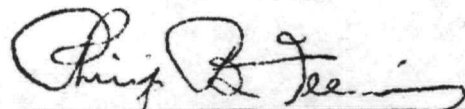
NOW, THEREFORE, upon consideration of the facts above set forth, the Administrator hereby determines, pursuant to Section 526.5(c) of the Regulations, that a prima facie case has been shown for the granting of an exemption, pursuant to Section 7(b)(3) of the Fair Labor Standards Act of 1938 and Part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

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 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 upon the prima facie case.

The application and the report of the investigation made thereon may be examined at Room 313, 939 D Street, N. W., Washington, D. C.

Signed at Washington, D. C., this 7th day of March, 1940.



Philip B. Fleming
Colonel, Corps of Engineers
Administrator