

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

IN THE MATTER OF THE APPLICATION FOR EXEMPTION
OF THE OPEN-CUT MINING OF PLACER GOLD IN THE
STATE OF COLORADO FROM THE MAXIMUM HOURS PRO-
VISIONS OF THE FAIR LABOR STANDARDS ACT OF
1938 PURSUANT TO SECTION 7(b)(3) AND PART 526
OF THE REGULATIONS ISSUED THEREUNDER.

WHEREAS, on November 6, 1939, an authorized representative of the Administrator of the Wage and Hour Division, United States Department of Labor, determined, after a public hearing held before him in Washington, D. C. on June 19 and 20, 1939, that the open-cut mining of placer gold in the States of Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington, and Wyoming and the Territory of Alaska is a branch of an industry of a seasonal nature and therefore 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, on January 3, 1940, the Administrator made this exemption effective by publication in the Federal Register, and

WHEREAS, the Colorado Mining Association has filed an application with the Administrator for the inclusion of the open-cut mining of placer gold in the State of Colorado within the aforesaid branch of an industry and therefore also entitled to the seasonal exemption, and

WHEREAS, it is alleged in the application filed by the Colorado Mining Association that the open-cut mining of placer gold in Colorado is similar in all material respects to the open-cut mining of placer gold in the States of Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington and Wyoming and the Territory of Alaska.

NOW, THEREFORE, upon consideration of the facts stated in the said application, and upon further investigation 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, to the open-cut mining of placer gold in the State of Colorado as part of the branch of the open-cut placer gold mining industry found to be a branch of a seasonal industry as set forth in the first and second paragraphs hereof.

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
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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 shown in the application.

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

Signed at Washington, D. C. this 1st day of April, 1940.



Philip B. Fleming
Colonel, Corps of Engineers
Administrator
Wage and Hour Division
Department of Labor

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