

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, and

WHEREAS, the Administrator published a preliminary determination in the Federal Register on March 19, 1940, (5 FR 1095) pursuant to Section 526.5(b)(ii) of the Regulations, as amended, that a prima facie case was shown by the application 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, as amended, issued thereunder to the branch of the lumber industry which is engaged in spring freshet driving in the United States, and

WHEREAS, no objection and request for hearing was received by the Administrator within the fifteen days following the publication of said preliminary determination;

NOW, THEREFORE, pursuant to Section 526.5(b)(ii) of the Regulations, as amended, the Administrator hereby finds on the prima facie case shown in the said application that the spring freshet driving of lumber in the United States is a seasonal industry within the meaning of Section 7(b)(3) of the Fair Labor Standards Act of 1938 and Regulations issued thereunder and, therefore, is entitled to the exemption provided in Section 7(b)(3) of the said Act.

Signed at Washington, D. C. this 11th day of April, 1940.



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

Published in Federal Register, April 16, 1940.