

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

SEASONAL EXEMPTION OF NORTHERN BRANCH OF CRUSHED STONE INDUSTRY PROPOSED

A partial exemption from the maximum hours provisions of the Fair Labor Standards Act for the northern branch of the crushed stone industry as an industry of a seasonal nature was proposed today in a finding made public by the Wage and Hour Division, U. S. Department of Labor.

The National Crushed Stone Association and other parties applied for the exemption, and the determination of Harold Stein, Assistant Director of the Hearings Branch of the Wage and Hour Division, was based on testimony adduced at the public hearing June 19, 1939, in Washington.

The southern branch of the industry was held not to be an industry of a seasonal nature, in Mr. Stein's determination. Weather conditions throughout the country, making it impractical and dangerous to quarry crushed stone during winter months in the northern parts of the United States, were the governing factors in considering the application.

The boundary between the northern and southern branches of the industry, for the purposes of the determination, runs across the entire country from Maine to the State of Washington and follows the isothermic belt marking that part of the country in which the average temperature in December, January and February is below 25° F. The northern branch is held to include all plants located in counties that lie within the isothermic belt below 25° F. or are touched by the 25° isotherm on Figure 5 of the Atlas of American Agriculture issued by the U. S. Department of Agriculture.

Under the exemption proposed, employers would be permitted to work their employees up to 12 hours a day or 56 hours a week without the payment of overtime. The exemption would not in any way affect the requirement to pay the

statutory minimum of 30 cents an hour or the child labor provisions of the Fair Labor Standards Act.

If no objections are filed within a 15-day period (Notice of Opportunity to Petition for Review -- Federal Register) the exemption will become final.

As defined in the determination, the northern branch of the industry for which the exemption is proposed includes the States of Iowa, Maine, Minnesota, Montana, New Hampshire, North Dakota, South Dakota, Utah, Vermont, Wisconsin and Wyoming; and parts of the States of Colorado, Connecticut, Idaho, Michigan, Nebraska, New York, Illinois, Indiana, Massachusetts, Missouri, Nevada, New Mexico, Ohio, Oregon, Pennsylvania and Washington.

The determination is without prejudice to a supplementary determination enlarging the scope of the northern branch by including therein such plants or groups of plants, if any, as operate in the same manner and for the same reasons as the typical plants in the northern branch -- in other words, that shut down substantially for about six months each year and completely for about five months each year because climatic factors make the quarrying of crushed stone impractical and dangerous.

Following is a breakdown by counties of the States partially covered by the exemption:

All counties in the State of Colorado except Adams, Arapahoe, Baca, Bent, Cheyenne, Crowley, Denver, Douglas, Elbert, Kiowa, Kit Carson, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld and Yuma.

All counties in the State of Connecticut except Middlesex, New London, Tolland and Windham.

All counties in the State of Idaho except Ada, Benewah, Canyon, Gooding, Jerome, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette and Twin Falls.

All counties in the State of Michigan except Berrian and Monroe.

All counties in the State of Nebraska except Adams, Banner, Buffalo, Chase, Cheyenne, Clay, Dawson, Deuel, Dundy, Franklin, Frontier, Furnas, Gosper, Hall, Harlan, Hayes, Hitchcock, Jefferson, Kearney, Kimball, Nuckolls, Pawnee, Perkins, Phelps, Redwillow, Richardson, Thayer and Webster.

All counties in the State of New York except Genesee, Monroe, Nassau, Niagara, Orleans, Rockland, Seneca, Suffolk, Wayne, Westchester and all the counties of the City of New York.

The following counties in the State of Illinois: Boone, Bureau, Carroll, Cook, DeKalb, DuPage, Henderson, Henry, Jo Daviess, Kane, Kendall, Knox, Lake, La Salle, Lee, McHenry, Marshall Mercer, Ogle, Peoria, Putnam, Rock Island, Stark, Stephenson, Warren, Whiteside, Will and Winnebago.

The following counties in the State of Indiana: Allen, DeKalb, Elkhart, Kosciusko, Lagrange, Marshall, Noble, Saint Joseph, Steuben, and Whitley.

The following counties in the State of Massachusetts: Berkshire, Franklin, Hampden, Hampshire, Middlesex and Worcester.

The following counties in the State of Missouri: Atchison, Centry, Harrison, Holt, Mercer, Nodaway, Putnam, Schuyler, Scotland, Sullivan and Worth.

The following counties in the State of Nevada: Elko, Eureka and White Pine.

The following counties in the State of New Mexico: Colfax, Mora, Rio Arriba, Santa Fe and Taos.

The following county in the State of Ohio: Williams.

The following counties in the State of Oregon: Baker, Clackamas, Deschutes, Grant, Hood River, Jefferson, Lane, Linn, Marion, Umatilla, Union and Wasco.

The following counties in the State of Pennsylvania: Bradford, Erie, Lackawanna, McKean, Pike, Potter, Susquehanna, Tioga, Warren, Wayne and Wyoming.

The following counties in the State of Washington: Chelan, Ferry, King, Kittitas, Lewis, Okanogan, Pend Oreille, Pierce, Skagit, Skamania, Snohomish, Spokane, Stevens, Whatcom and Yakima.

###

INF:JHB:MM
5-29-40