

U. S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
Washington

FOREST FIRE FIGHTERS EXEMPT FROM WAGE-HOUR LAW

Employees of lumber and other companies, called on to engage in fire fighting activities, are exempt from the wage and hour provisions of the Fair Labor Standards Act while fighting forest fires, Colonel Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor, announced today.

The Wage and Hour Division, in cooperation with the Forest Service, U. S. Department of Agriculture, and the National Lumber Manufacturer's Association, recently drew up a procedure to be observed by private employers who seek this exemption for their employees while fighting forest fires. Authority for the action is contained in Section 3(d) of the Fair Labor Standards Act, which provides that the term "employer . . . shall not include the United States or any state or political subdivision of a State." Fire fighters are working under state, federal, or other public direction while fighting forest fires and during that time, therefore, are employed by them, and are exempt.

In announcing the action, Colonel Fleming said: "Since persons called upon by government or other public officials, pursuant to statutory authority, to engage in fire fighting activities, become in legal effect employees of the State or Federal Government, the employer whose employees have been so engaged is not required to consider time spent in fire fighting activities as hours worked for the company during the workweek."

Every employer claiming exemption of his employees as fire fighters during the period the employees were so engaged will submit a form supplied by the Wage and Hour Division entitled "Application for Certification of Employees

as Fire Fighters," filled out in triplicate, to the appropriate local Forest officer. Such Forest officer will either approve or deny the application and will send one copy of the form to the Regional Office of the Wage and Hour Division and return one copy to the employer.

Determination of whether there was in fact a forest fire and whether the fire occurred in a Protected Area is the responsibility of the local Forest officer. The Wage and Hour Division will accept determinations made by such Forest officer. The U. S. Forest Service and its cooperating agencies will notify employers cooperating in the prevention and control of forest fires about this procedure and will supply them with necessary forms, obtained from the Wage and Hour Division, U. S. Department of Labor.

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