

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

SEASONAL EXEMPTION OF SPRUCE AND PINE TIMBER OPERATIONS PROPOSED

A partial exemption from the maximum hours provisions of the Fair Labor Standards Act for timber operations involving Lodgepole Pine, Englemann Spruce, and commonly associated species of timber, in the States of Colorado, Wyoming, and Utah, 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 Rocky Mountain Timber Producers' Association applied for the exemption; and the determination of Burton D. Seeley, Senior Exemptions Examiner of the Hearings Branch, was based on testimony adduced at the public hearing in Denver, Colorado, on May 14, 1940.

The term "timber operations involving Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber", as defined in Mr. Seeley's determination, means the logging and reduction to usable form in the woods of Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber in the States mentioned, and may include the hauling of the logs from the woods to the sawmill and the delivery of the logs or rough manufactured products to local markets or shipping points. It does not include the treating or further processing of such logs or rough manufactured products.

Under the exemption proposed, employers in timber operations involving Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber, in the States of Colorado, Wyoming, and Utah, would be permitted to work their employees up to twelve hours a day, or fifty-six hours a week for an aggregate of 14 weeks in a calendar year without the payment of overtime. The exemption would not in any way affect the requirement to pay the statutory minimum of thirty cents an hour, or the child labor provisions of the Fair Labor Standards Act. Insufficient information was furnished in the record to allow any

determination on timber operations involving Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber, in the State of Idaho. The determination was made without prejudice to a supplementary determination on operations on other timber types or operations on the same timber types in other States.

If no objections are filed within a fifteen-day period (Notice of Opportunity to Petition for Review - Federal Register, August 2, 1940) the exemption will become final.

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