

UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
WASHINGTON, D. C.

NOTICE OF HEARING

IN THE MATTER OF APPLICATION OF THE CITY MOTOR TRUCKING COMPANY, PORTLAND, OREGON, FOR THE EXEMPTION OF THE QUARRYING OF CRUSHED STONE FROM SURFACE OR OPEN CUTS FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 UNDER SECTION 7(b)(5) AND PART 526 AS AMENDED OF THE REGULATIONS ISSUED THEREUNDER, AND PARAGRAPH 8 OF THE ORIGINAL DETERMINATION MADE IN THE MATTER OF THE CRUSHED STONE INDUSTRY PURSUANT TO HEARING HELD JUNE 19, 1939.

WHEREAS, the Administrator determined after a public hearing held before Harold Stein, Presiding Officer, on June 19, 1939 that:

- "1. There is a branch of the crushed stone industry wherein the plants normally shut down for about six months each year, except for an insubstantial amount of production that may be produced shortly before or shortly after the main production season. This branch is located in the colder and, in general, more northerly parts of the United States; and
3. The plants in the northern branch cease operations annually at a regularly recurring season of the year, except for sales, maintenance, and similar work, because the materials used by the industry are not available for excavation, handling and processing in the form in which they must be excavated, handled, and processed, i.e., as unfrozen ledges, and banks of blasted rock, because of climatic factors; and
4. The northern branch of the crushed stone industry is an industry of a seasonal nature within the meaning of section 7(b)(3) of the act and Part 526 of regulations issued thereunder;" and

WHEREAS, paragraph 8 of the above Determination provided that it shall be without prejudice to a supplementary determination enlarging the scope of the northern branch as defined in said determination, by the inclusion therein of such plants or groups of plants, if any, as operate in the same manner and for the same reasons as the plants in the northern branch described in paragraphs 1 and 3 above; and

WHEREAS, upon consideration of the application filed by the City Motor Trucking Company, Portland, Oregon, for inclusion within the scope of the northern branch of the crushed stone industry, as defined in said Determination, a preliminary determination was made that a prima facie case had been shown for the granting of such exemption and notice thereof was published in the Federal Register under date of January 14, 1941 (6FR 361) in accordance with the procedure established under section 526.5(c) of the regulations; and

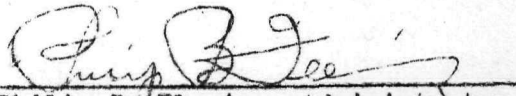
WHEREAS, within fifteen days following the publication of that preliminary determination the Administrator received an objection and request for hearing.

NOW, THEREFORE, notice is hereby given of a public hearing to be held pursuant to sections 526.5 and 526.6 of the regulations, at Circuit Court, Room 570, County Court House, Portland, Oregon, commencing at 10 o'clock a.m. on May 27, 1941, before Harold Stein, an authorized representative of the Administrator hereby authorized to conduct such hearing, take testimony and hear arguments for the purpose of determining:

Whether, pursuant to paragraph 8 of the original determination, the City Motor Trucking Company, Portland, Oregon, shall be included within the northern branch of the crushed stone industry, which branch was found to be of a seasonal nature within the meaning of section 7(b)(3) of the Fair Labor Standards Act and Part 526 of the regulations issued thereunder.

Any person interested in being heard on this matter may appear at the hearing or file a written statement in lieu of personal appearance. Written statements should be filed with the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C. at any time prior to the date of the hearing or with the Presiding Officer at the time of the hearing.

Signed at Washington, D. C. this 12th day of May, 1941.


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

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