

For Release Saturday,
January 31, 1942

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

PRIMA FACIE DETERMINATION IN THE MATTER OF
THE EXEMPTION OF THE MINING OF SAPPHIRES
FROM SURFACE OR OPEN-CUTS FROM THE MAXIMUM
HOURS PROVISIONS OF THE FAIR LABOR STANDARDS
ACT OF 1938 AS AN INDUSTRY OF A SEASONAL
NATURE WITHIN THE MEANING OF SECTION 7(b)(3)
OF THE ACT AND PART 526, AS AMENDED, OF THE
REGULATIONS ISSUED THEREUNDER.

WHEREAS, an application has been filed by the American Gem Mines, Philipsburg, Montana, for the exemption of the mining of sapphires from surface or open-cuts from the maximum hours provisions of the Fair Labor Standards Act as an industry of a seasonal nature within the meaning of section 7(b)(3) of the act and Part 526, as amended, of the regulations issued thereunder; and

WHEREAS, it appears from said application and upon further investigation that:

1. All or practically all of the sapphires produced in the United States are mined from surface or open-cuts in the State of Montana by hydraulic methods.
2. The mining of sapphires from surface or open-cuts by methods employing hydraulicking is characterized by annually recurrent cessation of operations caused by freezing temperatures and water shortage.
3. Except for maintenance, repair and sales work, the mining of sapphires from surface or open-cuts by methods employing hydraulicking in the State of Montana ceases completely at regularly recurring times of the year for a period of approximately six months or more because due to climatic or other natural conditions the materials employed by the industry are not available in the form in which they are handled or processed.

NOW, THEREFORE, upon consideration of the facts stated in the said application, and upon further investigation, the Administrator hereby determines that a prima facie case has been shown for the granting of an exemption as an industry of a seasonal nature pursuant to section 7(b)(3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder, to the mining of sapphires from surface or open-cuts by methods employing hydraulicking in the State of Montana.

In accordance with the procedure established by section 526.5(b) of the regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing the Administrator will set the application for the hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the prima facie case shown upon the application.

This application may be examined at Room 5307, United States Department of Labor Building, Washington, D. C.

Signed at Washington, D. C. this 12th day of January, 1942.

Thomas W. Holland

Thomas W. Holland, Administrator
Wage and Hour Division
Department of Labor

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