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U. S. DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
165 W. 46th St.  
New York, N. Y.

POWER MACHINERY MINING OF GOLD HELD NOT "SEASONAL"

Placer gold mining by power machinery in the states of Colorado, Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington and Wyoming is not a "seasonal" operation within the meaning of the Fair Labor Standards Act. Therefore, overtime pay for workers so engaged must be paid throughout the year at the rate of at least time and one-half their regular hourly rate for work beyond 40 hours in a single workweek.

This was announced today by L. Motealfe Walling, Administrator of the Wage and Hour Division, U. S. Department of Labor.

The decision amends in this respect determinations by the Administrator on January 3, 1940, and April 30, 1940, which found all open-cut placer gold mining in the above-named states a "seasonal" operation, thus entitled to a 14-weeks' exemption period each year, during which overtime rates of pay do not apply until after 12 hours of work a day or 56 hours in a workweek.

The amended decision was reached after interested labor unions had objected that mining with power machinery continues throughout the year, and a hearing on the objection resulted in a finding that the objections were valid.

The original determinations with respect to placer gold mining by means other than power in the enumerated states remain unchanged--the partial exemption from the overtime provisions of the Act for a 14-week period being permitted. In addition, the original determinations holding that placer gold mining in Alaska, either by power or otherwise, may enjoy the exemption, remain in effect.

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