

**Eight Hour Law, Janitors in School Buildings. Janitors, Eight Hour Law. Labor, Hours of.**

The provisions of Section 1739, Revised Codes relating to hours of labor, does not apply to public offices, or public departments, nor to janitors, nor those in charge of the heating plant of school and city buildings.

June 6, 1914.

Hon. W. J. Swindlehurst,  
Commissioner, Department of Labor and Industry,  
Helena, Montana.

Dear Sir:

I am in receipt of your letter, submitting the question:

"Do the provisions of Section 1739, Revised Codes of 1907,  
relating to the eight hour day, apply to engineers and janitors  
employed in schools and city buildings?"

The meaning of the phrase "on all works or undertakings as used  
in Section 1739, Revised Codes, does not include public departments or  
any employment necessary to the successful operation of such depart-  
ment, nor does it include public officers, their assistants or aids, nor  
does it include care-takers or custodians of municipal operated build-  
ings, unless there is some statute giving it that meaning, and there is  
no such statute. Hence, neither janitors nor those in charge of the  
heating plant of the character of buildings named in your inquiry, are  
within the meaning of this statute. You will find a general discussion  
of this law in *State v. Livingston Concrete etc. Mfg. Co.*, 34 Mont. 570.

Yours very truly,

D. M. KELLY,  
Attorney General.