

Labor—Eight Hour Law—Highways—Emergencies.

Highway and bridge construction not deemed emergency work so as to exclude it from the provisions of the eight hour law.

Mr. R. D. Rader, August 31, 1931.
Chief Engineer, State Highway Commission,
Helena, Montana.

My dear Mr. Rader:

You have handed me a letter from Boomer and Blakeslee, contractors engaged on state highway contracts, in which they ask that bridge and concrete construction scheduled for this year's completion be considered emergency work and so not subject to the eight hour labor law.

This work comes within the provisions of section 3079 R. C. M. 1921 which reads as follows:

“A period of eight hours shall constitute a day's work on all works or undertakings carried on or aided by any municipal, county, or state government, school districts of the first class, and on all contracts let by them, and for all janitors, engineers, firemen, caretakers, custodians, and laborers employed in or about any buildings, works, or grounds used or occupied for any

purpose by any municipal, county, or state government, school districts of the first class, and in mills and smelters for the treatment of ores, and in underground mines, and in the washing, reducing, or treatment of coal.”

The only provisions for an emergency that appear in the labor laws of this state, justifying more than eight hours work, are found in sections 3068 regarding hoisting engineers, 3070 governing jailors, 3071 applying to underground miners, 3072 smeltermen, and 3074 telephone operators, where more than eight hours may be required in cases of relieving another employee in case of sickness, or where life or property is in imminent danger.

When the legislature enacted section 3079 above it did not see fit to provide therein for any emergency that might arise as it did in the other sections above referred to.

Therefore, it is my opinion that the state highway commission has no authority for declaring the class of work referred to by the contractors to be emergency work, justifying the employment of labor thereon more than eight hours in any one day.

Very truly yours,

L. A. FOOT,

Attorney General.