

No. 236

**SOIL CONSERVATION DISTRICTS—  
WAGES AND HOURS**

**Held:** Employees of state soil conservation districts do not come under the provisions of the United States Wages and Hours Law and therefore employees of such districts may work more than forty hours per week but not more than eight hours in any one day.

September 9, 1941.

Mr. Truman C. Anderson  
State Coordinator  
Soil Conservation Service  
United States Department of Agriculture  
Bozeman, Montana

Dear Mr. Anderson:

Recently you wrote to this office as follows:

“I have a letter from the Supervisors of the Wibaux Soil Conservation District, asking what effect the Wages and Hours Law will have upon their employees.

"For your information, the Supervisors are employing tractor operators who are operating these machines in developing conservation practices on the various farms cooperating with the district. So far, it seems that these tractor operators have worked more than forty hours a week—the farmers and Supervisors of the district contending that this is agricultural work and therefore comes under the agricultural exemption clause in the Wages and Hours Law. On the other hand, it seems that similar work in this district is being done by contractors, who are obligated to comply with the Wages and Hours Law. To further clarify my question, I might state that the equipment operated by the employees in question is owned by the Soil Conservation Service, U. S. Department of Agriculture and loaned to the district supervisors. They in turn loan the equipment to the individual farmers carrying on conservation work and merely charge the farmers for the cost of the operator, plus fuel, oil and such incidentals as are necessary to maintain the equipment."

The so-called Wages and Hours Law is to be found in the Fair Labor Standards Act (new) Chapter 8, Title 28, U. S. C. A., at page 163. As I read this law, it applies only to industries engaged in interstate commerce or in the production of goods for interstate commerce.

Section 3079, Revised Codes of Montana, 1935, provides in effect a period of eight hours shall constitute a day's work in all works by any municipal, county or state government.

It goes without saying the Wibaux Soil Conservation District is a part of the State Government.

It is therefore my opinion the Federal law, which is commonly called the Wages and Hours Law, has no bearing at all on employees of the Wibaux Soil Conservation District which you describe in your letter, because such employees are not employed in industries engaged in interstate commerce or in the production of goods for interstate commerce.

It is further my opinion such employees are governed by Section 3079, Revised Codes of Montana, 1935, and they cannot be worked more than eight hours a day; but there is no limit, which I can find, placed upon the number of days per week which they may work.

Sincerely yours,

JOHN W. BONNER  
Attorney General