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June 8, 1932

Mr. M. C. Hankins, Secretary,
Arizona State Highway Commission
Phoenix, Arizona.

Dear Sir:

In reply to your letter of the 1st instant relative to the hours of labor for laborers and mechanics on public works and employments, I advise you as follows:

Section 1350, R. C. A. 1928, provides in part as follows:

"Eight hours and no more shall constitute a lawful day's work for all persons doing manual or mechanical labor employed by or on behalf of the state or of any of its political subdivisions, except in an extraordinary emergency, in time of war or for the protection of property or human life. In such cases the persons working to exceed eight hours each day shall be paid on the basis of eight hours constituting a day's work.* * *"

In this regard, I have examined Paragraph 4 of the General Instructions issued on May 25, 1932, by the department to all maintenance and construction foremen, resident and local engineers, but due to the ambiguity and indefiniteness of the language therein employed, cannot determine exactly what rule the department is attempting to put into force. The order of the commission reads as follows:

"That the men travel on their own time up to half an hour going and coming from their work, and after half an hour they travel on the state's time."

Varied as are the employments with the department, it would be impossible, from this language, to give a uniform opinion covering all types of employment. I can conceive of a situation wherein it would be improper to require men to travel on their own time to and from the place where they actually perform labor as mechanics or laborers. I would respectfully suggest that to eliminate confusion and insure uniformity of operation, the regulation in this regard adopted by the Commission be more fully and clearly set forth. As it now stands, I cannot advise you whether or not, in all of the phases of its application to employees of the Highway Department, this regulation is proper and lawful.

RINEY B. SALMON
Assistant Attorney General