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U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
WASHINGTON, D.C. 20210



4-20-73

This is in reply to your letter of March 22, 1973. You ask whether the employees in your [redacted] are subject to the partial exemptions from the overtime pay requirements provided by sections 7(c) and 7(d) of the Fair Labor Standards Act for employment in the field grown cut and potted flower seasonal industry.

The field grown cut and potted flower seasonal industry is defined in 29 CFR 52c.12(b)(1) as the original assembly of field grown cut and potted flowers from the growers. The industry includes the sorting, grading, handling, packing and shipping, and transporting to carriers or to market, and any other operations necessary or incidental thereto when such activities are performed in conjunction with the original assembly. The terms of the definition necessarily exclude from the industry any activities which are not within the original or first assembly of flowers from the growers. Therefore, any handling of flowers after they have been originally assembled from the growers which is done away from the growing area in a place to which the flowers have been shipped constitutes a second handling that is not original assembly.

Such handling is not within the seasonal industry defined in §52c.12(b)(1). Accordingly, in any week in which an employee in your [redacted] handles flowers shipped in from outside the local area, he would not be within the field grown cut and potted flower seasonal industry as defined in Part 52c and would be exempt under sections 7(c) and 7(d).

Sincerely,

/s/ Ben P. Robertson

Ben P. Robertson
Acting Administrator
Wage and Hour Division