

For release
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U. S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
Washington

R-140

LEAF TOBACCO SEASONAL EXEMPTION

The handling of raw leaf tobacco in the continental United States was defined as a seasonal branch of the tobacco industry and therefore partially exempt from the maximum hours provisions of Section 7 (a) of the Fair Labor Standards Act in a preliminary determination issued today by Deputy Administrator Paul Sifton of the Wage and Hour Division, U.S. Department of Labor. The proposed exemption applies only to the buying, handling, stemming, and redrying of raw leaf tobacco, and its packing and storing, but does not cover manufacturing. There are other applications for seasonal exemptions pending for other types of tobacco.

On the recommendation of Merle D. Vincent, Chief of the Hearings and Exemptions Section of the Division, Mr. Sifton declared that there appeared to be a prima facie case shown in the applications of the Tobacco Association of the United States and other parties for exemption of employers engaged in the seasonal handling of flue-cured, burley, fire-cured and dark-air-cured types of leaf tobacco.

It appeared from the application that the operations of buying, handling, stemming, redrying, packing and storing of leaf tobacco of the types involved include operations essential to the preservation of a perishable agricultural product and that the plants are open only during the season when the raw tobacco is available except for maintenance, repair, clerical and sales work.

The green leaf tobacco--the material used by this industry--is available only at brief periods of the year and the plants are in operation only at these times. More than 90 percent of all tobacco handled by the industry is handled within periods ranging from four weeks to four months in each tobacco growing district.

Mr. Sifton stated that the Wage and Hour Division will receive objections to the granting of the exemption and requests for a hearing from any person interested during the next fifteen days. If objection is raised, a hearing will be set before the Administrator, or an authorized representative. If no objection is raised, the Administrator will make a final finding upon the prima facie case.

The exemption is applicable during periods of not exceeding fourteen workweeks in each calendar year. Employees working overtime during the period of the exemption must be paid time and one-half for hours worked in excess of twelve in any workday or in excess of fifty-six in any workweek.