

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

ENGLISH WALNUT WAGE-HOUR HEARING SEPTEMBER 28 AT SAN FRANCISCO

Objection having been made to the proposal to grant a partial exemption from the hours provisions of the Fair Labor Standards Act to the receiving, grading and packing of English walnuts as a seasonal industry, Administrator Elmer F. Andrews of the Wage and Hour Division, U. S. Department of Labor, today announced that a hearing will be held on the subject at 10:00 A.M. on September 28, 1939, in the U. S. Post Office Building, San Francisco. This hearing will also cover the question as to whether the receiving, grading and packing of filberts is a seasonal industry or branch thereof. Mr. Andrews designated Harold Stein, Assistant Chief of the Hearings and Exemptions Section of the Division, as his authorized representative to conduct the hearing. These nuts are produced commercially in California, Oregon and Washington.

Application had been made by the California Walnut Growers' Association, the North Pacific Nut Growers' Cooperative, and other parties for exemption of the receiving, grading and packing of unshelled English walnuts, and announcement was made that such an exemption would be granted unless objections were made within a 15-day period from August 29, 1939. Objections were received from union officials and California labor department officials, and the hearing was therefore set.

Applications have also been received from the North Pacific Nut Growers' Cooperative and others for a partial overtime exemption of filbert packing as a seasonal industry.

The question to be decided is whether the receiving, grading and packing of either or both of the nuts is an industry of a seasonal nature or a branch thereof, within the meaning of the Fair Labor Standards Act and regulations issued under it. These terms are used in the ordinary accepted meaning of the terms in the trade, but do not include the warehousing or shelling of such nuts. All those desiring to be heard should notify in advance Administrator Andrews at Washington, or Mr. Wesley Ash, Regional Director, at 785 Market Street, San Francisco, California.

The proposed exemption, if the industries are found to be of a seasonal nature, would permit the employment of workers up to 12 hours a day or 56 hours a week without overtime pay during a period or periods aggregating 14 weeks in any year; with the reservation that such permission would not in any way affect the provisions of the California law setting a maximum eight-hour day and forty-eight-hour week for women.

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