

For Release Afternoon Papers
Tuesday, January 2, 1939 1940

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

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HEARING ON SMITHFIELD HAM SEASONAL EXEMPTION APPLICATION JANUARY 9

The application of the Virginia-Smithfield Meat Packers Association and others for the granting of a seasonal exemption from the maximum hours provision of the Fair Labor Standards Act for the curing of Smithfield and Virginia process cured meats will be the subject of a public hearing at 10:00 A. M., January 9, 1940, in Room 3229 Labor Building, Washington, D. C. The hearing will be before Harold Stein, Assistant Director of the Hearings Branch of the Wage and Hour Division, U. S. Department of Labor.

The application filed by the Virginia-Smithfield Meat Packers Association of Smithfield, Virginia, sets forth that the operations of the industry are confined solely to Virginia; that the meat is available only from the peanut-fed hog native to the counties of Surry, Isle of Wight, Nansemond, Southampton, and five small counties in eastern North Carolina; and that it is available only from November 15 until late February or early March. The availability of the hog is dependent in turn, the application states, upon the peanuts upon which they are fed and upon which depends the peculiar flavor of the cured meat. The application sets forth that operations of the curing plants can take place only during cold weather, since the plants are unrefrigerated and since the oily type of meat handled is of a perishable nature. Hence, it is stated that except for maintenance, repair and sales work, the activities of the plants cease from March or April until November 15.

The law requires that overtime at the rate of time and one-half be paid for all hours worked in excess of 42 per week. If the application for a seasonal exemption is granted, employers engaged in the industry may work their employees up

to 12 hours a day and 56 hours a week without payment of overtime for a 14-week period during the calendar year.

Those desiring to be heard or to submit statements must so advise the Administrator of the Wage and Hour Division at Washington on or before January 9.

The hearing as announced (Federal Register January 3, 1940) will be to determine "whether peanut fed, long process, non-refrigerated meat curing is an industry of a seasonal nature." This activity is further defined to mean establishments engaged entirely or almost entirely in the curing by a "long cure" process of jowls, shoulders, sides and hams from peanut-fed hogs without the aid of artificial refrigeration.