

U. S. DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
Washington, D. C.

RAW FUR RECEIVING SEASONAL EXEMPTION MADE FINAL

The seasonal exemption from the maximum hours provisions of the Fair Labor Standards Act for the raw fur receiving industry was made final today by the Wage and Hour Division, U. S. Department of Labor. The application for the exemption was first made by the Raw Fur and Wool Association of St. Louis, Missouri, Inc., and other parties in 1938 and was the subject of a public hearing December 7, 1939, in Washington.

Announcement of the intention to grant the exemption was made in January at which time opportunity was given to file objections during a 15-day period. Several anonymous protests were received but the Administrator found that these could not properly be considered petitions for review. There was also a protest from a New York union, the Fur Merchants Employees Union, Local 64, of the International Fur and Leather Workers Union of the United States and Canada. The protest requested either that an opportunity be given to show that certain matters in the record on which the Determination was made were incorrect or alternatively that certain statements in the Determination considered "vague and confusing" by the Union, be clarified. These statements were clarified by Administrator Harold D. Jacobs and his clarification is given in full below. Upon receipt of this clarification the Union stated that it did not seek a review of the finding of seasonality and today's action (Federal Register, February 3, 1940) makes the exemption final.

Under the exemption granted, raw fur receiving houses are permitted to work their employees engaged in receiving, scraping, drying and grading furs and operations immediately incidental thereto 12 hours a day or 56 hours a week for not more than 14 workweeks in the aggregate in any calendar year without the necessity of paying them time and one-half for overtime. The exemption does not affect the wage requirement that at least 30 cents an hour be paid. It also does not affect state maximum hour standards particularly for women and minors, in those states where employers are covered by state legislation, nor does it affect the rest of the fur industry.

Mr. Jacobs also stated that the phrase used in the Determination "the raw fur receiving industry is a branch of an industry of a seasonal nature" - means that raw fur receiving is a branch of the fur industry and that it is of a seasonal nature. It does not mean that the fur industry is of a seasonal nature.

In the Determination "raw fur receiving houses" were defined as "all employers who (a) receive all or almost all their furs from country sources, i.e., trappers, farmers, country collectors and dealers, and (b) engage in the operations of scraping and drying, as well as operations incidental thereto." Mr. Jacobs explained that raw fur receiving houses would be considered as receiving "all or almost all their furs from country sources" if 90 per cent or more of their furs are so received, the percentage to be computed on the average of the number of skins received in the past three years. In this connection Mr. Jacobs pointed out that "country collectors and dealers" means "country collectors and country dealers." He also explained that receiving houses would not fall within the definition unless they regularly use scraping and drying equipment throughout each receiving season.

In the Determination the term "raw fur receiving industry" was defined to include "the receiving, scraping, drying and grading, in raw fur receiving houses, of domestic furs received from country sources and operations immediately incidental thereto."

Mr. Jacobs stated that the exemption does not cover any operations except in raw fur receiving houses, as defined above, nor does it cover any operations, such as dyeing or manufacturing, which are not normally and directly related to the exempt operations. Operations on other commodities such as wool are of course also excluded from the exemption.

# # #

(3233)