

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

VIRGINIA-SMITHFIELD MEAT PACKERS SEASONAL EXEMPTION PROPOSED

Exemption from the maximum hours provisions of the Fair Labor Standards Act, as an industry of a seasonal nature, for the Virginia-Smithfield Meat Packers Association, was proposed today in a finding announced by the Wage and Hour Division, U. S. Department of Labor (Federal Register, February 10, 1940). The finding was made by Harold Stein, Assistant Director of the Hearings Branch of the Division, after a public hearing conducted before him in Washington, D. C., on January 9, 1940.

Application for the seasonal exemption was filed by the Virginia-Smithfield Meat Packers Association and sundry other parties, who contended that the Smithfield and Virginia methods of curing hams were used only in limited areas around the town of Smithfield, and in certain other parts of Virginia. Seasonal exemption was granted because only peanut-fed hogs can be used to make the type of meat needed by these packers and such hogs are available only from about the middle of November until sometime in March. The hogs cannot be turned into peanut fields until the crop has been harvested, and after March the peanut-fed hogs are no longer available.

On the basis of the record, Mr. Stein's finding is that curing and packing Virginia-Smithfield hams is a seasonal industry within the meaning of the Fair Labor Standards Act. Accordingly, if the determination is made final, Virginia-Smithfield packers will be allowed to work employees up to 12 hours a day and 56 hours a week, without the payment of overtime, for a period of not more than 14 workweeks a year. The exemption would not in any way affect the statutory requirement to pay a minimum wage of 30 cents an hour, nor would it modify the prohibition against oppressive child labor contained in the Fair Labor Standards Act. Neither would it affect union contracts or state laws providing for shorter hours.

Unless objection is received by the Division within 15 days, the finding will be sustained and the exemption will be granted.