

*General  
file*

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

EVERGREEN INDUSTRY HELD SEASONAL

The harvesting and preparing of undried evergreens for decorative purposes, and the processing of coniferous evergreens and undried holly are found to be "seasonal" industries and therefore partially exempt from the hours limitation of the Fair Labor Standards Act, the Wage and Hour Division announced today (Federal Register, February 15, 1940).

The finding was made by Harold Stein, Assistant Director of the Hearings Branch of the Division, who presided at a hearing on the subject on November 29, 1939. If no petitions for review of this finding are made within fifteen days, this exemption shall become effective upon publication at that time in the Federal Register.

As "seasonal" industries, the harvesting and preparing of undried evergreens and the processing of coniferous evergreens and undried holly may be carried on for twelve hours in any workday, or for 56 hours in any workweek, as the case may be, for a period or periods aggregating 14 workweeks in any calendar year, before the overtime provisions requiring payment of at least time and one-half the regular rate of pay become effective.

Certain operations in the preparation and marketing of evergreens are found to be not of a seasonal nature. They are the harvesting and preparing of evergreen huckleberry and evergreen ferns in the State of Washington, and the preparing and processing of dried decorative greens into grave wreaths. No finding was made in the matter of jobbing and central market distribution of evergreens, or in the matter of undried commercial greens, other than evergreens and deciduous holly, because no pertinent evidence on these matters was presented at the hearing.