

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

SEASONAL EXEMPTION DENIED TO EGG BREAKING INDUSTRY

It is not the lack of eggs, but the advance in the price of eggs that causes curtailment of major operations in the egg breaking industry in the late summer, the Wage and Hour Division, U. S. Department of Labor, found in denying the petition of the National Egg Products Association, of 100 West Monroe Street, Chicago, Illinois, for a partial exemption of the egg-breaking industry from the maximum hours provisions of the Fair Labor Standards Act.

Furthermore, the Wage and Hour Division held, egg breaking is frequently conducted in establishments that handle eggs throughout the year, and many employers engaged in egg breaking, drying and freezing, are also active dealers in eggs in the shell.

The findings of the Hearings Branch of the Wage and Hour Division were incorporated in a letter to the National Egg Products Association by Harold D. Jacobs, Administrator of the Wage and Hour Division, and made public today.

"Eggs after breaking are sold either as fresh liquid eggs, as frozen eggs, as dried eggs or in the form of varied special allied products" the opinion read. "The bulk of egg breaking in this country is concentrated in the Spring months, about 70 per cent of the total being broken between March 1 and June 15, and over 90 per cent being broken during a six-month period each year. However, some eggs are broken all the year round, the latter group being broken primarily as substandard eggs which are not suitable for shipment in the shell, whereas in the late Spring egg breaking operations, eggs of all grades or ungraded eggs are purchased for breaking.

"In this latter instance the egg breaking may be considered largely a method of utilizing the Spring surplus of eggs and thereby preserving that surplus

for use throughout the year in the form of dried or frozen eggs which can be stored cheaply for long periods of time. The cessation of major operations in the late summer is caused by the advance in the price of eggs rather than by any physical unavailability of eggs. Egg breaking is frequently conducted in establishments that handle eggs throughout the year, and many employers engaged in egg breaking, drying and freezing, are also active dealers in eggs in the shell."

The opinion also held that egg breaking operations do not appear to constitute a separate industry within the meaning of the Official Regulations governing seasonal exemptions, and pointed out that it is a common if not universal practice to conduct egg breaking operations in the same establishments in which eggs are handled in the shell throughout the year. Egg breaking, therefore, should be considered as an operation in the egg industry, which as a whole operates throughout the year, and is not eligible for exemption from the maximum hours provisions of the Act on the grounds of seasonality.

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