

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

SEASONAL EXEMPTION DENIED SOUTHERN MILLINERY MANUFACTURERS

A request from the Southern Millinery Manufacturers' Association for an exemption from the maximum hours provision of the Fair Labor Standards Act, "due to the lateness of this spring season," has been denied by the Wage and Hour Division, U. S. Department of Labor.

"We feel sure that as soon as there is an improvement in the weather, we will have a tremendous demand for merchandise until after Easter. We are, therefore, requesting that our markets be allowed the privilege of working overtime not exceeding 56 hours per week during the period between February 1 and April 30, 1940," H. B. Sims, vice-president of the Association, wrote the Division.

In reply, Harold D. Jacobs, Administrator of the Division, pointed out that under the Division's regulations, the seasonal exemption for an industry is applicable only to an industry which both:

- "(a) Engages in the handling, extracting or processing of materials during a season or seasons occurring in a regularly, annually recurring part or parts of the year; and
- "(b) ceases production, apart from work such as maintenance, repair, clerical and sales work, in the remainder of the year because of the fact that, owing to climate or other natural conditions, the materials handled, extracted, or processed, in the form in which such materials are handled, extracted, or processed, are not available in the remainder of the year."

Since the millinery industry does not cease production in the remainder of the year, a seasonal exemption was held to be not applicable.

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