

UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
WASHINGTON, D. C.

NOTICE OF HEARING ON PROPOSED AMENDMENTS
TO PART 541 OF REGULATIONS WITH RESPECT
TO THE DEFINITION OF THE TERMS "EXECUTIVE,
ADMINISTRATIVE, PROFESSIONAL...OUTSIDE
SALESMAN" AS THEY AFFECT EMPLOYEES IN THE
MANUFACTURING AND EXTRACTIVE INDUSTRIES

WHEREAS, Section 13(a)(1) of the Fair Labor Standards Act provides that the provisions of Section 6 and Section 7 of the Act shall not apply to any employee "employed in a bona fide executive, administrative, professional...capacity, or in the capacity of outside salesman (as such terms are defined and delimited by regulations of the Administrator);" and

WHEREAS, the Administrator of the Wage and Hour Division, on October 20, 1938, issued Title 29, Chapter V, Part 541, entitled Regulations Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, Professional, or Local Retailing Capacity, or in the Capacity of Outside Salesman" Pursuant to Section 13(a)(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1060); and

WHEREAS, applications have been filed pursuant to Section 541.5 of the said regulations for amendment of Sections 541.1, 541.2, and 541.4 of the said regulations defining and delimiting the terms "executive, administrative, professional, ...(and)...outside salesman," by the Southern States Industrial Council and sundry other parties, with respect to the Manufacturing and Extractive Industries;

NOW, THEREFORE, notice is hereby given of a public hearing to be held pursuant to Section 541.5 of the said regulations on June 3, 1940, at 10:00 A.M. at the Willard Hotel, 14th and Pennsylvania Avenue, N. W., Washington, D. C., before Harold Stein, the presiding officer hereby designated, at which interested parties will be heard on the following question:

What, if any, amendments should be made to Section 541.1, 541.2 and 541.4 of regulations issued under Section 13(a)(1) of the Fair Labor Standards Act of 1938 defining and delimiting the terms "executive, administrative, professional, ...(and)...outside salesman," with respect to the Manufacturing and Extractive Industries.

Any person interested in proposing or opposing any amendment to the regulations and wishing to be heard shall file not later than May 28, 1940, a notice of intention to appear, which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons he is representing.
3. The branch of the manufacturing and extractive industries in which he is interested.
4. Whether such person proposes to appear in support or of in opposition to any amendment of the regulations.
5. If he proposes to appear in support of an amendment, the terms of the suggested amendment.
6. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C. All notices including terms of proposed amendments will be placed on file upon receipt in Room 313, 939 D Street, N. W., Washington, D. C., where they may be examined by any interested person.

Written statements may be filed in lieu of personal appearances, if filed not later than May 28, 1940.

As used in this Notice of Hearing "Manufacturing and Extractive Industries" shall include: cleaning, grading, packing, canning, handling and processing of agricultural or horticultural commodities; mining; quarrying; petroleum production; logging and lumbering; and all other manufacturing and extractive industries except publication of books, magazines and newspapers, public utilities and production of moving pictures.

Signed at Washington, D. C., this 10th day of May, 1940



Philip B. Fleming/
Administrator

Published in Federal Register, May 11, 1940.