

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

APPLICATIONS FOR SEASONAL EXEMPTIONS FROM
CANNERS AND PACKERS WILL BE CONSIDERED

The Wage and Hour Division will entertain applications for an additional seasonal exemption of the canning, packing, etc., of fresh fruits and vegetables, Administrator Philip B. Fleming announced today.

Colonel Fleming stated that on March 18 he began an investigation of the effect which the definition of area of production has had upon the fruit and vegetable industries -- canning or packing. The first step was a series of informal conferences in the actual scene of operations in the field. This has been followed by formal hearings held in Washington. Analysis of the records and a decision on redefinition of area of production will take some further time. However, it has already been reported to Colonel Fleming that many members of the industries state that their urgent need is for an additional 14 workweeks overtime exemption beyond the 14 workweeks overtime exemption allowed by Section 7(c) of the Act.

It appears, therefore, that the seasonal problem is closely related to the area of production problem. In view of this, Colonel Fleming expressed his willingness to receive applications from the fresh fruit and vegetable industries for classification as industries of a seasonal nature, under Section 7(b)(3) of the Act. If such applications are received, they will be promptly set down for hearing and the decision will be made on the evidence adduced at the hearing.

Colonel Fleming further explained that if the evidence at such a hearing shows that the packing or canning of fresh fruits and vegetables is of a seasonal nature, then the industries will have, in addition to the 14 workweeks exemption they now enjoy, a second 14 workweeks exemption with freedom from overtime during the latter period up to 12 hours per day and 56 hours per week. This does not affect the requirement to pay at least 30 cents an hour.