

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

HEARING JULY 1 ON SEASONAL EXEMPTION OF PACKING AND CANNING OF FRESH
FRUITS AND VEGETABLES

A hearing on applications for the partial exemption from the hours provision of the Fair Labor Standards Act, of the handling, packing, storing, preparing in their raw or natural state or canning of fresh fruits and vegetables as industries of a seasonal nature was set today by Colonel Philip B. Fleming, Administrator of the Wage and Hour Division, for 10:00 A.M., July 1, at the Hotel Raleigh, before Merle D. Vincent, Director of the Hearings Branch of the Division.

The hearing was set on the applications of the West Virginia Horticultural Society of Martinsburg, West Virginia, the Agricultural Producers Labor Committee, and the Northwest Cannery Association, Portland, Oregon, and others, Colonel Fleming also had before him reports gathered from Wage and Hour officials in the field, who, in making a field survey of "area of production" problems, had reported to him that the seasonal problem was a closely related one. These informal conferences at the actual scene of operations, together with formal hearings on the question of re-defining "area of production" for the fresh fruit and vegetable industries led to the Colonel's announcement on June 3, that the Division would entertain applications for the exemption, as seasonal industries of the packing, canning, etc. of fresh fruits and vegetables.

These industries already have a 14 workweeks overtime exemption, under Section 7(c) of the Act. The hearing will be to determine whether the industries are entitled to another exemption under Section 7(b)(3). This exemption would give these employers, in addition to the 14 workweeks exemption they now enjoy, a second 14 workweeks exemption with freedom of 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.

The notice of the hearing (Federal Register, June 14, 1940) stated that those desiring to be heard must so advise the Administrator by 12:00 noon, June 29, giving the name of the organization they represent, whether they are in favor of or opposed to the proposed exemption, and how long their presentation will take.

Information will be sought at the hearing upon the following facts, among others: (1) length of operating season in weeks for each commodity for past several seasons; (2) length of operating season in weeks, in plants operating on more than one commodity for past several seasons and (3) proportion of total volume of all commodities handled, packed, stored or canned during 14-week period or periods of maximum operation during past several seasons.

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