

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

"SEASONAL" REGULATIONS REVISED

An amendment to regulations on "seasonal" industries was announced today by Colonel Philip B. Fleming, Administrator of the Wage and Hour Division, United States Department of Labor. Under it, the seasonal exemption may be made applicable in the packing or storing of agricultural commodities in their raw and natural state, where the industry receives for packing or storing 50 per cent or more of its annual volume in 14 workweeks.

Under Section 7(b)(3) of the Fair Labor Standards Act, payment of overtime need not begin until after 12 hours in any workday and after 56 hours in any workweek for a period, or periods, of not more than 14 workweeks in the aggregate in any calendar year "in an industry found by the Administrator to be of a seasonal nature."

Section 526.3 of these regulations states: "The exemption for an industry of a seasonal nature is applicable to an industry (a) which both

- "(1) 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
- "(2) 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."

The amendment announced today made immediately effective by publication in today's Federal Register, adds to this section: "or (b) which both

- "(1) engages in the packing or storing of agricultural commodities in their raw and natural state, and
- "(2) receives for packing or storing 50 per cent or more of the annual volume in a period or periods amounting in the aggregate to not more than 14 workweeks."