

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

SEASONAL EXEMPTION FOR APPLE STORAGE AND PACKING AND FOR
CANNING FRESH FRUITS AND VEGETABLES WILL BE
CONSIDERED AT WAGE HOUR HEARING JULY 1

The question of granting a seasonal exemption from the hours provision of the Fair Labor Standards Act to the apple storage industry in the "Appalachian area" or in other areas will be considered at a public hearing July 1 at 10 a.m. Raleigh Hotel, Washington, D. C., it was announced today by the Wage and Hour Division, U. S. Department of Labor. (Federal Register, June 19, 1940.)

This hearing, which will be before Merle D. Vincent, Director of the Hearings Branch of the Division, was called originally to consider applications for seasonal exemptions from the hours provisions of the Act for the handling, packing, storing, preparing in their raw or natural state or canning of fresh fruits and vegetables. Today's announcement indicates that the hearing will include the cold storage of apples in the "Appalachian" or other areas.

Previously, after a hearing before Harold Stein of the Wage-Hour staff, on applications of the Winchester Cold Storage Company, Inc., and others, it was determined that the cold storage of apples in apple storage warehouses in the "Appalachian area" in the States of Pennsylvania, Maryland, Virginia and West Virginia is an industry of a seasonal nature. A petition for review of that determination was filed by the International Longshoremen and Warehousemen's Union 1-6, and the Wage-Hour Administrator announced officially that briefs from interested persons, either supporting or opposing the determination, would be received until June 15.

Meanwhile, the definition of seasonal industries was changed by an amendment to Wage-Hour Regulations, Part 526.3, published in the Federal Register June 18, 1940. In view of this, and of the public hearing scheduled for July 1 regarding

fresh fruit and vegetables seasonal exemptions, it has been decided to include the apple storage application in the agenda of that hearing. The record made at the previous "Appalachian area" hearing, and all petitions, briefs and letters filed in connection therewith, will be made a part of the July 1 hearing. In addition, all persons who wish to present further testimony or argument respecting the cold storage of apples in the "Appalachian area" or in other areas may appear then and address themselves to that subject.

Also, Col. Philip B. Fleming, Administrator of the Division, has announced that written statements will be accepted in lieu of personal appearances with regard to the question of whether the handling, packing, storing, preparing or canning of perishable or seasonal fresh fruits or vegetables are industries of a seasonal nature. This is in response to requests from interested parties unable to attend the hearing in person.

Written statements filed in lieu of personal appearances should include the following data required in the notice of hearing:

- (a) Length of operating season in weeks for each commodity for the past several seasons.
- (b) Length of operating season in weeks in plants operating on more than one commodity for the past several seasons.
- (c) Proportion of total volume of all commodities handled, packed, stored, prepared in their raw or natural state or canned during the fourteen week period or periods of maximum operation during the past several seasons.

In addition, each statement should set forth the number of plants involved and the total number of employees for which exemption is asked.

A seasonal exemption means that employees in such an industry may work 12 hours in any workday or 56 hours in any workweek without overtime, for an aggregate of not more than 14 workweeks in any calendar year. The requirement that a minimum wage of 30 cents be paid is not modified by a seasonal exemption.

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