

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

SEASONAL EXEMPTION FOR CERTAIN GRAIN WAREHOUSES PROPOSED

Determination of a prima facie case for the granting of a 14-week partial exemption from the maximum hours provision of the Fair Labor Standards Act as a seasonal industry to country, sub-terminal, terminal and mill grain warehouses was announced today by Colonel Philip B. Fleming, Administrator of the Wage and Hour Division. (Federal Register July 26, 1940.)

About 95 percent of the country elevators probably are exempt from both wage and hour provisions already, under the "area of production" clause of the Act, it was pointed out.

Under the exemption to be granted in today's determination, the other country elevators and the sub-terminal, terminal and mill warehouses will be permitted to work their employees up to 12 hours a day or 56 hours a week without payment of overtime for a period or periods of not more than 14 weeks in the aggregate in any calendar year. The determination covers the storage of wheat, oats, barley, rye, corn, and other grains and soybeans, flax and buckwheat.

The action was taken upon the application of the National Grain Trade Council, the Millers' National Federation and others. If no objection and request for hearing is received within 15 days, the Administrator will make a finding on the prima facie case.

In connection with the determination, it was pointed out that most of the workers in the terminal elevators are members of unions and are working under agreements between the unions and employers at higher wages than the minimum provided by the Act and with an agreed limitation on working hours. This determination will in no wise affect these employer-employee agreements, nor will it affect maximum hour limitations in state laws. These limitations, especially with regard to women and minors, are found in the laws of most of the States in the grain belt.