

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

GRAIN ELEVATOR EXEMPTION STAYED PENDING HEARING

Objections filed to the granting of a 14-week seasonal exemption to country, sub-terminal, terminal and mill grain warehouses, have stayed the final determination, Colonel Philip B. Fleming, Administrator of the Wage and Hour Division, announced today. The objections were filed by local unions of the Flour, Cereal, Feed Mill and Grain Elevator Workers, and by the American Federation of Grain Processors Council - both affiliated with the American Federation of Labor.

Administrative regulations provide a 15-day period for objections to this type of determination. The determination would have become final August 10. The determination was a prima facie one made on the basis of statements presented by the National Grain Trade Council and the Millers' National Federation.

The objectors contend that the burden of seasonal peak loads in the grain elevator business is carried on by country elevators which serve as first receiving points for 75% of the grain later handled by the Terminal Elevators. A majority of these country elevators are probably exempt from both the wage and hour provisions of the Act under the "area of production" provision. The objectors also state that the would-be exempt elevators have been operating with two shifts - thereby eliminating any necessity for overtime payment.

Inasmuch as this year's grain receiving season will be passed before a decision can be issued based upon a hearing at which both applicants and objectors will have an opportunity to present evidence, the hearing will not be held until fall. It is planned to hold the hearing somewhere in the Middle West - convenient to all parties concerned.

#