

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

FRUIT-VEGETABLE SEASONAL EXEMPTIONS ORDERED
LABOR OBJECTIONS DENIED

Colonel Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor, today (Saturday) denied petitions filed by the American Federation of Labor, the Congress of Industrial Organizations and several affiliated unions for review of a determination to grant a 14-weeks partial exemption from the maximum hours provisions of the Fair Labor Standards Act to fresh fruit and vegetable warehouses.

The determination also gave an additional partial exemption of 14 weeks to fresh fruit and vegetable packing establishments and canneries. The last two types of establishments already have one such 14-week exemption.

The petitions for review raised the legal issue of whether the two 14-week exemptions to packing establishments and canneries can run consecutively. In denying the petition, the Administrator expressed the opinion that they can, as a matter of law. He also held that the petitions did not present any new or additional facts warranting a review.

The determination becomes final and the exemption effective today. (Federal Register, Saturday, August 24, 1940.) This has no effect on the regulations re-defining the "area of production" for this industry, which will become effective October 1, 1940.

By today's order, fresh fruit and vegetable warehouses will be allowed to work their employees up to 12 hours a day or 56 hours a week, for an aggregate of 14 weeks in a calendar year, without the payment of overtime during that period. This exemption does not relax the requirement to pay the minimum wage.

Establishments that can first process or pack fresh fruits and vegetables will have the same exemption for 14 weeks, in addition to the 14 weeks exemption they already have under Section 7(c) of the Act.

Applications for these exemptions were made by various establishments engaged in the handling, packing, storing, etc. of fresh fruits and vegetables. A public hearing was held in Washington, D. C., July 1, 1940, before Merle D. Vincent, representing the Wage and Hour Administrator. Mr. Vincent's Findings and Recommendations were published in the Federal Register July 24, 1940.

(See R-915; R-918; R-960)

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