

U. S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
Washington, D. C.

SAND AND GRAVEL SEASONAL EXEMPTION GRANTED
J. C. O'CONNOR & SONS, INC., MIAMI COUNTY, INDIANA

A seasonal exemption from the maximum hours provisions of the Fair Labor Standards Act has been granted to J. C. O'Connor & Sons, Inc., for its sand and gravel plant near Peru, Miami County, Indiana, it was announced today by Colonel Philip B. Fleming, Administrator, Wage and Hour Division, U. S. Department of Labor. (Federal Register, Saturday, August 31, 1940)

Previously, a determination was made by the Wage and Hour Division, after a public hearing, that the northern branch of the sand and gravel industry is an industry of a seasonal nature within the meaning of the Fair Labor Standards Act. That order also provided that supplementary determinations may be made, upon a proper showing, whereby individual plants or groups of plants may be included in the exemption of the northern branch of the sand and gravel industry.

Conforming to this procedure, an application was filed on behalf of J. C. O'Connor & Sons, Inc., of Ft. Wayne, Ind., for a seasonal exemption of its plant in Miami County, Indiana. Notice of this application was published in the Federal Register. No objection and request for hearing was received within 15 days. Accordingly, the Administrator today found, upon the prima facie case, that the application should be, and is, granted.

The exemption permits employees to work up to twelve hours per day or 56 hours per workweek for an aggregate of 14 workweeks in a calendar year, without payment of overtime wages. It does not affect the minimum wage provisions of the Act.

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