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INACTIVE

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

STORING AND PACKING OF NURSERY STOCK FOUND SEASONAL

The storing and packing of nursery stock was found to be seasonal in character and as such entitled to exemption from the hours provisions of the Fair Labor Standards Act in a preliminary determination issued today (Federal Register November 14, 1940) by Colonel Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor. If no objection is filed within fifteen days Colonel Fleming will make a final finding on the prima facie case shown for granting the exemption.

Under this seasonal exemption the storing and packing of nursery stock may be carried on up to 12 hours a day, or 56 hours a week for a period or periods aggregating not more than 14 workweeks in any calendar year before the over-time provisions of the Act become effective. The "storing" of nursery stock is largely a fall operation, covering the digging of stock from the fields and storing it for eventual packing for distribution. "Packing" of nursery stock, a fall and spring operation, is the packing of stock for retail and wholesale distribution. These two operations appear to constitute a branch of the industry quite separate from the growing end, and as such come within the scope of Section (7)(3) of the Act and Regulations Part 526 issued thereunder.

The Administrator's action was taken on the application of the American Association of Nurserymen, Inc., a trade association representing 659 nurserymen located in 44 states.

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