

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

INACTIVE

PECAN PACKING SCHEDULED FOR ~~SEA~~SONAL EXEMPTION

An exemption for the packing of unshelled papershell pecans from the overtime provisions of the Fair Labor Standards Act as a "seasonal" industry pursuant to Section 7 (b)(3) was indicated yesterday (Federal Register, November 19, 1940) when Administrator Philip B. Fleming of the Wage and Hour Division, U. S. Department of Labor, issued a determination classifying this industry as seasonal in nature. A fifteen day period, during which objections may be filed, will elapse before a final determination is made by the Administrator.

Applications were filed by the National Pecan Growers' Exchange of Albany, Ga., and other parties. Determinations were made after a hearing held in Washington September 16, 1940, before Harold Stein, Assistant Director of the Hearings Branch of the Division, at which both the employers and the American Federation of Labor were represented.

The packing of unshelled papershell or improved varieties of pecans is an industry deemed to be of a seasonal nature. However, the shelling of seedling pecans in Texas was not so considered and exemption is denied for this operation in Texas. As the record was inconclusive on the shelling of pecans other than seedling pecans in Texas, or on the storage of pecans, no findings for these particular branches of the industry were possible.

Under the seasonal exemption the packing of unshelled papershell or improved varieties of pecans 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 overtime provisions of the Act become effective.

The Findings and Determination are now on file in Room 5144, Department of Labor Building, Washington, D. C., and are available for examination by interested parties.