

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

"SEASONAL" EXEMPTIONS INDICATED FOR PEANUT WAREHOUSING;
DENIED FOR PEANUT SHELLING

INACTIVE

A seasonal exemption from the hours provisions of the Fair Labor Standards Act for the warehousing of peanuts in warehouses other than mill warehouses was indicated yesterday (Federal Register, November 19, 1940) in a determination issued by Colonel Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor. At the same time, an application for similar exemption for the cleaning, shelling and storing of peanuts in milling establishments was denied.

Applications were filed by the Macon Peanut and Storage Co. of Macon, 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. If no objection is received within 15 days, the determinations will be made final. Copies are available for examination in room 5144, Department of Labor Building, Washington, D. C.

Warehouses which store unshelled peanuts receive more than half their annual volume during a 14 week period and this operation appears to constitute a branch of the industry separate from the shelling or other processing of peanuts, the determination states. As such it is deemed to satisfy the requirements of the "seasonal industry" regulations. Under this seasonal exemption, the warehousing 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.

Peanut milling was not judged to be of a seasonal nature in the determination by Mr. Stein because the period of shutdown, if any, is only intermittent and caused by fluctuations in demand rather than by any natural unavailability of the peanuts, and because such period is too short to be consistent with the 14 week statutory exemption period.

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