

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

INACTIVE

REVISION OF FUR SEASONAL EXEMPTION
UNDER WAGE-HOUR LAW INDICATED

A new determination in the application of the Raw Fur Receiving Industry for an exemption from the maximum hour provisions of the Fair Labor Standards Act as an industry of a seasonal nature was indicated today when Colonel Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor, published a notice of opportunity to petition for review of the presiding officer's determination that such an industry is of a seasonal nature. (Federal Register, December 10, 1940).

The new determination, if made final, would permit the raw fur receiving industry to work employees up to 12 hours a day or 56 hours a week for not more than 14 workweeks in the aggregate in any calendar year without the necessity of paying time and a half for overtime.

The presiding officer, Harold Stein, Assistant Director of the Hearings Branch, Wage and Hour Division, made the determination of seasonality following a hearing held before him on September 5, 1940. A 15-day period is given for the filing of a petition for review of the determination.

Acting upon an application from the Raw Fur and Wool Association and other interested parties for a seasonal exemption, a public hearing was held in Washington, D. C., December 7, 1939, before Mr. Stein. On February 3, 1940, a seasonal exemption was made final for this industry. Subsequently, the industry made objection to certain interpretations of the exemption, requesting a rehearing. The rehearing was held in Washington, D. C., on September 5, 1940 before Mr. Stein.

The new determination sets forth that raw furs are received each year in the chief fur trading centers during the trapping season, or from about November 25 to March 15, and that most of them are sold by the receiving houses during the period December to April. It is also stated that aside from these sales and an insubstantial amount of trading in raw furs as dealers with other dealers and receivers, the receiving houses cease operation on or about March 15 each year because the materials they handle, namely, the annual domestic catch of fur, are unavailable in the form in which they must be handled until the following November 25, or thereabouts, because of climatic and other natural factors.

Raw fur receiving houses are defined in the new determination as including any establishment which, during the raw fur season, from November 25 to March 15, purchases or receives on consignment domestic raw furs in the primary state, and on which all but an insubstantial amount of the labor is employed during that time as shown by the fact that the total purchase price or consigned price of the primary fur equals at least 75 per cent of the total purchase price of all raw furs purchased by such establishment during the raw fur season.

The determination states that the term "raw fur receiving industry" includes the receipt, accounting, opening, counting, spreading, examining, grading, sorting, nailing, valuing, scraping, stretching, drying, packing, preserving and other related processes in raw fur receiving houses performed upon domestic raw furs in the primary state, and raw furs in the primary state are domestic furs which require prompt handling in order to determine their grade and need for further treatment before they can be purchased, stored, sold, or reconsigned as "raw furs."