

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

INACTIVE

PECAN PACKING SEASONAL EXEMPTION MADE FINAL

A seasonal exemption from the maximum hours provision of the Fair Labor Standards Act for the packing of unshelled paper-shell or improved varieties of pecans was granted today by Colonel Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor. (Federal Register December 21, 1940)

The action was taken on application of the National Pecan Growers Exchange, covering Georgia, Florida, Alabama, Mississippi, and parts of Louisiana. Under this exemption employees engaged in the exempt processes may work up to 12 hours a day or 56 hours a week for not more than 14 workweeks a year before the time and one-half for overtime provision of the Act becomes operative.

Applications filed by the J. R. Fleming Company, Weatherford, Texas, and the Clarksville Pecan Shelling Company, Clarksville, Texas for an exemption for the shelling of seedling pecans in Texas were denied. As the record was inconclusive on the shelling of pecans other than seedling pecans in Texas and on the storage of pecans no determinations for these branches of the industry were possible.

The determination affirms the findings of Harold Stein, Assistant Director of the Hearings Branch who presided at a hearing held in Washington September 16, 1940 at which both employers and the American Federation of Labor were represented. On November 19, a notice was published providing for the filing of objection within the succeeding 15 day period. Petitions for review were filed in behalf of J. R. Fleming and Co., the Black Brothers Co., the Southern Pecan Shelling Co. and the R. E. Funston Co. After careful consideration of the issues raised in the petitions the Administrator affirmed the preliminary determination and denied the petitions for review.