

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

INACTIVE

PEANUT WAREHOUSING EXEMPTION MADE FINAL

A seasonal exemption from the 40-hour week of the Fair Labor Standards Act (Federal Wage and Hour Law) for the warehousing of peanuts in warehouses other than mill warehouses was granted today by Colonel Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor. (Federal Register December 27, 1940).

The action was taken on application of the Macon Peanut and Storage Company, Macon, Georgia, and other parties. The seasonal exemption was indicated by the Administrator on November 19, 1940 following a public hearing held in Washington, D. C., September 16, 1940, before Harold Stein, Assistant Director of the Division's Hearings Branch, at which employers and representatives of the American Federation of Labor were represented. A 15-day period was given for the filing of objections to the indicated exemption, and no petitions for review having been received, the exemption has been made final.

In the Administrator's determination, it was stated that warehouses other than mill warehouses which store unshelled peanuts receive more than half their annual volume during a 14 week period, and that this storing operation appeared to constitute a branch of the industry separate from the shelling or other processing of peanuts, which satisfy the requirements of the "seasonal industry" regulations. As a result of the exemption, the warehousing operations included in the exemption may be carried on up to 12 hours a day or 56 hours a week for an aggregate of not more than 14 workweeks in any calendar year before the time and one-half for overtime provisions of the act become applicable.

An application for a similar exemption for the cleaning, shelling, and storing of peanuts in milling establishments was denied.

###