

For Release Monday,
April 21, 1941

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

R-1360

Inactive

SEASONAL EXEMPTION FOR CERTAIN GRAIN WAREHOUSES PROPOSED
FOLLOWING PUBLIC HEARING: APPEAL POSSIBLE

A provisional determination that a 14-week partial exemption from the maximum hours provision of the Fair Labor Standards Act be extended to country grain elevators and to public terminal and sub-terminal elevators as industries of a seasonal nature was submitted today to General Philip B. Fleming, Administrator of the Wage and Hour Division.

Based on testimony received at a public hearing set by the Division and held at Chicago, December 9, 1940, the determination was signed by Burton D. Seeley, Presiding Officer at the hearing. General Fleming explained that the exemption will be made effective unless appeal is filed within 15 days from today.

Exemption was denied by the determination to flour mill elevators and to cash grain commission merchants, who also had requested a seasonal status. Determination of the Division recognizing an industry as of a seasonal nature permits employers to work their employees up to 12 hours a day or 56 hours a week without payment of overtime for periods totalling not more than 14 weeks during a year. However, the minimum wage provision of the law--that no wage be less than 30 cents an hour--would remain in effect throughout.

According to the determination, the two types of elevators mentioned above were declared to be seasonal, since they receive for storing more than 50 percent of their total volume of grain during a period or periods aggregating not more than 14 work-weeks.

Exemption was not extended to flour mill elevators and cash grain commission merchants because it was found in the case of the mill elevators that such elevators "do not constitute a separate and distinct branch of the grain storage industry," but operate "as an integral part of the flour milling industry," while in the case of cash grain commission merchants it was found that they "are not engaged in the storing of grain" within the meaning of Section 7(b)(3) and the seasonal regulations.

###

(7878)