

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

Inactive

ADMINISTRATOR ADVISES PACKERS AND CANNERS
TO KEEP PAYROLL RECORDS UP TO DATE

Time will be saved in inspection if payroll records of packers and canners of fresh fruits and vegetables show, week by week, which of the two exemptions from the Federal 40-hour week they are operating under, General Philip B. Fleming, Administrator of the Wage and Hour Division, suggested today.

There are two kinds of hours exemptionstotalling 28 weeks in all under the Act available to packers and canners of perishable fruits and vegetables, and General Fleming's statement was issued to make sure that the arrival of Wage and Hour inspectors during the current canning and packing compliance drive would not find payroll records so indefinite as to necessitate a return inspection.

"Employers packing and canning fresh fruits and vegetables, extremely active industries at this time of the year, are granted two periods of exemption from the overtime provisions of the Wage and Hour Law," said General Fleming. "These exemptions are authorized in the Fair Labor Standards Act and are intended to give employers a chance to cope with the problems of irregular work loads for periods of peak production.

"It is suggested that the records of canning and packing employers claiming these exemptions should, show week by week which exemption, if any, they may be taking that week."

The two exemptions, General Fleming explained, are for periods of 14 weeks each. The first, contained in the Statute itself, permits employers to work their employees an unlimited number of hours for 14 weeks in any calendar year without

regard to the overtime provisions of the law. The second period, granted as a "seasonal" exemption, allows a 12-hour day or a 56-hour week, and requires that work in excess of these limits be paid for at not less than time and a half the regular hourly rate of pay. Neither exemption relaxes the minimum wage requirement of 30 cents an hour.

General Fleming also said that inspectors were reporting illegal deductions from the wages of cannery workers.

"Many employees in canning plants," he said, "especially those actually handling food products, are required to wear uniforms. A number of employers have been making wage deductions for these uniforms either as outright sale charges or as rental or laundering charges. Since the nature of the business requires that these uniforms be worn, they seem as much a part of the employer's responsibility as his kettles, can-closing machinery, and the like. Deductions from employees' wages for these purposes are illegal if they affect the minimum wage or overtime compensation required to be paid under the Act."

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