

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

GRAIN ELEVATORS GET SEASONAL EXEMPTION FROM 40-HOUR WEEK

Exemption from the 40-hour week was extended to the storing of grain by country grain elevators, public terminal and subterminal elevators, and mill elevators today by General Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor.

Under the seasonal exemption employees in exempt grain elevators may work up to 12 hours a day or 56 a week for not more than 14 weeks a year without overtime pay. The wage requirement of a 30¢ an hour minimum is not affected.

The National Grain Trade Council, and the Millers' National Federation applied for a seasonal exemption for the receiving of grain, soy beans, flaxseed and buckwheat into grain elevators. A prima facie case was found to exist for granting the exemption and a preliminary determination to that effect issued. Objection having been made to this determination a hearing was held in Chicago in December, 1940, before Burton D. Seeley, Presiding Officer. His determination denied the exemption to mill elevators. A number of petitions were received for review of the presiding officer's determination and on May 29, 1941 the Administrator heard oral argument from all interested persons.

On the basis of the whole record the Administrator has found that the storing of grain including flaxseed, buckwheat, and soy beans by country grain elevators, public terminal and subterminal elevators, and mill elevators is a branch of an industry and of a seasonal nature, and as such entitled to the 14 week exemption.

The exemption was not extended to cash grain commission merchants because it was found that they are not engaged in the storing of grain within the meaning of section 7 (b)(3) of the Act and the seasonal regulations. (8456)