

U. S. Department of Labor
Wage and Hour Division
165 West 46th Street

"Area of Production" Hearing February 27
(Dairy Products, Poultry and Eggs)

A hearing on the definition of "area of production" under the Fair Labor Standards Act (Wage-Hour Law) with respect to dairy products, poultry and eggs was announced today by L. Metcalfe Walling, Administrator, for 10 a.m. February 27 at the National Office of the Wage and Hour Division, U. S. Department of Labor, 165 West 46th Street, New York, N. Y.

Last June the Supreme Court in Addison, et al v. Holly Hill Fruit Products, Inc., held the previous definition invalid and remanded the case to the District Court "with instructions to hold it until the Administrator, by making a valid determination of the area with all deliberate speed, acts within the authority given him by Congress."

A proposed definition and any others that may be proposed will be considered at the hearing which follows wide consultation with employers and labor in the industry. The proposed definition in the formal notice of hearing published in the Federal Register today and available at the National and at any Regional Office of the Division is as follows:

An individual shall be regarded as employed within the area of production within the meaning of section 13(a)(10), and section 7(c) where applicable, if he is so engaged in an establishment which is located in the open country or in a rural community, and

if 95 percent of the dollar value of the dairy products, poultry, and eggs received by the establishment in the preceding calendar year were (1) in the case of dairy products, produced on farms or derived from milk produced on farms in the county in which the establishment is located or in contiguous counties and (2) in the case of poultry and eggs, produced on farms in the county in which the establishment is located or in contiguous counties.

As used in this subsection "open country" or "rural community" shall not include any city or town of 2,500 or greater population according to the latest available United States Census, or any area, as measured by the shortest usable road within:

3 miles from the town or city limits of a town or city with a population of 2,500 to 9,999; or

6 miles from the town or city limits of a town or city with a population of 10,000 to 24,999; or

10 miles from the city limits of a city with a population of 25,000 to 99,999; or

20 miles from the city limits of a city with a population of 100,000 or greater.

As used in this subsection "contiguous county" shall mean a county any point of which makes contact with any point of the county in which the establishment is located.

The Fair Labor Standards Act in Sections 13(a)(10) and 7(c) exempt certain operations on dairy products, poultry and eggs "within the area of production (as defined by the Administrator)" from its minimum wage and overtime provisions. The part of the 7(c) exemption that will be considered at this hearing is only applicable to certain first processing operations on eggs.

Notice of intention to appear at the hearing should be filed with the Administrator in New York not later than February 17. In lieu of personal appearance, written statements may be filed prior to the date of the hearing.

A report containing economic data bearing on the formulation of a definition will be made available to interested persons on written request to the Administrator.

Dairy products, poultry and eggs account for approximately 12 percent of the million and a quarter workers affected by "area of production." Hearings have been held on fresh fruits and vegetables and have been scheduled for cotton; tobacco; grain, seed, dry edible beans and dry edible peas. The final hearing, for which a date has not yet been set, will be for products or operations not yet covered.