

U. S. DEPARTMENT OF LABOR
Wage and Hour Division
165 W. 46th Street
New York, New York

inaction

"Area of Production" Hearing March 21
(Miscellaneous Agricultural and Horticultural Commodities)

A hearing on the definition of "area of production" under the Fair Labor Standards Act (Wage Hour Law) with respect to miscellaneous agricultural products not considered at previous hearings on fresh fruits and vegetables, cotton, tobacco, etc., was announced today by L. Metcalfe Walling, Administrator, for 10 a.m. March 21, 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 commodities to be considered for the purpose of this definition under Section 13(a)(10) include alfalfa, flax, flaxseed, forage crops, fur, hay, honey, hemp, hops, livestock, mint, mohair, nuts, nursery stock, peanuts, turpentine, wool and all other products not considered at previous hearings. This definition will also be considered for certain activities exempt under Section 7(c) of the Act relating to grain, seed, dry edible beans and peas. The proposed definition in the formal notice of hearing published today in the Federal Register and available at the national and regional offices of the Division, is as follows:

An individual shall be regarded as in the area of production within the meaning of Section 13(a)(10) or Section 7(c), as the case may be, if he is engaged in the operations specified in such sections in an establishment

which is located in the open country or in a rural community and which obtained during the preceding calendar year 95 percent or more of the dollar value of its products from farms in its immediate locality.

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 within

3 miles of a town or city with a population of 2,500 to 9,999, or
6 miles of a city with a population of 10,000 to 24,999, or
10 miles of a city with a population of 25,000 to 99,999, or
20 miles of a city with a population of 100,000 or greater

measured by the shortest usable road from the town or city limits; and "immediate locality" shall mean any distance, as measured by the shortest usable road, of not more than

10 miles in a state with a density of population of more than 50 per square mile, or
15 miles in a state with a density of population of 20 to 50 per square mile, or

20 miles in a state with a density of population of less than 20 per square mile

according to the latest available United States Census.

The Fair Labor Standards Act in Sections 13(a)(10) and 7(c) exempt employees engaged in certain operations on the above listed products "within the area of production (as defined by the Administrator)" from its minimum wage and overtime provisions.

Notice of intention to appear at the hearing should be filed with the Administrator in New York not later than March 17, 1945. 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.

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