

U. S. DEPARTMENT OF LABOR
Wage and Hour Division
165 West 46th Street
New York 19, N. Y.

PROCESSING OF SUGARCANE AND REFINING OF RAW CANE SUGAR

Granting of a seasonal overtime exemption to Louisiana sugarcane grinding mills for the refining of raw sugar principally produced in the same plant was announced effective today by L. Metcalfe Walling, Administrator, Wage and Hour Division, U. S. Department of Labor. This was done by an amendment, published today in the Federal Register, to the determination previously made under Section 7 (b) (3) of the Fair Labor Standards Act for the grinding of sugar cane in Louisiana mills. (See last paragraph for details.)

At the same time, Mr. Walling announced a revision of the interpretation of the complete overtime exemption provided in Section 7(c) of the Act for the processing of sugarcane so as to treat alike all plants which refine sugar by melting, carbon purification, and recrystallization. Under the new interpretation this exemption will not apply to the melting of raw sugar and subsequent refining operations. For enforcement purposes the new interpretation will be applied beginning October 1, the start of the next processing season.

Section 7(c) of the Act gives an unlimited overtime exemption to "the processing of ... sugarcane ... into sugar (but not refined sugar)." This exempts the processing of sugarcane into raw sugar as well as into sulphitation, crystal, and washed sugars which do not possess the characteristics of "refined sugar" and are not produced from raw sugar by refining processes involving purification of the product through a carbon medium. The Division's investigations indicate that these sugars and the processes involved in manufacturing them are comparable in every major respect to raw sugar and the operations by which raw sugar is produced. The exemption does not apply to the melting of raw sugar, the purification of the melted sugar solution through a carbon medium, and the recrystallization of the sugar from this solution. These operations, the investigations indicate, are refining processes of a character performed in sugar refineries generally and result in a refined sugar indistinguishable in any essential respect from other refined sugars. The 7(c) exemption is equally inapplicable to such refining operations regardless of whether the raw sugar that is refined is made in the same plant in which the refining is performed or comes from other plants.

Under the redefinition of the seasonal industry, the section 7(b)(3) exemption from overtime up to 12 hours a day or 56 a week for 14 weeks a year only, will apply to the following refining operations when performed on the premises of a sugarcane processing mill in Louisiana while the sugarcane is being processed: the immediate refining, as one of a connected series of operations, of raw sugar produced from sugarcane ground on the premises; the refining, by the introduction into such series of operations, of raw sugar which has been produced during the same grinding season in other Louisiana cane processing plants of the employer, except in establishments where the refined sugar made from such transferred raw sugar constitutes half or more of the refined sugar produced during the cane processing season, or where purchased raw sugar, or raw sugar produced outside of Louisiana is refined during the cane processing season.