

U. S. DEPARTMENT OF LABOR
Wage and Hour and Public Contracts Divisions
Washington 25, D. C.

EXEMPT CANNING INDUSTRY STORAGE PLACE ACTIVITIES ANNOUNCED

Conditions under which certain canning industry employees may be exempt from the overtime provisions of the Fair Labor Standards Act for a period up to 14 weeks a year are listed in a supplementary interpretation of section 7(c) of the Act issued today by Wm. R. McComb, Administrator of the Wage and Hour and Public Contracts Divisions, U. S. Department of Labor.

Emphasizing that the exemption is from the Act's overtime provisions only, the Administrator pointed out that employers may find the exemption applicable to their employees engaged in handling, labeling, and casing of canned fresh fruits and vegetables, even though they perform such activities in a storage place away from cannery buildings. He explained, however, that the work of such employees, to be exempt, must be performed "as a necessary incident to the canning of such commodities by their employer," and that the cannery building itself and the storage place must be parts of the "same place of employment."

McComb said the Wage and Hour Division would consider the "same place of employment" provisions of his supplementary interpretation met on the basis of these three tests: (1) If the storage place where the specified operations are performed is in the same, or adjoining, county in which the cannery building is located; and (2) if the canned fresh fruits or vegetables were taken directly to the storage place from the cannery building, without intermediate storage elsewhere; and (3) if the specified operations are performed by employees of the canner who work interchangeably at the cannery and the storage place, or whose activities are directed from the cannery.

Text of the interpretation is published in the Federal Register today.

In addition to the 14-weeks unlimited overtime exemption announced today, the canning industry enjoys a limited overtime exemption up to 14 weeks a year under another provision of the Wage and Hour Law, because of the seasonal nature of its activities.

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