

For release
Saturday morning,
December 31, 1938

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

R-141

IN THE MATTER OF THE APPLICATION OF HANDLERS OF FLUE-CURED, BURLEY, FIRE-CURED AND DARK AIR-CURED TOBACCO FOR PARTIAL EXEMPTION FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT PURSUANT TO SECTION 7(b) (3) OF SAID ACT

WHEREAS, applications have been made by the Tobacco Association of the United States and sundry other parties engaged in the buying, handling, stemming, redrying, packing and storing of leaf tobacco of types 11, 12, 13, 14, 21, 22, 23, 24, 31, 35, 36 and 37 (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture), pursuant to Section 7(b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of regulations issued thereunder, for partial exemption from the maximum hours provisions of Section 7(a) of said Act pursuant to the provisions of said Section 7(b) (3) applicable to industries found by the Administrator of the Wage and Hour Division to be of a seasonal nature, and

WHEREAS, it appears from said applications that:

- (1) the operations of buying, handling, stemming, and redrying, of green leaf tobacco of the types above enumerated and the packing and storing thereof include operations essential to the preservation of a perishable agricultural product, and
- (2) the plants of the green leaf tobacco handlers wherein said operations are performed, close at the end of the operating season each year except for maintenance, repair, clerical and sales work, and
- (3) the earliest season begins about August first and the latest about January first and that the shortest season is about four weeks and the longest about four months, and
- (4) green tobacco, being the materials used by the industry, is available for natural reasons only at the above indicated times of the year when the plants are in operation.

NOW, THEREFORE, upon consideration of the facts and reasons stated in said applications, the Administrator hereby determines, pursuant to Section 526.5(c) of said Regulations, that a prima facie case has been shown for the granting of an exemption, pursuant to Section 7(b)(3) of the Fair Labor Standards Act of 1938 and Section 526.3 of the Regulations issued thereunder, to that branch of the tobacco industry engaged in the buying, handling, stemming, and redrying of green leaf tobacco of the types set forth in said application and the packing and storing thereof.

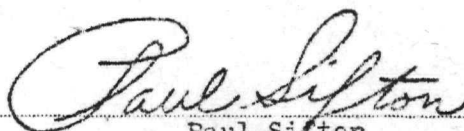
In accordance with the procedure set forth in Section 526.5 of the regulations issued under said Act, the Administrator will receive objection to the granting of the exemption and request for hearing from any person interested for fifteen days following the publication in the Federal Register of this preliminary determination.

If such objection and request for hearing is received, the Administrator will set the application for hearing before the Administrator or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the prima facie case shown upon said applications. The exemption shall become effective upon the publication of the finding in the Federal Register.

The said applications may be examined at Room 5321, U. S. Department of Labor, Washington, D. C.

Signed at Washington, D. C., this 30th day of December 1938.



Paul Sifton
Deputy Administrator
Wage and Hour Division
U.S. Department of Labor