

R-149

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

IN THE MATTER OF THE APPLICATION OF AUCTION OR LOOSE LEAF TOBACCO WAREHOUSE INDUSTRY 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 Georgia Florida Warehouse Association and sundry other parties engaged in the operation of auction or loose leaf tobacco warehouses for 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 the auction or loose leaf tobacco warehouse industry consist of the services necessary and incidental to the sale at auction of green leaf tobacco of the types above enumerated, in some instances including stripping the tobacco from the stalk and the grading thereof, and
- (2) the warehouses are in operation only at certain seasons of the year because green tobacco, being the materials used by the industry, is available for natural reasons only at those seasons, 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) the warehouses wherein said operations are performed, close at the end of the operating season each year except for maintenance, repair, clerical and sales work.

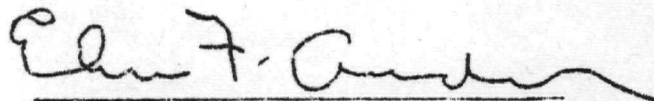
NOW, THEREFORE, upon consideration of the facts and reasons stated in said applications, the Administrator hereby determines, pursuant to Section 526.5(c) of said Regulations, that a prima facie case has been shown for the granting of an exemption, pursuant to Section 7(b) (3) of the Fair Labor Standards Act of 1938 and Section 526.3 of the Regulations issued thereunder, to the auction or loose leaf tobacco warehouse industry.

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 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 5th day of January, 1939.



Elmer F. Andrews, Administrator
Wage and Hour Division
Department of Labor