

U. S. DEPARTMENT OF LABOR

WAGE AND HOUR DIVISION

Washington

FINDING THAT THE BRANCH OF TOBACCO INDUSTRY ENGAGED IN HANDLING CERTAIN TYPES OF LEAF TOBACCO IS A SEASONAL INDUSTRY WITHIN THE MEANING OF SECTION 7(b)(3) OF THE FAIR LABOR STANDARDS ACT AND REGULATIONS ISSUED THEREUNDER

WHEREAS, applications have been made by the General Cigar Company and sundry other parties engaged in the buying, handling, stripping, sorting, grading, sizing, packing, and in the stemming prior to packing, of perishable cigar leaf tobacco of types 41-45, 51-55, 61 and 62 (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 appeared that:

(1) the operations of buying, handling, stripping, sorting, grading, sizing, packing, and the stemming prior to packing, of perishable cigar leaf tobacco of the types above enumerated, include operations essential to the preservation of a perishable agricultural product, and

(2) 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; and

(3) the earliest season opens in June, the latest in January, and the shortest season is about two months 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; and

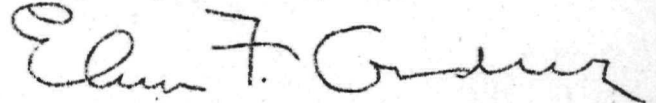
WHEREAS, the Administrator on the basis of such applications and pursuant to Section 526.5(c) of the aforesaid regulations published in the Federal Register on February 16, 1939, a preliminary determination that a prima facie case has been shown for the granting of an exemption pursuant to Section 526.3 of regulations issued thereunder, to that branch of the tobacco industry engaged

in the buying, handling, stripping, sorting, grading, sizing, packing, and in the stemming prior to packing, of perishable cigar leaf tobacco of types 41-45, 51-55, 61 and 62 (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture); and

WHEREAS, no objection and request for hearing has been received by the Administrator within fifteen days following the publication of his said preliminary determination in the Federal Register;

NOW, THEREFORE, pursuant to Section 526.5(a) of the aforesaid regulations, the Administrator hereby finds that upon the prima facie case shown upon the said applications, that that branch of the tobacco industry engaged in the buying, handling, stripping, sorting, grading, sizing, packing, and in the stemming prior to packing, of perishable cigar leaf tobacco of types 41-45, 51-55, 61 and 62 (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture), is a seasonal industry within the meaning of Section 7(b)(3) of the Fair Labor Standards Act and regulations issued thereunder, and hence is entitled to the exemption provided in Section 7(b)(3) of the said Act.

Signed at Washington, D. C., this 7th day of March, 1939



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