

U. S. DEPARTMENT OF LABOR
Wage and Hour Division
Washington, D. C.

NOTICE OF HEARING

IN THE MATTER OF APPLICATION FOR THE EXEMPTION OF THE MANUFACTURING OR PROCESSING OF CLAY PRODUCTS (OTHER THAN POTTERY) AND CONCRETE PRODUCTS FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS AN INDUSTRY OF A SEASONAL NATURE PURSUANT TO SECTION 7(b)(3) OF THE ACT AND PART 526 OF THE REGULATIONS ISSUED THEREUNDER.

WHEREAS, an application has been filed by the Committee for the brick manufacturers of Maine, New Hampshire and Vermont, the Vermont Concrete Pipe Corporation, and sundry other parties for exemption from the maximum hours provisions of the Fair Labor Standards Act of 1938, for the manufacturing or processing of clay products (other than pottery) and concrete products as industries of a seasonal nature pursuant to Section 7(b)(3) of the Act and Part 526 of the regulations issued thereunder, and

WHEREAS, it is deemed advisable, in view of the fact that the above applications present related issues of fact and law, to hold a combined hearing under the provisions of Section 526.6(a) of the Regulations, wherein separate opportunity will be given each of the said industries or subdivisions thereof to give testimony or to argue,

NOW, THEREFORE, notice is hereby given of a public hearing to be held at the Hearings and Exemptions Hearing Room, on the 3rd floor of 939 D. Street, N. W., Washington, D. C., to commence at 10:00 o'clock a.m., on August 7, 1939, before Harold Stein hereby duly authorized to conduct said hearing, take testimony, hear argument and determine:

Whether the processing or manufacturing of clay products
(other than pottery) or concrete products as defined herein

or any subdivisions thereof are industries of a seasonal nature within the meaning of Section 7(b)(3) of the Act and Part 526 of Regulations issued thereunder.

As used in this notice: The processing or manufacturing of clay products (other than pottery) includes the removal of clay from the stock pile and the grinding, screening, granulating, crushing, blending, mixing, tempering, moulding, drying, transporting, setting, firing of clay or other operations resulting in common, face and vitrified brick; drain, hollow building and other tile; sewer pipe, stove lining, terra cotta, fire brick and other clay refractories.

The processing or manufacturing of concrete products includes the removal of materials from the stock pile and the measuring, mixing, moulding, curing of concrete or other operations resulting in building block and tile, brick, cast stone, pipe, posts, vaults and miscellaneous articles made of aggregates, including sand, gravel, crushed rock, cinders, slag and burned clay, bound together with cement.

Any person interested in supporting or opposing any application for exemption may appear on his own behalf or on the behalf of any other person provided that he shall file with the Administrator at his office in Washington, D. C., prior to 12 o'clock noon on August 3, 1939, a Notice of Intention to Appear which shall contain the following information:

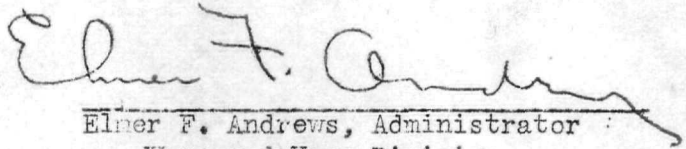
- (1) The name and address of the person appearing.
- (2) If he is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

(3) Whether he is appearing in support of or in opposition to any application for exemption.

(4) The approximate length of time which his presentation will consume.

(5) Scope of appearance, i.e., for what specific industry or subdivision thereof appearance will be made, and for which operations therein.

Signed at Washington, D. C., this 14th day of July, 1939.



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