

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

IN THE MATTER OF THE APPLICATION FOR EXEMPTION OF THE RECEIVING, GRADING AND PACKING OF UNSHELLED "ENGLISH" WALNUTS FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 PURSUANT TO SECTION 7 (b) (3) AND PART 526 OF THE REGULATIONS ISSUED THEREUNDER.

WHEREAS, applications have been filed by the California Walnut Growers Association and the North Pacific Nut Growers Co-operative on behalf of themselves and sundry other parties for exemption of the receiving, grading and packing of "English" walnuts from the maximum hours provisions of the Fair Labor Standards Act of 1938 as a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) and Part 526 of the Regulations issued thereunder, and

WHEREAS, it appears from the said applications that:

- (1) "English" walnuts are grown commercially only in the States of California, Oregon and Washington, and
- (2) "English" walnuts can be and are harvested in these States only in the regularly recurring fall months, September, October and November, when such nuts mature, and
- (3) such walnuts can be and are received into packing houses, graded and packed only during a regularly recurring season, September to December, running nearly concurrently but lagging somewhat after the harvest, and
- (4) receiving, grading and packing cease with the end of the season's run, some time in December, until September of the following season.


NOW, THEREFORE, upon consideration of the facts stated in the said applications, the Administrator hereby determines, pursuant to Section 526.5(c) of the 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 Part 526 of the Regulations issued thereunder to the receiving, grading and packing of unshelled "English" walnuts.

In accordance with the procedure established by Section 526.5(c) of the Regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for the hearing before himself 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 the application.

These applications may be examined at Room 313, 939 D Street, N. W., Washington, D. C.

Signed at Washington, D. C., this 25th day of August, 1939.


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