

U. S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
Washington, D. C.

IN THE MATTER OF THE APPLICATION FOR EXEMPTION
OF THE PROCESSING OF HYBRID SEED CORN 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 Garst and Thomas Hybrid Corn Company, the National Hybrid Corn Company, and sundry other parties for exemption of the processing of hybrid seed corn 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) hybrid seed corn comes to maturity and is harvested each year during the period between September 15 (approximately) and the first killing frost (usually about November 1) after which time unharvested corn is no longer usable as seed corn, and
- (2) after harvesting, hybrid seed corn is perishable and must be immediately delivered to processing plants where it is and must be immediately husked, sorted and dried, and where it is shelled, graded and sacked either during the harvest season proper or during the winter months, but not later than March or April, and
- (3) the above described processing of hybrid seed corn is carried on only by plants which engage in no other operations and which completely cease operations, except for such work as maintenance, repair, clerical and sales work, during the balance of the year.

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

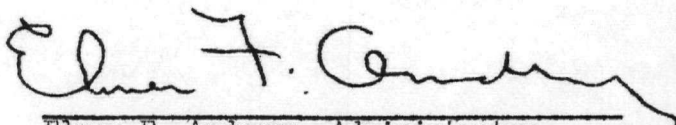
the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder to the processing, as described above, of hybrid seed corn.

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 _____ day of September, 1939.



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