

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 PRO-
VISIONS OF THE FAIR LABOR STANDARDS ACT
OF 1938 PURSUANT TO SECTION 7(b)(3) AND
PART 526 OF THE REGULATIONS ISSUED THERE-
UNDER

WHEREAS, the Garst and Thomas Hybrid Corn Company,
the National Hybrid Corn Company, and sundry other parties
filed applications for the 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 har-
vested 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 perish-
able and must be immediately delivered to pro-
cessing 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 February, save for an unsubstantial amount of corn upon which these operations are performed in 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.

WHEREAS, the Administrator published a preliminary determination in the Federal Register on September 16, 1939, pursuant to Section 526.5(c) of the Regulations, that a prima facie case was shown by the application 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 of hybrid seed corn, and

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

NOW, THEREFORE, pursuant to Section 526.5(c) of the Regulations, the Administrator hereby finds upon the prima facie case shown in the said applications that the processing of

hybrid seed corn, when carried on in plants which engage in no other operations, is a branch of an industry of a seasonal nature within the meaning of Section 7(b)(3) of the Fair Labor Standards Act of 1938 and the Regulations issued thereunder and, therefore, is entitled to the exemption provided in Section 7(b) of the said Act.

Signed at Washington, D. C., this 19th day of October, 1939.

Harold D. Jacobs

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Acting Administrator