

Saturday, October 21, 1939

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

IN THE MATTER OF APPLICATION FOR EXEMPTION OF THE COLD STORAGE OF APPLES IN APPLE STORAGE WAREHOUSES IN THE "APPALACHIAN AREA" IN THE STATES OF PENNSYLVANIA, MARYLAND, VIRGINIA AND WEST VIRGINIA, FROM THE MAXIMUM HOUR PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 PURSUANT TO SECTION 7(b)(3) AND PART 526 OF THE REGULATIONS ISSUED THEREUNDER.

WHEREAS, upon consideration of applications filed by the Winchester Cold Storage Company, Inc., and sundry other parties for the exemption of the cold storage of apples in apple storage warehouses in the "Appalachian area" in the states of Pennsylvania, Maryland, Virginia and West Virginia, from the maximum hour 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, a preliminary determination was made that a prima facie case had been shown for the granting of the aforesaid exemption to the cold storage of apples in apple storage warehouses in the "Appalachian area" and notice thereof was published in the Federal Register under date of October 4, 1939, in accordance with the procedure established by Section 526.5(c) of the said regulations; and

WHEREAS, within fifteen days following the publication of that preliminary determination the Administrator received objection and request for hearing:

NOW, THEREFORE, notice is hereby given of a public hearing to be held pursuant to Sections 526.5 and 526.6 of the said regulations in Room 3229, U. S. Department of Labor, 14th Street and Constitution Avenue, Washington, D. C., to commence at 10:00 o'clock A.M. on November 2, 1939, before Harold Stein, an authorized representative of the Administrator, hereby authorized to conduct said hearing, take testimony and hear arguments for the purpose of determining, and to determine the following question:

"Whether the cold storage of apples in apple storage warehouses located in the 'Appalachian area' is an industry of a seasonal nature or a branch thereof within the meaning of Section 7(b)(3) of the Fair Labor Standards Act of 1938 and Part 526 of the regulations issued thereunder."

As used in this notice:

The term "cold storage" of apples is used in the commonly accepted meaning and includes the receiving into storage, the maintaining in storage and the moving out of storage of such apples.

The term "apple storage warehouses located in the 'Appalachian area'" is understood to designate all apple storage warehouses located

- (a) between the Allegheny Mountains on the west, the Blue Ridge Mountains on the east, U. S. Route No. 30 on the north, and U. S. Route No. 58 on the south, and
- (b) in the Virginia counties of Albermarle, Nelson, Amherst, Bedford and Henry.

At this hearing all persons interested, including employees, employee groups, employee labor organizations, employers, employer groups, and trade organizations within the industry affected, and designated subordinates of the Administrator, will be afforded an opportunity to present evidence and to be heard. All persons or associations desiring to avail themselves of this opportunity should, if possible, notify the Administrator in advance.

Signed at Washington, D. C., this 20th day of October, 1939.

Harold D. Jacobs

Harold D. Jacobs, Acting Administrator
Wage and Hour Division
Department of Labor