

UNITED STATES DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
WASHINGTON, D. C.

IN THE MATTER OF APPLICATION FOR EXEMPTION OF THAT PORTION OF THE CANE SUGAR PROCESSING AND MILLING BRANCH OF THE CANE SUGAR INDUSTRY WHICH IS LOCATED IN LOUISIANA 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, the South Coast Corporation has filed application for the exemption of that portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana 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, Harry L. Laws and Company, Inc. and the Celotex Corporation have filed applications for the exemption of that portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana, as is engaged in the removing, conveying, burning, baling, piling and storing of bagasse 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. Sugarcane matures and is and must be harvested in Louisiana in order to avoid severe frosts or freezes during the regularly recurring season, October through early January, and
2. Such sugarcane enters into sugar mills located in Louisiana for processing and is processed during the regularly recurring season, October through early January, running nearly concurrently with, but lagging somewhat after, the harvest, and
3. The mills wherein the processing operations are performed do not engage in any other operations and close at the end of the operating season each year except for maintenance, repair, clerical and sales work, and
4. Sugarcane, being the material used by the sugar mills, is available, for natural reasons, only during the regularly recurring season, October through early January,

NOW, THEREFORE, upon consideration of the facts stated in the said applications, the Administrator hereby determines, pursuant to Section 526.5(c), 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 that portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana.

In the above:

The term "that portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana" includes that branch of the industry engaged in the unloading of sugar cane from wagons and railroad cars onto conveyors; the processing of sugarcane into sugar, syrup and molasses, but not the refining of such sugar, syrup and molasses; the removal, handling and conveying of raw sugar, syrup and molasses to storage and placing them in storage on or in the vicinity of the sugar mill site; the removal, conveying, burning, baling, and piling and storing in baled form on or in the vicinity of the sugar mill site of bagasse resulting from the processing of sugarcane into raw sugar, syrup or molasses; and the operations or services necessary or incident to the foregoing.

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 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 applications.

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

Signed at Washington, D. C., this 26th day of October, 1939.



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