

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

R-611

File
Samson

IN THE MATTER OF EXEMPTION OF THE
RAW FUR RECEIVING INDUSTRY AS A
SEASONAL INDUSTRY UNDER SECTION
7(b)(3) OF THE FAIR LABOR STANDARDS
ACT OF 1938 AND PART 526 AS AMENDED
OF REGULATIONS ISSUED THEREUNDER

WHEREAS, a duly authorized representative of the
Administrator, after a public hearing, has made the following
finding and determination:

1. The legal trapping season in the United States and Canada varies with different animals and from state to state or province to province, and may be longer or shorter than the season in which the pelts are prime but, in any event, the natural season, when the pelts are prime, does not exceed six months. Except for an insubstantial amount, probably less than 5 percent of the total, all the new catch of fur is taken and shipped from the country to the raw fur receiving houses between December 1 and April 1 each year.
2. The raw furs are received each year in the chief fur trading centers, of which New York and St. Louis are the most important, during the trapping season, i. e., from December 1 to April 1, by employers known in the trade as raw fur "receiving houses." In these houses the furs are immediately graded, and, when necessary, scraped and dried. The prompt initial grading is necessary: (1) to set a basis for payment to the trapper or collector, and (2) to determine which skins need scraping and drying for preservation. Skins that have not been properly scraped and dried are perishable; dried skins are not perishable.
3. The majority of the furs received are also sold by the receiving houses during the period December 1 to April 1, but some skins are sold during

the balance of the year. Aside from these sales, and aside from an insubstantial amount of trading in dried raw furs as dealers with other dealers and receivers, the receiving houses cease operation on or about April 1 each year because the materials they handle, i.e., the annual domestic catch of fur, are no longer available in the form in which they must be handled, i.e., as new prime pelts requiring inspection and, in many cases, scraping and drying, until the following December 1 or thereabouts, because of climate and other natural factors.

4. The business of the raw fur receiving houses constitutes a specialized function not performed by other fur dealers or processors, with specialized employees and the raw fur receiving industry is a branch of an industry of a seasonal nature within the meaning of Section 7(b)(3) of the Act and Part 526 of Regulations issued thereunder.
5. "Raw fur receiving houses" as used herein shall include all employers who (a) receive all or almost all their furs from country sources, i.e., trappers, farmers, and country collectors and dealers, and (b) engage in the operations of scraping and drying, as well as operations incidental thereto.
6. The term "raw fur receiving industry" as used herein shall include the receiving, scraping, drying and grading, in raw fur receiving houses, of domestic furs received from country sources and operations immediately incidental thereto.
7. The term "domestic furs" as used herein shall include United States and Canadian furs.

WHEREAS, a notice of opportunity to petition for review of the said finding and determination was published in the Federal Register on January 12, 1940; and

WHEREAS, no petition for review has been filed within the fifteen days allowed under Section 526.7 of the Administrator's Regulations applicable to industries of a seasonal nature, as amended (Title V, Chapter 29, Part 526, Code of Federal Regulations);

NOW, THEREFORE, pursuant to the provisions of said Section 526.7 of the said Regulations, the exemption provided by Section 7(b)(3) of the Fair Labor Standards Act of 1938 will become effective on the date this notice embodying the above-quoted finding and determination appears in the Federal Register. The said exemption is applicable only as specified by the aforesaid finding and determination.

Signed at Washington, D. C. this 2nd day of February, 1940.

Harold D. Jacobs

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