

TITLE 29 -- LABOR
CHAPTER V -- WAGE AND HOUR DIVISION

PART 526 - AMENDMENT OF REGULATIONS APPLICABLE TO
INDUSTRIES OF A SEASONAL NATURE ISSUED
PURSUANT TO SECTION 7 (b)(3) OF THE
FAIR LABOR STANDARDS ACT

The following amendment to Regulations - Part 526
(Regulations Applicable to Industries of a Seasonal Nature
Issued Pursuant to Section 7 (b)(3) of the Fair Labor Standards
Act) is hereby issued. This amendment amending Section 526.5
of Title 29, Chapter V, Part 526, shall become effective upon
my signing the original and upon the publication thereof in
the Federal Register, and shall be in force and effect until
repealed by regulations hereafter made and published.

Signed at Washington, D. C., this 7th day of February, 1940.

Harold D. Jacobs

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

SECTION 526.5 — PROCEDURE UPON APPLICATION FOR EXEMPTION.

(a) Upon consideration of the facts and reasons stated in an application, the Administrator may, without further proceedings, deny the application on the ground that it fails to allege facts entitling the industry to an exemption as a seasonal industry.

(b) Upon consideration of the facts and reasons stated in an application, and upon such further investigation as may appear appropriate, the Administrator may either (i) set the application for hearing before the Administrator or his authorized representative; or (ii) notify the applicant of, and publish in the Federal Register and by general press release, a preliminary determination that a prima facie case for the granting of an exemption has been shown. In the event that the Administrator determines that a prima facie case for exemption has been shown, the Administrator for 15 days following the publication of his preliminary determination will receive objection to the granting of the exemption and request for hearing from any person interested, including but not limited to employees, employee groups, and employee labor organizations, within the industry claimed to be exempt. Upon receipt of objection and request for hearing, the Administrator will set the application for hearing before the Administrator or an authorized representative. If no objection and request for hearing is received within 15 days, the Administrator will make a finding upon the prima facie case. The exemption shall become effective upon publication of the finding in the Federal Register.