

UNITED STATES DEPARTMENT OF LABOR

WAGE AND HOUR DIVISION

WASHINGTON, D. C.

IN THE MATTER OF APPLICATION FOR THE
EXEMPTION OF THE CLEANING AND
PROCESSING OF REDTOP SEED 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, application has been filed by the Shultz Seed Company of Olney, Illinois, for the exemption of the cleaning and processing of Redtop seed from the maximum hours provisions of the Fair Labor Standards Act of 1938 as an industry of a seasonal nature within the meaning of Section 7(b)(3) of the Act and Part 526 of the Regulations issued thereunder, and

WHEREAS, it appears that:

- (1) ninety-five per cent of the total Redtop seed crop in the United States is produced in Southern Illinois; and
- (2) the harvest of Redtop seed begins about the middle of July and the seed is cured and is threshed as soon as practicable thereafter; and
- (3) The Redtop seed is delivered to cleaning plants after threshing where it is promptly cleaned and processed to avoid deterioration; and
- (4) the Redtop seed is cleaned and processed each year from late July or August to December in plants that, with negligible exceptions, are engaged in the cleaning and processing solely of Redtop seed and that cease operations except for such work as maintenance, repair, and sales work because of the fact that owing to natural factors the Redtop seed is no longer available.

NOW, THEREFORE, upon consideration of the facts above set forth, the Administrator hereby determines, pursuant to Section 526.5(c) of the Regulations, 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 employees in establishments that clean and process Redtop seed.

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 the 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

This application may be examined at Room 313, 393 D Street, N. W., Washington, D. C.

Signed at Washington, D. C., this 12th day of February, 1940.

Harold D. Jacobs

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