

*General
file*

UNITED STATES DEPARTMENT OF LABOR

WAGE AND HOUR DIVISION

WASHINGTON, D. C.

IN THE MATTER OF APPLICATION FOR THE
EXEMPTION OF THE CLEANING, BAGGING
AND HANDLING OF SUGAR BEET 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 THERE-
UNDER

WHEREAS, application has been filed by the
Western Seed Production Corporation of Phoenix, Arizona, for
the exemption of the cleaning, bagging, and handling in clean-
ing plants of sugar beet 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) Sugar beet seed begins to mature in June
or July each year; and
- (2) the seed upon maturity is promptly harvested,
cured and threshed on the farm and then
delivered to the cleaning plants, where it is
immediately cleaned, bagged and shipped to
warehouses; and

- (3) the prompt cleaning and shipment of the seed are necessary to handle the crop as it comes from the farms, to provide prompt payment to the grower, and to put the seed in condition for storage to prevent deterioration; and
- (4) the cleaning plants cease operation in November of each year, or earlier, when the whole crop has been cleaned, because the materials used by the industry are no longer available owing to natural factors; and
- (5) the cleaning plants shut down in November or earlier each year and no work is performed therein until the following June except for maintenance and repair.

NOW, THEREFORE, upon consideration of the aforesaid facts, 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 the cleaning, bagging, and handling of sugar beet seed in cleaning plants.

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,
939 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