

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 REGULA-
TIONS ISSUED THEREUNDER


WHEREAS, application was filed by the Western Seed Production Corporation of Phoenix, Arizona, for the exemption of the cleaning, bagging, and handling in cleaning 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, the Administrator published a preliminary determination in the Federal Register of February 21, 1940 (5 FR 728), pursuant to Section 526.5(b)(ii) of the Regulations that a prima facie case was shown by the application 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 in cleaning plants of sugar beet seed, and

WHEREAS, no objection or request for hearing was received by the Administrator within the fifteen days following the publication of said preliminary determination,

NOW, THEREFORE, pursuant to Section 526.5(b)(ii) of the Regulations, the Administrator hereby finds upon the prima facie case shown in the said application that the cleaning, bagging, and handling in cleaning plants of sugar beet seed is a seasonal industry within the meaning of Section 7(b)(3) of the Fair Labor Standards Act of 1938 and the Regulations issued thereunder and, therefore, is entitled to the exemption provided in Section 7(b)(3) of the said Act.

Signed at Washington, D. C., this 15th day of March, 1940



Philip B. Fleming
Colonel, Corps of Engineers
Administrator
Wage and Hour Division
U. S. Department of Labor