

UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
WASHINGTON, D. C.

IN THE MATTER OF THE APPLICATION OF HANDLERS OF
LEAF TOBACCO OF TYPE 32 FOR PARTIAL EXEMPTION
FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR
LABOR STANDARDS ACT PURSUANT TO SECTION 7 (b)(3)
OF SAID ACT.

WHEREAS, applications were made by the Maryland Tobacco Packing Company of Upper Marlboro, Maryland and sundry other parties engaged in the buying, handling, sorting, grading, packing and storing of leaf tobacco of type 32 (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture), pursuant to Section 7(b)(3) of the Fair Labor Standards Act of 1938 and Part 526 of regulations issued thereunder, for partial exemption from the maximum hours provisions of Section 7(a) of said Act pursuant to the provisions of said Section 7(b)(3) applicable to industries found by the Administrator of the Wage and Hour Division to be of a seasonal nature, and

WHEREAS, it appeared from said applications that:

- (1) the operations of buying, handling, sorting and grading of green leaf tobacco of the above type and the packing and storing thereof include operations essential to the preservation of a perishable agricultural product, and
- (2) the plants of the green leaf tobacco handlers wherein said operations are performed, close at the end of the operating season each year except for maintenance, repair, clerical and sales work, and
- (3) the earliest season begins about the first of May and lasts for about four months, and
- (4) green tobacco, being the materials used by the industry, is available for natural reasons only at the above indicated times of the year when the plants are in operation, and

WHEREAS, the Administrator caused to be published in the Federal Register on May 9, 1940 (5 F.R. 1665) a notice setting forth the above matters which stated that upon consideration of the facts and reasons stated in said applications the Administrator determined, pursuant to Section 526.5 (b)(ii) of said regulations, that a prima facie case had been shown for the

granting of an exemption pursuant to Section 7(b)(3) of the Fair Labor Standards Act of 1938 and Section 526.3 of the regulations issued thereunder to that branch of the tobacco industry engaged in the buying, handling, sorting and grading of green leaf tobacco of type 32 (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the packing and storing thereof, and which notice stated further that if no objection and request for hearing was received within 15 days, the Administrator would make a finding upon the prima facie case shown upon said applications, and

WHEREAS, no objection and request for hearing was received by the Administrator within the 15 days following the publication of said notice.

NOW, THEREFORE, pursuant to Section 526.5(b)(11) of the regulations as amended, the Administrator hereby finds upon the prima facie case shown in said applications that a partial exemption from the maximum hours provisions of the Fair Labor Standards Act of 1938 pursuant to Section 7(b)(3) of the Fair Labor Standards Act of 1938 and Section 526.3 of the regulations issued thereunder, should be and is hereby granted to that branch of the tobacco industry engaged in the buying, handling, sorting and grading of green leaf tobacco of type 32 (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the packing and storing thereof.

Signed at Washington, D. C., this 29th day of May, 1940.



Philip B. Fleming, Administrator
Wage and Hour Division
Department of Labor

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