

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

PRIMA FACIE DETERMINATION IN THE MATTER OF APPLICATION OF THE COMMITTEE OF THE LOUISIANA RICE INDUSTRY FOR THE EXEMPTION OF THE MOVEMENT TO STORAGE AND THE RECEIVING INTO STORAGE OF ROUGH SOUTHERN RICE 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, AS AMENDED, OF THE REGULATIONS ISSUED THEREUNDER

WHEREAS, application has been filed by the Committee of the Louisiana Rice Industry for the exemption of the movement to storage and the receiving into storage of rough Southern rice from the maximum hours provisions of the Fair Labor Standards Act of 1938 as a branch of an industry of a seasonal nature within the meaning of Section 7(b)(3) of the Act and Part 526, as amended, of the Regulations issued thereunder, and

WHEREAS, it appears from said application and upon further investigation that:

- (1) Southern rice is harvested in Louisiana, Texas, Arkansas, and other southern states commencing about September 15 each year and continuing until around December 1, and
- (2) Such Southern rice is threshed immediately after harvesting and except for a negligible portion which is stored on the farm, it is at once delivered to mill warehouses and other warehouses for storage, to avoid deterioration from sun and rain, and
- (3) Amounts substantially in excess of 50 per cent of the total annual receipts of such Southern rice are moved to storage and received into storage at mill warehouses and other warehouses during the harvesting season of approximately ten weeks.

NOW, THEREFORE, upon consideration of the fact stated in the said application and upon further investigation, 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, as amended, of the Regulations to the movement to storage and the receiving

into storage of rough Southern rice as an industry of a seasonal nature.

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 shown upon the application

This application may be examined at Room 5220, United States Department of Labor Building, Washington, D. C.

Signed at Washington, D. C., this 11th day of July, 1940.



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

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