

U. S. DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
Washington

IN THE MATTER OF THE PARTIAL 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 appeared 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 percent 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; and

WHEREAS, on July 13, 1940, the Administrator caused to be published in the Federal Register (5 Fed. Reg. 2553) a notice which set forth the foregoing and which stated that upon consideration of the facts stated in the said application, and upon further investigation the Administrator thereby determined, pursuant to Section 526.5(c) of the 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 Part 526 of the Regulations, to the movement to storage and the receiving into storage of rough Southern rice as an industry of a seasonal nature, and which notice stated further that if no objection and request for hearing was received within fifteen days thereafter the Administrator would make a finding upon the prima facie case shown upon the application; and

WHEREAS, no objection and request for hearing was received within fifteen days thereafter;

NOW, THEREAFTER, pursuant to Section 526.5(b)(ii) of the Regulations as amended, the Administrator hereby finds upon the prima facie case shown in the said application that the movement to storage and the receiving into storage of rough Southern rice is an industry of a seasonal nature within the meaning of Section 7(b)(3) of the Fair Labor Standards Act of 1938 and Regulations issued thereunder, and therefore it is entitled to the exemption provided in Section 7(b)(3) of the said Act.

Signed at Washington, D. C., this 1st day of August, 1940.



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

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