UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION WASHINGTON. DLC.

PRIMA FACIE DETERMINATION IN THE MATTER OF APPLICATION FOR THE EXEMPTION OF THE STORING OF RAW COTTON IN BALES FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS AN INDUSTRY OF A SEASONAL NATURE PURSUANT TO SECTION

7(b)(3) OF THE ACT AND PART 526 AS AMENDED OF THE

REGULATIONS ISSUED THEREUNDER.

WHEREAS, application has been filed by the National Cotton Compress and Cotton Warehouse Association for exemption of the storing of raw cotton in bales 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; and

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

- (1) The bulk of the cotton crop matures and is harvested between the first of August and the last of December each year; and
- (2) Immediately after the harvest the crop is ginned and the bulk of it moves off the farm through the gin into warehouses and compress-warehouse facilities for storage; and
- (3) Warehouses and compress-warehouse facilities engaged in the storing of cotton, receive for storage more than 50 per cent of the annual volume in a period or periods amounting in the aggregate to not more than 14 workweeks.

NOW, THEREFORE, upon consideration of the aforesaid facts, the Administrator horeby determines pursuant to Section 526.5(b)(ii) 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 storage of cotton in cotton warehouses and compress-warehouse facilities.

In accordance with the procedure established by Section 526.5(b)(ii) 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 facio case.

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

Signed at Washington, D. C., the 26th day of August, 1940.

PhilipVB. Fleming, Administrator

Wage and Hour Division Department of Labor

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