

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

PRIMA FACIE DETERMINATION IN THE MATTER OF APPLI-
CATION 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 investi-
gation 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 Admin-
istrator hereby 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 pur-
suant 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 ware-
houses 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 facie 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.



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

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