

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

IN THE MATTER OF APPLICATION FOR THE
EXEMPTION OF THE STORING OF RAW COTTON
IN BALES FROM THE MAXIMUM HOURS PROVI-
SIONS 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 was 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 appeared 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 percent of the annual volume in a period or periods amounting in the aggregate to not more than 14 workweeks; and

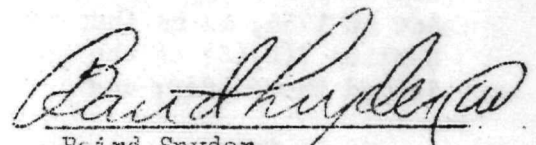
WHEREAS, On August 31, 1940, the Administrator caused to be published in the Federal Register (5 F.R. 3498) a notice which stated that (a) upon consideration of the aforesaid facts, the Administrator determined pursuant to Section 526.5(b)(ii) of the regulations that a prima facie case had been shown 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 issued thereunder to the storage of cotton in cotton warehouses and compress-warehouse facilities, that (b) in accordance with the procedure established by Section 526.5(b)(ii) of the regulations, the Administrator for fifteen

days thereafter would receive objection to the granting of the exemption and request for hearing from any interested person, and upon receipt thereof would set the application for the hearing before himself or an authorized representative, and that (c) if no objection and request for hearing was received within fifteen days, the Administrator would make a finding upon the prima facie case; and

WHEREAS, no objection and request for hearing was received by the Administrator within the said fifteen days;

NOW, THEREFORE, pursuant to Section 526.5(b)(ii) of the Regulations, as amended, the Administrator hereby finds on the prima facie case shown in the said application that the storage of cotton in cotton warehouses and compress-warehouse facilities is a seasonal industry within the meaning of Section 7(b)(3) of the Fair Labor Standards Act of 1938 and regulations issued thereunder, and therefore is entitled to the exemption provided in Section 7(b)(3) of the said Act.

Signed at Washington, D. C., this 19th day of September, 1940.



Baird Snyder
Acting Administrator
Wage and Hour Division
U. S. Department of Labor

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