

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

INACTIVE

PRIMA FACIE DETERMINATION IN THE MATTER OF APPLICATION FOR EXEMPTION OF THE ARTIFICIAL DRYING OF ALFALFA HAY AND THE SUBSEQUENT MILLING 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, applications have been filed by the Saunders Mills, Inc., of Walbridge, Ohio, and sundry other parties for the exemption of the artificial drying of hay and subsequent manufacture of meal therefrom, 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, it appears that:

1. Green alfalfa hay used in the manufacture of artificially dehydrated alfalfa, alfalfa leaf, and alfalfa stem meals is available for harvest only during a restricted season or seasons of the year, and
2. During these periods green hay is moved directly from the fields into artificial dehydrators from whence it passes without delay into mills which convert it into meal; and
3. Such combined dehydrators and mills necessarily operate only during the periods in which green alfalfa hay is available and such periods of availability do not customarily exceed four months and in no case six months during any calendar year; and
4. The combined dehydrators and mills are closed during the remainder of the year except for sales, maintenance and repair work because green alfalfa hay is not available due to natural conditions.

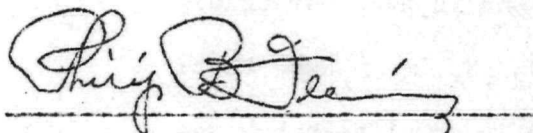
NOW, THEREFORE, upon consideration of the facts stated in the said applications and upon further investigation, the Administrator hereby determines, pursuant to Section 526.5(b)(ii) of the regulations that a prima facie case has been shown for the granting of an exemption pursuant to Section 7(b)(3) of the Fair Labor Standards Act of 1938 and Part 526 of the regulations issued thereunder, to the combined dehydrating and milling of artificially dried alfalfa into alfalfa, alfalfa leaf, or alfalfa stem meals.

In accordance with the procedure established by Section 526.5(b)(ii), as amended, 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.

The application may be examined in Room 5309, U. S. Department of Labor, Washington, D. C.

Signed at Washington, D. C., this 6th day of November, 1940.



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

Published in Federal Register, November 15, 1940.

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