

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

NOTICE OF HEARING

IN THE MATTER OF APPLICATION FOR THE EXEMPTION OF THE STORING OF GRAIN, SOY BEANS, FLAX, AND BUCKWHEAT IN GRAIN ELEVATORS FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS INDUSTRIES OF A SEASONAL NATURE, PURSUANT TO SECTION 7(b)(3) OF THE ACT AND PART 526 AS AMENDED OF THE REGULATIONS ISSUED THEREUNDER.

WHEREAS, upon consideration of applications filed by the National Grain Trade Council, the Millers National Federation, and sundry other parties for the receiving of grain, soy beans, flax, and buckwheat into grain elevators from the maximum hours' provisions of the Fair Labor Standards Act of 1938 as industries of a seasonal nature, pursuant to section 7(b)(3) of the Act and Part 526 as amended of the regulations issued thereunder; and

WHEREAS, within fifteen days following the publication of that preliminary determination, the Administrator received objection and request for hearing:

NOW, THEREFORE, notice is hereby given of a public hearing to be held pursuant to sections 526.5 and 526.6 of the said regulations at the Chicagoan Hotel, Chicago, Illinois, to commence at 10:00 A. M. on December 9, 1940, before Mr. Harold Stein, an authorized representative of the Administrator, hereby authorized to conduct said hearing, take testimony, and hear arguments for the purpose of determining, and to determine the following question:


"Whether the storing of grain, including flax, buckwheat, and soy beans separately or in combination with grass or legume seeds, by country, sub-terminal, and mill elevators, or any sub-divisions thereof are industries 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 if so, the appropriate limits of the industries."

Any person desiring to appear at the aforesaid hearing may appear on his own behalf or on behalf of any other person or may file a written statement. Notice of intention to appear or written statement in lieu of personal appearance shall be filed with the Administrator at his office in Washington, D. C., prior to 1:00 P.M., December 7, 1940, or at the hearing room in Chicago, Illinois, on or before 10:00 A.M., December 9, 1940.

All appearances and all written statements shall furnish the following information:

1. The name and address of the appearance of person filing statement.
2. If personal appearance is in a representative capacity, the name and address of the person or persons whom he is representing.
3. If personal appearance, the approximate length of time which presentation will consume.
4. If personal appearance, whether he is appearing in support of or in opposition to application for exemption.
5. A description of the specific operations with respect to which appearance is made or written statement applies.

Signed at Washington, D. C., this
20th day of November, 1940.


Philip B. Fleming, Administrator
Wage and Hour Division
Department of Labor (6377)