

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

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 PUR-
SUANT TO SECTION 7(b)(3) OF THE ACT AND PART
526 AS AMENDED OF THE REGULATIONS ISSUED THERE-
UNDER.

WHEREAS, application was 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 appeared from said application and upon further investigation 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.

WHEREAS, on November 15, 1940, the Administrator caused to be published in the Federal Register (5 F. R. 4497) 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 artificial drying of hay and subsequent manufacture of meal therefrom, 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 artificial drying of hay and subsequent manufacture of meal therefrom 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 2nd day of December, 1940.



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

Published in Federal Register, December 5, 1940.

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