

U. S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
Washington, D. C.R-1193
INACTIVENOTICE OF OPPORTUNITY TO PETITION FOR REVIEW
OF DETERMINATION THAT THE RAW FUR RECEIVING
INDUSTRY IS A SEASONAL INDUSTRY PURSUANT TO
SECTION 7(b)(3) OF THE FAIR LABOR STANDARDS
ACT OF 1938 and PART 526, AS AMENDED, OF
REGULATIONS ISSUED THEREUNDER

WHEREAS, applications having been made by the Raw Fur and Wool Association and sundry other parties under Section 7(b)(3) of the Fair Labor Standards Act of 1938 and Regulations, Part 526, as amended, issued thereunder, for partial exemption of the raw fur receiving industry from the maximum hours provisions of Section 7(a) of said Act pursuant to Section 7(b)(3) applicable to industries found by the Administrator to be of a seasonal nature; and

WHEREAS, a public hearing on said applications was held on September 5, 1940, before Harold Stein, the representative of the Administrator duly authorized to take testimony, hear argument and determine whether or not the raw fur receiving industry is an industry of a seasonal nature within the meaning of Section 7(b)(3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder; and

WHEREAS, following such hearing the said Harold Stein duly made his findings of fact and determined as follows:

1. The legal trapping season in the United States and Canada varies with different animals and from state to state or province to province, and may be longer or shorter than the season in which the pelts are prime but, in any event, the natural season, when the pelts are prime, does not exceed six months. Except for an insubstantial amount, probably less than 5 per cent of the total, all the new catch of fur is taken and shipped from the country to the raw fur receiving houses between the first of December and the end of March;
2. The raw furs are received each year in the chief fur trading centers, of which New York and St. Louis are the most important, during the trapping season, i.e., from about November 25 to about March 15, by employers known in the trade as raw fur "receiving houses." In these houses the furs are immediately graded, and, when necessary, scraped, dried or otherwise handled. The prompt initial grading is necessary: (1) to set a basis for payment to the trapper or collector, and (2) to determine which skins need scraping, drying or other handling for preservation. Skins that have not been properly handled are perishable; skins that have been properly handled are not perishable;
3. The majority of the furs received are also sold by the receiving houses during the period December to April but some skins are sold during the balance of the year. Aside from these sales, and aside from an insubstantial amount of trading in raw furs as dealers with other dealers and receivers, the receiving houses cease operation on or about March 15 each year because the materials they handle,

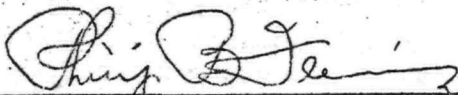
i.e., the annual domestic catch of fur, are no longer available in the form in which they must be handled, i.e., as new prime pelts in the primary state, requiring inspection and, in many cases, scraping, drying and other handling, until the following November 25 or thereabouts, because of climate and other natural factors;

4. The business of the raw fur receiving houses constitutes a specialized function not performed by other fur dealers or processors, with specialized employees and the raw fur receiving industry is a branch of an industry and of a seasonal nature within the meaning of section 7(b)(3) of the Act and Part 526 of regulations issued thereunder;
5. "Raw fur receiving houses," as used herein shall include any establishment which during any raw fur season, namely from November 25 in any year to March 15, in the succeeding year, both dates inclusive, purchases or receives on consignment, domestic raw furs in the primary state, as herein defined, on which furs all but an insubstantial amount of their labor is employed during such raw fur season, as evidenced by the fact that the total purchase price or consigned price of the primary fur equals at least 75% of the total purchase price of all raw furs purchased by such establishment during such raw fur season;
6. The term "raw fur receiving industry" as used herein shall include the receipt, accounting or handling in raw fur receiving houses as herein defined, of domestic raw furs in the primary state;
7. The terms "domestic furs" or "domestic raw furs," as used herein, shall include United States and Canadian furs;
8. The term "raw furs in the primary state," as used herein, shall mean all domestic furs which require prompt handling, in order to determine their grade and their need for further treatment, before they can be purchased, stored, sold or reconsigned as "raw furs;"
9. The term "handling," as used herein, shall include opening, counting, spreading, examining, grading, sorting, mailing, valuing, scraping, stretching, drying, packing, preserving or other related processes; and

WHEREAS, said Findings and Determination were duly filed with the Administrator on November 27, 1940, and are now on file in Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties.

NOW, THEREFORE, pursuant to the provisions of Section 526.7 of the aforesaid Regulations, notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date notice appears in the Federal Register, file a petition with the Administrator requesting that he review the action of said representative upon the record of hearing before the said representative.

Signed at Washington, D. C., this 2nd day of December, 1940.


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