

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

PRIMA FACIE DETERMINATION IN THE MATTER OF THE EXEMPTION OF THE RECEIVING OF RAW SHORN FLEECE WOOL AT PRIMARY CONCENTRATION POINTS AND COUNTRY RECEIVING STATIONS INCLUDING THE ASSEMBLING, GRADING, SACKING, AND PREPARING OF SUCH WOOL FOR SHIPMENT, FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS A BRANCH OF AN INDUSTRY AND 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.

WHEREAS, an application has been filed by the National Wool Marketing Corporation, acting in behalf of itself and sundry other parties, for the exemption of the receiving of raw shorn fleece wool directly from the grower, including the assembling, grading, sacking, and preparing of such wool for shipment to market centers from the maximum hours provisions of the Fair Labor Standards Act as a branch of an industry and 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 appears from said application and upon further investigation that:

1. Owing to natural conditions, raw wool shorn from live sheep is available only during a restricted, regularly recurring season or seasons of the year.
2. During these periods of availability raw shorn wool, known in the trade as fleece wool, is received at primary concentration points or country receiving centers for the most part directly from the grower and is there assembled, graded, sacked, and shipped to market centers for storage or sale.
3. Such periods of availability do not customarily exceed five months during each year.
4. These primary concentration points or country receiving stations are closed during the remainder of the year except for sales, maintenance, repair and clerical work.

NOW, THEREFORE, upon consideration of the facts stated in the said application, and upon further investigation, the Administrator hereby determines that a prima facie case has been shown for the granting of an exemption as an industry of a seasonal nature pursuant to section 7(b)(3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder, to the receiving of raw shorn fleece wool at primary concentration points and country receiving stations directly from the grower, and the assembling, grading, sacking, and preparing of such wool for shipment to market centers.

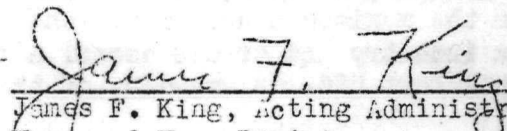
As used in this determination the terms "primary concentration point" and "country receiving station" shall mean any establishment that receives all, or almost all, of its raw shorn fleece wool directly from the grower, and assembles, grades, sacks and ships such wool to market centers for storage or sale.

In accordance with the procedure established by section 526.5(b)(ii) 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.

This application may be examined at Room 5309, United States Department of Labor Building, Washington, D. C.

Signed at Washington, D. C., this 1st day of May, 1941.


James F. King, Acting Administrator
Wage and Hour Division
Department of Labor

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