

For release Tuesday
May 20, 1941

R-1417

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

NOTICE OF HEARING

IN THE MATTER OF THE APPLICATION OF THE CALIFORNIA WAREHOUSEMEN'S ASSOCIATION FOR THE EXEMPTION OF THE FLAT WAREHOUSING OF GRAIN, AND THE STORAGE OF OTHER AGRICULTURAL COMMODITIES FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938, PURSUANT TO SECTION 7(b)(3) OF THE ACT AND PART 526 AS AMENDED OF THE REGULATIONS ISSUED THEREUNDER.

WHEREAS, an application was filed by the California Warehousemen's Association for the exemption of the storage, including the handling, rehandling, and cleaning, of grain and other agricultural commodities in their raw and natural state 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, the above application was placed in the record of a public hearing held in Chicago, Illinois, on December 9, 1940 before Burton D. Seeley, Presiding Officer, the representative of the Administrator duly authorized to take testimony, hear argument, and determine 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 subdivisions 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; and

WHEREAS, following said hearing, the aforesaid Burton D. Seeley, Presiding Officer, duly filed on April 11, 1941, his Findings and Determination, part of which stated:

No determination is possible on the flat warehousing of grain by processors other than flour millers, or the storage of grain in combination with grass or legume seeds; and

WHEREAS, a petition for a rehearing in order to present additional evidence relating to the flat warehousing of grain in sacks, in California, a copy of which is on file in Room 5144, Department of Labor Building, Washington, D. C., and is available for examination by all interested parties, has been duly filed by the California Warehousemen's Association;

WHEREAS, on May 14, 1941 said petition for rehearing in the matter of the flat warehousing of grain in sacks, in California, was duly granted by the Acting Administrator and the matter remanded to the Director of the Hearings Branch of the Wage and Hour Division for the purpose of holding such a rehearing;

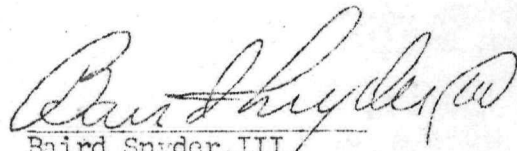
NOW, THEREFORE, notice is hereby given of a public hearing to be held at Room 317, Humboldt Bank Building, 785 Market Street, San Francisco, California, to commence at 10 o'clock a. m. on June 2, 1941, before Mr. Harold Stein, an

authorized representative of the Administrator, hereby authorized to conduct such hearing, take testimony, and hear arguments for the purpose of determining:

Whether the flat warehousing of grain, and the storage of other agricultural commodities in California and other western states is a branch or branches 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 if so the appropriate limits of said branch or branches of the industry.

Any person interested in being heard on this matter may appear at the hearing or file a written statement in lieu of personal appearance. Written statements should be filed with the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C. at any time prior to the date of the hearing or with the Presiding Officer at the time of the hearing.

Signed at Washington, D. C. this 17th day of May, 1941.



Baird Snyder, III
Acting Administrator
Wage and Hour Division
Department of Labor

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