

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

IN THE MATTER OF THE PARTIAL EXEMPTION FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 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, AS AN INDUSTRY OF A SEASONAL NATURE WITHIN THE MEANING OF SECTION 7(b)(3) AND PART 526, AS AMENDED, OF THE REGULATIONS ISSUED THEREUNDER.*

WHEREAS, an application was 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 appeared 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.

WHEREAS, on May 9, 1941, the Administrator caused to be published in the Federal Register (6 Fed. Reg. 2355) a notice which set forth the foregoing and which stated (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

*This affects tabulation contained in 29 C F R, Section 526.101

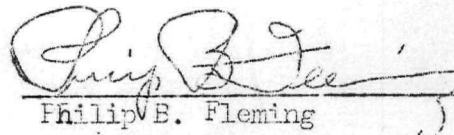
regulations issued thereunder, to the receiving of raw shorn fleece wool at primary concentration points and country receiving stations directly from the grower, and the assembling, grading, sacking, and preparing of such wool for shipment to market centers; that (b) in accordance with the procedure 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 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.

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 upon the prima facie case shown in the said application that 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, is an industry of a seasonal nature 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.

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.

Signed at Washington, D. C., this 12th day of June, 1941.



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

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