

For Release Tuesday
December 23, 1941

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

NOTICE OF FURTHER HEARING

IN THE MATTER OF THE APPLICATIONS FOR THE EXEMPTION OF THE DEHYDRATING OF CITRUS PULP AND WASTE 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, the Kudor Citrus Pulp Company and various other parties applied, pursuant to Section 526.4 of the Regulations applicable to industries of a seasonal nature for exemption of the industry engaged in dehydrating citrus pulp and waste in California, Florida and Texas, from the maximum hours provision 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

WHEREAS, in accordance with Section 526.5 of the Regulations the Administrator determined that a prima facie case for the granting of an exemption had been shown, and notice of this preliminary determination was published in the Federal Register on March 29, 1941, and

WHEREAS, a public hearing on the applications was held in Los Angeles, California on June 5, 1941 before presiding officer Harold Stein, a duly authorized representative of the Administrator of the Wage and Hour Division of the Department of Labor, and

WHEREAS, the said presiding officer upon the basis of the record made at the hearing found on October 21, 1941 that the dehydrating of citrus pulp and waste, and the manufacture of cattle feed therefrom, is not an industry of a seasonal nature within the meaning of Section 7(b)(3) of the Act and Part 526 of the Regulations, and determined that the applications should be denied, and

WHEREAS, petitions have been filed by the applicants pursuant to Section 526.7 of the said Regulations for review of the said denial, and

WHEREAS, upon due examination and consideration of the applications for exemption, the record of the proceedings, the exhibits, the findings of the presiding officer and the petitions for review, it has been found desirable to set a hearing pursuant to Sections 526.5 and 526.6 of the Regulations before an authorized representative of the Administrator for the purpose of taking additional evidence on the questions raised by the applications for exemption in lieu of reviewing the determination under the provisions of Section 526.7 of the Regulations

NOW, THEREFORE, notice is hereby given that public hearings will be held before James G. Johnson, assistant to and authorized representative of the Administrator of the Wage and Hour Division to take testimony for the purpose of determining:

Whether the dehydrating of citrus pulp and waste is an industry 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 industry.

The public hearings will be held at the following places and dates:

- (1) Tampa, Florida, January 12, 1942 at 10 A.M. in the Federal Building.
- (2) San Antonio, Texas, January 20, 1942 at 10 A.M. in the Federal Building
- (3) Los Angeles, California, January 26, 1942 at 10 A.M. in the Federal Building

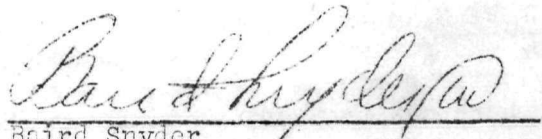
Particular attention will be paid to evidence relevant to the length of the season during which the industry operates in each locality. In order to avoid unnecessary duplication of testimony, a transcript of the record of the hearing held on June 5, 1941 and the exhibits introduced therein and relied on by the presiding officer will be incorporated into the record of these hearings. Copies of the transcript may be obtained at prescribed rates from the official reporter, the Electrical Reporting Company, 1904 K St., N. W., Washington, D. C.

Any person interested in supporting or opposing the applications or in offering evidence may appear on his own behalf or on behalf of any other person, provided that he shall file with the Wage and Hour Division, Department of Labor, Washington, D. C. prior to January 5, 1942 a Notice of Intention to Appear which shall contain the following information:

- (1) The name and address of the person appearing.
- (2) If he is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
- (3) Whether he is appearing in support or in opposition to the applications for exemption.
- (4) The approximate length of time which his presentation will consume.

"Person," as used in this notice, means individual, partnership, firm, association, corporation, trust or labor organization.

Signed at Washington, D. C., this 10 day of December, 1941.


Baird Snyder
Acting Administrator
Wage and Hour Division
United States Department of Labor