

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

IN THE MATTER OF DETERMINATION THAT THE FLAT WAREHOUSING OF GRAIN INCLUDING RICE IN THE STATES OF CALIFORNIA, WASHINGTON, OREGON, AND IDAHO IS 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.

WHEREAS, application has been made by the California Warehousemen's Association under Section 7(b)(3) of the Fair Labor Standards Act of 1938 and Regulations, Part 526, as amended, issued thereunder for exemption of the flat warehousing of grain and the storage of other agricultural commodities from the maximum hours provision of said Act; and

WHEREAS, a public hearing on said application was held before Harold Stein, duly authorized representative of the Administrator of the Wage and Hour Division, on June 2, 1941, at San Francisco, California; and

WHEREAS, following such hearing the said representative made his findings of fact dated September 23, 1941, and determined as follows:

1. A large proportion of the grain stored in the states of Washington, Oregon, Idaho and California, including rough or "paddy" rice in California, is stored in sacks in "flat" warehouses.
2. The flat warehousing of grain is distinguishable from the storing of grain in bulk by its geographical concentration and by differences in physical facilities and operating techniques and may be considered as a separable branch of the grain storing industry.
3. Such flat warehouses receive for storing 50 percent or more of their annual volume of grain in a period or periods aggregating 14 workweeks.
4. The flat warehousing of grain including rice in the states of California, Washington, Oregon and Idaho is of a seasonal nature within the meaning of section 7(b)(3) of the Fair Labor Standards Act and of Part 526 of the regulations issued thereunder.

WHEREAS, said Findings and Determinations were duly filed with the Administrator and were on record in his office in the Department of Labor Building, Washington, D. C.; and

WHEREAS, on October 14, 1941, the Administrator caused to be published in the Federal Register a Notice of Opportunity, pursuant to the provisions of section 526.7 of the aforesaid regulations, for any person aggrieved by said determination to file a petition with the Administrator requesting a review of the Findings and Determination of the said representative upon the record of the hearing before such representative; and

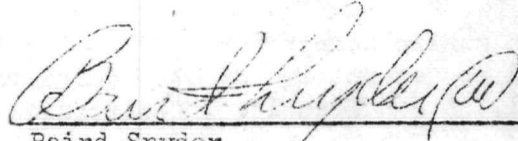
WHEREAS, petitions for review have been filed by the California Industrial Union Council, the International Longshoremen's and Warehousemen's Union, Local 17 (C. I. O.) and the General Teamsters' and Warehousemen's Union No. 137 (A. F. of L.); and

WHEREAS, I have considered the issues raised by the said petitions; and

WHEREAS, said Findings and Determination are found to be in accordance with the testimony and briefs submitted at said hearing;

NOW, THEREFORE, said petitions for review are accordingly denied, and, pursuant to the provisions of Section 526.7 of the regulations, the exemption provided by Section 7(b)(3) of the Fair Labor Standards Act of 1938 will become effective on the date that this notice is published in the Federal Register. The exemption shall be applicable only as specified by the aforesaid Findings and Determinations.

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



Baird Snyder
Acting Administrator
Wage and Hour Division
U. S. Department of Labor

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