

UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
NEW YORK, NEW YORK

Title 29 - Labor
Chapter V - Wage and Hour Division

IN THE MATTER OF THE APPLICATION FOR THE EXEMPTION
OF THE SKINNING OF WILD RABBITS AND OTHER WILD FUR
BEARING ANIMALS 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 received from the Dakota Rabbit and Fur Company of Sioux Falls, South Dakota, for the exemption of the skinning of wild rabbits and other wild fur bearing animals in wild rabbit skinning establishments 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; and

WHEREAS, it appeared from said application and upon further investigation that:

1. Owing to natural conditions, wild rabbits and other wild fur bearing animals are available for skinning only during the cold weather months, from about November 15 of each year to about March 15 of the following year, when the fur or pelt is prime; and
2. Wild rabbit skinning establishments receive the carcasses of wild rabbits and occasionally the carcasses of other wild fur bearing animals, skin them, and prepare the pelts for shipment to market only during a regularly recurring season of the year when the pelts are prime, from about November 15 of each year to about March 15 of the following year; and
3. Wild rabbit skinning establishments cease operations during the remainder of the year except for such work as maintenance, repair, clerical, and sales work;

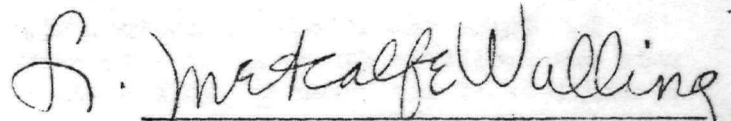
WHEREAS, on November 13, 1942, the Administrator of the Wage and Hour Division caused to be published in the Federal Register a notice which set forth the foregoing and which stated that (a) upon consideration of the facts presented by the application and upon further investigation, the Administrator 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 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 skinning of wild rabbits in wild rabbit skinning establishments, and the skinning of other wild fur bearing animals such as skunk, muskrat, mink, and beaver, in wild rabbit skinning establishments during the wild rabbit skinning season; that (b) in accordance with the procedure established by section 526.5(b)(ii) of the regulations, Part 526, as amended, the Administrator, for 15 days following the publication of this determination, would receive objection to the granting of the exemption and request for hearing from any person interested, and upon receipt of objection and request for hearing, the Administrator 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 15 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 15 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 skinning of wild rabbits in wild rabbit skinning establishments, and the skinning of other wild fur bearing animals such as skunk, muskrat, mink, and beaver, in wild rabbit skinning establishments during the wild rabbit skinning season is an industry of a seasonal nature within the meaning of section 7(b)(3) of the Fair Labor Standards Act of 1938 and the 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 term "skinning of wild rabbits in wild rabbit skinning establishments and the skinning of other wild fur bearing animals" includes the operations of collecting or receiving the carcasses of these animals, or occasionally, the pelts of these animals which have not been cleaned, scraped or dried, and it includes the removing of the pelts from the carcasses, cleaning, scraping and drying the pelts, baling the pelts for shipment and all operations immediately necessary and incident to these enumerated operations. It does not include these operations when performed on domesticated rabbits or other fur bearing animals raised in captivity.

Signed at New York, New York, this 11th day of December 1942.



L. Metcalfe Walling, Administrator
Wage and Hour Division
U. S. Department of Labor

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