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DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION

NOTICE OF HEARING ON PROPOSED AMENDMENT
OF SECTION 536.2 (AREA OF PRODUCTION) OF
REGULATIONS ISSUED UNDER THE FAIR LABOR
STANDARDS ACT OF 1938.

WHEREAS, Section 13 (a) of the Fair Labor Standards Act of 1938 provides that the wages and hours provisions contained in Sections 6 and 7 of said Act shall not apply with respect

"(10 to any individual employed within the area of production (as defined by the Administrator), engaged in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products."

and

WHEREAS, pursuant to the authority contained in said section, the Administrator of the Wage and Hour Division on October 20, 1938 issued the following regulations:

"SECTION 536.2 "AREA OF PRODUCTION" AS USED IN SECTION 13 (a)(10) OF THE FAIR LABOR STANDARDS ACT. An individual shall be regarded as employed in the "area of production" within the meaning of Section 13 (a)(10), in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products

(a) if he is engaged in such work on a farm and on agricultural or horticultural commodities produced exclusively on such farm, or

(b) if the agricultural or horticultural commodities are obtained by the establishment where he is employed from farms in the immediate locality and the number of employees in such establishment does not exceed seven.

SECTION 536.3 PETITION FOR AMENDMENT OF REGULATIONS.

Any interested persons or association wishing a revision of the foregoing regulations may make application to the Administrator in writing to amend Sections 536.1 and 536.2 by increasing or decreasing the maximum of employees permitted within the exemption as defined. If upon inspection of the petition the Administrator believes that reasonable cause for amendment of the regulations is set forth, the Administrator will either schedule a hearing with due notice to interested parties or will make other provision for affording interested parties an opportunity to present their view either in support of or in opposition to the proposed changes.

and

WHEREAS, on October 31, 1938, the Michigan Elevator Exchange filed a petition with the Administrator to amend said Section 536.2 of said regulations by adding thereunto a phrase reading in substance as follows:

"Exemptive of women employees engaged solely in the handpicking and cleaning of beans in country elevators, which otherwise meet these conditions";

or, alternatively, that the phrase in said Section 536.2 (b) reading, "and the number of employees in such establishment does not exceed seven", be stricken in its entirety.

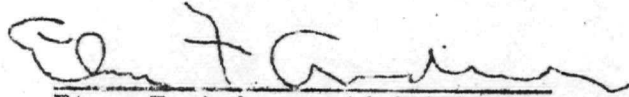
NOW, THEREFORE, notice is hereby given of a public hearing to be held on November 14, 1938, at 10 o'clock a. m. in Room 3229, United States Department of Labor, Washington, D. C., before Mr. Carl C. Alpern, the presiding officer hereby designated, at which interested parties will be heard on the following question:

What, if any, amendment should be made of Section 536.2 of the regulations issued under the Fair Labor Standards Act of 1938 in respect to the limitation on the number of employees that may be employed in handling, storing,

or preparing for market in their raw or natural state
navy, cranberry, kidney, or similar types of dry edible
beans.

Said petition may be examined at Room 5419, United States
Department of Labor, Washington, D. C.

Signed at Washington, D. C., this third day of November, 1938.



Elmer F. Andrews, Administrator
Wage and Hour Division
Department of Labor