

U.S. DEPARTMENT OF LABOR
WORKPLACE STANDARDS ADMINISTRATION
WASHINGTON, D.C. 20210



OFFICE OF THE ADMINISTRATOR

MEMORANDUM #89

To: ALL GOVERNMENT CONTRACTING AGENCIES

Re: Amendments implementing the establishment of the Workplace Standards Administration (WSA).

The Department of Labor has recently completed the reorganization discussed in Memorandum #88 establishing the Workplace Standards Administration and delegating certain authority to it. This memorandum transmits to interested persons copies of the various documents and amendments to existing regulations pertinent to that reorganization:

- (1) Notice of Guidelines to Reflect Organizational Changes for Labor Standards Applicable to Federal and Federally Assisted Construction;
- (2) Secretary of Labor's Order No. 19-70 - Delegation of Authority and Assignment of Responsibility to the Assistant Secretary for Workplace Standards;
- (3) Secretary of Labor's Order No. 20-70 - Redelegation of Authority and Responsibility to the Administrator, Workplace Standards Administration, et al;
- (4) Secretary of Labor's Order No. 24-70 - Authority and Responsibility of the Wage Appeals Board;
- (5) Description of Organization of the Workplace Standards Administration;

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(6) Delegation of Authority Within Workplace Standards Administration;

Title 29, Subpart A, Part 4 - Labor Standards for Federal Service Contracts,

Title 29, Subpart A, Part 6 - Rules of Practice for Administrative Proceedings Enforcing Labor Standards in Federal Service Contracts,

Title 41, Part 50-201 - General Regulations, Public Contracts Act,

Title 41, Part 50-203 - Rules of Practice, Public Contracts Act.

It should be noted that the Federal Procurement Regulations and the Armed Services Procurement Regulation do not yet reflect this reorganization.



Robert D. Moran
Administrator

1/8/71

U.S. DEPARTMENT OF LABOR
WORKPLACE STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION

LABOR STANDARDS APPLICABLE TO FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTION

(Reprint from Federal Register January 8, 1971)

LABOR STANDARDS APPLICABLE TO
FEDERAL AND FEDERALLY
ASSISTED CONSTRUCTION

Notice of Guidelines to Reflect
Organizational Changes

There are published in the FEDERAL REGISTER on this date Secretary of Labor's Orders No. 19-70, 20-70, dealing, among other things, with the establishment of the Workplace Standards Administration (WSA), and 24-70, dealing with the jurisdiction of the Wage Appeals Board, and a description of organizational changes in the administration of the Davis-Bacon Act and related laws within the Department's New WSA. The changes will require the amendment of Parts 1, 3, 5, and 7 of Title 29, Code of Federal Regulations.

Pending the making of these amendments, Parts 1, 3, 5, and 7 of Title 29 should be read in light of the aforementioned documents. The following guidelines may be useful in such reading.

1. The operating responsibility for administering 29 CFR Part 1, the procedure for making wage determinations under the Davis-Bacon Act, is placed in the Office of Government Contracts Wage Standards, Workplace Standards Administration, except that hearing examiners to preside at any hearings under § 1.3(c) or § 1.8 shall be designated by the Chief Hearing Examiner and that the final decisions following such hearings shall be those of the Administrator of Workplace Standards, or a duly authorized representative.

2. The Director, Office of Government Contracts Wage Standards, Workplace Standards Administration, or his designee shall pass upon questions concerning the permissibility of payroll deductions under the rules issued to implement the Copeland Act which are published in 29 CFR Part 3.

3. The Administrator of Workplace Standards and under his direction the Wage and Hour Division and the Regional Administrators, WSA, shall administer 29 CFR Part 5, which contains rules providing for the coordination of the administration and enforcement of the Davis-Bacon Act and its related laws, except that the granting of any variations, tolerances, and exemptions from 29 CFR Parts 1, 3, and 5 shall be reserved to the Administrator of Workplace Standards.

4. Title 29 CFR Part 7 should be read as permitting review by the Wage Appeals Board of final decisions by the Administrator of Workplace Standards, the Administrator of the Wage and Hour Division, and the Director of the Office of Government Contracts Wage Standards, as if they had been made heretofore by the Solicitor.

Signed at Washington, D.C., this 16th day of December 1970.

ROBERT D. MORAN,
Administrator of
Workplace Standards.

[F.R. Doc. 71-258; Filed, Jan. 7, 1971;
8:48 a.m.]

1/8/71

U.S. DEPARTMENT OF LABOR
WORKPLACE STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION

ASSISTANT SECRETARY FOR WORKPLACE STANDARDS

(Reprint from Federal Register January 8, 1971)

[Secretary of Labor's Order 18-70]

ASSISTANT SECRETARY FOR
WORKPLACE STANDARDS

Delegation of Authority and
Assignment of Responsibility

1. *Purpose.* This order redesignates the Assistant Secretary for Wage and Labor Standards as the Assistant Secretary for Workplace Standards and delegates to the Assistant Secretary for Workplace Standards the authority vested in the Secretary of Labor for workplace standards programs, heretofore called wage and labor standards programs.

2. *Background.* Several organizational elements of the Department of Labor involved with workplace standards activities were transferred to the Wage and Labor Standards Administration, pursuant to Secretary's Order No. 24-69. The principle guiding the transfer was to place under one Assistant Secretary the programs which contribute to the achievement of the same major goal. This order consolidates in one directive the authority of the Assistant Secretary for Workplace Standards.

3. *The Workplace Standards Administration (WSA).* There is established in the Department of Labor a Workplace Standards Administration which supercedes the Wage and Labor Standards Administration (WLSA) and is assigned all of the responsibilities, personnel, equipment and facilities of WLSA.

The Workplace Standards Administration shall be headed by an Assistant Secretary who reports to the Secretary of Labor.

4. *Delegation of authority and assignment of responsibility.* a. The Assistant Secretary for Workplace Standards is hereby delegated authority and assigned responsibility, except as hereinafter provided, for:

(1) Carrying out the workplace standards programs and activities of the Department of Labor including the functions to be performed by the Secretary of Labor under:

- (a) Fair Labor Standards Act of 1938, as amended;
- (b) The Walsh-Healey Public Contracts Act of 1936, as amended;
- (c) McNamara-O'Hara Service Contract Act of 1965;
- (d) The Davis-Bacon Act and any laws now existing, or which may be sub-

sequently enacted, providing for prevailing wage findings by the Secretary of Labor in accordance with or pursuant to the Davis-Bacon Act; the Copeland Act; Reorganization Plan No. 14 of 1950; and the Tennessee Valley Authority Act.

(e) Contract Work Hours and Safety Standards Act;

(f) Title III of the Consumer Credit Protection Act;

(g) Age Discrimination in Employment Act of 1967;

(h) Vocational Rehabilitation Act Amendments of 1965;

(i) Arts and Humanities Act of 1965;

(j) Federal Employees' Compensation Act as amended and extended (5 U.S.C. 8101 et seq., except 8149 as it pertains to Employees' Compensation Appeals Board);

(k) The Longshoremen's and Harbor Workers' Compensation Act, as amended and extended;

(l) Maritime Safety Act;

(m) The Act of 1929 establishing a Women's Bureau (Public Law 66-259);

(n) Executive Order 10990—Federal Safety Council;

(o) Executive Order 11126—as amended by Executive Order 11221—Status of Women;

(p) Executive Order 11136, as amended—President's Committee on Consumer Interests and Consumer Advisory Committee;

(q) Executive Order 11246, as amended by Executive Order 11375—Federal Contract Compliance;

(r) The responsibilities of the Secretary of Labor with respect to labor safety provisions of any other Federal statutes;

(s) Such additional Federal acts as may from time to time confer upon the Secretary of Labor duties and responsibilities similar to the Fair Labor Standards Act.

b. In carrying out the authority and responsibility delegated under this order, the Assistant Secretary for Workplace Standards shall perform the above functions in accordance with existing Governmental and Departmental regulations, including Chapter 4-1300 of the Manual of Administration, which outlines the functions of Policy Development, Planning, Programming, Budgeting, Executing Programs, Reviewing and Analyzing Planned Versus Actual Per-

formance, and Evaluating Program Effectiveness.

c. The authority and responsibility delegated to the Assistant Secretary may be redelegated by him.

d. The Assistant Secretary is delegated authority for making organizational changes within policies established by the Secretary in accordance with the provisions of Chapter 4-200 of the Manual of Administration.

e. The Solicitor of Labor shall have the responsibility for providing legal advice and assistance to all officers of the Department relating to the administration of the statutes and Executive orders listed in paragraph 4a(1) above.

5. *Reservation of authority.* a. The following functions are reserved to the Secretary:

(1) Submission of reports and recommendations to the President and the Congress concerning the administration of the statutes and Executive orders listed in paragraph 4a(1) above.

(2) The bringing of legal proceedings under the statutes and Executive orders listed in paragraph 4a(1) above, the determination in each case whether such proceedings are appropriate to be made by the Solicitor of Labor.

b. The jurisdiction of the Wage Appeals Board, as presently described in its rules of practice (29 CFR Part 7) is reserved, and the Board shall be empowered to review decisions under this order relating to the Davis-Bacon Act and its related laws within the scope of that jurisdiction.

6. *Directives affected.* a. The following Secretary's orders are canceled by this order: 23-64, 15-67, 19-67, 10-68, 17-68, 25-68, and 24-69.

b. The following Secretary's orders remain in effect until canceled, except that the overall responsibility for the authority delegated in them is now vested in the Assistant Secretary for Workplace Standards: 2-67, 16-67, 21-67, 11-68, 21-68, 26-68, 2-69, 3-69, and 4-69.

7. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 24th day of August 1970.

JAMES D. HODGSON,
Secretary of Labor.

{F.R. Doc. 71-259; Filed, Jan. 7, 1971;
8:48 a.m.]

1/8/71

U.S. DEPARTMENT OF LABOR
WORKPLACE STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION

ADMINISTRATOR, WORKPLACE STANDARDS ADMINISTRATION ET AL.

(Reprint from Federal Register January 8, 1971)

[Secretary of Labor's Order 20-70]

ADMINISTRATOR, WORKPLACE
STANDARDS ADMINISTRATION,
ET AL.

Redelegation of Authority and
Responsibility

1. *Purpose.* This order delegates authority and assigns responsibility to (a) the Administrator, Workplace Standards Administration, (b) the Deputy Assistant Secretary for Program Development and Administration, (c) the Deputy Assistant Secretary for Federal Contract Compliance, and (d) the Director of the Women's Bureau.

2. *Background.* Secretary's Order No. 19-70 established the Workplace Standards Administration and delegated to the Assistant Secretary for Workplace Standards the authority and responsibility for workplace standards programs vested in the Secretary.

Inherent in establishment of the Workplace Standards Administration is the desire of the Secretary to improve the delivery of services in all program areas involved, with particular attention being given to occupational health and safety and equal employment opportunity.

3. *Delegation of authority and responsibility.* a. The Administrator, Wage and Hour Division, shall also be the Administrator, Workplace Standards Administration (WSA). He shall report to the Assistant Secretary, shall act for the Assistant Secretary in his absence, and shall have responsibility for carrying out workplace standards programs and activities including functions to be performed by the Secretary under:

- (1) Fair Labor Standards Act of 1938, as amended;
- (2) The Walsh-Healey Public Contracts Act of 1936, as amended;
- (3) McNamara-O'Hara Service Contract Act of 1965;
- (4) The Davis-Bacon Act and any laws now existing, or which may be subsequently enacted, providing for prevailing wage findings by the Secretary of Labor in accordance with or pursuant to the Davis-Bacon Act; the Copeland Act, Reorganization Plan No. 14 of 1950; and the Tennessee Valley Authority Act;
- (5) Age Discrimination in Employment Act of 1967;
- (6) Vocational Rehabilitation Act Amendments of 1965;
- (7) Contract Work Hours and Safety Standards Act;

(8) Title III of the Consumer Credit Protection Act;

(9) Arts and Humanities Act of 1953;

(10) Federal Employees' Compensation Act as amended and extended (5 U.S.C. 8101 et seq., except 8149 as it pertains to Employees' Compensation Appeals Board);

(11) The Longshoremen's and Harbor Workers' Compensation Act, as amended and extended;

(12) Maritime Safety Act;

(13) Executive Order 10990—Federal Safety Council;

(14) The responsibilities of the Secretary of Labor with respect to labor safety provisions of any other Federal statutes;

(15) Such additional Federal acts as may from time to time confer upon the Secretary of Labor duties and responsibilities similar to the Fair Labor Standards Act.

b. The Director, Bureau of Labor Standards, shall also be the Deputy Administrator, WSA.

c. The Deputy Assistant Secretary for Program Development and Administration shall report to the Assistant Secretary and shall have responsibilities for providing staff assistance to the Assistant Secretary, the Administrator, WSA, and the Deputy Assistant Secretary for Federal Contract Compliance, the Director of the Women's Bureau and the heads of units who report to them. Staff assistance to be provided shall include:

- (1) Developing and recommending policies, plans, programs, and standards at the request of the Assistant Secretary, Administrator, WSA, Deputy Assistant Secretary for Federal Contract Compliance and the Director of the Women's Bureau or on his own initiative;
- (2) Planning and conducting research, at the request of the Assistant Secretary, the Administrator, WSA, the Deputy Assistant Secretary for Federal Contract Compliance and the Director of the Women's Bureau or on his own initiative;
- (3) Developing and recommending budgets;
- (4) Developing and recommending (a) management systems, (b) organization structures, and (c) personnel management policies;
- (5) Providing or securing office and other space, facilities and equipment;
- (6) Developing and recommending systems for review and analysis (comparing actual with planned performance) and making reviews and analysis of program performance; and

(7) Conducting program evaluation.
d. The Deputy Assistant Secretary for Federal Contract Compliance shall report to the Assistant Secretary and shall have responsibility for carrying out the Secretary's responsibilities under Executive Order 11246 as amended by Executive Order 11375—Federal Contract Compliance.

e. The Director of the Women's Bureau shall report to the Assistant Secretary and shall have responsibility for carrying out the Secretary's responsibilities included under:

- (1) The Act of 1920 establishing a Women's Bureau (Public Law 66-259);
- (2) Executive Order 11126—as amended by Executive Order 11221—Status of Women;
- (3) Executive Order 11136, as amended—President's Committee on Consumer Interests and Consumer Advisory Committee.

f. Regional Administrators, WSA, shall report to the Administrator, WSA, and shall have responsibility for carrying out the directives and policies of the Administrator, WSA.

g. The Administrator, WSA, the Deputy Assistant Secretaries in WSA and the Director of the Women's Bureau may redelegate authority vested in them by this Order.

h. The Administrator, WSA, Deputy Assistant Secretaries, WSA, and the Director of the Women's Bureau shall administer programs in such a manner as to be consistent with the policies of the Secretary of Labor and the Assistant Secretary for Workplace Standards including policies established by staff units in the Office of the Secretary pursuant to delegations to them by the Secretary.

i. The Administrator, WSA, and the Deputy Assistant Secretary for Program Development and Administration shall be members of the Deputies Committee for Management and Operations Reform, and the Departmental Committee on Executive Personnel Assignments.

4. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 24th day of August 1970.

ARTHUR A. FLETCHER,
Assistant Secretary for
Workplace Standards.

[P.R. Doc. 71-260; Filed, Jan. 7, 1971;
8:48 a.m.]

**U.S. DEPARTMENT OF LABOR
WORKPLACE STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION**

WAGE APPEALS BOARD

(Reprint from Federal Register January 8, 1971)

[Secretary of Labor's Order 24-70]

WAGE APPEALS BOARD

Authority and Responsibilities

1. *Purpose.* To describe the authority and responsibilities of the Wage Appeals Board in deciding appeals from final decisions by the Assistant Secretary for Workplace Standards and by his delegates under the laws named in this order.

2. *Delegation of authority and assignment of responsibility.* There is in the Department of Labor a Wage Appeals Board which is directly responsible to the Secretary of Labor. The Board shall act as the authorized representative of the Secretary of Labor in deciding appeals, concerning questions of fact and law, taken in the discretion of the Board, from final decisions of the Assistant Secretary for Workplace Standards or his delegates under the following:

a. The Davis-Bacon Act; any laws now existing, or which may be subsequently enacted, providing for prevailing wage findings by the Secretary of Labor in accordance with or pursuant to the Davis-Bacon Act (a list of such laws as of the date of this order is set forth below), Contract Work Hours and Safety Standards Act, the Copeland Act, and Reorganization Plan No. 14 of 1950.

b. The final decisions include those involving wage determinations, debarment, disputes, and the assessment of liquidated damages under the Contract Work Hours and Safety Standards Act (except matters pertaining to safety).

3. *Composition.* The Board shall consist of three public members, one of whom shall be designated Chairman. The members of the Board shall be appointed by the Secretary of Labor, and shall be selected upon the basis of their qualifications and competence in matters within the authority of the Board.

4. *Voting.* The Chairman of the Board may, in his discretion, designate himself or any other member of the Board to decide any appeal provided the interested persons or parties have consented to the disposition of the appeal in this manner. The Chairman may also direct that any appeal may be decided by a panel of any two members of the Board, but if they are unable to agree upon a decision, the case will be decided by the full Board. When an appeal is decided by all three members of the Board, a majority vote shall be necessary for decision. Any decision in any other matter and the issuance of any procedural rules shall also be by a majority vote, except that a decision to hear any appeal may be by one member.

5. *Location of Board proceedings.* The Board shall hold its proceedings in Wash-

ington, D.C., unless for good cause the Board orders that proceedings in a particular matter be held in another location.

6. *Rules of practice and procedure.* The Board shall prescribe such rules of procedure as it deems necessary or appropriate for the conduct of its proceedings. The rules which are prescribed in 29 CFR Part 7 as of the date of this order shall govern the proceedings of the Board until changed.

7. *Departmental counsel.* The Solicitor shall provide counsel to represent the Assistant Secretary for Workplace Standards in proceedings before the Board.

8. *Directives affected.* This order supersedes Secretary's Order No. 32-63, dated December 30, 1963.

9. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 7th day of October 1970.

JAMES D. HODGSON,
Secretary of Labor.

The Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-7, and as extended to the Federal-Aid Highway Acts codified in 23 U.S.C. 113).

National Housing Act (12 U.S.C. 1713, 1715a, 1715c, 1715e, 1715k, 1715l(d) (3) and (4), 1715v, 1715w, 1715x, 1743, 1747, 1748b, 1748h-2, 1750g, 1715l(h) (1), 1715z(j) (1), 1715z-1, 1715y(d), Subchapter IX-A and X-B, 1715z-7).

Hospital Survey and Construction Act as amended by the Hospital and Medical Facilities Amendments of 1964 (42 U.S.C. 291e).

Federal Airport Act (49 U.S.C. 1114(b)).
Housing Act of 1949, as amended (42 U.S.C. 1459).

School Survey and Construction Act of 1950 (20 U.S.C. 836).

Defense Housing and Community Facilities and Services Act of 1951 (42 U.S.C. 1592i)

United States Housing Act of 1937 (42 U.S.C. 1416).

Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281).

Delaware River Basin Compact (sec. 15.1, 75 Stat. 714).

Cooperative Research Act (20 U.S.C. 332a (c)).

Health Professions Educational Assistance Act of 1963 (42 U.S.C. 292d(c) (4), 293a(c) (5)).

Mental Retardation Facilities Construction Act (42 U.S.C. 295(a) (2) (D), 2662(5), 2675 (a) (5)).

Community Mental Health Centers Act (42 U.S.C. 2685(a) (5)).

Higher Educational Facilities Act of 1963 (20 U.S.C. 753).

Vocational Education Act of 1963 (20 U.S.C. 357f).

Library Services and Construction Act (20 U.S.C. 355e(a) (4)).

Urban Mass Transportation Act of 1964 (49 U.S.C. 1609).

Economic Opportunity Act of 1964 (42 U.S.C. 2947).

Housing Act of 1964 (42 U.S.C. 1486(f); 42 U.S.C. 1452b(e)).

The Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779c (b)).

The Nurse Training Act of 1964 (42 U.S.C. 296a(b)(5)).

Elementary and Secondary Education Act of 1965 (20 U.S.C. 2411, 848).

Federal Water Pollution Control Act, as amended, by the Water Quality Act of 1965 (33 U.S.C. 466e(g)).

Appalachian Regional Development Act of 1965 (40 U.S.C. App. 402).

National Technical Institute for the Deaf Act (20 U.S.C. 684(b) (5)).

Housing Act of 1959 (12 U.S.C. 1701(q) (c) (3)).

College Housing Act of 1950, as amended (12 U.S.C. 1749a(f)).

Housing and Urban Development Act of 1965 (42 U.S.C. 1500c-3, 3107).

National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(k)).

Public Works and Economic Development Act of 1965 (42 U.S.C. 3222).

High Speed Ground Transportation Study (42 U.S.C. 1636(b)).

Heart Disease, Cancer and Stroke Amendments of 1965 (42 U.S.C. 299d(b) (4)).

Mental Retardation Facilities and Community Mental Health Centers Construction Act Amendments of 1965 (20 U.S.C. 618(g)).

Vocational Rehabilitation Act Amendments of 1965 (23 U.S.C. 41a(b) (4)).

Clean Air and Solid Waste Disposal Act (42 U.S.C. 3256).

Medical Library Assistance Act of 1965 (42 U.S.C. 280b-3(b) (3)).

Veterans Nursing Home Care Act (38 U.S.C. 5035 (a) (8)).

National Capital Transportation Act of 1965 (40 U.S.C. 682(b) (4)).

Model Secondary School for the Deaf Act (80 Stat. 1028).

Allied Health Professions Personnel Training Act of 1966 (42 U.S.C. 295h(b) (2) (E)).

Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3310; 12 U.S.C. 1715c; 42 U.S.C. 1416).

Air Quality Act of 1967 (42 U.S.C. 1857j-3).

Elementary and Secondary Education Amendments of 1967 (Title VII—Bilingual Education Act) (20 U.S.C. 880b-6).

Vocational Rehabilitation Amendments of 1967 (29 U.S.C. 42a(c) (3)).

National Visitor Center Facilities Act of 1968 (40 U.S.C. 808).

Juvenile Delinquency Prevention and Control Act of 1968 (42 U.S.C. 3843).

Housing and Urban Development Act of 1968 (including New Communities Act of 1968) (42 U.S.C. 3909).

Public Health Service Act Amendment (Alcoholic and Narcotic Addict Rehabilitation Amendments of 1968) (42 U.S.C. 2681 et seq.).

Vocational Education Amendments of 1968 (20 U.S.C. 1246).

Postal Reorganization Act (39 U.S.C. 410).

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U. S. DEPARTMENT OF LABOR
WORKPLACE STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION

WSA DESCRIPTION OF ORGANIZATION

(Reprint from Federal Register January 8, 1971)

**Workplace Standards Administration
DESCRIPTION OF ORGANIZATION**

1. *Background.* Secretary of Labor's Order No. 19-70, published in the FEDERAL REGISTER on this date, established in the Department of Labor the Workplace Standards Administration (WSA), which is headed by the Assistant Secretary for Workplace Standards. By virtue of that order, the Assistant Secretary for Workplace Standards is delegated authority and assigned responsibility for the performance of functions of the Secretary of Labor in the administration of workplace standards programs authorized by certain statutes and Executive orders. The programs include, among others, a number of statutory programs which are administered at the operational level by the Wage and Hour Division, the Bureau of Labor Standards, the Office of Federal Contract Compliance, the Women's Bureau, and the Bureau of Employees' Compensation. See the "United States Government Organization Manual—1970/71," pp. 320, 323-324. They also include programs and activities of the Secretary of Labor under the Davis-Bacon Act (40 U.S.C. 276a-276a-7) and statutes requiring prevailing wage findings made by the Secretary of Labor in accordance with such Act, and under the Contract Work Hours and Safety Standards Act, Reorganization Plan No. 14 of 1950, the Copeland Act, and the Tennessee Valley Authority Act. Responsibility for carrying out workplace standards programs and activities under these latter statutes and the statutory programs administered at the operational level by the Wage and Hour Division, the Bureau of Labor Standards, and the Bureau of Employees' Compensation has been redelegated by the Assistant Secretary for Workplace Standards to the Administrator, Workplace Standards Administration (hereinafter referred to as Administrator of Workplace Standards or Administrator, WSA), as provided in Secretary of Labor's Order No. 20-70, also published in the FEDERAL REGISTER on this date.

2. *Responsibilities of Administrator of Workplace Standards—*a. *General.* Subject to the reservations and conditions set forth in Secretary's Orders Nos. 19-70 and 20-70 cited above, the workplace standards programs and activities for which he is responsible are carried out by the Administrator of Workplace Standards or under his direction and control by the Wage and Hour Division, the Bureau of Labor Standards, the Bureau of Employees' Compensation, the Office of Government Contracts Wage Standards, and the Regional Administrators, WSA. In the performance of

their functions, the Administrator, WSA, and his representatives act upon the advice of the Solicitor of Labor whenever a question of law is involved. The bringing of legal proceedings is reserved to the Secretary, the determination of whether such proceedings are appropriate being made by the Solicitor.

b. *Wage and Hour Division, Bureau of Labor Standards, and Bureau of Employees' Compensation.* The operational responsibilities of the Wage and Hour Division, the Bureau of Labor Standards, and the Bureau of Employees' Compensation remain as described in the "United States Government Organization Manual—1970/71," pp. 320, 324 in the absence of express action by the Administrator of Workplace Standards, making different provisions. To the extent that different provisions have been made to date, they are described in this document.

c. *Office of Government Contracts Wage Standards.* (1) The making of wage determinations and any required fringe benefit determinations under the Davis-Bacon Act and any laws requiring the determination of prevailing wages in accordance with the Davis-Bacon Act, the Service Contract Act, and the Walsh-Healey Public Contracts Act, and any other laws providing for the making of such determinations by the Secretary of Labor which may from time to time be enacted, is carried out by the Office of Government Contracts Wage Standards, Workplace Standards Administration.

(2) The making of decisions on the permissibility of payroll deductions under rules issued to implement the Copeland Act shall be carried out by the Office of Government Contracts Wage Standards, Workplace Standards Administration.

(3) The Office of Government Contracts Wage Standards, Workplace Standards Administration, shall also handle at the operational level other matters regarding interpretations, regulations, and exemptions relating to the various laws providing wage standards for Government contracts.

d. *Particular responsibilities of the Administrator, WSA.* The issuing of rulings and interpretations of general application upon the advice of the Solicitor and the granting or revoking of variations, tolerances, and exemptions provided for under any laws subject to Reorganization Plan No. 14 of 1950 and in Parts 1, 3, and 5 of Title 29, Code of Federal Regulations, are powers to be exercised by the Administrator of Workplace Standards.

e. *Enforcement of the Davis-Bacon Act and related laws.* The powers and duties relating to enforcement of the Davis-Bacon Act and related laws are carried out by the Administrator of

Workplace Standards and under his direction by the Wage and Hour Division and Regional Administrator, WSA; including without limitation, the conduct of investigations regarding compliance with the laws subject to Reorganization Plan No. 14 of 1950; settling, adjusting, and adjudicating by informal means cases involving the payment of wages and liquidated damages under the laws subject to the Plan; coordinating the enforcement activities of the various Federal agencies having labor standards enforcement responsibilities under such laws and regulations; requesting the withholding, or causing to be withheld, by such agencies from accrued contract payments or advances such sums as may be considered necessary to make required wage payments, or payments of liquidated damages, or both; recommending the commencement of legal proceedings for the adjudication of violations of such laws and regulations and imposition of sanctions, including debarment proceedings; adjudicating such violations and imposing sanctions (except that no employee engaged in investigative or prosecuting functions relating to any case shall participate or advise in the adjudication thereof); and approving or disapproving recommendations of Federal agencies concerning relief for contractors or subcontractors from liquidated damages under section 104(c) of the Contract Work Hours and Safety Standards Act.

3. *Wage Appeals Board.* The delegations under Secretary's Order No. 19-70, the redelegation contained in Secretary's Order No. 20-70, and this description do not affect the powers and duties reserved to the Wage Appeals Board, which are set forth in Secretary of Labor's Order No. 24-70, published in the FEDERAL REGISTER on this date.

4. *Certain safety provisions.* This document does not deal with the powers and duties of the Secretary of Labor under section 107 of the Contract Work Hours and Safety Standards Act, as added by Public Law 91-54 (83 Stat. 96), relating to construction safety and health standards, nor with the powers and duties of the Secretary of Labor under the Occupational Safety and Health Act of 1970 (Public Law 91-596).

5. *Pending actions.* The delegations described in this document do not affect any cases of rulemaking or adjudication which may be pending as of this date.

Signed at Washington, D.C., this 16th day of December 1970.

ROBERT D. MORAN,
Administrator of
Workplace Standards.

U.S. DEPARTMENT OF LABOR
WORKPLACE STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION

PART 4 (29 CFR) - LABOR STANDARDS FOR FEDERAL
SERVICE CONTRACTS

Amendment

(Reprint from Federal Register January 8, 1971)

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS

Delegations of Authority Within Workplace Standards Administration

Pursuant to the authority delegated to me under Secretary of Labor's Orders numbered 19-70 and 20-70, which are published in the FEDERAL REGISTER on this date and the statutory authority cited below, Part 4 of Title 29, Code of Federal Regulations, is hereby amended to reflect the establishment of the Workplace Standards Administration (WSA) within the Department and delegations of authority within the WSA as they pertain to that part.

The amendments shall be effective immediately.

The amendments of Part 4 of Title 29, Code of Federal Regulations, read as follows:

1. Section 4.3 is amended to read as follows:

§ 4.3 Register of wage determinations and fringe benefits.

The Director of the Office of Government Contracts Wage Standards, Workplace Standards Administration (WSA), of the Department of Labor will determine the minimum monetary wages and specify the fringe benefits to be furnished the various classes of service employees for the several localities in which they are to be employed under contracts subject to such determinations under the Act. These determinations and specifications will be issued as an orderly series constituting a register of such minimum wages and fringe benefits. Such a register will be available for public inspection during business hours at the national and regional offices of the Workplace Standards Administration of the U.S. Department of Labor. Provisions may also be made, when practicable, for maintaining such a register at other locations where the needs of procurement agencies for the information contained therein may be better served by such action.

2. Section 4.4 is amended to read as follows:

§ 4.4 Notice of intention to make a service contract.

(a) Not less than 30 days prior to any invitation for bids or the commencement of negotiations for any contract exceeding \$2,500 which may be subject to the Act, the contracting agency shall file with the Office of Government Contracts Wage Standards, Workplace Standards Administration, of the Department of Labor its notice of intention to make a service contract on Standard Form 98, Notice of Intention to Make a Service Contract, completed in accordance with the instructions on the reverse thereof. Copies of Standard Form 98 are available from the General Services Administration.

(b) If exceptional circumstances prevent the filing of the notice of intention required by this section on or before a date 30 days prior to any invitation for bids or the commencement of negotiations, the notice shall be submitted to the Office of Government Contracts Wage Standards, Workplace Standards Administration, as soon as practicable with a detailed explanation of the special circumstances which prevented timely submission.

3. In § 4.5 paragraphs (a) and (c) are amended to read as follows:

§ 4.5 Contract minimum wage determinations and fringe benefit specifications.

Any contract agreed upon in excess of \$2,500 shall contain the minimum wages and fringe benefits specified in any applicable currently effective determination including any expressed in any document referred to in paragraph (a) or (b) of this section.

(a) Any communication from the Office of Government Contracts Wage Standards, Workplace Standards Administration, of the Department of Labor responsive to the notice required by § 4.4; or

(c) If the notice of intention required by § 4.4(a) is not filed within the time provided in § 4.4(a), the contracting agency shall exercise any and all of its power that may be needed (including where necessary, its power to negotiate, its power to pay any necessary additional

costs, and its power under any provision of the contract authorizing changes) to include in the contract any determinations communicated to it within 30 days of the filing of such notice or of the discovery by the Workplace Standards Administration, U.S. Department of Labor, of such omission.

4. In § 4.6 paragraphs (b), (c), and the introductory text of paragraph (g) are amended to read as follows:

§ 4.6 Labor standards clauses for Federal service contracts exceeding \$2,500.

The clauses set forth in the following paragraphs shall be included in every contract (and any bid specification therefor) entered into by the United States or the District of Columbia, in excess of \$2,500, the principal purpose of which is to furnish services through the use of service employees:

(b) Each service employee employed in the performance of this contract by the contractor or any subcontractor shall be paid not less than the minimum monetary wage and shall be furnished fringe benefits in accordance with the wages and fringe benefits determined by the Secretary of Labor or his authorized representative, as specified in any attachment to this contract. If there is such an attachment, any class of service employees which is not listed therein, but which is to be employed under this contract, shall be classified by the contractor so as to provide a reasonable relationship between such classifications and those listed in the attachment, and shall be paid such monetary wages and furnished such fringe benefits as are determined by agreement of the interested parties, who shall be deemed to be the contracting agency, the contractor, and the employees who will perform on the contract or their representatives. If the interested parties do not agree on a classification or reclassification which is, in fact, conformable, the contracting officer shall submit the question, together with his recommendation, to the Director, Office of Government Contracts Wage Standards, WSA, of the Department of Labor for final determination. Failure to pay such employees the compensation agreed upon by the interested parties or finally determined by the Di-

rector or his authorized representative shall be a violation of this contract. No employee engaged in performing work on this contract shall in any event be paid less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended.

(c) The contractor or subcontractor may discharge the obligation to furnish fringe benefits specified in the attachment or determined conformably thereto by furnishing any equivalent combinations of fringe benefits, or by making equivalent or differential payments in cash, pursuant to applicable rules of the Administrator of Workplace Standards, Department of Labor. (Subpart B of this part.)

(g) The contractor and each subcontractor performing work subject to the Act shall make and maintain for 3 years from the completion of the work records containing the information specified in subparagraphs (1) through (5) of this paragraph for each employee subject to the Act and shall make them available for inspection and transcription by authorized representatives of the Administrator of Workplace Standards of the U.S. Department of Labor.

5. Section 4.101 is amended to read as follows:

§ 4.101 Official rulings and interpretations in this subpart.

The purpose of this subpart is to provide, pursuant to the authority cited in § 4.104, official rulings and interpretations with respect to the application of the McNamara-O'Hara Service Contract Act for the guidance of the agencies of the United States and the District of Columbia which may enter into and administer contracts subject to its provisions, the persons desiring to enter into such contracts with these agencies, and the contractors, subcontractors, and employees who perform work under such contracts. This subpart supersedes all prior rulings and interpretations issued under the Act to the extent, if any, that they may be inconsistent with rules herein stated. Principles governing the application of the Act as set forth in this subpart are clarified or amplified in particular instances by illustrations and examples based on specific fact situations. Since such illustrations and examples cannot and are not intended to be exhaustive, no inference should be drawn from the fact that a subject or illustra-

tion is omitted. If doubt arises, inquiries may be directed to the Administrator of Workplace Standards, U.S. Department of Labor, Washington, D.C. 20210, or to any Regional Office of the WSA. Safety and health inquiries may be addressed directly to the Director, Bureau of Labor Standards, WSA, U.S. Department of Labor, Washington, D.C. 20210, or to any WSA Regional Office. A full description of the facts and any relevant documents should be submitted if an official ruling is desired.

6. In § 4.123 paragraph (b) is amended to read as follows:

§ 4.123 Administrative limitations, variations, tolerances, and exemptions.

(b) *Administrative action under section 4(b) of the Act.* The authority conferred on the Secretary by section 4(b) of the Act will be exercised with due regard to the remedial purpose of the statute to protect prevailing labor standards and to avoid the undercutting of such standards which could result from the award of Government work to contractors who will not observe such standards, and whose saving in labor cost therefrom enables them to offer a lower price to the Government than can be offered by the fair employers who maintain the prevailing standards. Administrative action consistent with this statutory purpose may be taken under section 4(b) with or without a request therefor, when found necessary and proper in accordance with the statutory standards. No formal procedures have been prescribed for requesting such action. However, a request for exemption from the Act's provisions will be granted only upon a strong and affirmative showing that it is necessary and proper in the public interest or to avoid serious impairment of Government business. If the request for administrative action under section 4(b) is not made by the headquarters office of the contracting agency to which the contract services are to be provided, the views of such office on the matter should be obtained and submitted with the request or the contracting officer may forward such a request through channels to the agency headquarters for submission with the latter's views to the Administrator of Workplace Standards, Department of Labor.

7. In § 4.133 paragraph (b) is amended to read as follows:

§ 4.133 Government as beneficiary of contract services.

(b) *Special situations.* It is not considered that the Act was intended to cover every contract, however, which is entered into with the Government by a contractor to furnish services, no matter how indirect or remote a benefit the Government may derive therefrom. If, for example, a contract with the Government grants the contractor the privilege of operating as a concessionaire in a Government park for the purpose of furnishing services to the public generally rather than to the Government or to personnel engaged in its business, the contract is not considered subject to the Act. Since the statute itself provides no clear line of demarcation, questions of contract coverage where doubt arises because of remoteness of benefit to the Government from the services to be furnished should be referred to the Office of Government Contracts Wage Standards, WSA, for resolution.

8. In § 4.164 paragraph (b)(2) is amended to read as follows:

§ 4.164 Making the determinations and informing contractors.

(b) *Provision for consideration of currently prevailing wage rates and fringe benefits.*

(2) The regulations, in § 4.4, provide for the filing with the Office of Government Contracts Wage Standards, Workplace Standards Administration, by the awarding agency, prior to any invitation for bids or the commencement of negotiations for contracts exceeding \$2,500, of a notice of intention to make a service contract which is subject to the Act. Upon receipt of the notice that Office may make a determination of minimum monetary wages and fringe benefits for the classes of service employee who will perform on the contract or may revise a determination which is currently in effect.

(Secs. 2(a) and 4, 79 Stat. 1034, 1035, 41 U.S.C. 361, 363; 5 U.S.C. 301)

Signed at Washington, D.C., this 16th day of December 1970.

ROBERT D. MORAN,
Administrator
of Workplace Standards.

[P.R. Doc. 71-265; Filed, Jan. 7, 1971; 8:49 a.m.]

U.S. DEPARTMENT OF LABOR
WORKPLACE STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION

PART 6 (29 CFR) - RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS
ENFORCING LABOR STANDARDS IN FEDERAL SERVICE
CONTRACTS

Amendment

(Reprint from Federal Register January 8, 1971)

PART 6—RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS ENFORCING LABOR STANDARDS IN FEDERAL SERVICE CONTRACTS

Delegations of Authority Within Workplace Standards Administration

Pursuant to Secretary of Labor's Orders numbered 19-70 and 20-70, published in the FEDERAL REGISTER on this date, and the statutory authority cited below, Part 6 of Title 29, Code of Federal Regulations, is hereby amended in the manner indicated below. The changes reflect the establishment of the Workplace Standards Administration within the Department of Labor and delegations of authority within the Workplace Standards Administration.

The amendments of Part 6 are the following:

1. Section 6.2 is amended to revise paragraph (d) and to revoke paragraph (e), and reads as follows:

§ 6.2 Definitions.

(d) "Administrator" means the Administrator of Workplace Standards, U.S. Department of Labor.

(e) [Revoked]

2. Paragraph (b)(3) of § 6.6 is amended to read as follows:

§ 6.6 Consent findings and order.

(b) . . .

(3) A waiver of any further procedural steps before the hearing examiner and the Administrator; and

3. Section 6.12 is amended to read as follows:

§ 6.12 Relief from ineligible list.

Application for relief from the ineligible list provision under section 5(a) of the Act may be filed by the respondent with the Secretary of Labor within 28 days from the date of service of the

hearing examiner's decision or Administrator's decision, as the case may be. Notice of the determination of the Secretary on the application of the ineligible list provision of the Act shall be served upon the parties.

4. Section 6.13 is amended to read as follows:

§ 6.13 Transmission of record.

If exceptions are filed, the hearing examiner shall transmit the record of the proceeding to the Administrator. The record shall include: The pleadings, motions, and requests filed in written form, rulings thereon, the transcript of the testimony and proceeding taken at the hearing, together with the exhibits admitted in evidence, any documents or papers filed in connection with prehearing conferences, such proposed findings of fact, conclusions of law, orders, and supporting reasons, as may have been filed, the hearing examiner's decision, and such exceptions, statements of objections, and briefs in support thereof, as may have been filed in the proceeding.

5. Section 6.14 is amended to read as follows:

§ 6.14 Decisions and order of the Administrator.

If exceptions to the decision of the hearing examiner are taken as provided in this part, the Administrator shall upon consideration thereof, together with the record references and authorities cited in support thereof, make his decision, which shall affirm, modify, or set aside, in whole or part, the findings, conclusions, and order contained in the decision of the hearing examiner, and shall include a statement of reasons or bases for the actions taken. With respect to the findings of fact, the Administrator shall modify or set aside only those findings that are clearly erroneous. Copies of the decision and order shall be served upon the parties. Any such decision shall treat any question of recommendation

for relief from the ineligible list under section 5(a) of the Act to the same extent and subject to the same limitations as provided in § 6.10(b) concerning decisions of the hearing examiner.

6. In § 6.15, paragraph (c) is amended to read as follows:

§ 6.15 Service; copies of documents and pleadings.

(c) *Service upon Department, number of copies of pleading or other documents.* An original and three copies of all pleadings and other documents shall be filed with the Department of Labor, the original with the officer before whom the case is pending (hearing examiner, chief hearing examiner, Administrator, or the Secretary of Labor) and the copies with the attorney representing the Department during the hearing or the Associate Solicitor in charge of litigation.

7. In § 6.19, paragraph (b) is amended to read as follows:

§ 6.19 Hearing examiners.

(b) *How assigned.* The presiding hearing examiner shall be designated by the Chief Hearing Examiner.

(Sec. 4, 79 Stat. 1035; 41 U.S.C. 353)

Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER, but shall not affect delegations of decisional authority in any formal adjudicatory proceedings pending as of that date.

Signed at Washington, D.C., this 16th day of December 1970.

ROBERT D. MORAN,
Administrator of
Workplace Standards.

[F.R. Doc. 71-266; Filed, Jan. 7, 1971; 3:49 a.m.]

U.S. DEPARTMENT OF LABOR
WORKPLACE STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION

PART 50-201 (41 CFR) - GENERAL REGULATIONS

Amendment

(Reprint from Federal Register January 8, 1971)

Chapter 50—Public Contracts,
Department of Labor

PART 50-201—GENERAL
REGULATIONS

Delegations of Authority Within
Workplace Standards Administration

Pursuant to the authority delegated to me under Secretary of Labor's Orders numbered 19-70 and 20-70, which are published in the FEDERAL REGISTER on this date, and the statutory authority cited below, Part 50-201 of Title 41, Code of Federal Regulations, is hereby amended in the manner indicated below in order to reflect the establishment of the Workplace Standards Administration (WSA) within the Department and to reflect delegations of authority within the WSA as they pertain to that part.

The amendments of Part 50-201 of Title 41, Code of Federal Regulations, read as follows:

1. In § 50-201.601 paragraph (b) is amended as follows:

§ 50-201.601 Requests for exceptions and exemptions.

(b) All requests for exceptions or exemptions which relate solely to safety and health standards shall be transmitted directly to the Bureau of Labor Standards, WSA, Department of Labor. All other requests for exceptions or exemptions shall be transmitted to the Office of Government Contracts Wage Standards, WSA, of the Department of Labor.

2. Section 50-201.602 is amended to read as follows:

§ 50-201.602 Decisions concerning exceptions and exemptions.

Decisions concerning exceptions and exemptions shall be in writing and approved by the Secretary of Labor or officer prescribed by him, originals being filed in the Department of Labor, and certified copies shall be transmitted to the department or agency originating the request, to the Comptroller General, and to the Procurement Division of the Treasury. All such decisions shall be promulgated to all contracting agencies by the Office of Government Contracts Wage Standards, WSA, of the Department of Labor.

3. Section 50-201.1101 is amended to read as follows:

§ 50-201.1101 Minimum wages.

Determinations of prevailing minimum wages or changes therein will be published in the FEDERAL REGISTER, and sent to contracting officers by the Office of Government Contracts Wage Standards, WSA, of the Department of Labor. (Secs. 1, 4, 49 Stat. 1035, 1038, as amended, 41 U.S.C. 35, 32, 5 U.S.C. 301)

Signed at Washington, D.C., this 16th day of December 1970.

ROBERT D. MORAN,
Administrator of
Workplace Standards.

[F.R. Doc. 71-263; Filed, Jan. 7, 1971;
8:42 a.m.]

U.S. DEPARTMENT OF LABOR
WORKPLACE STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION

PART 50-203 (41 CFR) - RULES OF PRACTICE

(Reprint from Federal Register January 8, 1971)

PART 50-203—RULES OF PRACTICE

**Delegations of Authority Within
Workplace Standards Administration**

Pursuant to the authority delegated to me under Secretary of Labor's Orders numbered 19-70 and 20-70, which are published in the FEDERAL REGISTER on this date, and the statutory authority cited below, Part 50-203 of Title 41, Code of Federal Regulations, is hereby amended in the manner indicated below in order to reflect the establishment of the Workplace Standards Administration (WSA) within the Department of Labor and to reflect delegations of authority within the WSA as they pertain to that part.

As amended, Part 50-203 of Title 41, Code of Federal Regulations, reads as follows:

1. In § 50-203.1, paragraph (b) is amended and paragraph (c) is deleted. As amended, § 50-203 reads as follows:

§ 50-203.1 Reports of breach or violation.

(b) A report of breach or violation may be reported to the nearest regional or local office of the Workplace Standards Administration, U.S. Department of Labor, or with the Administrator of Workplace Standards, U.S. Department of Labor, Washington, D.C. 20210.

(c) [Deleted]

2. In § 50-203.6, paragraph (b) is amended to read as follows:

§ 50-203.6 Witnesses and subpoenas.

(b) The Trial Examiner (or the Administrator holding the hearing as provided in § 50-203.8(m)) shall upon application by any party, and upon a showing of general relevance and reasonable scope of the evidence sought, issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence under oath, including books, records, correspondence, or documents. Applications for the issuance of subpoenas duces tecum shall specify the books, records, correspondence or other documents sought.

3. In § 50-203.8, paragraph (m) is amended to read as follows:

§ 50-203.8 Hearing.

(m) The Administrator of Workplace Standards may, in his discretion, hold that in lieu of the procedure set forth in

paragraph (a) of this section, the hearing on formal complaint shall be held in the first instance before him; in which event the Administrator shall issue an order embodying his decision.

4. In § 50-203.11, paragraphs (a), (d), (e), (f), (g), and (h) are amended to read as follows:

§ 50-203.11 Review.

(a) Within twenty (20) days after service of the decision of the Trial Examiner any interested party to the proceeding may file with the Chief Trial Examiner an original and four copies of a petition for review of the decision. The petition shall set out separately and particularly each error assigned. The request for review and the record will then be certified to the Administrator of Workplace Standards.

(d) No matter properly subject to objection before the Trial Examiner will be considered by the Administrator unless it shall have been raised before the Trial Examiner or unless there were reasonable grounds for failure so to do; nor will any matter be considered by the Administrator unless included in the assignment or errors. In the discretion of the Administrator, review may be denied if the petition and brief in support thereof fail to show adequate cause for such review.

(e) The order denying review, or the decision of the Administrator, whichever is entered, will be made a part of the record, and a copy of such order or decision will be served upon the parties who were served with a copy of the Trial Examiner's decision.

(f) If the respondent is found to have violated the Act, the Administrator in his decision shall make recommendations to the Secretary of Labor as to whether respondent shall be relieved from the application of the ineligible-list provisions of section 3 of the Walsh-Healey Public Contracts Act (sec. 4, 49 Stat. 2039; 41 U.S.C. 37).

(g) Application for relief from the ineligible-list provisions of section 3 shall be filed by the respondent with the Secretary of Labor within 20 days from the date of service of the Trial Examiner's decision or the Administrator's decision.

(h) Notice of the determination of the Secretary on the application of the ineligible-list provisions of section 3 of the Walsh-Healey Public Contracts Act (sec. 4, 49 Stat. 2037; 41 U.S.C. 37) shall be

served upon the parties who were served with a copy of the Trial Examiner's decision or the Administrator's decision, as the case may be.

5. In § 50-203.13, paragraph (c) is amended to read as follows:

§ 50-203.13 Requests for exceptions and exemptions.

(c) All requests for exceptions or exemptions which relate solely to safety and health standards shall be transmitted directly to the Bureau of Labor Standards, WSA, Department of Labor. All other requests for exceptions or exemptions shall be transmitted to the Office of Government Contracts Wage Standards, WSA, of the Department of Labor.

6. Section 50-203.14 is amended to read as follows:

§ 50-203.14 Decisions concerning exceptions and exemptions.

Decisions concerning exceptions and exemptions shall be in writing and approved by the Secretary of Labor or officer prescribed by him, originals being filed in the Department of Labor, and certified copies shall be transferred to the department or agency originating the request and to the Comptroller General. All such decisions shall be promulgated to all contracting agencies by the Office of Government Contracts Wage Standards, WSA of the Department of Labor.

7. A new section, designated § 50-203.23, is added to Subpart C and reads as follows:

§ 50-203.23 Delegation of authority.

The duties of the Secretary of Labor under this subpart may be exercised in any particular proceeding by the Secretary of Labor, the Assistant Secretary for Workplace Standards, or the Administrator of Workplace Standards, Department of Labor.

(Sec. 4, 49 Stat. 2038; 41 U.S.C. 38)

Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER, but shall not affect delegations of decisional authority in any formal adjudicatory proceedings pending as of that date.

Signed at Washington, D.C., this 16th day of December 1970.

ROBERT D. MORAN,
Administrator of
Workplace Standards.

[P.R. Doc. 70-554 Filed, Jan. 7, 1971;
8:48 a.m.]