

§ 500.266

Decision and Order may warrant modifying or vacating, the Secretary shall issue a Notice of Intent to modify or vacate.

(b) The Notice of Intent to Modify or Vacate a Decision and Order shall specify the issue or issues to be considered, the form in which submission shall be made (i.e., briefs, oral argument, etc.), and the time within which such presentation shall be submitted. The Secretary shall closely limit the time within which the briefs must be filed or oral presentations made, so as to avoid unreasonable delay.

(c) The Notice of Intent shall be issued within thirty (30) days after the date of the Decision and Order in question.

(d) Service of the Notice of Intent shall be made upon each party to the proceeding, and upon the Chief Administrative Law Judge, in person or by certified mail.

[54 FR 13330, Mar. 31, 1989]

§ 500.266 Responsibility of the Office of Administrative Law Judges.

Upon receipt of the Secretary's Notice of Intent to Modify or Vacate a Decision and Order of an Administrative Law Judge, the Chief Administrative Law Judge shall, within fifteen (15) days, index, certify and forward a copy of the complete hearing record to the Secretary.

[48 FR 36741, Aug. 21, 1983. Redesignated at 54 FR 13330, Mar. 31, 1989]

§ 500.267 Filing and service.

(a) *Filing.* All documents submitted to the Secretary shall be filed with the Secretary of Labor, U.S. Department of Labor, Washington, DC 20210.

(b) *Number of copies.* An original and two copies of all documents shall be filed.

(c) *Computation of time for delivery by mail.* Documents are not deemed filed with the Secretary until actually received by that office. All documents, including documents filed by mail, must be received by the Secretary either on or before the due date.

(d) *Manner and proof of service.* A copy of all documents filed with the Secretary shall be served upon all other parties involved in the proceeding.

29 CFR Ch. V (7-1-10 Edition)

Service under this section shall be by personal delivery or by mail. Service by mail is deemed effected at the time of mailing to the last known address.

[54 FR 13330, Mar. 31, 1989]

§ 500.268 Final decision of the Secretary.

(a) The Secretary's final Decision and Order shall be issued within 120 days from the notice of intent granting the petition, except that in cases involving the review of an Administrative Law Judge decision in a certificate action as described in § 500.224(b), the Secretary's final decision shall be issued within ninety (90) days from the date such notice. The Secretary's Decision and Order shall be served upon all parties and the Chief Administrative Law Judge, in person or by certified mail.

(b) Upon receipt of an Order of the Secretary modifying or vacating the Decision and Order of an Administrative Law Judge, the Chief Administrative Law Judge shall substitute such Order for the Decision and Order of the Administrative Law Judge.

[54 FR 13330, Mar. 31, 1989, as amended at 61 FR 24866, May 16, 1996]

§ 500.269 Stay pending decision of the Secretary.

(a) The filing of a petition seeking review by the Secretary of a Decision and Order of an Administrative Law Judge, pursuant to § 500.264, does not stop the running of the thirty-day time limit in which respondent may file an appeal to obtain a review in the United States District Court of an administrative order, as provided in section 103(b)(2) or section 503(b)(2) of the Act, unless the Secretary issues a Notice of Intent pursuant to § 500.265.

(b) In the event a respondent has filed a notice of appeal of the Administrative Law Judge's Decision and Order in a United States District Court and the Secretary issues a Notice of Intent, the Secretary will seek a stay of proceedings in the Court until such time as the Secretary issues the final decision, as provided in § 500.268.

(c) Where the Secretary has issued a Notice of Intent, the time for filing an appeal under sections 103(b)(2) or 503(b)(2) of the Act shall commence

Wage and Hour Division, Labor

§ 501.0

from the date of the issuance of the Secretary's final decision, as provided in § 500.268.

[54 FR 13330, Mar. 31, 1989]

RECORD

§ 500.270 Retention of official record.

The official record of every completed administrative hearing provided by these regulations shall be maintained and filed under the custody and control of the Chief Administrative Law Judge.

§ 500.271 Certification of official record.

Upon receipt of timely notice of appeal to a United States District Court pursuant to section 103(c) or 503(c) of the Act, the Chief Administrative Law Judge shall promptly certify and file with the appropriate United States District Court, a full, true, and correct copy of the entire record, including the transcript of proceedings.

PART 501—ENFORCEMENT OF CONTRACTUAL OBLIGATIONS FOR TEMPORARY ALIEN AGRICULTURAL WORKERS ADMITTED UNDER SECTION 218 OF THE IMMIGRATION AND NATIONALITY ACT

Subpart A—General Provisions

Sec.

- 501.0 Introduction.
- 501.1 Purpose and scope.
- 501.2 Coordination between Federal agencies.
- 501.3 Definitions.
- 501.4 Discrimination prohibited.
- 501.5 Waiver of rights prohibited.
- 501.6 Investigation authority of Secretary.
- 501.7 Cooperation with Federal officials.
- 501.8 Accuracy of information, statements, data.
- 501.9 Surety bond.

Subpart B—Enforcement

- 501.15 Enforcement.
- 501.16 Sanctions and remedies—general.
- 501.17 Concurrent actions.
- 501.18 Representation of the Secretary.
- 501.19 Civil money penalty assessment.
- 501.20 Debarment and revocation.
- 501.21 Failure to cooperate with investigations.

- 501.22 Civil money penalties—payment and collection.

Subpart C—Administrative Proceedings

- 501.30 Applicability of procedures and rules.

PROCEDURES RELATING TO HEARING

- 501.31 Written notice of determination required.
- 501.32 Contents of notice.
- 501.33 Request for hearing.

RULES OF PRACTICE

- 501.34 General.
- 501.35 Commencement of proceeding.
- 501.36 Caption of proceeding.

REFERRAL FOR HEARING

- 501.37 Referral to Administrative Law Judge.
- 501.38 Notice of docketing.
- 501.39 Service upon attorneys for the Department of Labor—number of copies.

PROCEDURES BEFORE ADMINISTRATIVE LAW JUDGE

- 501.40 Consent findings and order.

POST-HEARING PROCEDURES

- 501.41 Decision and order of Administrative Law Judge.

REVIEW OF ADMINISTRATIVE LAW JUDGE'S DECISION

- 501.42 Procedures for initiating and undertaking review.
- 501.43 Responsibility of the Office of Administrative Law Judges (OALJ).
- 501.44 Additional information, if required.
- 501.45 Final decision of the Administrative Review Board.

RECORD

- 501.46 Retention of official record.
- 501.47 Certification.

AUTHORITY: 8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184(c), and 1188.

SOURCE: 75 FR 6978, Feb. 12, 2010, unless otherwise noted.

Subpart A—General Provisions

§ 501.0 Introduction.

The regulations in this part cover the enforcement of all contractual obligations, including requirements under 8 U.S.C. 1188 and 20 CFR part 655, subpart B applicable to the employment of H-