be its final report on the matters referred to it. Where, however, a subcommittee has presided at the reception of evidence, this report shall be an initial report, and the committee shall meet thereafter to review the report and rule on exceptions in its final report. Where the committee presides at the reception of evidence and proceeds to final decision, every party shall be regarded as having objected to any wage rate or classification at variance with any the party proposed in the party’s prehearing statements unless the party accepted such a rate or classification in any submittal made pursuant to §511.15. A copy of the report shall be signed by each member of the committee who approves it, either at a meeting of the committee or by circulation of one or more copies among the members of the committee. At any time within 3 days after the committee report is signed by those who approve it, members dissenting therefrom may collectively or individually submit signed reports stating the reasons for their dissent.

[55 FR 53299, Dec. 28, 1990]

§511.17 Records.

Each industry committee shall keep a journal recording the time and place of all its meetings, the members present, the votes, and other formal proceedings, including the appointment of subcommittees. Subcommittees shall keep a similar journal. No report of committee or subcommittee discussions need be included. All hearings shall be recorded. The record of any hearing before any subcommittee shall be transcribed. All hearings before a committee shall also be transcribed in whole or in part whenever the Administrator so directs upon his or her own motion or upon the motion of any party or any person compelled to submit data or evidence and upon the payment of costs prescribed by the Administrator. Promptly after completion of the committee’s final report, the committee chairperson shall certify the report and transmit it to the Administrator. As soon as practicable thereafter, the committee staff shall transmit to the Administrator:

(a) All committee and subcommittee journals;
(b) All applications for leave to participate as parties together with the record of action thereon; and,
(c) The record, including any transcript of the testimony and exhibits, together with all papers and requests filed in the proceedings.

These documents shall be available for inspections and copying by interested persons at the Office of the Administrator during usual business hours.

[55 FR 53300, Dec. 28, 1990]

§511.18 Publication and effective date of wage order.

Promptly after receipt of the committee report the Administrator shall publish the committee recommendations in the Federal Register and shall provide by order that the recommendations contained in such report shall take effect upon the expiration of 15 days after the date of such publication.

[55 FR 53300, Dec. 28, 1990]

§511.19 Petitions.

Any interested person may at any time file a petition with the Administrator for an amendment to the regulations contained in this part or for an amendment to a wage order applicable to that person. In view of the statutory requirement that the minimum rates of wages established by order under section 6 of the Act be reviewed by an industry committee at least biennially, substantial cause must be shown in support of any petition for an amendment of a wage order out of regular course. Any interested person may also file a petition at any time with the Administrator for a public hearing under section 13(e) of the Act to determine whether economic conditions warrant rules or regulations providing reasonable limitations or allowing reasonable variations, tolerances, or exemptions to or from any or all of the provisions of section 7 of the Act with respect to employees in American Samoa for whom the Secretary of Labor has established minimum wage rates under section 6(a)(3) of the Act and the regulations contained in this part. Whenever it appears to the Secretary of Labor, by reason of such a petition or otherwise, to be probable that such a hearing is likely to reveal that economic conditions warrant such action,
notice of such hearing specifying the procedure to be followed will be pub-
lished in the Federal Register.

[55 FR 53300, Dec. 28, 1990]

PART 515—UTILIZATION OF STATE AGENCIES FOR INVESTIGATIONS AND INSPECTIONS

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515.1 Definitions.
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515.10 Amendments and repeal.

AUTHORITY: Sec. 4, 49 Stat. 2038, sec. 11(b),

SOURCE: 13 FR 2161, 2163, Apr. 22, 1948, un-
less otherwise noted.

§ 515.1 Definitions.

As used in this part:
(a) Acts. The term Acts means the Fair Labor Standards Act of 1938 (Act
of June 25, 1938; Chapter 676, 52 Stat.
1060, 29 U.S.C. 201) and the Public Con-
(b) Administrator. The term Adminis-
trator means the Administrator of the
Wage and Hour Division of the United
States Department of Labor.
(c) Division. The term Division means
the Wage and Hour Division of the
United States Department of Labor.
(d) State. The term State means any
State of the United States or the Dis-
trict of Columbia or any Territory or
possession of the United States.
(e) State agency. The term State agen-
cy means the agency in the State
charged with the administration of
labor laws which necessitate inspection
of places of employment for (1) enforce-
ment of State child-labor regulations
and (2) enforcement of State max-
imum-hour or State minimum-wage
regulations.
(f) Official forms. The term official
forms means forms prescribed by the
Administrator or the Secretary of
Labor.

§ 515.2 Agreements with State agen-
cies.

(a) Purpose. The Secretary and the
Administrator may enter into agree-
ments with State agencies for the utili-
zation of services of State and local
agencies and their employees in mak-
ing investigations and inspections
under the Acts and for reimbursement
therefor, when such State agencies
have submitted plans of cooperation
for such purposes and such plans have
been found to be reasonably appro-
priate and adequate to carry out the
respective functions of the Secretary
and the Administrator.
(b) Certificates of attorneys general. No
such agreement shall become effective
and operative until a statement of the
Attorney General of the State, or, if
the Attorney General is not authorized
to make such a statement, the State
official who is so authorized, has been
received by the Division and the Sec-
retary of Labor certifying that the
agreement is valid in the form as exe-
cuted under the laws of the State.

§ 515.3 Qualifications of the State
agency.

The State agency shall have as its
primary function the administration of
State labor laws and shall be under the
direction of an executive who gives full
time to the work of the agency. The
agency shall be engaged in inspecting
places of employment for (a) enforce-
ment of State child-labor laws and reg-
ulations, and (b) enforcement of State
maximum hour or minimum-wage laws
and regulations. An administrative di-
vision of the State agency shall be des-
ignated to make investigations and in-
spections under the Acts; qualified
staff, under adequate supervision, shall
be specifically assigned for work con-
ected with State and Federal child-
labor, maximum-hour and minimum-
wage laws and regulations; and provi-
sion shall be made to inspect any es-
stablishment subject to the Acts.

§ 515.4 Submission of plan.

The State agency shall submit a
plan, in quadruplicate, which shall in-
clude the following:
(a) A copy of the Act establishing the
State agency, copies of the laws admin-
istered by the State agency, and if