

§ 25.6

shall not be subject to collateral attack at a hearing before an arbitrator.

(c) The Secretary shall nominate not less than three arbitrators. Within 5 days the parties may indicate their order of preference from among those nominated. The Secretary will thereafter make a selection from among the nominees listed.

§ 25.6 Time; additional time after service by mail.

(a) In computing any period of time prescribed or allowed by the rules of this part, the date of the act, event, or default after which the designated period of time begins to run, is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a Federal legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a Federal legal holiday. When the period of time prescribed, or allowed, is less than 7 days, intermediate Saturdays, Sundays and holidays shall be excluded from the computations. Whenever a party has the right or is required to do some act or take some other proceedings within a prescribed period after service of a notice or other paper upon the Secretary or a party and the notice is served upon him by mail, 3 days shall be added to the prescribed period: *Provided, however*, That 3 days shall not be added if any extension of such time may have been granted.

(b) When these rules require the filing of any paper, such document must be received by the Secretary or a party before the close of business of the last day of the time limit, if any, for such filing or extension of time that may have been granted.

§ 25.7 Fees; cost; expenses; decisions.

(a) Arbitrator's fees, per diem and travel expenses, and election expenses for notices, ballots, postage, rentals, assistance, etc., shall be borne entirely by the agency.

(b) The standard fee for the services of an arbitrator should be \$100 per day. Travel and per diem should be paid at the maximum rate payable to Government employees under the Standardized Government Travel Regulations.

29 CFR Subtitle A (7-1-25 Edition)

(c) The agency should provide the arbitrator with a copy of the transcript of testimony taken at the hearing, such transcript to be returned to the agency upon the issuance of the arbitrator's advisory decision.

(d) Costs involving assistance rendered by the Secretary's Office in connection with advisory decisions or determinations under section 11 of the order shall be limited to per diem, travel expenses and services on a time-worked basis.

(e) Upon request, the Secretary will make available copies of advisory decisions of arbitrators.

§ 25.8 Construction of rules.

The rules shall be liberally construed to effectuate the purposes and provisions of the order.

PART 26—ADMINISTRATIVE REVIEW BOARD RULES OF PRACTICE AND PROCEDURE

Sec.

26.1 Purpose and scope.

26.2 General procedural matters.

26.3 Filing.

26.4 Service.

AUTHORITY: Secretary's Order 01-2020, 85 FR 13186 (March 6, 2020).

SOURCE: 86 FR 1782, Jan. 11, 2021, unless otherwise noted.

§ 26.1 Purpose and scope.

(a) This part contains the rules of practice of the Administrative Review Board (ARB) when it is exercising its authority as described in paragraph (b) of this section. These rules shall govern all appeals and proceedings before the ARB except when inconsistent with a governing statute, regulation, or executive order, in which event the latter shall control.

(b) The ARB has authority to act as the authorized representative of the Secretary of Labor in review or on appeal of decisions and recommendations as provided in Secretary's Order 01-2020 (or any successor to that order). The ARB shall act as fully and finally as the Secretary of Labor concerning such matters, except as provided in Secretary's Order 01-2020 (or any successor to that order).

§ 26.2 General procedural matters.

(a) *Definitions.* (1) *ARB* means the Administrative Review Board.

(2) *Electronic case management system* means the Department of Labor's electronic filing and electronic service system for adjudications.

(b) *Computing time.* (1) Unless a different time is set by statute, regulation, executive order, or judge's order, when computing a time period stated in days,

(i) Exclude the day of the event that triggers the period;

(ii) Count every day, including intermediate Saturdays, Sundays, and legal holidays; and

(iii) Include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the next day that is not a Saturday, Sunday, or legal holiday.

(2) Unless a different time is set by statute, regulation, executive order, or judge's order, the "last day" ends:

(i) For electronic filing via the Department's electronic case management system or via other electronic means, at 11:59:59 Eastern Time on the due date.

(ii) For non-electronic filing, at the time the office of the Clerk of the Appellate Boards is scheduled to close in Washington, DC on the due date.

(c) *Mailing address.* The mailing address for the ARB is: Administrative Review Board, Clerk of the Appellate Boards, U.S. Department of Labor, 200 Constitution Ave. NW, Washington, DC 20210.

§ 26.3 Filing.

(a) *Filing by electronic submission (e-filing) via the Department's electronic case management system*—(1) *Attorneys and lay representatives.* Except as otherwise provided in this section, beginning on April 12, 2021, attorneys and lay representatives must file all petitions, pleadings, exhibits, and other documents with the ARB via the Department's electronic case management system. Paper copies are not required unless requested by the ARB.

(2) *Good cause exception.* Attorneys and lay representatives may request an exemption to e-filing for good cause shown. Such a request must include a

detailed explanation why e-filing or acceptance of e-service should not be required.

(3) *Self-represented persons.* Self-represented persons may use but are not required to use the Department's electronic case management system to file documents.

(4) *Filing—date of receipt.* Unless a different time is set by statute, regulation, executive order, or judge's order, a document is considered filed when received by the Clerk of the Appellate Boards. Documents filed through the Department's electronic case management system are considered received by the Clerk of the Appellate Boards as of the date and time recorded by the Department's electronic case management system.

(5) *Signing.* A filing made through a registered user's account on the Department's electronic case management system and authorized by that person, together with that person's name on a signature block, constitutes the person's signature.

(6) *Relief for Technical Failures.* A person who is adversely affected by a technical failure in connection with filing or receipt of an electronic document may seek appropriate relief from the ARB. If a technical malfunction or other issue prevents access to the Department's case management system for a protracted period, the ARB by special order may provide appropriate relief pending restoration of electronic access.

(b) *Alternate methods of filing.* Unless a different time is set by statute, regulation, executive order, or judge's order, a document filed using a method other than the Department's electronic case management system is considered filed when received by the Clerk of the Appellate Boards.

§ 26.4 Service.

(a) *Electronic service.* Electronic service may be completed by

(1) Electronic mail, if consented to in writing by the person served; or

(2) Sending it to a user registered with the Department's electronic case management system by filing via this system. A person who registers to use the Department's case management

system is deemed to have consented to accept service through the system.

(b) *Non-electronic service.* Unless otherwise provided by statute, regulation, executive order, or judge's order, non-electronic service may be completed by:

- (1) Personal delivery;
- (2) Mail; or
- (3) Commercial delivery.

(c) *When service is effected.* Unless otherwise provided by statute, regulation, executive order, or judge's order,

(1) Service by personal delivery is effected on the date the document is delivered to the recipient.

(2) Service by mail or commercial carrier is effected on mailing or delivery to the carrier.

(3) Service by electronic means is effected on sending.

PART 29—LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS

Sec.

- 29.1 Purpose and scope.
- 29.2 Definitions.
- 29.3 Eligibility and procedure for registration of an apprenticeship program.
- 29.4 Criteria for apprenticeable occupations.
- 29.5 Standards of apprenticeship.
- 29.6 Program performance standards.
- 29.7 Apprenticeship agreement.
- 29.8 Deregistration of a registered program.
- 29.9 Reinstatement of program registration.
- 29.10 Hearings for deregistration.
- 29.11 Limitations.
- 29.12 Complaints.
- 29.13 Recognition of State Apprenticeship Agencies.
- 29.14 Deregistration of State Apprenticeship Agencies.

AUTHORITY: 29 U.S.C. 50; 40 U.S.C. 3145; 5 U.S.C. 301; 5 U.S.C. App. P. 534.

SOURCE: 73 FR 64425, Oct. 29, 2008, unless otherwise noted.

§ 29.1 Purpose and scope.

(a) The National Apprenticeship Act of 1937, section 1 (29 U.S.C. 50), authorizes and directs the Secretary of Labor “to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship, to bring together employers and labor

for the formulation of programs of apprenticeship, to cooperate with State agencies engaged in the formulation and promotion of standards of apprenticeship, and to cooperate with the Office of Education under the Department of Health, Education, and Welfare * * *.” Section 2 of the Act authorizes the Secretary of Labor to “publish information relating to existing and proposed labor standards of apprenticeship,” and to “appoint national advisory committees * * *.” (29 U.S.C. 50a).

(b) The purpose of this part is to set forth labor standards to safeguard the welfare of apprentices, promote apprenticeship opportunity, and to extend the application of such standards by prescribing policies and procedures concerning the registration, for certain Federal purposes, of acceptable apprenticeship programs with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship. These labor standards, policies and procedures cover the registration, cancellation and deregistration of apprenticeship programs and of apprenticeship agreements; the recognition of a State agency as an authorized agency for registering apprenticeship programs for certain Federal purposes; and matters relating thereto.

[73 FR 64425, Oct. 29, 2008, as amended at 85 FR 14386, Mar. 11, 2020; 87 FR 58287, Sept. 26, 2022]

§ 29.2 Definitions.

For the purpose of this part:

Administrator means the Administrator of the Office of Apprenticeship, or any person specifically designated by the Administrator.

Apprentice means a worker at least 16 years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn an apprenticeable occupation as provided in § 29.4 under standards of apprenticeship fulfilling the requirements of § 29.5.

Apprenticeship agreement means a written agreement, complying with § 29.7, between an apprentice and either the apprentice's program sponsor, or an apprenticeship committee acting as agent for the program sponsor(s),