

PART 8—LABOR STANDARDS APPLICABLE TO EMPLOYEES OF NATIONAL PARK SERVICE CONCESSIONERS

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AUTHORITY: 16 U.S.C. 1, 3, 9a, 462(k).

SOURCE: 24 FR 11053, Dec. 30, 1959, unless otherwise noted.

§ 8.1 Definitions.

As used in this part:

(a) *National park* includes a national monument or other area under the administrative jurisdiction of the National Park Service of the Department of the Interior.

(b) *Concessioner* includes any individual, partnership, corporation, or other business entity engaged in operating facilities within or without a national park for the accommodation of visitors to the park under a contract with or permit from the Secretary or the Director.

(c) *Employee* includes any individual employed by a concessioner in connection with operations covered by a contract with or permit from the Secretary or the Director.

(d) *Executive or department head* includes any employee whose primary duty is the management of the business of the concessioner, or a customarily recognized department thereof, and who customarily and regularly directs the work of other employees with authority to employ and discharge other employees, or whose suggestions and recommendations as to the employment, discharge, advancement or promotion of such employees will be given particular weight by the concessioner, and who customarily and regularly exercises discretionary powers.

(e) *State* means any State, Territory, possession, or the District of Columbia.

[24 FR 11053, Dec. 30, 1959, as amended at 62 FR 30234, June 3, 1997]

§ 8.2 Basis and purpose.

The public using the national parks is better served when the employees of the concessioners enjoy the benefits of fair labor standards and when, in this respect, they are treated at least as well as those employed in similar occupations outside such areas, but within the same State. This principle is the basis of the regulations in this part and their purpose is its implementation.

§ 8.3 Applicability.

This part shall not apply to:

(a) Concessioners providing and operating medical services.

(b) Personal servants.

(c) Employees engaged in agricultural activities, including the care, handling, and feeding of livestock.

(d) Detectives, watchmen, guards, and caretakers.

(e) Bona fide executives or department heads.

(f) Solicitors or outside salesmen whose compensation is chiefly on a commission basis.

(g) Professional sports instructors and entertainers.

(h) The following employees, when approved by the Director: Employees for whom relief is clearly impracticable because of peculiar conditions arising from the fact that operations are carried on in areas having no resident population or are located at long distances from a supply of available labor; employees whose employment requires special or technical training or skill, where no person capable of providing relief is available within a reasonable distance; employees in small units accessible only by trail or remote from centers of activity, or operating on a small volume of business primarily for the convenience of the public.

§ 8.4 Federal and State labor laws.

A concessioner shall comply with all standards established pursuant to Federal or State labor laws, such as those concerning minimum wages, child labor, hours of work, and safety, that apply in the State in which the concession facility is located. All concessioners shall comply with Federal child labor regulations regardless of their

annual volume of business or any other exemptions provided by Federal law.

[51 FR 24656, July 8, 1986]

§ 8.5 Access for investigators.

Concessioners shall permit representatives of this Department and, when appropriate and authorized representatives of other Federal or State agencies, access to any of their places of employment for the purpose of examining pay rolls and other records and otherwise to ascertain the facts with respect to compliance with the regulations in this part and State labor laws. The report of any investigation concerning a violation of the regulations in this part shall be submitted to the superintendent of the national park involved.

[24 FR 11053, Dec. 30, 1959. Redesignated at 51 FR 24656, July 8, 1986]

§ 8.6 Complaints; appeal.

Any question pertaining to the interpretation or application of or compliance with this part which cannot be satisfactorily settled between a concessioner and his employee, employees, or employee representative may be referred for review by any of the parties concerned to the Director, National Park Service. Any person adversely affected by the decision of the Director, National Park Service, may appeal to the Director, Office of Hearings and Appeals, in accordance with the general rules set forth in Department Hearings and Appeals Procedures, 43 CFR part 4, subpart B, and the special procedural rules in subpart G of 43 CFR part 4, applicable to proceedings in appeals cases which do not lie within the appellate jurisdiction of an established Appeals Board of the Office of Hearings and Appeals.

[36 FR 7184, Apr. 15, 1971. Redesignated at 51 FR 24656, July 8, 1986]

§ 8.7 Record keeping.

Concessioners shall for a period of 3 years keep records of the name, age, address, and occupation of each of their employees, the rate of pay and the amount paid to each employee each pay day, the hours worked each day and each work week by each employee

and such other information concerning employees as the Director may require.

[24 FR 11053, Dec. 30, 1959. Redesignated at 51 FR 24656, July 8, 1986]

§ 8.8 Filing of labor agreements.

Within 60 days after the effective date of the regulations in this part (January 1, 1949), concessioners shall file with the Director of the National Park Service a copy of each labor agreement in effect on the effective date of the regulations in this part, covering rates of pay, hours of work, and conditions of employment duly negotiated with their employees as a whole or by class, craft, or other appropriate unit. Thereafter, on July 1 of each year concessioners shall file copies of all such agreements then in effect with the Director of the National Park Service.

[24 FR 11053, Dec. 30, 1959. Redesignated at 51 FR 24656, July 8, 1986]

§ 8.9 Posting of regulations.

Concessioners shall post in a conspicuous place easily accessible to all employees copies of the regulations in this part in such form as the Director may approve.

[24 FR 11053, Dec. 30, 1959. Redesignated at 51 FR 24656, July 8, 1986]

PART 9—MINERALS MANAGEMENT

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