

§ 50-203.15

promulgated to all contracting agencies by the Office of Government Contracts Wage Standards, WSA of the Department of Labor.

[36 FR 289, Jan. 8, 1971]

Subpart C—Minimum Wage Determinations Under the Walsh-Healey Public Contracts Act

SOURCE: 17 FR 7944, Aug. 30, 1952, unless otherwise noted. Redesignated at 24 FR 10952, Dec. 30, 1959.

§ 50-203.15 Initiation of proceeding.

Wage determination proceedings may be initiated by the Secretary of Labor with respect to any industry. The proceedings may be initiated by the Secretary of Labor upon his own motion or upon the request of any party showing a proper interest in the industry.

§ 50-203.16 Industry panel meetings.

The Secretary of Labor may, within his discretion, invite representatives of employers and employees in an industry to meet as an informal panel group to discuss with representatives of the Department of Labor the various questions relating to the issuance of a wage determination for the industry.

§ 50-203.17 Hearings.

(a) Hearings held for the purpose of receiving evidence with regard to prevailing minimum wages in the various industries shall be conducted by an administrative law judge.

(b) Due notice of hearing shall be published in the FEDERAL REGISTER.

(c) The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Secretary, United States Department of Labor, Washington, DC 20210.

(d) At the discretion of the administrative law judge, the hearing may be continued from day to day or adjourned to a later date, or to a different place by announcement thereof at the hearing or by other appropriate notice.

[17 FR 7944, Aug. 30, 1952. Redesignated at 24 FR 10952, Dec. 30, 1959, as amended at 61 FR 19988, May 3, 1996]

41 CFR Ch. 50 (7-1-04 Edition)

§ 50-203.18 Evidence.

(a) Witnesses appearing at the hearing need not be sworn. The administrative law judge may, however, within his discretion, require that witnesses take an oath or affirmation as to testimony submitted.

(b) Written statements may be filed any time prior to the date of the hearing by persons who cannot appear personally.

(c) Written documents and exhibits shall be tendered in quadruplicate. When evidence is embraced in a document containing matter not intended to be put in evidence, within the discretion of the administrative law judge, such a document will not be received but the person offering the same may present to the administrative law judge the original document together with two copies of those portions of the document intended to be put in evidence.

(d) At any stage of the hearing, the administrative law judge may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Administrative Review Board, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrative Review Board shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have appeared at the hearing or filed a notice of intention to appear at the hearing.

(e) The rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.

[17 FR 7944, Aug. 30, 1952. Redesignated at 24 FR 10952, Dec. 30, 1959, as amended at 61 FR 19988, May 3, 1996]

§ 50-203.19 Subpoenas and witness fees.

(a) Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing shall be issued by the administrative law judge upon request

and upon a timely showing, in writing, of the general relevance and reasonable scope of the evidence sought. Any person appearing in the proceeding may apply for the issuance of a subpoena. Such application shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

(b) Witnesses summoned by the Secretary shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Secretary before issuing a subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

[17 FR 7944, Aug. 30, 1952. Redesignated at 24 FR 10952, Dec. 30, 1959, as amended at 61 FR 19988, May 3, 1996]

§ 50-203.20 Examination of witnesses.

The administrative law judge shall, consistent with orderly procedure, permit any person appearing at the hearing to conduct such examination or cross-examination of any witness as may be required for a full and true disclosure of the facts, and to object to the admission or exclusion of evidence. Objections to the admission or exclusion of evidence shall be stated briefly with the reasons relied on. Such objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the administrative law judge.

[17 FR 7944, Aug. 30, 1952. Redesignated at 24 FR 10952, Dec. 30, 1959, as amended at 61 FR 19988, May 3, 1996]

§ 50-203.21 Decisions.

(a) Within 30 days after the close of the hearing, each interested person at the hearing may file with the administrative law judge an original and four copies of a statement containing proposed findings of fact and conclusions of law, together with reasons for such proposals. The administrative law judge shall, immediately following the termination of the thirty-day period provided for the filing of proposed findings and conclusions, certify the complete record to the Administrative Review Board.

(b) Upon the basis, and after consideration, of the whole record, the Administrative Review Board may issue a tentative decision. The tentative decision shall become part of the record, and shall include: (1) A statement of findings and conclusions, with the reasons and bases therefor, upon all material issues of fact, law, or discretion presented on the record, and (2) any proposed wage determination. Any tentative decision shall be published in the FEDERAL REGISTER.

(c) Within twenty-one days following the publication of any tentative decision in the FEDERAL REGISTER, any interested person may file an original and four copies of a statement containing exemptions to the tentative decision, together with supporting reasons.

(d) Thereafter, the Administrative Review Board may issue a final decision ruling upon each exception filed and including any appropriate wage determination. Any final decision shall be published in the FEDERAL REGISTER.

[26 FR 8945, Sept. 22, 1961, as amended at 61 FR 19988, May 3, 1996]

§ 50-203.22 Effective date of determinations.

Any minimum wage determination issued as a result of hearings held under this subpart shall take effect not less than 30 days after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER, or at such time prior thereto as may be provided therein upon good cause found and published therewith.

PART 50-204—SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS

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