

four constituent components: Wage and Hour Division; Office of Federal Contract Compliance Programs; Office of Workers' Compensation Programs; and the Office of Labor-Management Standards. This Order cancels Secretary's Order 1–2008 and constitutes the Secretary's Order devolving certain authorities and responsibilities of ESA to the Office of Federal Contract Compliance Programs (OFCCP). Specifically, this Order delegates authorities and assigns responsibilities to the Director, OFCCP. The authorities and responsibilities specified below are consistent with the current ESA redelegation of authority and assignment of responsibility to OFCCP in effect at the time of this dissolution.

5. Delegation of Authority and Assignment of Responsibility.

A. *The Director, Office of Federal Contract Compliance Programs* is hereby delegated authority and assigned responsibility, except as hereinafter provided, for carrying out the standards, policies, programs, and activities of the Department of Labor, including those functions to be performed by the Secretary of Labor under the designated provisions of the following laws:

(1) The affirmative action provisions of the Vietnam Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. 4212(a)(1), 4212(a)(2)(A), and 4212(b) (2004) and 38 U.S.C. 4212(a) and (b)(2002), subject to (i) Secretary's Order 3–2009, which remains in effect, and which, in part, delegates authority and assigns responsibility to the Assistant Secretary for Employment and Training for administering the requirements regarding priority in referral to Federal contractor employment openings and disseminating lists of Federal contractor employment openings under the Vietnam Veterans' Readjustment Assistance Act, 38 U.S.C. 4212(a)(2)(B) and (C); and (ii) Secretary's Order 3–2004, which remains in effect, and which, in part, delegates authority and assigns responsibility to the Assistant Secretary for Veterans' Employment and Training for administering the Federal contractor reporting requirements under the Vietnam Veterans' Readjustment Assistance Act, 38 U.S.C. 4212(d), and determining compliance of State agencies pursuant to 20 CFR 1001.130 regarding priority in referral to Federal contractor employment listings and disseminating lists of Federal contractor employment openings under the Vietnam Veterans' Readjustment Assistance Act, 38 U.S.C. 4212(a)(2)(B) and (C).

(2) Section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793;

and Executive Order 11758 ("Delegating Authority of the President under the Rehabilitation Act of 1973") of January 15, 1974.

(3) Executive Order 11246 "Equal Employment Opportunity" (September 24, 1965), as amended.

(4) Title I of the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*, and the regulations at 41 CFR part 60–742.

(5) The employment eligibility and recordkeeping provisions of the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. 1324A(b)(3).

(6) Executive Order 13496 of January 30, 2009, "Notification of Employee Rights under Federal Labor Laws."

(7) Such additional Federal laws that from time to time may assign to the Secretary or the Department duties and responsibilities similar to those listed under subparagraphs (1)–(6) of this paragraph, as directed by the Secretary.

B. *The Solicitor of Labor* is delegated authority and assigned responsibility for providing legal advice and assistance to all officers of the Department relating to the administration of the statutory provisions, regulations, and Executive Orders listed above. The bringing of legal proceedings under those authorities, the representation of the Secretary and/or other officials of the Department of Labor, and the determination of whether such proceedings or representations are appropriate in a given case, are delegated exclusively to the Solicitor.

6. Reservation of Authority and Responsibility.

A. The submission of reports and recommendations to the President and the Congress concerning the administration of the statutory provisions and Executive Orders listed above is reserved to the Secretary.

B. Nothing in this Order shall limit or modify the delegation of authority and assignment of responsibility to the Administrative Review Board by Secretary's Order 1–2002 (September 24, 2002).

C. Except as expressly provided, nothing in this Order shall limit or modify the provisions of any other Order, including Secretary's Order 4–2006 (Office of Inspector General).

7. *Redelegation of Authority.* Except as otherwise provided by law, all of the authorities delegated in this Order may be re-delegated.

8. *Effective Date.* This order shall become effective on November 8, 2009.

Dated: November 6, 2009.

Hilda L. Solis,
Secretary of Labor.

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DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order 8–2009]

Delegation of Authorities and Assignment of Responsibilities to the Director, Office of Labor-Management Standards

1. *Purpose.* To delegate authorities and assign responsibilities to the Director, Office of Labor-Management Standards.

2. *Authorities.* This Order is issued under the authority of 5 U.S.C. 301 (Departmental Regulations); 29 U.S.C. 551 (Establishment of Department; Secretary; Seal); Reorganization Plan No. 6 1950 (5 U.S.C. App. 1 Reorg. Plan 6 1950); and the authorities cited in Section 5 of this Order.

3. *Directives Affected.* Secretary's Order 1–2008 (Employment Standards) is hereby canceled. Secretary's Order 9–75 is superseded to the extent that it is inconsistent with Section 7 of this Order. All other Secretary's Orders and DOL directives (including policies and guidance) which reference Secretary's Orders 1–2008 or the Employment Standards Administration are amended to refer to this Order and/or Secretary's Orders governing the Office of Workers' Compensation Programs, Office of Federal Contract Compliance Programs, or the Wage and Hour Division, as appropriate.

4. *Background.* This Order is occasioned by the November 8, 2009 dissolution of the Employment Standards Administration (ESA) into its four constituent components: Wage and Hour Division; Office of Federal Contract Compliance Programs; Office of Workers' Compensation Programs; and Office of Labor-Management Standards. This Order cancels Secretary's Order 1–2008 and constitutes the Secretary's Order devolving certain authorities and responsibilities of ESA to the Office of Labor-Management Standards (OLMS). Specifically, this Order delegates authorities and assigns responsibilities to the Director, OLMS. The authorities and responsibilities specified below are consistent with the ESA redelegations and distributions of authorities and responsibilities to OLMS in effect at the time of this dissolution.

5. Delegation of Authority and Assignment of Responsibilities:

A. *The Director, Office of Labor-Management Standards* is hereby delegated authority and assigned responsibility, except as hereinafter provided, for carrying out the employment standards, labor standards,

and labor-management standards policies, programs, and activities of the Department of Labor, including those functions to be performed by the Secretary of Labor under the designated provisions of the following statutes:

(1) The Labor-Management Reporting and Disclosure Act of 1959, as amended, 29 U.S.C. 401 *et seq.* If, in the course of investigations under the Labor-Management Reporting and Disclosure Act, there appear to be indications of organized crime and labor racketeering, the Director of the Office of Labor-Management Standards shall promptly notify the Inspector General, who also has statutory authority to investigate such issues. The Inspector General shall have the power to assume the lead in further investigative activities arising from such case with respect to issues involving organized crime and labor racketeering.

(2) Section 701 (Standards of Conduct for Labor Organizations) of the Civil Service Reform Act of 1978, 5 U.S.C. 7120; Section 1017 of the Foreign Service Act of 1980, 22 U.S.C. 4117; Section 220(a)(1) of the Congressional Accountability Act of 1995, 2 U.S.C. 1351(a)(1); and the regulations pertaining to such sections at 29 CFR Parts 457–459.

(3) Section 1209 of the Postal Reorganization Act of 1970, 39 U.S.C. 1209.

(4) The employee protection provisions of the Federal Transit law, as codified at 49 U.S.C. 5333(b), and related provisions.

(5) The employee protection provisions certified under Section 405(a), (b), (c), and (e) of the Rail Passenger Service Act of 1970, 45 U.S.C. 565(a), (b), (c), and (e).

(6) Executive Order 13496, (“the Notification of Employee Rights Under Federal Labor Laws”) of January 30, 2009.

(7) Section 211(a) of the Labor Management Relations Act, 1947, 29 U.S.C. 181(a) (“Compilation of Collective Bargaining Agreements, etc.; Use of Data”).

(8) Such additional Federal acts that from time to time may assign to the Secretary or the Department duties and responsibilities similar to those listed under subparagraphs (1)–(7) of this paragraph, as directed by the Secretary.

B. *The Solicitor of Labor* is delegated authority and assigned responsibility for providing legal advice and assistance to all officers of the Department relating to the administration of the statutory provisions, regulations, and Executive Orders listed above. The bringing of legal proceedings under those authorities, the representation of the

Secretary and/or other officials of the Department of Labor, and the determination of whether such proceedings or representations are appropriate in a given case, are delegated exclusively to the Solicitor.

6. *Reservation of Authority and Responsibility.*

A. The submission of reports and recommendations to the President and the Congress concerning the administration of the statutory provisions and Executive Orders listed above is reserved to the Secretary.

B. Nothing in this Order shall limit or modify the delegation of authority and assignment of responsibility to the Administrative Review Board by Secretary’s Order 1–2002.

C. Except as expressly provided, nothing in this Order shall limit or modify the provisions of any other Order, including Secretary’s Order 4–2006 (Office of Inspector General).

7. *Redelegation of Authority.* Except as otherwise provided by law, all of the authorities delegated in this Order may be redelegated.

8. *Effective Date.* This order shall become effective on November 8, 2009.

Dated: November 6, 2009.

Hilda L. Solis,
Secretary of Labor.

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DEPARTMENT OF LABOR

Office of the Secretary

[Secretary’s Order 9–2009]

Delegation of Authorities and Assignment of Responsibilities to the Administrator, Wage and Hour Division

1. *Purpose.* To delegate authorities and assign responsibilities to the Administrator, Wage and Hour Division.

2. *Authorities.* This Order is issued under the authority of 5 U.S.C. 301 (Departmental Regulations); 29 U.S.C. 551 *et seq.* (Establishment of Department; Secretary; Seal); and Reorganization Plan No. 6 of 1950 (5 U.S.C. App. 1 Reorg. Plan 6 1950); and the authorities cited in Section 5 of this Order.

3. *Directives Affected.* Secretary’s Order 1–2008 (Employment Standards) is hereby canceled. All other Secretary’s Orders and DOL directives (including policies and guidance) which reference Secretary’s Orders 1–2008 or the Employment Standards Administration are amended to refer to this Order and/or Secretary’s Orders governing the Office of Workers’ Compensation

Programs, Office of Federal Contract Compliance Programs, or the Office of Labor-Management Standards, as appropriate.

4. *Background.* This Order is occasioned by the November 8, 2009 dissolution of the Employment Standards Administration (ESA) into its four constituent components: The Wage and Hour Division (WHD); the Office of Federal Contract Compliance Programs; the Office of Workers’ Compensation Programs; and the Office of Labor-Management Standards. This Order cancels Secretary’s Order 1–2008 and constitutes the Secretary’s Order devolving certain authorities and responsibilities of ESA to WHD. Specifically, this Order delegates authorities and assigns responsibilities to the Administrator, WHD. The authorities and responsibilities specified below are consistent with the current ESA redelegation and distribution of authorities and responsibilities to WHD in effect at the time of this dissolution.

5. *Delegations of Authority and Assignment of Responsibility*

A. *The Administrator, Wage and Hour Division* is hereby delegated authority and assigned responsibility, except as hereinafter provided, for carrying out the employment standards, labor standards, and labor-management standards policies, programs, and activities of the Department of Labor, including those functions to be performed by the Secretary of Labor under the designated provisions of the following statutes:

(1) The Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201 *et seq.* (FLSA), including the issuance thereunder of child labor hazardous occupation orders and other regulations concerning child labor standards, and subpoena authority under 29 U.S.C. 209. Authority and responsibility for the Equal Pay Act, Section 6(d) of the FLSA, were transferred to the Equal Employment Opportunity Commission on July 1, 1979, pursuant to the President’s Reorganization Plan No. 1 of February 1978, set out in the Appendix to Title 5, Government Organization and Employees.

(2) The Walsh-Healey Public Contracts Act of 1936, as amended, 41 U.S.C. 35 *et seq.*, except those provisions relating to safety and health delegated to the Assistant Secretary for Occupational Safety and Health or the Assistant Secretary for Mine Safety and Health. The authority of the Administrator, WHD includes subpoena authority under 41 U.S.C. 39.

(3) The McNamara-O’Hara Service Contract Act of 1965, as amended, 41