

DEPARTMENT OF LABOR**Office of Labor-Management Standards,**

29 CFR Parts 215, 220, 401, 402, 403, 404, 405, 406, 408, 409, 417, 451, 452, 453, 457, 458, 459

RIN 1215-AB16

Technical Amendments of Rules Relating to Labor-Management Programs, Labor-Management Standards, and Standards of Conduct for Federal Sector Labor Organizations

AGENCY: Office of Labor-Management Standards, Employment Standards Administration, Labor.

ACTION: Final Rule.

SUMMARY: This document makes a number of technical amendments to Chapters II and IV of the Department of Labor's regulations. These amendments are necessary because of a reorganization within the Department and the enactment of the Congressional Accountability Act of 1995. This document also makes several other technical amendments and corrections.

EFFECTIVE DATE: February 10, 1997.

FOR FURTHER INFORMATION CONTACT: Kay H. Oshel, Chief, Division of Interpretations and Standards, Office of Labor-Management Standards, Employment Standards Administration, U.S. Department of Labor, Room N-5605, Washington, D.C. 20210, (202) 219-7373 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Secretary's Order No. 5-96 (62 FR 107, January 2, 1997) delegated authority and assigned responsibilities to the Assistant Secretary for Employment Standards, head of the Employment Standards Administration (ESA), which had been previously delegated and assigned to the Assistant Secretary for the American Workplace, head of the Office of the American Workplace (OAW). OAW and the position of Assistant Secretary for the American Workplace have been abolished. The Office of Labor-Management Standards (OLMS), which had been a unit within OAW, is now a unit within ESA. The Office of Labor-Management Programs, which had also been a unit within OAW, has been abolished and the statutory programs for which it had authority and responsibilities have been delegated and assigned to OLMS.

In addition, section 220(a)(1) of the Congressional Accountability Act (CAA), 2 U.S.C. 1351(a), and part 2428 of the implementing regulations, 142

Cong. R. S12062 (daily ed., October 1, 1996), 142 Cong. R. H10369 (daily ed., September 12, 1996), grant the Department jurisdiction over labor organizations covered by the CAA in implementing the standards of conduct provisions of the Civil Service Reform Act of 1980, 5 U.S.C. 7120. Secretary's Order 5-96 (62 FR 107, January 2, 1997) also assigned this jurisdiction to the Assistant Secretary for Employment Standards.

Consequently, the authority and responsibilities of the Assistant Secretary for Employment Standards now include the functions to be performed by the Secretary of Labor under (1) the employee protection provisions of the Federal Transit Law, 49 U.S.C. 5333(b) and related provisions, (2) section 43(d) of the Airline Deregulation Act of 1978, repealed and reenacted at 49 U.S.C. 42101-42103, (3) 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), (4) the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), 29 U.S.C. 401 *et seq.*; (5) section 1209 of the Postal Reorganization Act of 1970, 39 U.S.C. 1209; (6) the provisions relating to standards of conduct for federal sector labor organizations in the Civil Service Reform Act of 1978, 5 U.S.C. 7120, and the Foreign Service Act of 1980, 22 U.S.C. 4117, and (7) section 220(a)(1) of the Congressional Accountability Act of 1995, 2 U.S.C. 1351(a)(1), Public Law No. 104-1, 109 Stat. 3.

As a result of this reorganization and the enactment of the CAA, a number of technical amendments to the regulations are necessary. First, the heading for chapter II of title 29 of the Code of Federal Regulations (CFR) is changed from "Office of Labor-Management Programs, Department of Labor" to "Office of Labor-Management Standards, Department of Labor." Second, the authority citation for each part in chapters II and IV of title 29 of the Code of Federal Regulations is amended to replace "Secretary's Order No. 2-93 (58 FR 42578)" with "Secretary's Order No. 5-96 (62 FR 107, January 2, 1997)." Third, the definition of "Assistant Secretary" is changed from "Assistant Secretary for the American Workplace" to "Assistant Secretary for Employment Standards." Fourth, the definition of "Office" is revised to indicate that the Office of Labor-Management Standards is part of the Employment Standards Administration. Finally, a reference to the CAA is added to the authority citations for parts 457-459, which implement the CSRA provisions on standards of conduct for

federal sector labor organizations, and references and pertinent definitions relating to the CAA are added in appropriate sections of parts 457-459 and in section 451.3(a)(4).

Several additional technical amendments are made to the regulations because of a reorganization within OLMS. First, the position of Director, Office of Elections, Trusteeships, and International Union Audits has been abolished. The duties previously assigned to the Director in the regulations are now assigned to the Chief of the Division of Enforcement (DOE) within OLMS. Second, the duties previously assigned to Regional Directors in the regulations are now assigned to District Directors. Accordingly, the definitions of "Director" and "Regional Director" have been replaced with definitions of "Chief, DOE" and "District Director," respectively. Similarly, references to the "Director" and "Regional Directors" have been replaced with references to "Chief, DOE" and "District Directors," respectively.

Two other technical amendments are made in part 220 to reflect an earlier reorganization within the Department by removing references to the Bureau of Labor-Management Relations and Cooperative Programs, an entity which had previously been abolished. Another two technical amendments are made to indicate the citation of final rules which established the current reporting forms for labor organization annual financial reports.

Finally, two technical corrections are being made in order for the regulations to conform with prior regulatory amendments. These corrections should have been made at the time the earlier rules were proposed and issued in final, but were inadvertently omitted from those rules.

First, the regulations are amended at sections 402.5, 403.4(b)(5), and 403.5 to permit a labor organization, which is eligible to file the annual financial report required by the LMRDA on simplified reporting Form LM-4, to also file its terminal report on Form LM-4. Form LM-4, which may be used by very small labor organizations with receipts less than \$10,000, is a new form that was first promulgated in a final rule published in the Federal Register on October 30, 1992, 57 FR 49290, and was revised in a final rule published in the Federal Register on December 21, 1993, 58 FR 67594. The other annual financial reporting forms are Form LM-3, which may be used by labor organizations with up to \$200,000 in annual receipts, and Form LM-2, which may be used by any labor organization.

The regulations currently allow a labor organization which is eligible to file its annual financial report on simplified Form LM-3 to also file its terminal report on that form. Thus, prior to the promulgation of Form LM-4, the regulations permitted a labor organization which was eligible to file a simplified annual financial report to also file its terminal report on that simplified reporting form. However, the final rules which promulgated and revised Form LM-4 inadvertently neglected to amend other provisions in the regulations to allow a labor organization eligible to use Form LM-4 for its annual financial report to also use Form LM-4 for its terminal report. The technical correction in this rule allowing very small labor organizations to file a terminal financial report on Form LM-4 will correct that inadvertent omission.

Second, the regulations implementing the standards of conduct for federal sector unions are amended at section 458.30 by deleting the last sentence. Section 458.30, which generally follows LMRDA section 401(h), 29 U.S.C. 481(h), currently provides that when a local union officer is charged with serious misconduct and the union does not have an adequate procedure for removing that officer, the union must follow an adequate procedure which is defined in the regulations implementing LMRDA section 401(h). The last sentence of the current section 458.30 further provides that a local union which does have an adequate officer removal procedure in its constitution and bylaws must follow that procedure.

The requirement set forth in this last sentence of section 458.30 follows the Department's former interpretation of the LMRDA which had been set forth in the regulations implementing LMRDA section 401(h) at subpart B of 29 CFR part 417. However, after an appellate court rejected this interpretation of the LMRDA, the Department amended subpart B of 29 CFR part 417 to eliminate the provision requiring a union to follow the adequate officer removal procedure in its constitution and bylaws. That final rule was published in the Federal Register on December 21, 1994, 59 FR 65714.

Under the standards of conduct provisions of the Civil Service Reform Act and the Foreign Service Act at 5 U.S.C. 7120(d) and 22 U.S.C. 4117(d), respectively, and the implementing regulations at 29 CFR 458.1, the standards of conduct regulations are to conform to the requirements of the LMRDA and court decisions issued thereunder. However, the final rule of December 21, 1994 inadvertently

neglected to amend the standards of conduct regulations to conform to the amendment which was made to the LMRDA regulations pursuant to a court decision. The technical correction made in this rule will correct that inadvertent omission by deleting the last sentence of section 458.30.

This rule also corrects a typographical error in section 458.30 by changing the cross-reference to the LMRDA regulations from the incorrect “§ 417.2(e)” to the correct “§ 417.2(b).”

Publication in Final

The undersigned has determined that this rulemaking need not be published as a proposed rule, as generally required by the Administrative Procedure Act (APA), 5 U.S.C. 553. The portion of this rulemaking that reflects agency organization, procedure, and practice is exempt under section 553(b)(A) of the APA. For the portion of this rulemaking that makes amendments required by statute and technical amendments and corrections, there is good cause for finding that notice and public procedure is unnecessary and contrary to the public interest, pursuant to section 553(b)(B) of the APA.

Effective Date

The undersigned has determined that good cause exists for waiving the customary requirement for delay in the effective date of a final rule for 30 days following its publication since this rule is technical and nonsubstantive, merely reflects agency organization, practice, and procedure, and makes amendments required by statute and technical amendments and corrections. Therefore, these amendments shall be effective upon publication. See 5 U.S.C. 553(d).

Administrative Requirements

A. Executive Order 12866

The Department of Labor has determined that this rule is not a significant regulatory action as defined in section 3(f) of Executive Order 12866 in that it will not (1) have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities, (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency, (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof, or (4) raise novel legal or policy issues arising out of legal

mandates, the President's priorities, or the principles set forth in Executive Order 12866.

B. Regulatory Flexibility Act

Because a notice of proposed rulemaking is not required for this rule under 5 U.S.C. 553(b), the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, pertaining to regulatory flexibility analysis do not apply. See 5 U.S.C. 601(2). Therefore, a regulatory flexibility analysis is not required.

C. Paperwork Reduction Act

This rule contains no additional information collection requirements. The information collection requirements in the regulations to which this rule makes technical amendments have been approved by the Office of Management and Budget (OMB control number 1215-0188).

D. Small Business Regulatory Enforcement Fairness Act

The Department has determined that this final rule is not a “major rule” requiring prior approval by the Congress and the President pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 804), because it is not likely to result in (1) an annual effect on the economy of \$100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

Further, since the Department has determined, for good cause, that publication of a proposed rule and solicitation of comments on this rule is not necessary, under 5 U.S.C. 808(2), this final rule is effective immediately upon publication as stated previously in this notice.

E. Unfunded Mandates Reform Act

For purposes of Section 2 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532, as well as Executive Order 12875 (58 FR 58093, October 28, 1993), this rule does not include any federal mandate that may result in increased expenditures by State, local and tribal governments, or increased expenditures by the private sector of more than \$100 million.

List of Subjects

29 CFR Part 215

Grant administration; Grants—transportation; Labor-management relations; Labor unions; Mass transportation.

29 CFR Part 220

Labor, Airline employees, Air carriers.

29 CFR Parts 401, 417, 451, and 452

Labor unions.

29 CFR Parts 402, 403, 404, and 408

Labor unions, Reporting and recordkeeping requirements.

29 CFR 405 and 406

Labor-management relations, Reporting and recordkeeping requirements.

29 CFR 409

Insurance companies, Reporting and recordkeeping requirements.

29 CFR Part 453

Labor unions, Surety bonds.

29 CFR Parts 457, 458, and 459

Labor unions, Reporting and recordkeeping requirements, Administrative practice and procedure.

Adoption of Amendments of Regulations

In consideration of the foregoing, the Office of Labor-Management Standards, Employment Standards Administration, Department of Labor hereby amends Chapters II and IV of title 29 of the Code of Federal Regulations as set forth below.

CHAPTER II—OFFICE OF LABOR-MANAGEMENT STANDARDS, DEPARTMENT OF LABOR

1. The heading of Chapter II is revised to read "Office of Labor-Management Standards, Department of Labor."

PART 215—GUIDELINES, SECTION 5333(b), FEDERAL TRANSIT LAW

2. The authority citation for part 215 is revised to read as follows:

Authority: Secretary's Order No. 5-96, 62 FR 107, January 2, 1997.

PART 220—AIRLINE EMPLOYEE PROTECTION PROGRAM

3. The authority citation for part 220 is revised to read as follows:

Authority: Section 43(f) of the Airline Deregulation Act of 1978, Pub. L. No. 95-504, 92 Stat. 1750-1753 (49 U.S.C. 1552); Secretary's Order No. 1-79, 44 FR 13093; Secretary's Order No. 5-96 62 FR 107, January 2, 1997.

§ 220.04 [Amended]

4. Section 220.04 is amended by removing the words "Deputy Under Secretary for Labor-Management Relations and Cooperative Programs, Bureau of Labor-Management Relations and Cooperative Programs (BLMRCP)" from the introductory text and adding in their place the words "Assistant Secretary for Employment Standards."

§ 220.26 [Amended]

5. Section 220.26(c) is amended by removing the words "Bureau of Labor-Management Relations and Cooperative Programs, room N-5416" and adding in their place the words "Division of Statutory Programs, Office of Labor-Management Standards."

CHAPTER IV—OFFICE OF LABOR-MANAGEMENT STANDARDS, DEPARTMENT OF LABOR

PART 401—MEANING OF TERMS USED IN THIS SUBCHAPTER

6-7. The authority citation for part 401 is revised to read as follows:

Authority: Secs. 3, 208, 301, 401, 402, 73 Stat. 520, 529, 530, 532, 534 (29 U.S.C. 402, 438, 461, 481, 482); Secretary's Order No. 5-96, 62 FR 107, January 2, 1997; § 401.4 also issued under sec. 320 of Title III of the Bankruptcy Reform Act of 1978, Pub. L. 95-598, 92 Stat. 2678.

8. Section 401.18 is revised to read as follows:

§ 401.18 Office.

Office means the Office of Labor-Management Standards, Employment Standards Administration, United States Department of Labor.

9. Section 401.19 is revised to read as follows:

§ 401.19 Assistant Secretary.

Assistant Secretary means the Assistant Secretary of Labor for Employment Standards, head of the Employment Standards Administration.

PART 402—LABOR ORGANIZATION INFORMATION REPORTS

10. The authority citation for part 402 is revised to read as follows:

Authority: Secs. 201, 207, 208, 73 Stat. 524, 529 (29 U.S.C. 431, 437, 438); Secretary's Order No. 5-96, 62 FR 107, January 2, 1997.

11. Section 402.5 is amended by adding a new paragraph (c) to read as follows:

§ 402.5 Terminal reports.

* * * * *

(c) Labor organizations which qualify to use Form LM-4, the Labor Organization Annual Report, pursuant

to §§ 403.4 and 403.5 of this chapter may file the terminal report called for in this section on Form LM-4. The report must be signed by the president and treasurer, or corresponding principal officers, of the labor organization.

PART 403—LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS

12. The authority citation for part 403 is revised to read as follows:

Authority: Secs. 201, 207, 208, 301, 73 Stat. 524, 529, 530 (29 U.S.C. 431, 437, 438, 461); Secretary's Order No. 5-96, 62 FR 107, January 2, 1997.

13. Section 403.3 is amended by adding a note at the end of the text to read as follows:

§ 403.3 Form of annual financial report—detailed report.

* * * * *

Note: Form LM-2 was revised at 58 FR 67594, December 21, 1993.

§ 403.4 [Amended]

14. Section 403.4(b)(5) is amended by adding the words "or LM-4, as may be appropriate," after the words "on Form LM-3".

15. Section 403.4 is further amended by adding a note at the end of the text to read as follows:

§ 403.4 Simplified annual reports for smaller labor organizations.

* * * * *

Note: Forms LM-3 and LM-4 were revised at 58 FR 67594, December 21, 1993.

§ 403.5 [Amended]

16. Section 403.5(a) is amended by removing the words "on Form LM-2 or Form LM-3" and adding the words "on Form LM-2, LM-3, or LM-4," in their place.

PART 404—LABOR ORGANIZATION OFFICER AND EMPLOYEE REPORTS

17. The authority citation for part 404 is revised to read as follows:

Authority: Secs. 202, 207, 208, 73 Stat. 525, 529 (29 U.S.C. 432, 437, 438); Secretary's Order No. 5-96, 62 FR 107, January 2, 1997.

PART 405—EMPLOYER REPORTS

18. The authority citation for part 405 is revised to read as follows:

Authority: Secs. 203, 207, 208, 73 Stat. 526, 529 (29 U.S.C. 433, 437, 438); Secretary's Order No. 5-96, 62 FR 107, January 2, 1997.

PART 406—REPORTING BY LABOR RELATIONS CONSULTANTS AND OTHER PERSONS, CERTAIN AGREEMENTS WITH EMPLOYERS

19. The authority citation for part 406 is revised to read as follows:

Authority: Secs. 203, 207, 208, 73 Stat. 526, 529 (29 U.S.C. 433, 437, 438); Secretary's Order No. 5-96, 62 FR 107, January 2, 1997.

PART 408—LABOR ORGANIZATION TRUSTEESHIP REPORTS

20. The authority citation for part 408 is revised to read as follows:

Authority: Secs. 201, 207, 208, 301, 73 Stat. 524, 529, 530 (29 U.S.C. 431, 437, 438, 461); Secretary's Order No. 5-96, 62 FR 107, January 2, 1997.

PART 409—REPORTS BY SURETY COMPANIES

21. The authority citation for part 409 is revised to read as follows:

Authority: Secs. 207, 208, 211; 79 Stat. 888; 88 Stat. 852 (29 U.S.C. 437, 438, 441); Secretary's Order No. 5-96, 62 FR 107, January 2, 1997.

PART 417—PROCEDURE FOR REMOVAL OF LOCAL LABOR ORGANIZATION OFFICERS

22. The authority citation for part 417 is revised to read as follows:

Authority: Secs. 401, 402, 73 Stat. 533, 534 (29 U.S.C. 481, 482); Secretary's Order No. 5-96, 62 FR 107, January 2, 1997.

23. In § 417.2, paragraph (a) is revised to read as follows:

§ 417.2 Definitions.

(a) *Chief, DOE* means the Chief of the Division of Enforcement within the Office of Labor-Management Standards.

* * * * *

§§ 417.4, 417.16 [Amended]

24. Part 417 is amended by removing the word "Director" and adding, in its place, the term "Chief, DOE" in the following places:

- (a) Section 417.4(a);
- (b) Section 417.4(b) in three places; and
- (c) Section 417.16(a) in two places.

PART 451—LABOR ORGANIZATIONS AS DEFINED IN THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

25. The authority citation for part 451 is revised to read as follows:

Authority: Secs. 3, 208, 401, 73 Stat. 520, 529, 532 (29 U.S.C. 402, 438, 481); Secretary's Order No. 5-96, 62 FR 107, January 2, 1997.

§ 451.3 [Amended]

26. Section 451.3(a)(4) is amended by adding a new sentence in the parenthetical statement, after the sentence which ends with the words "5 U.S.C. 7120 and 22 U.S.C. 4117, respectively," to read as follows: "In addition, labor organizations subject to the Congressional Accountability Act of 1995 are subject to the standards of conduct provisions of the Civil Service Reform Act pursuant to 2 U.S.C. 1351(a)(1)."

PART 452—GENERAL STATEMENT CONCERNING THE ELECTION PROVISIONS OF THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

27. The authority citation for part 452 is revised to read as follows:

Authority: Secs. 401, 402, 73 Stat. 532, 534 (29 U.S.C. 481, 482); Secretary's Order No. 5-96, 62 FR 107, January 2, 1997.

PART 453—GENERAL STATEMENT CONCERNING THE BONDING REQUIREMENTS OF THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

28. The authority citation for part 453 is revised to read as follows:

Authority: Sec. 502, 73 Stat. 536; 79 Stat. 888 (29 U.S.C. 502); Secretary's Order No. 5-96, 62 FR 107, January 2, 1997.

PART 457—GENERAL

29. The authority citation for part 457 is revised to read as follows:

Authority: 5 U.S.C. 7120, 7134; 22 U.S.C. 4117; 2 U.S.C. 1351(a)(1); Secretary's Order No. 5-96, 62 FR 107, January 2, 1997.

30. A new footnote is added at the end of § 457.1 to read as follows:

§ 457.1 Purpose and scope.

* * * * *

¹ Pursuant to section 220(a)(1) of the Congressional Accountability Act of 1995, 2 U.S.C. 1351(a)(1), labor organizations covered by that statute are subject to the standards of conduct provisions of the Civil Service Reform Act, 5 U.S.C. 7120, and are therefore subject to the regulations in this subchapter. Regulations implementing the Congressional Accountability Act were issued at 142 Cong. R. S12062 (daily ed., October 1, 1996) and 142 Cong. R. H10369 (Daily ed., September 12, 1996).

31. Section 457.10 is revised to read as follows:

§ 457.10 CSRA; FSA; CAA; LMRDA.

CSRA means the Civil Service Reform Act of 1978; *FSA* means the Foreign Service Act of 1980; *CAA* means the Congressional Accountability Act of 1995; *LMRDA* means the Labor-

Management Reporting and Disclosure Act of 1959, as amended.

32. Section 457.11 is revised to read as follows:

§ 457.11 Agency, employee, labor organization, dues, Department, activity, employing office.

Agency, employee, labor organization, and dues, when used in connection with the CSRA, have the meanings set forth in 5 U.S.C. 7103. *Employee, labor organization, and dues*, when used in connection with the FSA, have the meanings set forth in 22 U.S.C. 4102; *Department*, when used in connection with the FSA, means the Department of State, except that with reference to the exercise of functions under the FSA with respect to another agency authorized to utilize the Foreign Service personnel system, such term means that other agency. *Covered employee, employee, employing office, and agency*, when used in connection with the CAA, have the meanings set forth in 2 U.S.C. 1301 and 1351(a)(2). *Activity* means any facility, organizational entity, or geographical subdivision or combination thereof of any agency or employing office.

33. Section 457.12 is revised to read as follows:

§ 457.12 Authority; Board.

Authority means the Federal Labor Relations Authority as described in the CSRA, 5 U.S.C. 7104 and 7105. *Board*, when used in connection with the FSA, means the Foreign Service Labor Relations Board as described in the FSA, 22 U.S.C. 4106(a). "Board," when used in connection with the CAA, means the Board of Directors of the Office of Compliance as described in 2 U.S.C. 1301 and 1381(b).

34. Section 457.13 and its footnote are revised to read as follows:

§ 457.13 Assistant Secretary.

Assistant Secretary means the Assistant Secretary of Labor for Employment Standards, head of the Employment Standards Administration.²

² Pursuant to Secretary of Labor's Order No. 5-96 (62 FR 107, January 2, 1997), the Assistant Secretary for Employment Standards has the responsibility and authority for implementing the standards of conduct provisions of the CSRA and the FSA.

35. Section 457.14 is revised to read as follows:

§ 457.14 Standards of conduct for labor organizations.

Standards of conduct for labor organizations shall have the meaning as set forth in the CSRA, 5 U.S.C. 7120, and the FSA, 22 U.S.C. 4117, and as

amplified in part 458 of this subchapter. The standards of conduct provisions of the CSRA and the regulations in this subchapter are applicable to labor organizations covered by the CAA pursuant to 2 U.S.C. 1351(a)(1).

36. Section 457.15 is revised to read as follows:

§ 457.15 District Director.

District Director means the Director of a district office within the Office of Labor-Management Standards.

37. Section 457.16 is revised to read as follows:

§ 457.16 Chief, DOE.

Chief, DOE means the Chief of the Division of Enforcement within the Office of Labor-Management Standards.

PART 458—STANDARDS OF CONDUCT

38. The authority citation for part 458 is revised to read as follows:

Authority: 5 U.S.C. 7105, 7111, 7120, 7134; 22 U.S.C. 4107, 4111, 4117; 2 U.S.C. 1351(a)(1); Secretary's Order No. 5-96 62 FR 107, January 2, 1997.

39. Section 458.30 is revised to read as follows:

§ 458.30 Removal of elected officers.

When an elected officer of a local labor organization is charged with serious misconduct and the constitution and bylaws of such organization do not provide an adequate procedure meeting the standards of § 417.2(b) of this chapter for removal of such officer, the

labor organization shall follow a procedure which meets those standards.

§§ 458.50, 458.51, 458.52, 458.56, 458.57, 458.59, 458.60, 458.61, 458.64, 458.66, 458.67, 458.79 [Amended]

40. In 29 CFR part 458, remove the words "Regional Director" and add, in their place, the words "District Director" in the following places:

- (a) Section 458.50(b);
 - (b) Section 458.51;
 - (c) Section 458.52;
 - (d) Section 458.56;
 - (e) Section 458.57;
 - (f) Section 458.58;
 - (g) Section 458.59;
 - (h) Section 458.60;
 - (i) Section 458.61;
 - (j) Section 458.64(a);
 - (k) Section 458.66(b) in two places;
 - (l) Section 458.66(c) in three places;
 - (m) Section 458.67 introductory text;
- and
- (n) Section 458.79.

§§ 458.50, 458.51, 458.52, 458.64, 458.65, 458.66, 458.67, 458.79 [Amended]

41. In 29 CFR part 458, remove the word "Director" and add, in its place, the term "Chief, DOE" in the following places:

- (a) Section 458.50(a);
- (b) Section 458.51;
- (c) Section 458.52;
- (d) Section 458.64(b);
- (e) Section 458.64(c);
- (f) Section 458.65(a);
- (g) Section 458.65(c);
- (h) Section 458.66(a) in two places;
- (i) Section 458.66(c) in three places;

(j) Section 458.67 in two places; and
(k) Section 458.79.

42. Section 458.92 is revised to read as follows:

§ 458.92 Compliance with decisions and orders of the Assistant Secretary.

When remedial action is ordered, the respondent shall report to the Assistant Secretary, within a specified period, that the required remedial action has been effected. When the Assistant Secretary finds that the required remedial action has not been effected, he shall refer the matter for appropriate action to the Federal Labor Relations Authority (in the case of labor organizations covered by the CSRA), the Foreign Service Labor Relations Board (in the case of labor organizations covered by the FSA), or the Board of Directors of the Office of Compliance (in the case of labor organizations covered by the Congressional Accountability Act).

PART 459—MISCELLANEOUS

43. The authority citation for part 459 is revised to read as follows:

Authority: 5 U.S.C. 7120, 7134; 22 U.S.C. 4117; 2 U.S.C. 1351(a)(1); Secretary's Order No. 5-96, 62 FR 107, January 2, 1997.

Signed in Washington, D.C. this 31st day of January, 1997.

Bernard E. Anderson,

Assistant Secretary for Employment Standards.

[FR Doc. 97-3096 Filed 2-7-97; 8:45 am]

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