Part 5122 - Application of Labor Laws to Government Acquisitions

The official AFARS regulation resides on the Army's Knowledge Management Portal PAM. If you do not have CAC access to PAM, please visit the Army Contracting Enterprise's public facing website "Army Connect" at https://www.army.mil/armycontracting#org-afars. The AFARS will return to Acquisition.gov upon completion of the RFO.

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5122.001 Definitions.

Subpart 5122.1 - Basic Labor Policies

5122.101 Labor relations.

5122.101-1 General.

5122.101-3 Reporting labor disputes.

5122.101-3-70 Impact of labor disputes on defense programs.

5122.103 Overtime.

5122.103-4 Approvals.

Subpart 5122.3 - Contract Work Hours and Safety Standards Act

5122.302 Liquidated damages and overtime pay.

Subpart 5122.4 - Labor Standards for Contracts Involving Construction

5122.404 Construction wage requirements statute wage determinations.

5122.404-6 Modification of wage determinations.

5122.406 Administration and enforcement.

5122.406-8 Investigations.

5122.406-9 Withholding from or suspension of contract payments.

Subpart 5122.5 - Labor Standards for Contracts Involving Construction

5122.504 General requirements for project labor agreements.

Subpart 5122.8 - Equal Employment Opportunity

5122.805 Procedures.

5122.807 Exemptions.

Subpart 5122.13 - Equal Opportunity for Veterans

5122.1305 Waivers.

Subpart 5122.14 - Employment of Workers With Disabilities

5122.1403 Waivers.

Subpart 5122.15 - Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor

5122.1503 Procedures for acquiring end products on the list of products requiring contractor certification as to forced or indentured child labor.

Subpart 5122.16 - Notification of Employee Rights Under the National Labor Relations Act

5122.1604 Compliance evaluation and complaint investigations and sanctions for violations.

Subpart 5122.17 - Combating Trafficking in Persons

5122.1703 Policy.

5122.1704 Violations and remedies.

5122.001 Definitions.

“Labor advisor,” as used in this part, means the labor advisor, Contract and Fiscal Law Division, Office of the Judge Advocate General.

Subpart 5122.1 - Basic Labor Policies

5122.101 Labor relations.

5122.101-1 General.

The labor advisor grants departmental approval for the actions listed in DFARS PGI 222.101-1. The HCA may contact a national office of a labor organization, a regional office of the Federal Mediation and Conciliation Service, National Mediation Board, or National Labor Relations Board for information. However, when a contract has been transferred to the Defense Contract Management Agency for administration, request the information from the Defense Contract Management Agency. See Appendix GG for further delegation.

5122.101-3 Reporting labor disputes.

(2) Contact the labor advisor before disseminating any information on labor disputes. Army personnel cannot give information about work stoppages or labor disputes to representatives of

labor or management without authorization from the labor advisor.

5122.101-3-70 Impact of labor disputes on defense programs.

(b) The HCA shall submit a report of findings and recommendations as described in DFARS PGI 222.101-3-70(b). See Appendix GG for further delegation.

5122.103 Overtime.

5122.103-4 Approvals.

(a) The following individuals may approve overtime:

(i) Contracting officer.

(ii) Chief of contracting office.

(iii) HCAs.

(iv) Senior contracting official.

(v) Other individuals whom the Deputy Assistant Secretary of the Army (Procurement), Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology), specifically designates as needed.

Subpart 5122.3 - Contract Work Hours and Safety Standards Act

5122.302 Liquidated damages and overtime pay.

(c) The Assistant Secretary of the Army (Acquisition, Logistics and Technology) may perform the duties as stated in FAR 22.302(c). See Appendix GG for further delegation.

Subpart 5122.4 - Labor Standards for Contracts Involving Construction

5122.404 Construction wage requirements statute wage determinations.

5122.404-6 Modification of wage determinations.

(b)(6) The Assistant Secretary of the Army (Acquisition, Logistics and Technology) may request an

extension as stated in FAR 22.404-6(b)(6). See Appendix GG for further delegation.

5122.406 Administration and enforcement.

5122.406-8 Investigations.

(d) Send the Contracting officer's report to the following mail or email address:

Attn.: Labor Advisor, Contract and Fiscal Actions Division

Office of The Judge Advocate General

2200 Army Pentagon, 3B548

Washington, DC 20310.

usarmy.pentagon.hqda-otjag.mbx.usalsa-kfld-rbg-support@mail.mil .

The labor advisor forwards the report to the Department of Labor on behalf of the agency head (see FAR 22.406-8(d)(2)).

5122.406-9 Withholding from or suspension of contract payments.

(c) Disposition of contract payments withheld or suspended.

(4) *Liquidated damages.* See AFARS 5122.302(c) for officials authorized to adjust or waive assessments of liquidated damages in accordance with DFARS 222.406-9(c)(4).

Subpart 5122.5 - Labor Standards for Contracts Involving Construction

5122.504 General requirements for project labor agreements.

(d) Exceptions to project labor agreement requirements—

(1) Exception. The format for a determination and findings (D&F) shall be used to make a request for exception to the requirements at 22.503(b) and shall be submitted to the address at AFARS 5101.290-1(b)(2)(ii)(C) in the Enterprise Staff Management System (ETMS) for senior procurement executive approval.

Subpart 5122.8 - Equal Employment Opportunity

5122.805 Procedures.

(a)(8) The HCA may approve the award as described in FAR 22.805(a)(8). See Appendix GG for further delegation.

5122.807 Exemptions.

(a)(1) The Assistant Secretary of the Army (Acquisition, Logistics and Technology) shall make the determination as described in FAR 22.807(a). See Appendix GG for further delegation.

Subpart 5122.13 - Equal Opportunity for Veterans

5122.1305 Waivers.

(a) The Assistant Secretary of the Army (Acquisition, Logistics and Technology) may approve waiver requests under FAR 22.1305(a). See Appendix GG for further delegation.

(c) Requests for waivers shall be submitted to the addressee in AFARS 5101.290(b)(2)(ii)(B).

Subpart 5122.14 - Employment of Workers With Disabilities

5122.1403 Waivers.

(a) The Assistant Secretary of the Army (Acquisition, Logistics and Technology) may approve waiver requests under FAR 22.1403(a). See Appendix GG for further delegation.

(c) Requests for waivers shall be submitted to the addressee in AFARS 5101.290 Routing documents and mailing addresses.(b)(2)(ii)(B).

Subpart 5122.15 - Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor

5122.1503 Procedures for acquiring end products on the list of products requiring contractor certification as to forced or indentured child labor.

(f) The Assistant Secretary of the Army (Acquisition, Logistics and Technology) may impose remedies as described in FAR 22.1503(f). See Appendix GG for further delegation.

Subpart 5122.16 - Notification of Employee Rights Under the National Labor Relations Act

5122.1604 Compliance evaluation and complaint investigations and sanctions for violations.

(d) The Assistant Secretary of the Army (Acquisition, Logistics and Technology) may provide the written objections as stated in FAR 22.1604(d). See Appendix GG for further delegation.

Subpart 5122.17 - Combating Trafficking in Persons

5122.1703 Policy.

(a)(7) The Assistant Secretary of the Army (Acquisition, Logistics and Technology) shall designate the authorized official of the contracting agency as described in FAR 22.1703(a)(7). See Appendix GG for further delegation.

5122.1704 Violations and remedies.

(c) The Assistant Secretary of the Army (Acquisition, Logistics and Technology) shall ensure that the Contracting officer is provided with the report as described in FAR 22.1704(c). See Appendix GG for further delegation.