Subpart 5222.1 - BASIC LABOR POLICIES

Parent topic: Part 5222 - APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

5222.101 Labor relations.

5222.101-1 General.

(a) Contracting officer shall notify the Navy Labor Advisor of all major issues regarding contract labor standards application, administration, or enforcement. Contracting Officers shall coordinate with the Navy Labor Advisor responses to inquiries from, and other contacts with, national or international offices of contractor or industrial associations, labor unions, or Federal agencies (other than routine contacts with the DOL). Contracting Officers, who receive a non-routine inquiry involving DON contractor industrial labor relations policies or procedures, or who is confronted with an industrial labor relations matter not covered by SECNAVINST 4200.36B, shall coordinate with the Navy Labor Advisor before responding or taking independent action. Submit questions to the Navy Labor Advisor in DASN(P) by email at NavyLaborAdvisor@navy.mil , except for questions involving the application of contract labor standards to NAVFACENGCOM contracts. Questions concerning labor issues on NAVFACENGCOM contracts should be submitted to the labor advisor in the appropriate NAVFACENGCOM division, or to the NAVFACENGCOMHQ Labor Advisor by email at NAVFAC_Labor_Advisor@navy.mil .

(2)(i) Submit requests for approval to DASN(P) by email at NavyLaborAdvisor@navy.mil with the subject “PGI 222.101-1 – [Labor Relations Contact Approval Request/Plant Seizure/Injunctive Action].”

(ii)Immediately notify DASN(P) by email at NavyLaborAdvisor@navy.mil with the subject “PGI 222.101-1 – [Labor Relations Contact/Seizure/Injunctive Action].”

5222.101-3 Labor Disputes.

(1) Immediately upon receipt of notice of an actual or potential labor dispute involving or impacting a contractor or subcontractor, including an actual or potential strike, other work stoppage, or picketing, the contracting officer shall provide notification to the Navy Labor Advisor. When the labor dispute is on a government installation, the contracting officer shall also immediately notify the base commander. Notification procedures are as follows:

(i) Notification to the Navy Labor Advisor shall be made by email at NavyLaborAdvisor@navy.mil with the subject line “NMCARS 5222.101-3: Labor Dispute Notification.”

(ii) The notification shall include:

(A)Name of the contractor or subcontractor and the collective bargaining representative (union);

(B) Copy of current or most recent collective bargaining agreement between the contractor (or subcontractor) and union;

(C) Number of employees in the collective bargaining unit;

(D) Contract number;

(E) Location of dispute and, if on a government installation, the name of installation;

(F) Brief statement on the reason(s) for dispute;

(G) Actual or potential impact on contract performance, base operations, support services, DON mission, DON program(s)(with identification of any such programs), and any active or projected construction projects;

(H) Need to remove government property or material from a strike-bound plant or facility;

(I) Any actions the contractor has taken and plans to take to settle the dispute, including whether the contractor has obtained the assistance of a mediator from the Federal Mediation and Conciliation Service or another alternative dispute resolution resource;

(J) Contractor’s contingency plan to continue contract performance in the event of a strike or work stoppage, such as through the use of non-striking personnel and/or new hires;

(K) Contracting Officer’s assessment of the contractor’s contingency plan;

(L) Alternative sources to provide the supplies or services if necessary; and

(M) Any other information related to the labor dispute requested by the Navy Labor Advisor.

(iii) Follow-up Notifications. Until the parties resolve the labor dispute, the contracting officer shall provide frequent follow-up notifications to the Navy Labor Advisor, and immediate notification to the Navy Labor Advisor if significant changes occur. The follow-up notifications shall provide updates to all topics required in the original notification and any topics added in later communications.

(iv) The contracting officer shall request the advice and assistance of the Navy Labor Advisor on appropriate courses of action for the Department during an actual or potential labor dispute, including:

(A) Measures to mitigate the impact of the dispute on contract performance, base operations, support services, and any active or projected construction projects;

(B) Options to proceed when the dispute results or may result in the contractor being unable to continue to perform contract requirements; and

(C) Options to proceed when it becomes necessary to remove government-owned material from a strike-bound plant or facility because the contractor is unable to deliver due to the strike.

5222.102 Federal and State labor requirements.

5222.102-2 Administration.

(c)(1) The Contracting Officer shall refer questions from DOL or other interested parties regarding the application of labor laws to government acquisitions under FAR Part 22 and its corresponding contract clauses, to the Navy Labor Advisor in DASN(P) by email at NavyLaborAdvisor@navy.mil , or for NAVFAC contracts, to the NAVFACENGCOM Labor Advisor by email at NAVFAC_Labor_Advisor@navy.mil .

(2) When a contracting officer receives a complaint or other indication of violation of the labor standards in a service or supply contract, the complaint shall be referred promptly to the nearest office of DOL, making every effort to maintain the confidentiality of the complainant except to DOL and directing any related questions to the Navy Labor Advisor in DASN(P) by email at NavyLaborAdvisor@navy.mil .

5222.103 Overtime.

5222.103-4 Approvals.

(a) The CCO is the designated agency approving official.

5222.103-90 Exceptions.

The provisions of FAR 22.103, DFARS 222.103 and 5222.103 of this supplement are not applicable to ballistic missile programs.