PART 1422 - APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Authority: Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); and 5 U.S.C. 301.

Source: 75 FR 19829, Apr. 15, 2010, unless otherwise noted.

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Parent topic: SUBCHAPTER D - SOCIOECONOMIC PROGRAMS

Subpart 1422.1 - Basic Labor Policies

1422.101 Labor relations.

1422.101-1 General.

The HCA may designate programs or requirements for which notice of labor disputes is necessary.

1422.101-3 Reporting labor disputes.

Labor disputes that may interfere with contract performance shall be reported to the SOL and the HCA.

1422.101-4 Removal of items from contractors' facilities affected by work stoppages.

Prior to initiating any action for removal of items from contractors' facilities, the CO shall obtain advice from SOL.

1422.103 Overtime.

1422.103-4 Approvals.

The CO shall obtain approval for the use of overtime from the CCO after consultation with the cognizant program office.

Subpart 1422.3 - Contract Work Hours and Safety Standards Act

1422.302 Liquidated damages and overtime pay.

(a) HCAs are authorized to take the action in FAR 22.302(c)

(b) Funds withheld or collected for liquidated damages shall be disposed of in accordance with procedures under 1422.406-9.

Subpart 1422.4 - Labor Standards for Contracts Involving Construction

1422.404 Davis-Bacon Act wage determinations.

1422.404-6 Modifications of wage determinations.

The HCA is authorized to request an extension for awards not made within 90 days after bid opening.

1422.406-8 Investigations.

(a) Labor standards investigations required by FAR 22.406-8 shall be the responsibility of the CO.

(b) The CO's report of violations shall be submitted to the HCA, who is authorized to take the actions prescribed in FAR 22.406-8(d).

(c) The HCA shall forward all referrals through the OIG to the Attorney General.

1422.406-9 Withholding from or suspension of contract payments.

HCAs shall establish procedures for collection and disposition of funds withheld under FAR 22.406-9, including liquidated damages.

1422.406-13 Semiannual enforcement reports.

PAM is responsible for submitting the report required by FAR 22.406-13 to DOL. In accordance with DOL memoranda, PAM requires bureaus to submit the required reports by April 15 and October 15 for the reporting periods of October 1 through March 31 and April 1 through September 30, respectively.

Subpart 1422.6 - Walsh-Healey Public Contracts Act

1422.604 Exemptions.

1422.604-2 Regulatory exemptions.

The AS/PMB is authorized to request the Secretary of Labor to exempt contracts from the Walsh-Healey Public Contracts Act under FAR 22.604-2(b). A written finding justifying the exemption shall be prepared by the CO and submitted by the HCA to the Director, PAM for further action.

Subpart 1422.8 - Equal Employment Opportunity

1422.803 Responsibilities.

The CO shall forward matters involving the applicability of EO 11246 to the HCA for resolution. This authority is granted to the HCA without the power of redelegation.

1422.804 Affirmative action programs.

1422.804-2 Construction.

Bureau contracting offices are responsible for maintaining (including updates and revisions) lists of geographic areas subject to affirmative action requirements.

1422.805 Procedures.

Copies of the poster “Equal Employment Opportunity is the Law” (National Stock No. 7690-00-926-8988) may be ordered from the GSA supply depot.

1422.807 Exemptions.

(a) The Director, PAM shall make the determination that a contract is essential to the national security and that the award of the contract without complying with one of the requirements of FAR 22.8 is necessary to national security.

(b) Requests for exemptions shall be submitted in writing by the CO, through the HCA, to the Director, PAM.

Subpart 1422.10 - Service Contract Act of 1965, as Amended

1422.1003 Applicability.

1422.1003-4 Administrative limitations, variations, tolerances and exemptions.

The CO shall submit requests for determination regarding application of the Service Contract Act and exemptions directly to DOL, Administrator of the Wage and Hour Division.

Subpart 1422.13 - Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans

1422.1305 Waivers.

(a) The Director, PAM is authorized to:

(1) Waive any or all terms of the clause at FAR 52.222-35, Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans, under the conditions prescribed in FAR 22.1305(a), and

(2) Waive any requirement in FAR Subpart 22.13 as prescribed in FAR 22.1305(b).

(b) Requests for waivers, under paragraph (a) of this section, shall be made in writing by the CO through the HCA to the Director, PAM for further action.

Subpart 1422.14 - Employment of Workers with Disabilities

1422.1403 Waivers.

The Director, PAM is authorized to waive any or all of the terms of the clause at FAR 52.222-36, Affirmative Action for Workers with Disabilities, under the conditions prescribed in FAR 22.1403(a), and waive any requirement in FAR Subpart 22.14 as prescribed in FAR 22.1403(b). Requests for waivers shall be made in writing by the CO through the HCA to the Director, PAM.