

# DIAR PART 1422—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

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**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.

### **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.**

HCA 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.