

# **PART 422 - APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS**

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Source: 61 FR 53646, Oct. 15, 1996, unless otherwise noted.

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**Parent topic:** SUBCHAPTER D - SOCIOECONOMIC PROGRAMS

## **Subpart 422.1 - Basic Labor Policies**

### **422.103 Overtime.**

#### **422.103-4 Approvals.**

Requests for the use of overtime shall be approved by an acquisition official at a level above the contracting officer in accordance with the procedures in FAR 22.103-4 (a) and (b).

## **Subpart 422.3 - Contract Work Hours and Safety Standards Act**

### **422.302 Liquidated damages and overtime pay.**

Heads of contracting activities (HCA's) are authorized to review determinations of liquidated damages due under section 104(c) of the Contract Work Hours and Safety Standards Act, and to take remedial action, if appropriate, in accordance with FAR 22.302(c). Contractors or subcontractors may request review of administrative determinations of liquidated damages by written notice to the contracting officer. The contracting officer shall promptly forward appeals of liquidated damages determinations to the HCA.

## **Subpart 422.4 - Labor Standards for Contracts Involving Construction**

### **422.404 Davis-Bacon Act wage determinations.**

#### **422.404-6 Modifications of wage determinations.**

HCA's are authorized to request extension of the 90 day period for award after bid opening as provided in FAR 22.404-6(b)(6).

#### **422.406 Administration and enforcement.**

## **422.406.8 Investigations.**

Reports of violations shall be forwarded to the HCA, who shall process such reports in accordance with FAR 22.406-8(d).

## **Subpart 422.6 - Walsh-Healey Public Contracts Act**

### **422.604 Exemptions.**

#### **422.604-2 Regulatory exemptions.**

The Assistant Secretary for Administration can request the Secretary of Labor to exempt contracts from the Walsh-Healey Public Contracts Act pursuant to FAR 22.604-2(b). A written finding justifying the request for exemption shall be prepared for the Assistant Secretary's signature and submitted by the HCA to the Senior Procurement Executive (SPE) for referral to the Assistant Secretary.

#### **422.608 [Reserved]**

## **Subpart 422.8 - Equal Employment Opportunity**

### **422.803 Responsibilities.**

The contracting office shall submit questions involving the applicability of Executive Order 11246 and FAR subpart 22.8 through the HCA to the SPE for resolution.

### **422.804 Affirmative action programs.**

#### **422.804-2 Construction.**

The HCA shall ensure that each contracting office, awarding nonexempt construction contracts, maintains a current listing of covered geographical areas subject to affirmative action requirements specifying goals for minorities and women in covered construction trades.

### **422.807 Exemptions.**

(a) The Assistant Secretary for Administration is authorized to make the determination in FAR 22.807(a)

(1) that a contract is essential to the national security.

(b) The contracting officer shall submit requests for exemptions under FAR 22.807(a)(1), (a)(2), and (b)(5) through the HCA to the SPE for determination by the Assistant Secretary of Administration or referral to the Deputy Assistant Secretary for Federal Contract Compliance Programs, Department of Labor, as appropriate.

## **Subpart 422.13 - Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans**

Source: 70 FR 46, Jan. 3, 2005, unless otherwise noted.

### **422.1305 Waivers.**

(a) The Assistant Secretary for Administration is authorized to make the waiver determination in FAR 22.1305(b) that a contract is essential to the national security.

(b) The contracting officer shall submit requests for exemptions under FAR 22.1305(a) and (b) through the HCA to the SPE for determination by the Assistant Secretary for Administration or referral to the Deputy Assistant Secretary for Federal Contract Compliance Programs, Department of Labor as appropriate.

### **422.1308 Complaint procedures.**

The contracting officer shall forward complaints received about the administration of the Vietnam Era Veterans Readjustment Assistance Act directly to the Department of Labor as prescribed in FAR 22.1308.

## **Subpart 422.14 - Employment of Workers With Disabilities**

### **422.1403 Waivers.**

(a) The Assistant Secretary for Administration is authorized to make the waiver determinations under FAR 22.1403(a) and (b) with the concurrence of the Deputy Assistant Secretary for Federal Contract Compliance Programs, Department of Labor.

(b) The contracting officer shall submit requests for waivers through the HCA to the SPE for determination by the Assistant Secretary for Administration.

### **422.1406 Complaint procedures.**

The contracting officer shall forward complaints received about the administration of Section 503 of the Rehabilitation Act of 1973, as amended, directly to the OFCCP as prescribed in FAR 22.1406.