

# **PART 822 - APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS**

Authority: 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); 29 CFR 5.15(d); 41 U.S.C. 1702; and 48 CFR 1.301-1.304.

Source: 73 FR 2717, Jan. 15, 2008, unless otherwise noted.

## Subpart 822.3 - Contract Work Hours and Safety Standards Act

### 822.304 Variations, tolerances, and exemptions.

### 822.305 Contract clause.

### Subpart 822.4 [Reserved]

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

## **Subpart 822.3 - Contract Work Hours and Safety Standards Act**

### **822.304 Variations, tolerances, and exemptions.**

For contracts providing nursing home care for veterans, the Secretary of Labor has allowed a variation to the requirements of Contract Work Hours and Safety Standards (the statute) (40 U.S.C. 3701, *et seq.*) regarding the payment of overtime (see 29 CFR 5.15(d)(2)). The variation provides that overtime may be calculated on a basis other than a 40 hour workweek (as an alternate work period) when -

- (a) Due to operational necessity or convenience a work period of 14 consecutive days may be accepted in lieu of the workweek of 7 consecutive days for the purpose of computing overtime compensation, pursuant to an agreement or understanding arrived at between the contractor and the contractors' employees before performance of the work; and
- (b) If The contractor's employees receive compensation for employment in excess of 8 hours in any workday and in excess of 80 hours in such 14-day period at a rate not less than 1 1/2 times the regular rate at which the individual is employed, computed in accordance with the requirements of the Fair Labor Standards Act of 1938, as amended

### **822.305 Contract clause.**

The contracting officer shall insert the clause at 852.222-70, Contract Work Hours and Safety Standards - Nursing Home Care for Veterans, in solicitations and contracts for nursing home care for veterans. The contractor shall flow down this clause and insert in all subcontracts, at any tier.

## **Subpart 822.4 [Reserved]**