

PART 3522—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

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3522.1402 Applicability.

3522.1403 Waivers.

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AUTHORITY: 40 U.S.C. 486(c).

SOURCE: 55 FR 7652, Mar. 2, 1990, unless otherwise noted.

3522.000 Scope of part.

This part prescribes—

(a) Labor laws of the United States and their application to acquisitions conducted by the Panama Canal Commission; and

(b) Contracting policy and procedures for the implementation of pertinent labor laws in contracts with United States and Panamanian business concerns. (See subpart 3525.8 for policies and procedures pertaining specifically to contracts with Panamanian business concerns or others to which Panamanian laws may apply.)

Subpart 3522.1—Basic Labor Policies

3522.100 Scope of subpart.

The provisions of FAR subpart 22.1 shall apply specifically to contracts with United States business concerns to the extent prescribed throughout FAR part 22.

3522.103 Overtime.

3522.103-4 Approvals.

(a) Overtime requests by contractors may be approved under the conditions contemplated in FAR 22.103-4(a). Such approvals are required under cost-reimbursement, time-and-materials, and labor-hour contracts since such contracts place substantial cost risk on the Government.

(b) The Commission officials for approval of contractor requests for overtime in cost-reimbursement contracts as contemplated in FAR 22.103-4 (a), (b), and (f) are the cognizant Heads of Contracting Activities.

Subpart 3522.2—Convict Labor

3522.270 Applicability.

As indicated at FAR 22.202, the policies and procedures in FAR subpart 22.2 are applicable only to contracts which are to be performed within any State,

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the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands. The policies and procedures do not apply to contracts which are to be performed within the Republic of Panama or within any other foreign country.

Subpart 3522.3—Contract Work Hours and Safety Standards Act

3522.370 Applicability.

As indicated at FAR 22.305, the policies and procedures in FAR subpart 22.3 shall not be applied to contracts to be performed solely within the Republic of Panama, other foreign countries, or within a territory under United States jurisdiction other than a State, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands as defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331), American Samoa, Guam, Wake Island, and Johnston Island.

Subpart 3522.4—Labor Standards for Contracts Involving Construction

3522.402 Applicability.

(c) *Contracts to be performed outside the United States.* As indicated by paragraphs (a) through (d) at FAR 22.407, the requirements of FAR subpart 22.4 do not apply to contracts for construction to be performed within the Republic of Panama or within any other foreign country.

Subpart 3522.6—Walsh-Healey Public Contracts Act

3522.603 Applicability.

As indicated at FAR 22.603 and FAR 22.604-2, the requirements and procedures of FAR subpart 22.6 and this subpart 3522.6 do not apply to contracts for supplies that are manufactured in the Republic of Panama or elsewhere outside the United States, Puerto Rico or the Virgin Islands.

3522.608 Procedures.

3522.608-3 Protests against eligibility.

The contracting officer shall forward the determination of eligibility, after concurrence by legal counsel, to the cognizant Head of Contracting Activity (HCA) for referral to the Department of Labor (DOL) or to the Small Business Administration if the offeror is a small business.

3522.608-4 Award pending final determination.

(a) If an offeror's eligibility case is pending review by the DOL or SBA, the contracting officer shall obtain the concurrence of legal counsel and approval of the cognizant HCA prior to making an award.

3522.608-6 Postaward.

(c) In the event of a violation of a stipulation required under the Act, the contracting officer shall, with concurrence by legal counsel and approval by the cognizant HCA, notify the appropriate regional office of the DOL.

Subpart 3522.8—Equal Employment Opportunity

3522.803 Responsibilities.

(d) If the applicability of Executive Order 11246 and implementing regulations are questioned by any commercial firm or other entity with whom the Panama Canal Commission has contracted or contemplates contracting, the contracting officer shall route the matter to the cognizant HCA, who shall obtain the opinion of legal counsel.

3522.804 Affirmative action programs.

3522.804-2 Construction.

(b) The HCA having construction contract responsibility shall maintain and distribute a current list of geographical areas subject to affirmative action requirements to the principally affected contracting officers. The list may be obtained from the regional Office of Federal Contract Compliance Policy (OFCCP).