

## 222.1306

If the request is justified, the labor advisor will endorse the request and forward it for action to—

- (i) The agency head for waivers under FAR 22.1303(a); or
- (ii) The Secretary of Defense, without the power of redelegation, for waivers under FAR 22.1303(b).

### 222.1306 Complaint procedures.

The contracting officer shall—

- (1) Forward each complaint received as indicated in FAR 22.1306; and
- (2) Notify the complainant of the referral. The contractor in question shall not be advised in any manner or for any reason of the complainant's name, the nature of the complaint, or the fact that the complaint was received.

### 222.1308 Contract clauses.

- (a)(1) Use of the clause at FAR 52.222-35, Affirmative Action for Special Disabled and Vietnam Era Veterans, with its paragraph (c), Listing Openings, also satisfies the requirement of 10 U.S.C. 2410d.

[58 FR 28466, May 13, 1993]

## Subpart 222.14—Employment of the Handicapped

### 222.1403 Waivers.

(c) The contracting officer shall submit a waiver request through contracting channels to the labor advisor. If the request is justified, the labor advisor will endorse the request and forward it for action to—

- (i) The agency head for waivers under FAR 22.1403(a). For the defense agencies, waivers must be approved by the Under Secretary of Defense for Acquisition.
- (ii) The Secretary of Defense, without the power of redelegation, for waivers under FAR 22.1403(b).

### 222.1406 Complaint procedures.

The contracting officer shall—

- (1) Forward each complaint received as indicated in FAR 22.1406 (see FAR 22.609 for a listing of Department of Labor regional/area offices); and
- (2) Notify the complainant of such referral. The contractor in question shall not be advised in any manner or for any reason of the complainant's name,

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the nature of the complaint, or the fact that the complaint was received.

## Subpart 222.70—Restrictions on the Employment of Personnel for Work on Construction and Service Contracts in Noncontiguous States

SOURCE: 65 FR 14403, Mar. 16, 2000, unless otherwise noted.

### 222.7000 Scope of subpart.

(a) This subpart implements Section 8071 of the Fiscal Year 2000 Defense Appropriations Act, Public Law 106-79, and similar sections in subsequent Defense Appropriations Acts.

(b) This subpart applies only—

- (1) To construction and service contracts to be performed in whole or in part within a noncontiguous State; and
- (2) When the unemployment rate in the noncontiguous State is in excess of the national average rate of unemployment as determined by the Secretary of Labor.

### 222.7001 Definition.

“Noncontiguous State,” as used in this subpart, means Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Islands, Navassa Island, Palmyra Atoll, and Wake Island.

[65 FR 50151, Aug. 17, 2000]

### 222.7002 General.

A contractor awarded a contract subject to this subpart must employ, for the purpose of performing that portion of the contract work within the noncontiguous State, individuals who are residents of that noncontiguous State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills to perform this contract.

### 222.7003 Waivers.

The head of the agency may waive the requirements of 222.7002 on a case-

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by-case basis in the interest of national security.

[65 FR 50151, Aug. 17, 2000]

### 222.7004 Contract clause.

Use the clause at 252.222-7000, Restrictions on Employment of Personnel, in all solicitations and contracts subject to this subpart. Insert the name of the appropriate noncontiguous State in paragraph (a) of the clause.

### Subpart 222.71—Right of First Refusal of Employment

SOURCE: 57 FR 52593, Nov. 4, 1992, unless otherwise noted.

#### 222.7100 Scope of subpart.

This subpart prescribes policies and procedures for use in acquisitions arising from closure of military installations.

#### 222.7101 Policy.

(a) DoD policy is to minimize the adverse impact on civil service employees affected by the closure of military installations. One means of implementing this policy is to give employees adversely affected by closure of a military installation the right of first refusal for jobs created by award of contracts arising from the closure effort that the employee is qualified to fill.

(b) Closure efforts include the acquisitions for preparing the installation for closure (such as environmental restoration and utilities modification) and maintaining the property after closure (such as security and fire prevention services).

#### 222.7102 Contract clause.

Use the clause at 252.222-7001, Right of First Refusal of Employment—Closure of Military Installations, in all solicitations and contracts arising from the closure of the military installation where the contract will be performed.

### Subpart 222.72—Compliance with Labor Laws of Foreign Governments

#### 222.7200 Scope of subpart.

This subpart prescribes contract clauses, with respect to labor laws of foreign governments, for use when contracting for services or construction within a foreign country.

[62 FR 34122, June 24, 1997]

#### 222.7201 Contract clauses.

(a) Use the clause at 252.222-7002, Compliance with Local Labor Laws (Overseas), in solicitations and contracts for services or construction to be performed outside the United States, its possessions, and Puerto Rico.

(b) Use the clause at 252.222-7003, Permit from Italian Inspectorate of Labor, in solicitations and contracts for porter, janitorial, or ordinary facility and equipment maintenance services to be performed in Italy.

(c) Use the clause at 252.222-7004, Compliance with Spanish Social Security Laws and Regulations, in solicitations and contracts for services or construction to be performed in Spain.

[62 FR 34122, June 24, 1997]

### Subpart 222.73—Limitations Applicable to Contracts Performed on Guam

SOURCE: 64 FR 52672, Sept. 30, 1999, unless otherwise noted.

#### 222.7300 Scope of subpart.

(a) This subpart implements—  
(1) 10 U.S.C. 2864; and  
(2) Section 390 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85).

(b) This subpart applies to—  
(1) Contracts for military construction projects on Guam; and  
(2) Contracts for base operations support on Guam that—  
(i) Are awarded as a result of a competition conducted under OMB Circular A-76; and