

PART 1822

APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

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PART 1822

APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

1822.000-70 Scope of part.

(a) Contracting officers should consult with the Center's Contractor Industrial Relations Officer (IRO) or designee when taking any of the actions prescribed or authorized in FAR part 22 or [NFS part 1822](#).

(b) All communications with the Department of Labor (DOL) national office of a labor organization, on labor relation matters such as disputes shall be conducted through the Center's Contractor IRO who will coordinate any information and requirements with the Headquarters Contractor IRO prior to contacting the DOL or the labor organization.

(c) Proposed responses to actions (e.g. labor disputes, work stoppages, plant seizures, injunctive actions, labor relations adversely affecting NASA) that are expected to substantially impact the activities of NASA or other Government agencies shall be coordinated with the Center's IRO for approval by the Headquarters Contractor IRO.

(d) The [NASA Industrial Labor Relations Guide](#) provides agency-wide guidance to individuals involved in the acquisition of supplies or services (including construction) applicable to labor laws.

Subpart 1822.1—Basic Labor Policies

1822.101 Labor relations.

1822.101-1 General.

(d) When a strike that may have an adverse effect on NASA programs is imminent or in progress at a prime contractor's or subcontractor's plant, contracting officers shall, in coordination with the Center Contractor (IRO)—

(i) Advise in writing both the prime contractor and the head of the union local of the expected impact of the strike on NASA programs and of the actions NASA is planning to take to protect the Government's interest and prevent any further delay in the accomplishment of NASA's mission. If the strike is at a subcontractor's plant, only the prime contractor may contact the subcontractor since there is no contract between NASA and the subcontractor;

(ii) Explore the possibility of locating other sources for the supplies or services to have been provided by the strike-threatened plant; and

(iii) Consider taking the actions described in FAR 22.101-4.

#### 1822.101-3 Reporting labor disputes.

Reports of potential or actual labor disputes affecting NASA acquisitions, operations, or services shall be coordinated through the Center's IRO for submission to the Headquarters Contractor IRO in accordance with NPR 5200.1.

#### 1822.101-4 Removal of items from contractors' facilities affected by work stoppages.

(a)(3) The contracting officer shall obtain approval from Headquarters Contractor Industrial Relations Officer.

#### 1822.101-70 Admission of labor representatives to contract sites.

NASA activities may not prevent the access of labor union representatives to contract sites for the conduct of union business if such activities are compatible with safety and security regulations and performance of the contract work involved in accordance with NPR 5200.1.

#### 1822.103 Overtime.

##### 1822.103-4 Approvals.

(a) The contracting officer (CO) is authorized to approve overtime premiums at Government expense. If two or more contracting offices have current contracts at a single facility and approval of overtime by one will affect the performance or cost of contracts of another, the contracting officer shall obtain the concurrence of other appropriate approving officials and seek agreement regarding the contracts under which premiums will be approved. In the absence of evidence to the contrary, a contracting officer may rely on the contractor's written statement that approval will not affect performance or payments under any ongoing contract of another contracting office.

##### 1822.103-5 Contract clause.

(a) Insert the FAR clause 52.222-1, Notice to the Government of Labor Disputes, in all solicitations and contracts that exceed the simplified acquisition threshold.

1822.302 Liquidated damages and overtime pay.

(c) The Headquarters Contractor Industrial Relations Officer (IRO) is the agency head designee.

(d) The disposition of funds withheld or collected for liquidated damages shall be in accordance with direction of the Headquarters Contractor IRO.

#### Subpart 1822.4—Labor Standards for Contracts Involving Construction

All contacts with the Department of Labor required by FAR Subpart 22.4, except for wage determinations, shall be coordinated with the Center's Contractor IRO. The Center's Contractor IRO will coordinate the information and requirements with the Headquarters Contractor IRO.

1822.404-2 General requirements.

(c)(5) Contracting officers should obtain clarifications and coordinate with the Center's IRO concerns about the proper application of wage rate schedules to the type or types of construction project involved prior to contacting the DOL Administrator, Wage and Hour Division.

1822.406-8 Investigations.

(a) The contracting officer is responsible for conducting investigations of labor violations relative to contracts under their cognizance in coordination with the Center's Contractor IRO. Detailed procedures on how to conduct investigations are found in the NASA Industrial Labor Relations Guide.

(d) Reports of substantial violations or refusals to pay shall be sent to the Headquarters Contractor IRO.

1822.406-9 Withholding from or suspension of contract payments.

(c)(4) Headquarters Contractor IRO shall determine the disposition of contract payments withheld or contract payments suspended and any assessed liquidated damages.

1822.406-13 Semiannual enforcement reports.

Procurement officers shall submit semiannual enforcement data within 20 days after the end of the specified reporting periods to the Headquarters Office of Procurement, Policy, Training, and Pricing Division. Negative statements are required.

Subpart 1822.5—Reserved

Subpart 1822.6—Contracts for Materials, Supplies, Articles, and Equipment

Exceeding \$15,000

1822.604 Exemptions.

1822.604-2 Regulatory exemptions.

(b) Requests for exemptions shall be submitted in writing through the contracting officer, in coordination with the Center's Contractor Industrial Relations Officer (IRO) to the Headquarters Contractor IRO.

Subpart 1822.8—Equal Employment Opportunity

1822.804 Affirmative action programs.

1822.804-2 Construction.

(b) The Headquarters Office of Procurement, Policy, Training, and Pricing Division will furnish each procurement officer the listing.

1822.807 Exemptions.

Requests for exemption pursuant to FAR 22.807(a)(1), (a)(2), or (b)(5) shall be sent to the Headquarters Office of Procurement, Program Operations Division, who will coordinate through the Headquarters Contractor Industrial Relations Officer and the Agency head. If the exemption is granted, the Agency head shall notify the Office of Federal Contract Compliance Programs of such action within 30 days.

Subpart 1822.10—Service Contract Labor Standards

1822.1001 Definitions.

"Agency labor advisor" is the Headquarters Contractor Industrial Relations Officer.

1822.1008 Procedures for obtaining wage determinations.

1822.1008-1 Obtaining wage determinations.

(e) Contracting officers shall obtain the assistance of their Contracting Officer's Representative and Center Contractor IRO to ensure use of the DOL Wage and Hour Division's Service Contract Act Directory of Occupations and ensure incorporation of all service employee classes (Directory and non-Directory) planned to be utilized for a particular acquisition. When completing an e98, the

contracting officer shall include and note any classifications and minimum hourly wage rates conformed under any predecessor contract. When a previously conformed classification is not included in the Directory, the contracting officer shall include the job description on the e98. When the statement of work job title differs from the Directory job title, the contracting officer must provide a cross-reference on the e98.

1822.1008-2 Successorship with incumbent contractor collective bargaining agreement.

(b) The requirement for the successor contractor to pay the wages and fringe benefits is applicable until superseded by a new wage determination on the contract.

#### Subpart 1822.13—Equal Opportunity for Veterans

1822.1305 Waivers.

(c) Requests for waivers shall be submitted to the Associate Administrator for Diversity and Equal Opportunity Office.

1822.1308 Complaint procedures.

Contracting officers shall submit all complaints to the Associate Administrator for Diversity and Equal Opportunity Office.

#### Subpart 1822.14—Employment of Workers with Disabilities

1822.1403 Waivers.

(c) Requests for waivers shall be submitted to the Associate Administrator for Diversity and Equal Opportunity Office.

1822.1406 Complaint procedures.

Contracting officers shall submit all complaints to the Associate Administrator for Diversity and Equal Opportunity Office.

#### Subpart 1822.15—Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor

1822.1503 Procedures for acquiring end products on the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor.

(e) All investigations under FAR Subpart 22.15 shall be referred to NASA's Office of Inspector

General.

#### Subpart 1822.17—Combating Trafficking in Persons

##### 1822.1704 Violations and Remedies.

(a) Contracting officers shall notify their Center Contractor Industrial Relations Officer upon taking any action for violations and remedies.

#### Subpart 1822.18—Employment Eligibility Verification

##### 1822.1802 Policy.

(d) Contracting officers shall notify the Headquarters Office of Procurement, Procurement Operations Division, who will notify the Headquarters Contractor Industrial Relations Officer of any waivers granted for E-Verify.