

22.406-10 Disposition of disputes concerning construction contract labor standards enforcement.

(a) The areas of possible differences of opinion between *contracting officers* and contractors in *construction contract labor standards enforcement* include-

- (1) Misclassification of workers;
- (2) Hours of work;
- (3) Wage rates and payment;
- (4) Payment of *overtime*;
- (5) Withholding practices; and
- (6) The applicability of the labor standards requirements under varying circumstances.

(b) Generally, these differences are settled administratively at the project level by the *contracting agency*. If necessary, these differences *may* be settled with assistance from the Department of Labor.

(c) When requesting the contractor to take corrective action in labor violation cases, the *contracting officer shall* inform the contractor of the following:

(1) Disputes concerning the labor standards requirements of the contract are handled under the *contract clause* at 52.222-14, Disputes Concerning Labor Standards, and not under the clause at 52.233-1, Disputes.

(2) The contractor *may* appeal the *contracting officer's* findings or part thereof by furnishing the *contracting officer* a complete statement of the reasons for the disagreement with the findings.

(d) The *contracting officer shall* promptly transmit the *contracting officer's* findings and the contractor's statement to the *Administrator*, Wage and Hour Division.

(e) The *Administrator*, Wage and Hour Division, will respond directly to the contractor or subcontractor, with a copy to the *contracting agency*. The contractor or subcontractor *may* appeal the *Administrator's* findings in accordance with the procedures outlined in Labor Department Regulations (29 CFR 5.11). Hearings before administrative law judges are conducted in accordance with 29 CFR Part 6, and hearings before the Labor Department Administrative Review Board are conducted in accordance with 29 CFR Part 7.

(f) The *Administrator*, Wage and Hour Division, *may* institute *debarment* proceedings against the contractor or subcontractor if the *Administrator* finds reasonable cause to believe that the contractor or subcontractor has committed willful or aggravated violations of the Contract Work Hours and Safety Standards statute or the Copeland (Anti-Kickback) Act, or any of the applicable statutes listed in 29 CFR 5.1 other than the *Construction Wage Rate Requirements* statute, or has committed violations of the *Construction Wage Rate Requirements* statute that constitute a

disregard of its obligations to employees or subcontractors under 40 U.S.C. 3144.

Parent topic: 22.406 Administration and enforcement.