

## **Subchapter 3022.10 Service Contract Labor Standards**

### **3022.1003 Applicability.**

#### **3022.1003-4 Administrative limitations, variations, tolerances, and exemptions.**

(a) The contracting officer shall submit requests for limitations, variations, tolerances, and exemptions under FAR Subpart 22.10 to the Wage and Hour Administrator via the Component labor attorney.

#### **3022.1003-7 Questions concerning applicability of the Service Contract Labor Standards statute.**

Contracting officers may request written or oral advice from the Component labor attorney. Any Component requests or questions to the Administrator, Wage and Hour Division shall be submitted in writing with a copy provided to the Executive Director, Acquisition Policy and Legislation Branch, Acquisition Policy and Oversight, Office of the Chief Procurement Officer.

#### **3022.1008 Procedures for obtaining wage determinations.**

##### **3022.1008-1 Obtaining wage determinations.**

(f) Contracting officers should request advice from the Component labor advisor, or if unavailable, the DHS Procurement Labor Advisor.

##### **3022.1008-2 Section 4(c) successorship with incumbent contractor collective bargaining agreement.**

(d)(3) Contracting officer should request advice from the Component labor advisor, or if unavailable, the DHS Procurement Labor Advisor.

(e)(2) Contracting officer should request advice from the Component labor advisor, or if unavailable, the DHS Procurement Labor Advisor.

##### **3022.1013 Review of wage determination.**

Contracting officer should request advice from the Component labor advisor, or if unavailable, the DHS Procurement Labor Advisor.

##### **3022.1021 Request for hearing.**

###### **3022.1021-70 Additional hearings data.**

(a) Contracting officers will forward requests for hearings to the Administrator, Wage and Hour Division, DOL, through their Component labor advisor or general counsel, with a copy provided to OCPO. In addition to the requirements of FAR 22.1021(a), the request for a variance hearing

shall include copies of the relevant wage determination, if issued, collective bargaining agreement, and the e98 that requested the wage determination in question. The statement shall contain an analysis concerning the differences between the collectively bargained rates issued and the rates contained in the following:

- (1) Corresponding Federal wage board rates and surveys (while it is not necessary that the challenged rate be higher than the corresponding Federal rate, this is an important factor);
  - (2) Relevant Bureau of Labor Statistics survey data and the comparable Service Contract Labor Standards wage determination;
  - (3) Other wage data (e.g., rates paid in local hospitals would be appropriate for comparison on contracts for hospital antiseptic services, while rates paid in local schools could be of value in comparison for janitorial or food service workers); and
  - (4) Other collectively-bargained wages and benefits.(b) If the contracting officer cannot provide all of the information required in paragraph (a) above with the request for a hearing, the approximate time needed to obtain the data or to develop the information shall be provided. The request shall clearly demonstrate the efforts being made to obtain or develop the information. A statement that data are not available will not be accepted by DOL.
- (d) Unless the Administrator, Wage and Hour Division determines that extraordinary circumstances exist, requests for hearings that are not submitted within the timeframes referenced in FAR 22.1021(d)(1) and (2) will not receive consideration by DOL.

### **3022.1022 Withholding of contract payments.**

Contracting officers will coordinate with the cognizant finance office regarding placement of any withheld funds in an agency-established deposit fund, and, upon order from appropriate parties (see (FAR 22.10), their transfer to DOL for disbursement.