

**§ 1926.5**

opportunity to be heard upon the request, and thereafter the provisions of part 6 of this title shall apply with respect to prehearing conferences, hearings and related matters, and decisions and orders.

**§ 1926.5 OMB control numbers under the Paperwork Reduction Act.**

The following sections or paragraphs each contain a collection of information requirement which has been approved by the Office of Management and Budget under the control number listed.

29 CFR citation	OMB control No.
1926.33	1218-0065
1926.50	1218-0093
1926.52	1218-0048
1926.53	1218-0103
1926.59	1218-0072
1926.60	1218-0183
1926.62	1218-0189
1926.64	1218-0200
1926.65	1218-0202
1926.103	1218-0099
1926.200	1218-0132
1926.250	1218-0093
1926.251	1218-0233
1926.403	1218-0130
1926.404	1218-0130
1926.405	1218-0130
1926.407	1218-0130
1926.408	1218-0130
1926.453(a)(2)	1218-0216
1926.502	1218-0197
1926.503	1218-0197
1926.550(a)(1)	1218-0115
1926.550(a)(2)	1218-0115
1926.550(a)(4)	1218-0115
1926.550(a)(6)	1218-0113
1926.550(a)(11)	1218-0054
1926.550(a)(16)	1218-0115
1926.550(b)(2)	1218-0232
1926.550(g)	1218-0151
1926.552	1218-0231
1926.652	1218-0137
1926.703	1218-0095
1926.800	1218-0067
1926.803	1218-0067
1926.900	1218-0217
1926.903	1218-0227
1926.1080	1218-0069
1926.1081	1218-0069
1926.1083	1218-0069
1926.1090	1218-0069
1926.1091	1218-0069
1926.1101	1218-0134
1926.1103	1218-0085
1926.1104	1218-0084
1926.1106	1218-0086
1926.1107	1218-0083
1926.1108	1218-0087
1926.1109	1218-0089
1926.1110	1218-0082
1926.1111	1218-0090
1926.1112	1218-0080
1926.1113	1218-0079
1926.1114	1218-0088

**29 CFR Ch. XVII (7-1-10 Edition)**

29 CFR citation	OMB control No.
1926.1115	1218-0044
1926.1116	1218-0081
1926.1117	1218-0010
1926.1118	1218-0104
1926.1126	1218-0252
1926.1127	1218-0186
1926.1128	1218-0129
1926.1129	1218-0128
1926.1144	1218-0101
1926.1145	1218-0126
1926.1147	1218-0108
1926.1148	1218-0145

[61 FR 5509, Feb. 13, 1996, as amended at 63 FR 3814, Jan. 27, 1998; 63 FR 13340, Mar. 19, 1998; 63 FR 17094, Apr. 8, 1998; 64 FR 18810, Apr. 16, 1999; 71 FR 38086, July 5, 2006]

**Subpart B—General Interpretations**

**AUTHORITY:** Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333).

**§ 1926.10 Scope of subpart.**

(a) This subpart contains the general rules of the Secretary of Labor interpreting and applying the construction safety and health provisions of section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96). Section 107 requires as a condition of each contract which is entered into under legislation subject to Reorganization Plan Number 14 of 1950 (64 Stat. 1267), and which is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards promulgated by the Secretary by regulation.

**§ 1926.11 Coverage under section 103 of the act distinguished.**

(a) *Coverage under section 103.* It is important to note that the coverage of section 107 differs from that for the overtime requirements of the Contract Work Hours and Safety Standards Act. The application of the overtime requirements is governed by section 103,

which subject to specific exemptions, includes: (1) Federal contracts requiring or involving the employment of laborers or mechanics (thus including, but not limited to, contracts for construction), and (2) contracts assisted in whole or in part by Federal loans, grants, or guarantees under any statute "providing wage standards for such work." The statutes "providing wage standards for such work" include statutes for construction which require the payment of minimum wages in accordance with prevailing wage findings by the Secretary of Labor in accordance with the Davis-Bacon Act. A provision to section 103 excludes from the overtime requirements work where the Federal assistance is only in the form of a loan guarantee or insurance.

(b) *Coverage under section 107.* To be covered by section 107 of the Contract Work Hours and Safety Standards Act, a contract must be one which (1) is entered into under a statute that is subject to Reorganization Plan No. 14 of 1950 (64 Stat. 1267); and (2) is for "construction, alteration, and/or repair, including painting and decorating."

**§ 1926.12 Reorganization Plan No. 14 of 1950.**

(a) *General provisions.* Reorganization Plan No. 14 of 1950 relates to the prescribing by the Secretary of Labor of "appropriate standards, regulations, and procedures" with respect to the enforcement of labor standards under Federal and federally assisted contracts which are subject to various statutes subject to the Plan. The rules of the Secretary of Labor implementing the Plan are published in part 5 of this title. Briefly, the statutes subject to the Plan include the Davis-Bacon Act, including its extension to Federal-aid highway legislation subject to 23 U.S.C. 113, and other statutes subject to the Plan by its original terms, statutes by which the Plan is expressly applied, such as the Contract Work Hours Standards Act by virtue of section 104(d) thereof.

(b) *The Plan.* (1) The statutes subject to Reorganization Plan No. 14 of 1950 are cited and briefly described in the remaining paragraphs of this section. These descriptions are general in nature and not intended to convey the

full scope of the work to be performed under each statute. The individual statutes should be resorted to for a more detailed scope of the work.

(2) *Federal-Aid Highway Acts.* The provisions codified in 23 U.S.C. 113 apply to the initial construction, reconstruction, or improvement work performed by contractors or subcontractors on highway projects on the Federal-aid systems, the primary and secondary, as well as their extensions in urban areas, and the Interstate System, authorized under the highway laws providing for the expenditure of Federal funds upon the Federal-aid system. As cited in 41 Op. A.G. 488, 496, the Attorney General ruled that the Federal-Aid Highway Acts are subject to Reorganization Plan No. 14 of 1950.

(3) *National Housing Act (12 U.S.C. 1713, 1715a, 1715e, 1715k, 1715l(d)(3) and (4), 1715v, 1715w, 1715x, 1743, 1747, 1748, 1748h-2, 1750g, 1715l(h)(1), 1715z(j)(1), 1715z-1, 1715y(d), Subchapter 1x-A and 1x-B, 1715z-7).* This act covers construction which is financed with assistance by the Federal Government through programs of loan and mortgage insurance for the following purposes:

(i) Rental Housing—Section 1713 provides mortgage and insurance on rental housing of eight or more units and on mobile-home courts.

(ii) Section 1715a—Repealed.

(iii) Cooperative Housing—Section 1715e authorizes mortgage insurance on cooperative housing of five or more units as well as supplementary loans for improvement of repair or resale of memberships.

(iv) Urban Renewal Housing—Section 1715k provides mortgage insurance on single family or multifamily housing in approved urban renewal areas.

(v) Low or Moderate Income Housing—Section 1715L(d) (3) and (4) insures mortgages on low-cost single family or multifamily housing.

(vi) Housing for Elderly—Section 1715v provides mortgage insurance on rental housing for elderly or handicapped persons.

(vii) Nursing Homes—Section 1715w authorizes mortgage insurance on nursing home facilities and major equipment.

(viii) Experimental Housing—Section 1715x provides mortgage insurance on