§ 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.

1926.33		OMB con-
1926.50	29 CFR citation	trol No.
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1926.53	1926.50	
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1926.1115	1218-0044
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1926.1117	1218-0010
1926.1118	1218-0104
1926.1126	1218-0252
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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 subiect 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-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