

**PART 3022—APPLICATION OF
LABOR LAWS TO GOVERNMENT
ACQUISITIONS**

Subpart 3022.1—Basic Labor Policies

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AUTHORITY: 5 U.S.C. 301-302, 41 U.S.C. 1707,
41 U.S.C. 1702, 48 CFR part 1, subpart 1.3, and
DHS Delegation Number 0702.

SOURCE: 68 FR 67871, Dec. 4, 2003, unless
otherwise noted.

**Subpart 3022.1—Basic Labor
Policies**

3022.101 Labor relations.

**3022.101-70 Admittance of union rep-
resentatives to DHS installations.**

(a) Admittance of union representa-
tives to Transportation Security Ad-
ministration or United States Secret
Service installations and work sites is
not governed by this rule, but by laws,
rules, regulations, Executive Orders
and policies applicable to those Compo-
nents. It is the policy of DHS to admit
non-employee labor union representa-
tives of contractor employees to DHS
installations to visit work sites and
transact labor union business with con-
tractors, their employees, and union
stewards pursuant to existing union
collective bargaining agreements. Their
presence must not interfere with the
contractor's work under a DHS contract
nor violate safety or security regula-
tions that may be applicable to persons
visiting the installation. However, if
there have been incidents of vandalism,
illegal work stoppages, or interference
with work, the non-employee labor
union representatives may be subject to
access limitations. Non-

employee labor union representatives
will not be permitted to conduct meet-
ings, collect union dues, or make
speeches concerning union matters
while visiting a work site during work-
ing hours.

(b) Whenever a non-employee labor
union representative is denied entry to
a work site, the person denying entry
shall make a written report to the DHS
labor coordinator and Component labor
advisor, if any, within two working
days after the request for entry is de-
nied. The report shall include the rea-
son(s) for the denial, the name of the
representative denied entry, the union
affiliation and number, and the name
and title of the person that denied the
entry.

[71 FR 25770, May 2, 2006, as amended at 71
FR 48801, Aug. 22, 2006]

3022.101-71 Contract clauses.

(a) The contracting officer, may,
when applicable, insert the clause at
(HSAR) 48 CFR 3052.222-70, Strikes or
Picketing Affecting Timely Comple-
tion of the Contract Work, in solicita-
tions and contracts.

(b) The contracting officer may,
when applicable, insert the clause at
(HSAR) 48 CFR 3052.222-71, Strikes or
Picketing Affecting Access to a DHS
Facility, in solicitations and contracts.

**Subpart 3022.4—Labor Standards
for Contracts Involving Con-
struction**

**3022.406 Administration and enforce-
ment.**

**3022.406-9 Withholding from or sus-
pension of contract payments.**

(c) Disposition of contract payments
withheld or suspended.

(1) Forwarding wage underpayments
to the Comptroller General. The con-
tracting officer shall ensure that a
completed DHS Form 700-4, Employee
Claim for Wage Restitution, is ob-
tained from each employee claiming
restitution under the contract. The
Comptroller General (Claims Division)
shall receive this form with a com-
pleted SF 1093, Schedule of With-
holding Under the Davis-Bacon Act
and/or the Contract Work Hours and

3022.9000

Safety Standards Act, before payment can be made to the employee.

[68 FR 67871, Dec. 4, 2003, as amended at 77 FR 50635, Aug. 22, 2012]

Subpart 3022.90—Local Hire (USCG)

3022.9000 Policy (USCG).

As required by 14 U.S.C. 666, the U.S. Coast Guard shall include a provision for local hire in each contract for construction or services to be performed in whole or in part in a State that has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor.

3022.9001 Contract clause (USCG).

For the U.S. Coast Guard, the contracting officer shall insert the USCG clause at (HSAR) 48 CFR 3052.222–90, Local Hire (USCG), Local Hire Provision, in all solicitations and contracts as stated in (HSAR) 48 CFR 3022.9000.

[68 FR 67871, Dec. 4, 2003, as amended at 71 FR 25770, May 2, 2006]

PART 3023—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

Subpart 3023.3—Hazardous Material Identification and Material Safety Data

Sec.

3023.303 Contract clause.

Subpart 3023.5—Drug-Free Workplace

3023.501 Applicability.

3023.506 Suspension of payments, termination of contract, and debarment and suspension actions.

Subpart 3023.10— Federal Compliance With Right-to-Know Laws and Pollution Requirements

3023.1004 Requirements.

Subpart 3023.90—Safety Requirements for USCG Contracts

3023.9000 Contract Clause (USCG).

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AUTHORITY: 5 U.S.C. 301–302, 41 U.S.C. 1707, 41 U.S.C. 1702, 48 CFR part 1, subpart 1.3, and DHS Delegation Number 0702.

SOURCE: 68 FR 67871, Dec. 4, 2003, unless otherwise noted.

Subpart 3023.3—Hazardous Material Identification and Material Safety Data

3023.303 Contract clause.

The contracting officer shall insert the clause at (HSAR) 48 CFR 3052.223–70, Removal or Disposal of Hazardous Substances—Applicable Licenses and Permits, in solicitations and contracts involving the removal or disposal of hazardous waste material.

Subpart 3023.5—Drug-Free Workplace

3023.501 Applicability.

(d) The head of any Component may issue a determination under (FAR) 48 CFR 23.501(d) to exclude the Drug-Free Workplace requirements of FAR subpart 23.5 in contracts supporting undercover law enforcement operations.

[71 FR 25770, May 2, 2006, as amended at 71 FR 48801, Aug. 22, 2006]

3023.506 Suspension of payments, termination of contract, and debarment and suspension actions.

(e) Submit requests per (HSAR) 48 CFR 3001.7000.

[68 FR 67871, Dec. 4, 2003, as amended at 71 FR 48801, Aug. 22, 2006]

Subpart 3023.10—Federal Compliance With Right-to-Know Laws and Pollution Requirements

3023.1004 Requirements.

DHS Directive 023–02 Environmental Compliance Program provides guidance and direction for compliance with environmental laws, regulations and executive orders. DHS Directive 025–01, Sustainable Practices for Environmental, Energy and Transportation, provides guidance and direction for compliance with green purchasing and other sustainable practices contained in Executive Order 13423. Contracting officers