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SUBCHAPTER I—GENERAL PROVISIONS

§§ 321, 322. Repealed. Pub. L. 87-581, title II, § 203, Aug. 13, 1962, 76 Stat. 360

Section 321, acts Aug. 1, 1892, ch. 352, § 1, 27 Stat. 340; Mar. 3, 1913, ch. 106, 37 Stat. 726, related to an eight-hour day on public works or dredging or rock excavation performed for the United States or the District of Columbia. See section 328 of this title.

Section 322, acts Aug. 1, 1892, ch. 352, § 2, 27 Stat. 340; Mar. 3, 1913, ch. 106, 37 Stat. 726, related to violation of

these provisions and the penalties thereof. See section 332 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective 60 days after Aug. 13, 1962, but shall not affect contracts existing or thereafter entered into pursuant to invitations for bids outstanding on Aug. 13, 1962, see section 204 of Pub. L. 87-581, set out as an Effective Date note under section 327 of this title.

SAVINGS PROVISION

Section 203 of Pub. L. 87-581 provided in part that: "The provisions of such statutes [sections 321, 322, and 324 to 326 of this title] shall, notwithstanding, continue to apply with respect to contracts existing on the effective date of this Act [see Effective Date note set out under section 327 of this title] or entered into pursuant to invitations for bids that are outstanding at the time of the enactment of this Act [Aug. 13, 1962]."

§ 323. Omitted

CODIFICATION

Section, acts Aug. 1, 1892, ch. 352, § 3, 27 Stat. 340; Mar. 3, 1913, ch. 106, 37 Stat. 727, provided that sections 321 and 322 of this title should not affect contracts entered into prior to Aug. 1, 1892.

§§ 324 to 326. Repealed. Pub. L. 87-581, title II, § 203, Aug. 13, 1962, 76 Stat. 360

Section 324, acts June 19, 1912, ch. 174, § 1, 37 Stat. 137; June 25, 1948, ch. 646, § 19, 62 Stat. 989, required public contracts to provide for an eight-hour day and stipulate penalties for violations, inspectors were to report violations, penalties were to be withheld by payor of moneys under contract, administrative appeals were available to parties aggrieved by penalties, and provided that final administrative decisions could be taken to Court of Claims. See section 330 of this title.

Section 325, act June 19, 1912, ch. 174, § 2, 37 Stat. 138, related to excepted contracts, work which was included, waiver by President in time of war, conditions whereby penalties would not be imposed, and provided that it should be construed so as not to affect eight-hour law. See section 329 of this title.

Section 325a, act Sept. 9, 1940, ch. 717, title III, § 303, 54 Stat. 884, related to computation of wages on basic day rate of eight hours, and at one and one-half times basic rate for overtime compensation. See section 328 of this title.

Section 326, act Mar. 4, 1917, ch. 180, 39 Stat. 1192, related to suspension of eight-hour law in case of national emergency, and provided that overtime rates be paid at not less than time and one-half for work exceeding eight hours. See section 331 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective 60 days after Aug. 13, 1962, but not affecting contracts existing or thereafter entered into pursuant to invitations for bids outstanding on Aug. 13, 1962, see section 204 of Pub. L. 87-581, set out as an Effective Date note under section 327 of this title.

SAVINGS PROVISION

The provisions of sections 321, 322, and 324 to 326 of this title applicable with respect to certain contracts, see section 203 of Pub. L. 87-581, set out as a note under section 321 of this title.

SUBCHAPTER II—CONTRACT WORK HOURS AND SAFETY STANDARDS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 28 section 1499; title 39 section 410.

§ 327. "Secretary" defined

As used herein, the term "Secretary" means the Secretary of Labor, United States Department of Labor.

(Pub. L. 87-581, title I, §101, Aug. 13, 1962, 76 Stat. 357.)

REFERENCES IN TEXT

Herein, referred to in text, means title I of Pub. L. 87-581, Aug. 13, 1962, 76 Stat. 357, as amended, which enacted sections 327 to 333 of this title. For complete classification of title I to the Code, see Short Title note below and Tables.

EFFECTIVE DATE

Section 204 of Pub. L. 87-581 provided that: "This Act [see Short Title note below] shall take effect sixty days after its enactment, but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the enactment of this Act [Aug. 13, 1962]."

SHORT TITLE

Section 1 of Pub. L. 87-581, as amended by Pub. L. 91-54, §2, Aug. 9, 1969, 83 Stat. 98, provided: "That this Act [enacting this section and sections 328 to 333 of this title, amending section 673c of former Title 5, Executive Departments and Government Officers and Employees, and section 1499 of Title 28, Judiciary and Judicial Procedure, repealing sections 321, 322, and 324 to 326 of this title, and enacting provisions set out as notes under this section, section 321 of this title, and section 1499 of Title 28] may be cited as the 'Work Hours and Safety Act of 1962' and title I [enacting this section and sections 328 to 333 of this title] may be cited as the 'Contract Work Hours and Safety Standards Act'."

DEFINITION OF "THIS ACT"

Section 2 of Pub. L. 87-581, as amended by Pub. L. 91-54, §2, Aug. 9, 1969, 83 Stat. 98, provided that: "As used in this Act [see Short Title note above], the term 'this Act' means the Work Hours and Safety Act of 1962 except in title I [this section and sections 328 to 333 of this title] where it means the Contract Work Hours and Safety Standards Act."

§ 328. Forty hour week; overtime compensation; contractual conditions; liability of employers for violation; withholding funds to satisfy liabilities of employers

(a) Notwithstanding any other provision of law, the wages of every laborer and mechanic employed by any contractor or subcontractor in his performance of work on any contract of the character specified in section 329 of this title shall be computed on the basis of a standard workweek of forty hours, and work in excess of such standard workweek shall be permitted subject to provisions of this section. For each workweek in which any such laborer or mechanic is so employed such wages shall include compensation, at a rate not less than one and one-half times the basic rate of pay, for all hours worked in excess of forty hours in the workweek.

(b) The following provisions shall be a condition of every contract of the character specified in section 329 of this title and of any obligation of the United States, any territory, or the District of Columbia in connection therewith:

(1) No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic, in any workweek in which he is employed on such work, to work in excess of forty hours in such workweek except in accordance with the provisions of this subchapter; and

(2) In the event of violation of the provisions of paragraph (1), the contractor and any subcontractor responsible therefor shall be liable to such affected employee for his unpaid wages and shall, in addition, be liable to the United States (or, in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory) for liquidated damages as provided therein. Such liquidated damages shall be computed, with respect to each individual employed as a laborer or mechanic in violation of any provision of this subchapter, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by this subchapter. The governmental agency for which the contract work is done or by which financial assistance for the work is provided may withhold, or cause to be withheld, subject to the provisions of section 330 of this title, from any moneys payable on account of work performed by a contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as herein provided.

(Pub. L. 87-581, title I, §102, Aug. 13, 1962, 76 Stat. 357; Pub. L. 99-145, title XII, §1241(a), Nov. 8, 1985, 99 Stat. 734.)

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-145, §1241(a)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Notwithstanding any other provision of law, the wages of every laborer and mechanic employed by any contractor or subcontractor in his performance of work on any contract of the character specified in section 329 of this title shall be computed on the basis of a standard workday of eight hours and a standard workweek of forty hours, and work in excess of such standard workday or workweek shall be permitted subject to the provisions of this section. For each workweek in which any such laborer or mechanic is so employed, such wages shall include compensation, at a rate not less than one and one-half times the basic rate of pay, for all hours worked in excess of forty hours in the workweek, as the case may be."

Subsec. (b)(1). Pub. L. 99-145, §1241(a)(2)(A), struck out "eight hours in any calendar day or in excess of" before "forty hours in such workweek".

Subsec. (b)(2). Pub. L. 99-145, §1241(a)(2)(B), struck out "eight hours or in excess of" before "the standard workweek".

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-145 effective Jan. 1, 1986, see section 1241(c) of Pub. L. 99-145, set out as a note under section 35 of Title 41, Public Contracts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 329 of this title.

§ 329. Contracts subject to this subchapter; workers covered; exceptions

(a) Contracts involving employment of laborers or mechanics

The provisions of this subchapter shall apply, except as otherwise provided, to any contract which may require or involve the employment of laborers or mechanics upon a public work of the United States, of any territory, or of the Dis-