

APPEALS

REGARDING DAVIS-BACON

WAGE DETERMINATIONS

&

CONFORMANCE ACTIONS

**APPEALS REGARDING DAVIS-BACON WAGE
DETERMINATIONS & CONFORMANCE ACTIONS**

REGULATIONS, 29 C.F.R. PART 7, EXCERPTS

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1. WHD national office and regional office inquiries

On survey-related matters initial contact, including requests for summaries of surveys, should be directed to the WHD regional office for the area in which the survey was conducted because regional offices have primary responsibility for the DB survey program. The appropriate regional office contact information is available through the WHD website at www.dol.gov/whd/programs/dbra/regions.htm.

With regard to any other questions or concerns involving wage determination and conformance matters, contact can be made with the Branch of Construction Wage Determinations (BCWD). The BCWD's address is: Branch of Construction Wage Determinations, Room S-3016, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (phone: 202-693-0087).

2. WHD Administrator

Any interested party may file a request for review and reconsideration of a BCWD determination regarding a wage determination or conformance with the WHD Administrator pursuant to 29 C.F.R. § 1.8 (for wage determinations) and 29 C.F.R. § 5.13 (for conformances). The request should include a full statement of the interested party's position and any documentation (wage payment data, project description, area practice material, etc.) that the requesting party considers to be relevant to the issue(s). The request should be sent to: Wage and Hour Division Administrator, Room S-3502, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

3. Administrative Review Board (ARB)

Any ruling of the WHD Administrator under (2) above may be appealed to the DOL ARB under 29 C.F.R. Part 7. The ARB's address is: Administrative Review Board, Room S-5220, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (phone: 202-693-6200).

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Section 7.2 Who may file petitions for review [of wage determinations].

(a) Any interested person who is seeking a modification or other change in a wage determination under Part 1 ... and who has requested the administrative officer authorized to make such modification or other change under Part 1 and the request has been denied, after appropriate reconsideration shall have a right to petition for review of the action taken by that officer.

(b) For purpose of this section, the term “interested person” is considered to include, without limitation:

(1) Any contractor, or an association representing a contractor, who is likely to seek or to work under a contract containing a particular wage determination, or any laborers or mechanic, or any labor organization which represents a laborer or mechanic, who is likely to be employed or seek employment under a contract containing a particular wage determination, and,

(2) Any Federal, State, or local agency concerned with the administration of a proposed contract or a contract containing a particular wage determination issued pursuant to the Davis-Bacon Act or any of its related statutes.

Section 7.9 Review of decisions in other proceedings.

(a) Any party or aggrieved person shall have a right to file a petition for review with the [Administrative Review] Board (original and four copies), within a reasonable time from any final decision in any agency action under part 1, 3, or 5 of this subtitle.

(b) The petition shall state concisely the points relied upon, and shall be accompanied by a statement setting forth supporting reasons. Further, the petition shall indicate whether or not the petitioner consents to the disposition of the questions involved by a single member.