

U. S. DEPARTMENT OF LABOR
OFFICE OF THE SOLICITOR
WASHINGTON 25

Owner operators

SEP 25 1961

MEMORANDUM # 27

TO: AGENCIES ADMINISTERING STATUTES REFERRED TO IN 29
CFR, SUBTITLE A, PART 5.

FROM: James M. Miller
Assistant Solicitor

SUBJECT: Opinions on application of the Davis-Bacon and related
Acts.

Enclosed with previous covering memoranda, copies of
opinions on the application of the Davis-Bacon and related Acts
were furnished you for information and guidance in your enforce-
ment programs under those Acts.

We are now enclosing a copy of a recent opinion on
this same general subject, which we are sure will be of further
interest and assistance to you.

Enclosure

all files + Dist
W. J. ...
J. M. ...
J. M. ...

U. S. DEPARTMENT OF LABOR

OFFICE OF THE SOLICITOR

WASHINGTON 25

September 26, 1961

Mr. E. Irving Manger
Assistant to the General Counsel
Labor Relations Branch
Office of Chief of Engineers
Department of the Army
Washington 25, D. C.

Re: E-62-295 & 296
Oklahoma

Dear Mr. Manger:

It has been brought to my attention that my letter of September 13, 1961, may be subject to misunderstanding and that some clarification would be helpful.

At the time it was written, we had under consideration (as indicated on the first page) only hauling activities. Furthermore, the only problem before us involved the owner-operators of trucks. Consequently, the references on the second page of my letter to "trucks and similar construction equipment" should be understood as applicable only to the various types of hauling equipment. It was not intended to encompass other equipment such as bulldozers, scrapers, backhoes, cranes, drilling rigs, welding machines and the like.

It will be appreciated if you will advise your field personnel that the enforcement position taken in my previous letter is thus limited and that normal enforcement action will be expected in appropriate cases involving the owner-operators of equipment other than that used exclusively for hauling.

Yours sincerely,

/s/ Charles Donahue
Solicitor of Labor