

U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
Wage and Hour Division
WASHINGTON, D.C. 20210



August 30, 1976

MEMORANDUM NO. 125

TO: ALL GOVERNMENT CONTRACTING AGENCIES OF THE FEDERAL GOVERNMENT AND THE DISTRICT OF COLUMBIA

SUBJECT: REPORTING AND PAY REQUIREMENTS FOR SUBCONTRACTORS WHO ARE THEMSELVES PERFORMING THE WORK OF LABORERS AND MECHANICS

Memorandum No. 123 on this subject was issued on May 19, 1976, to provide guidance to the contracting agencies in carrying out their enforcement responsibilities under Reorganization Plan No. 14. A series of questions have been raised concerning this memorandum, particularly with respect to its discussion of overtime and record-keeping. Accordingly, Memorandum No. 123 is withdrawn effective immediately.

This office is carefully reviewing the contents of Memorandum No. 123, together with related materials, in preparing a new memorandum to provide enforcement guidance in this area.

In the meantime, contracting agencies are again reminded that obligations for payment of predetermined wages for laborers and mechanics under the Davis-Bacon Act must be met ". . . regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics. . . ."

Warren D. Landis
Deputy Administrator

EXECUTIVE OFFICE
PROCUREMENT & SUPPLY
ENGINEERING DIV
CONSTRUCTION DIV

J. LANKHORST
Acting Chief Counsel

Released by COE (DAEN-GCT) for information to all field operating agencies, 30 September 1976.