

SCA

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SERVICE CONTRACT ACT, as amended (excerpts)

Sec. 2(a) Every contract (and any bid specification therefor) entered into by the United States or the District of Columbia in excess of \$2,500, . . . whether negotiated or advertised, the principal purpose of which is to furnish services in the United States through the use of service employees shall contain the following:

- (1) A provision specifying the minimum monetary wages to be paid the various classes of services employees in the performance of the contract or any subcontract thereunder, as determined by the Secretary [of Labor], or his [or her] authorized representative, in accordance with prevailing rates for such employees in the locality or where a collective bargaining agreement covers any such service employees, in accordance with the rates for such employees provided for in such agreement, including prospective wage increases provided for in such agreement as a result of arm's-length negotiations.
- (2) A provision specifying the fringe benefits to be furnished the various classes of service employees

[Sec. 4](c) No contractor or subcontractor under a contract, which succeeds a contract subject to this Act under and which substantially the same services are furnished, shall pay any service employee under such contract less than the wages and fringe benefits, including accrued wages and fringe benefits, and any prospective increases in wages and fringe benefits provided for in a collective-bargaining agreement as a result of arm's-length negotiations, to which such service employees would have been entitled if they were employed under the predecessor contract: *Provided*, that in any of the foregoing circumstances such obligations shall not apply if the Secretary finds after a hearing . . . that such wages and fringe benefits are substantially at variance with those which prevail for services of a character similar in the locality.

SCA WAGE DETERMINATIONS

SCA Wage Determination Requirements

- ◇ SCA wage determinations apply to Federal Government and District of Columbia contracts, the principal purpose of which is to furnish services through the use of service employees. Each such contract in excess of \$2,500 (and the related bid solicitations) are required to contain provisions that specify the monetary wages and fringe benefits to be paid service employees engaged in the contract's performance.
- ◇ The SCA wage determinations, issued by the WHD, set forth the prevailing wages and fringe benefits that prime contractors and subcontractors must pay service employees working on covered contracts.
 - ◇◇ Wages – the minimum monetary compensation required to be paid to the various classes of service employees – are usually listed in the wage determination as hourly wage rates.
 - ◇◇ Fringe benefits are defined in section 2(a)(2) of the SCA as follows:

Such fringe benefits shall include medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, unemployment benefits, life insurance, disability and sickness insurance, accident insurance, vacation and holiday pay, costs of apprenticeship or other similar programs and other bona fide fringe benefits not otherwise required by federal, state, or local law to be provided by the contractor or subcontractor.

The various fringe benefits listed in the SCA are illustrative of those which may be included in the wage determination. Which fringe benefits are included in a wage determination depends on the type of wage determination to be issued and the evaluation of source data used to develop the wage determination. Fringe benefits may be provided as monetary compensation (cash payments) in lieu of providing the listed benefits, provided certain records are kept.

- ◇◇ Most SCA wage determinations are revised periodically, as new health and welfare benefits or wage survey data become available. However, if a wage determination is properly included in the contract at the time of award, the contract does not need to be modified to include subsequent revisions of the wage determination prior to completion of a contract term. (See further discussion, below, regarding “multi-year procurements.”)

- ◇ Section 10 of the SCA requires DOL to issue a wage determination for every service contract exceeding \$2,500 and employing more than five service employees.
 - ◇◇ If the contract requires five or fewer service employees, the contracting agency must obtain a wage determination, and, if one is available, include it in the contract. **There is a common misconception among contracting officers that they need not obtain and include a wage determination into a covered service contract if there will be five or fewer service employees performing on the contract. This has never been the case. Only the WHD has the authority to decide not to issue a wage determination for contracts with five or fewer service employees.**
 - ◇◇ If no wage determination is issued for a service contract involving five or fewer service employees, the contractor must pay no less than the federal minimum wage required by section 6(a)(1) of FLSA. (An overview of the FLSA is available in the “Introduction to the Labor Standards Statutes Coverage” section of this resource book.)
 - ◇◇ If the contract involves more than five service employees, the contract must contain a wage determination. If a wage determination is not available as discussed under the heading “Obtaining SCA Wage Determinations” below, the agency must contact the WHD. (See the “Staff Listings” section of this resource book.)

SCA Wage Determinations Format

- ◇ Under the SCA, wage determinations are developed and issued for covered service contracts in the United States, including the District of Columbia, and certain territories.
- ◇ Wage determinations referred to as “**consolidated wage determinations**,” have been issued since 1994 for specific locations. Each lists nearly 300 standard occupations defined in the *SCA Directory of Occupations*. Since 1994, this format has reduced the need for SCA conformance actions and improved service to SCA wage determinations customers.
 - ◇◇ The WHD updates these wage determinations, generally on an annual basis, as wage survey data become available for the 205 geographic areas covering the geographic scope of SCA.
- ◇ “**Non-standard**” prevailing wage determinations are issued for specific contracts or types of contracts and may be based on different data sources that may be industry specific and/or often cover different geographic areas that may be either narrower or broader than the consolidated (standard) wage determinations.

- ◇ **Section 4(c) Collective Bargaining Agreement (CBA) “Successorship” Wage Determinations** reflect a predecessor contractor’s CBA wage rates and fringe benefits and are issued only when certain criteria are met.
- ◇ Depending on the scope of work required by a specific contract, multiple wage determinations may need to be incorporated into a contract – e.g. a consolidated (standard) wage determination, non-standard, and/or 4(c) wage determinations, determinations for multiple locations if the contract will be performed in multiple locations, and under certain circumstances (as discussed elsewhere in this resource book) a Davis-Bacon wage determination, as well.

Two Types of SCA Wage Determinations

- ◇ Two types of wage determinations are issued: prevailing in the locality wage determinations and section “4(c)” wage determinations. The two types of wage determinations differ in how they are developed and issued, as required by the SCA and its regulations. SCA §§ 2(a)(1), 2(a)(2), and 4(c), and 29 C.F.R. Part 4.
- 1. Prevailing in the locality wage determinations set forth monetary wage and fringe benefits determined to be prevailing for various classes of service employees in the locality after giving “due consideration” to the rates applicable to such service employees if directly hired by the Federal Government. SCA §§ 2(a)(1), 2(a)(2), and 2(a)(5).

Wage rates prevailing in the locality. 29 C.F.R. § 4.51

- ◇◇ In rare instances, a wage rate prevailing in a locality is based on a single rate paid to a majority (50 percent or more) of workers employed in a specific occupation in a particular locality. The SCA regulations provide that a majority rate “is determined to prevail.” 29 C.F.R. § 4.51(b). Majority rate determinations are typically union dominance wage determinations.
- ◇◇ Usually wage rates are based on measures of central tendency as provided in data collected by the Bureau of Labor Statistics under the National Compensation Survey (NCS) and Occupational Employment Statistics Survey (OES).
 - ◇◇◇ The NCS provides comprehensive measures of occupational earnings; compensation cost trends, benefits incidence, and detailed plan provisions. Detailed occupational earnings are available for metropolitan and non-metropolitan areas, broad geographic regions, and on a national basis. The index component of the NCS, the Employment Cost Index measures changes in labor cost. Average hourly employer cost for employee compensation is presented in Employer Cost for Employee Compensation.

- ◇◇ The OES produces employment and wage estimates for over 700 occupations. These are estimates of the number of people employed in certain occupations, and estimates of the wages paid to them. Self-employed persons are not included in the estimates. These estimates are available for the nation as a whole, for individual states, and for metropolitan areas; national occupational estimates for specific industries are also available.

Fringe benefits prevailing determinations. 29 C.F.R. § 4.52

- ◇◇ The applicable **health and welfare (H&W)** benefit rate is listed in each SCA wage determinations.
- ◇◇ The H&W benefit rate in most SCA wage determinations is based on data from the Bureau of Labor Statistics Employment Cost Index summary of Employer Cost for Employee Compensation. The H&W rate reflects the total cost for private employers to provide all bona fide fringe benefits (not legally required) other than vacations and holidays. (Vacations and holidays are determined separately under SCA.)
 - ◇◇ Effective June 1, 1997, DOL established a new methodology for determining the H&W benefit requirement applicable to most employees under the SCA. The new single rate methodology has replaced a two-level H&W rate structure that involved issuing different H&W requirements, depending on the nature and history of each contract (each rate with its own method of determining compliance with SCA requirements). To ease a transition from the two-tier rate structure to a new single rate methodology, there was a four-year phase-in of rate increases and the higher rate was grandfathered for continued application to contracts that succeeded those to which it had applied. Since June 1, 2004, a single H&W benefit rate has been issued. (*See All Agency Memoranda Nos. and 188 and 197.*)
 - ◇◇ The SCA prevailing H&W benefits rate is adjusted annually on June 1, based on new data. 29 C.F.R. § 4.52. (On June 1, 2009, the new H&W benefit rate was increased to \$3.35 per hour.)
 - ◇◇ A discussion of how to comply with these H&W benefit requirements is included in the “SCA Compliance Principles” section of this resource book.
- ◇◇ The paid **holiday and vacation** benefit requirements in most SCA wage determinations vary from locality to locality reflecting prevailing fringe benefit practices in the geographic scope of the wage determination, and the applicable requirements are stated in each wage determination.

2. CBA – “4(c)” wage determinations require a successor contractor to apply the wage rates and fringe benefits, including accrued and prospective increases, contained in a CBA that applied to the service employees who performed on the predecessor contract in the same locality. SCA §§ 4(c) and 2(a)(1) and (2).

◇◇ Wage rates and fringe benefits based on the predecessor contractor’s CBA. 29 C.F.R. §§ 4.1(b) and 4.163.

◇◇ For section 4(c) to apply, the predecessor contract and successor contract must involve furnishing substantially the same services in the same locality.

◇◇ Provisions of SCA § 4(c):

No contractor or subcontractor under a contract, which succeeds a contract subject to this chapter and under which substantially the same services are furnished, shall pay any service employee under such contract less than the wages and fringe benefits, including accrued wages and fringe benefits, and any prospective increases in wages and fringe benefits provided for in a CBA as a result of arm’s-length negotiations, to which such service employees would have been entitled if they were employed under the predecessor contract

Application of 4(c) Wage Determinations

- ◇ The successor contractor is obligated to pay its employees the wages and fringe benefits in the predecessor’s CBA that they would have been entitled to if they were employed by the predecessor contractor. On a contract subject to annual fiscal appropriations of Congress, this obligation applies independently to the base year of a multi-year contract and each subsequent option. On other contracts, the obligation is for up to two years. (In the section below, concerning “Obtaining SCA Wage Determinations,” see the discussion of “Multi-Year Procurement.”)
- z◇ This obligation exists whether or not the employees of the predecessor contractor are hired by the successor contractor. If a successor contractor does not hire any of the predecessor contractor’s employees, the successor contractor is nevertheless required to pay service employees employed on the contract the CBA rates.
- ◇ The obligation of the successor contractor is limited to the wage and benefits requirements of the predecessor contractor’s CBA and does not extend to other items such as seniority, grievance procedures, work rules, overtime, etc.
- ◇◇ Any interpretation of the wage and fringe benefit provisions of the CBA where its provisions are unclear must be based on the intent of the parties signatory to the CBA, provided that such interpretation does not violate any law.

- ◇ The provisions of section 4(c) are self-executing and failure to include the CBA rates in the wage determination issued for the successor contract does not relieve the successor contractor of the statutory requirements to comply with the CBA rates.
 - ◇◇ The self-executing application of section 4(c) is limited only when the contracting agency gives written notification to both the incumbent contractor and the union at least 30 days in advance of all applicable estimated procurement dates. SCA § 4(b) SCA and 29 C.F.R. § 4.1b(b). Estimated procurement dates include bid solicitation, bid opening, date of award, commencement of negotiations, receipt of proposals, or the commencement date of a contract resulting from a negotiation, option or extension, as the case may be.

If such notification is given, the CBA must be provided to the contracting officer (**Not DOL**) within specified timeframes:

- ◇◇◇ For advertised procurement – 10 days before the date set for bid opening;
- ◇◇◇ For negotiated procurement – before the award date if start of performance is within 30 days, or 10 days before commencement of the contract if start of performance is beyond 30 days.

If the CBA is not provided to the contracting officer within these timeframes, then the CBA may not apply.

- ◇ Two types of appeals can be made concerning CBA rates where section 4(c) applies – based on substantial variance issues, or based on issues concerning “arm’s-length” negotiations. Both types of appeals are resolved by administrative hearings conducted by an Administrative Law Judge pursuant to 29 C.F.R. Part 6, or on appeal, by the ARB pursuant to 29 C.F.R. Part 8. (See 29 C.F.R. § 4.10 and 4.11.) The “4(c) Hearings” section of this resource book provides more detailed information on this subject.

SCA DIRECTORY OF OCCUPATIONS

Development of the *SCA Directory of Occupations* for Use in Requesting, Developing, and Applying SCA Wage Determinations

- ◇ Since April 1985, the Wage and Hour Division has published standard occupational titles and definitions in the *SCA Directory of Occupations*. This is a key resource to be utilized in obtaining and applying SCA wage determinations. The Directory is now in its fifth edition and is available online. The WHD home page (<http://www.dol.gov/whd/>) and the WDOL website “Library” have links to the Directory. Although previous editions were published in hard copy through the Government Printing Office, the fifth edition is available only on the Internet.
- ◇ Each year, wage determinations are applied to approximately 60,000 government service contracts covered under the SCA. Total annual federal government service contracting has been estimated in the billions of dollars. These SCA-covered contracts involve the performance of a wide range of services, including such diverse activities as aerial spraying, barber and beauty shop services, computer services, electronic equipment maintenance, furniture repair, surveying and mapping, trash removal, and warehousing. Employees in a wide spectrum of occupations are needed to perform these services.
- ◇ For any SCA-covered contract exceeding \$2,500 the contracting agency must either obtain a wage determination by using the “98” process or use the WDOL “Selecting SCA WDs” process for obtaining SCA wage determinations. Both processes require the requesting agency to specify the occupational titles of workers to be employed on the contract. Use of the *Directory* allows the contractor, federal procurement agency, and WHD staff to associate standard job descriptions with these titles. Prior to publication of the Directory, ascertaining the content of each job for wage determination purposes became a difficult and time-consuming task. Widespread distribution and use of the Directory has greatly simplified this process.
- ◇ The great variety of services procured by the federal government and the many different occupations required in the performance of these services continue to present a major challenge in the acquisition of data and the development of appropriate wage determinations. At the present time, a variety of data sources are utilized in the development of SCA prevailing wage determinations. These sources include the Bureau of Labor Statistics National Compensation Survey, and the Occupational Employment Statistics Survey. Since payroll titles and work assignments vary among establishments and geographic areas, such descriptions are useful as standards in classifying workers by occupation so that wage rates representing specific job content can be established.

- ◇ In order to effectively implement its primary assignment of issuing wage determinations, the WHD Branch of Service Contract Wage Determinations requires standardized occupational language for use with all of the contracting establishments. In response to this need, the first edition of this *Directory* of commonly used occupational titles and descriptions was developed in 1985. A second edition was published in 1986, a third in 1991 was never used and was eventually withdrawn, and a fourth was published in 1993. The fifth edition was published in 2006.
- ◇ The *Directory* contains occupational titles and descriptions and a classification structure under which the occupations are arranged according to their interrelationships. It makes available uniform occupational information providing composites of similar jobs performed in many geographic areas all over the country.

Federal Grade Equivalency (FGE) Information in the Directory

- ◇ The Fifth Edition *Directory* provides information on the federal civil service grade levels most likely to correspond to the occupations included.
 - ◇◇ This information reveals the grade levels that would be assigned to such occupations, if the work was being performed by a federal employee.
 - ◇◇ For WHD staff, such information is especially useful in connection with developing prevailing wage determinations for occupations for which no survey data are available or for which survey data are not available for various levels within a job family.
 - ◇◇ Contractors and federal procurement agency staff may utilize federal grade equivalency (FGE) data for guidance in developing wage rate proposals for occupations to be conformed. (See the “SCA Conformance Process” section of this resource book for further information on FGE use for conformances.)
- ◇ FGE rates are divided into the following three classifications for purposes of SCA administration:
 - ◇◇ “GS” (General Schedule) refers to grade rates utilized for non-supervisory appropriated fund “white-collar” positions;
 - ◇◇ “WG” (Wage Grade) refers to grade rates utilized for non-supervisory appropriated fund “blue-collar” positions; and
 - ◇◇ “AS” refers to non-supervisory non-appropriated fund Administrative Services rates.

Using the *SCA Directory of Occupations*

- ◇ The *SCA Directory of Occupations* provides the occupational titles and describes the scope of duties for each occupation listed. It is available by use of a link on the WDOL website or <http://www.dol.gov/whd/contracts/sca.htm>. In addition to the Directory, links are provided for the:
 - ◇◇ “Table of Contents” that provides a numerical listing of occupational categories and titles, “Federal Grade Equivalencies,” and location of each in the Directory by page; and the
 - ◇◇ “Occupational Index” that provides an alphabetical listing of occupational titles.
- ◇ The classification system developed is structured on a three-tier arrangement: category, occupation, and level of difficulty. Each tier represents groupings in successively finer detail. This should enable users who so desire to tabulate or analyze data at different levels of aggregation.
- ◇ Note: Below are the 20 broad occupational categories arranged alphabetically and coded numerically.

01000	Administrative Support and Clerical Occupations
05000	Automotive Services Occupations
06000	Automotive Service (Retail) Occupations
07000	Food Preparation and Service Occupations
08000	Forestry and Logging Occupations
09000	Furniture Maintenance and Repair Occupations
11000	General Services and Support Occupations
12000	Health Occupations
13000	Information and Arts Occupations
14000	Information Technology Occupations
15000	Instructional Occupations
16000	Laundry, Dry Cleaning, Pressing and Related Occupations
19000	Machine Tool Operation and Repair Occupations
21000	Materials Handling and Packing Occupations
23000	Mechanics and Maintenance and Repair Occupations
24000	Personal Needs Occupations
25000	Plant and System Operation Occupations
27000	Protective Service Occupations
28000	Recreational Occupations
29000	Stevedoring/Longshoremen Occupational Services

30000	Technical Occupations
31000	Transportation/Mobile Equipment Operation Occupations
47000	Water Transportation Occupations
91000	Wildlife Management and Animal Care Occupations
99000	Miscellaneous Occupations

- ◇ The detailed numerical listing presents the categories, occupations, levels of difficulty, federal grade equivalencies, and the page numbers on which the occupational descriptions can be found. The coding system utilized by the Directory has the following characteristics:
 - ◇◇ Each occupational title is identified by a five digit code.
 - ◇◇ The first two digits of each occupational code identify the broad category of occupations to which each specific occupation belongs. For example, since the code for the broad category of Administrative Support is 01000, each specific occupation within this category begins with the first two digits 01, such as, Court Reporter, 01040.
 - ◇◇ Within each broad category, occupations are listed in alphabetical order. Therefore, the third and fourth digit of each occupational code follow that alphabetical progression. For example, the code for Rental Clerk is 01290, while the code for Scheduler, Maintenance is 01300.
 - ◇◇ Occupations that reflect distinct levels in “job families” are prefaced by “base” statements that describe occupational content common to each level.
 - ◇◇ The levels of difficulty are denoted by Roman numerals placed after the title, with the numeral “I” being the least difficult, and each numeral thereafter indicating a more difficult level. In general, the higher the grade level, the greater the level of complexity and compensation. The codes for each level, such as., General Clerk I, General Clerk II, and General Clerk III, utilize the fifth digit to differentiate one from the other. For example, General Clerk I, 01111; General Clerk II, 01112; and General Clerk III, 01113.
 - ◇◇ Each broad category is defined so that homogeneous groupings can be delineated. The titles represent those most commonly used in the wage determination process. The descriptions represent composites of jobs found in a number of establishments and may differ from those in use in individual establishments or those prepared for other purposes.
 - ◇◇ Some of these definitions have been adjusted to meet SCA operations requirements. Immediately following the title, there may be one or more titles in parentheses. These are alternative titles for the titles with which they are shown. They are synonymous titles and appear in the alphabetical index in lower case.

Job Description and Federal Grade Equivalent Must Be Provided if the Directory Does Not Include a Class for the Given Job Duties

- ◇ Contracting agency officials who are unable to locate a given title or description, or who cannot match specific job duties with a corresponding occupational description in the Directory, should submit an appropriate occupational title and description with an “e98” request.
 - ◇◇ This procedure will assist the WHD Branch of Service Contract Wage Determinations in issuing wage determinations for occupations in response to “e98” requests.
 - ◇◇ Such information also provides the basis for future updates and revisions of the Directory.
 - ◇◇ Note that wage determinations will not be issued for occupational titles requested if the applicable job duties are performed by an occupational classification contained in the SCA Directory and listed in the wage determination.
- ◇ Job definitions included in the Directory may not be applicable when the service contract is governed by section 4(c) of the SCA.

OBTAINING SCA WAGE DETERMINATIONS (29 C.F.R. § 4.4)

Responsibility of Contracting Agency to Obtain SCA Wage Determinations

- ◇ Contracting agencies have the initial responsibility for determining whether a proposed contract may be subject to SCA and, if the proposed contract is covered by the SCA and exceeds \$2,500, to obtain and incorporate the appropriate wage determination(s) in covered contracts.

Obtaining SCA Wage Determinations – Two Methods

- ◇ SCA wage determinations can now be obtained from the WDOL website (<http://www.wdol.gov>) by the contracting agency in two different ways. The contracting agency has total discretion as to which method to follow. (See final rule “Service Contract Act Wage Determination Online Request Process” published in the *Federal Register* on August 26, 2005, 70 Fed. Reg. 50888-50899).
- ◇ First Method – “e98” process pursuant to 29 C.F.R. § 4.4(b).
 - ◇◇ For each proposed contract exceeding \$2,500, the contracting agency may request SCA wage determinations from the WHD by electronically submitting an “e98” that describes the proposed contract and occupations expected to be employed on the contract. An “e98” must be submitted for each anticipated contract. The wage determination(s) issued in response to each request must be incorporated into the bid specifications and the resultant contract.
 - ◇◇ The “e98” requires the requesting agency official to specify the:
 - ◇◇◇ Relevant procurement dates.
 - ◇◇◇ County and state where the work will be performed.
 - ◇◇◇ Type of services to be performed under the contract.
 - ◇◇◇ Occupational classes and the number of service employees who will perform work on the contract. Occupational titles and corresponding code numbers found in the *SCA Directory of Occupations* should be used where applicable. A detailed discussion of the *SCA Directory of Occupations* is provided in this section of the resource book. For occupations not contained in the Directory, an appropriate job title and job description must be provided.
 - ◇◇◇ Hourly rates or federal grade levels that would be paid if such workers were federal direct hires.

- ◇◇◇ Information on the incumbent contract, *i.e.*, incumbent contractor, previous wage determination, and any CBA that may apply.
 - ◇◇◇ A correct e-mail address, as most responses will be provided via e-mail.
- ◇◇ If the incumbent contractor has furnished substantially the same services in the same locality through the use of service employees whose wages and fringe benefits are the subject of one or more CBAs, the contracting agency should reference the union and CBA on the “e98” and await a response from the WHD for instructions on how to submit the CBA. Upon receipt of the CBA, WHD will provide an e-mail response to the contracting agency attaching a copy of a section 4(c) wage determination based on the CBA.
- ◇◇ The “e98 system automatically provides an amended response if the applicable wage determination is revised, and such amended response will be provided via e-mail and will be deemed to be received by the contracting agency.
- ◇◇ A revised “e98” should be submitted by the contracting agency if the bid opening date, or if contract commencement, is delayed by more than 60 days.
- ◇ Second Method – WDOL process pursuant to 29 C.F.R. § 4.4(c).
 - ◇◇ Contracting agencies may use the WDOL website to select the proper wage determination for a proposed contract. The WDOL website provides assistance to the contracting agency in the selection of the correct wage determination.
 - ◇◇ The contracting agency is fully responsible for selecting the correct wage determination. If the DOL determines that the correct SCA wage determination was not included in a covered contract, the contracting agency shall amend the contract within 30 days of DOL notice to incorporate the correct wage determinations as determined by the WHD. 29 CFR 4.5(c)(2).
 - ◇◇ If an applicable prevailing wage determination is not available on the WDOL website, the contracting agency must submit an “e98.”
 - ◇◇ The contracting agency shall monitor the WDOL website to determine whether the applicable wage determination has been revised. Revisions published on the WDOL website or otherwise communicated to the contracting officer are applicable and to be included in the contract under the following time frames:
 - ◇◇◇ For advertised procurement – 10 days before the date set for bid opening, unless the contracting agency determines there is not reasonable time to notify bidders of the revision within 10 days;

- ◇◇ For negotiated procurement – before the award date if start of performance is within 30 days, or 10 days before commencement of the contract if start of performance is beyond 30 days.
- ◇◇ If the incumbent contractor furnished substantially the same services in the same locality through the use of service employees whose wages and fringe benefits are the subject of one or more CBAs, the contracting agency may prepare a wage determination referencing and incorporate a complete copy of the CBA(s) into the successor contract action. A copy of the CBA(s) need not be submitted to the WHD unless requested.
- ◇ The general public may also access the WDOL website at no cost to obtain available wage determinations for **INFORMATION PURPOSES ONLY**. The contracting agency is required to incorporate the applicable wage determination(s) into contract. Thus, *only* those wage determinations inserted into the contract at award, or by modification, are applicable.

Multi-Year Procurement

- ◇ In the case of multi-year contracts subject to annual fiscal appropriations of Congress, the contracting agency must obtain a new wage determination each year for use on the anniversary date of the contract. 29 C.F.R. §§ 4.4(a)(1) and 4.145(a).
- ◇ If the multi-year contract is not subject to annual fiscal appropriations, the contracting agency must obtain a new wage determination and apply it to the contract at least every two years, on the biennial anniversary date of each such contract. SCA § 4(d) and 29 C.F.R. § 4.145(b).

Two-Step Procurements

- ◇ When the place of performance of a contract is unknown at the time of solicitation, the contracting agency should follow the two-step procedure, as required by 29 C.F.R. § 4.4(a)(3):
 - ◇◇ In the first step, the contracting agency will issue an initial solicitation with no wage determination, from which it identifies all interested bidders and their possible places of performance.
 - ◇◇ In the second step, the contracting agency will obtain separate wage determination(s) for the various localit(ies) identified in the first step, to be incorporated in the solicitation prior to the submission of final bids. The appropriate wage determination(s) applicable to the geographic locations identified by the successful bidder must be incorporated in the resultant contract and must be observed, regardless of whether the contractor subsequently changes the place(s) of contract performances.

Using the WDOL Website to Obtain SCA Wage Determinations and to Submit “e98’s”

- ◇ To facilitate contracting officers selecting the appropriate SCA wage determination, the WDOL website provides “decision tree” that leads the requester through a series of questions. Based upon the responses to these questions, the WDOL site will either identify an SCA wage determination or direct the requester to submit an e98.
- ◇ A direct link to the e98 site is provided. The WDOL site gives the requester the option of going directly to the e98 site without going through the “decision tree” wage determination selection process. If a contracting officer has any question regarding the selection of the proper SCA wage determination, the WDOL site directs the contracting officer to the e98.
- ◇ The WDOL website has a “User’s Guide” that includes a general overview and sections that focus on helpful information on SCA and DBA use of the website.
- ◇ As discussed previously, and as clearly indicated on the WDOL website, compliance with the decision tree selection process and the guidance provided by the User’s Guide does not relieve the contracting officer or other program user of the requirement to carefully review the contract or solicitation, the FAR (48 C.F.R., including any relevant FAR Supplement or other Federal agency acquisition regulations), or the DOL regulations related to these actions.
- ◇ To obtain the latest SCA wage determinations, click on the “Selecting SCA WDs” option. Respond to each SCA logic question beginning with the state and county until you have obtained the appropriate wage determination.
- ◇◇ For each area DOL issues two “standard” (or “consolidated”) prevailing wage determinations that are identical except for the fringe benefit requirements. Because the fringe benefit compliance standards are different, the two types of prevailing wage determinations are not interchangeable.
 - ◇◇◇ **ODD-NUMBERED** wage determinations (*e.g.*, 2007-2011) apply to most SCA contracts. These wage determinations require the contractor to satisfy the health and welfare fringe benefit requirements on a “fixed cost” per employee basis. Compliance must be calculated using all hours paid for (including paid time off) up to 40 hours a week, 2080 hours a year, and the contractor must meet the minimum fringe benefit requirement as specified by the wage determination for each individual employee.
 - ◇◇◇ **EVEN-NUMBERED** wage determinations (*e.g.*, 2005-2012) are to be applied only to contracts where an even-numbered SCA wage determination applied to the preceding contract of the same federal agency for the same services in the same location. These wage determinations allow the contractor to comply with the fringe benefit

requirement on an “average cost” basis, as discussed more fully in the “SCA Compliance Principles” section of this resource book.

- ◇◇ DOL issues “Non-Standard” SCA wage determinations to reflect prevailing wages and benefits in specific service industries in designated localities. In the WDOL SCA wage determination selection process, the user will be asked to determine if the contract services are "non-standard" as designated by DOL.
 - ◇◇◇ The menu will provide a drop-down listing of such designated Non-Standard services; the “Appendix A: SCA Non-Standard WDs” at <http://www.wdol.gov/usrguide/appdxa.html> also lists non-standard services.
 - ◇◇◇ “Non-Standard” wage determinations may not be used in contracts for services other than those specified in the “Non-Standard” wage determination description.
- ◇◇ If a contracting officer has determined that neither a “standard” wage determination nor a “non-standard” wage determination is appropriate for a particular contract action, the contracting officer should request an appropriate “contract specific” wage determination from DOL using the e98 system. **DOL has sole authority to determine the appropriate wage and fringe benefit rates for each contract action and will either issue a wage determination reflecting such rates or notify the contracting agency that there is no wage determination applicable to the contract.**
 - ◇◇◇ An example of a “contract-specific” wage determination is for a sole-source contract with a county, state or municipality where wages and benefits are already established. The SCA wage determination applicable to such a contract will be the rates established by the sole-source contractor. (Note that all sole-source contract actions are not subject to a “contract-specific” wage determination; only those contracts awarded to contractors similar to government organizations.)
- ◇◇ DOL issues wage determinations based on the provisions of section 4(c) of the SCA when certain criteria have been met. “4c” wage determinations recognize the wages and fringe benefits contained in a predecessor contractor’s CBA as the wage determination requirements for the successor contract period of performance. A “4c” wage determination can be created by a federal agency using the WDOL website, as described below, and may be obtained by interested parties from the contracting agency.

Examples of the WDOL “SELECTING SCA WDs” Process to Select and Obtain SCA Wage Determinations

- ◇ Following are examples that show the sequences of questions and answers that enable the wage determination selection system to provide users appropriate SCA wage determinations. Related “Wage Determination Sample Materials” are provided later in “SCA Wage Determinations” section of this resource book.
 - ◇◇ The first example shows a common sequence of “YES” and “NO” responses that take the WDOL user to a standard (consolidated) SCA wage determination that has the fixed, per hour, per employee fringe benefit.
 - ◇◇ The second shows a sequence of “YES” and “NO” responses involved in obtaining a non-standard classification prevailing wage determination.
 - ◇◇ The third shows the sequence for a “4(c)” wage determination.
 - ◇◇ Following is the e-98 request.

Example 1

Selecting SCA WDs

Select state & county where the services are to be performed then click Continue. If you do not find the locality listed, please request a WD by [e-98](#).

[WDOL User's Guide: Sec. B.5.a](#)

Texas ▼	Bexar ▼
<input type="button" value="Continue"/>	

Were these services previously performed at this locality under an SCA-Covered contract?

<input type="button" value="Yes"/>	<input type="button" value="No"/>
--> YES	

Are any of the employees performing work subject to a Collective Bargaining Agreement (CBA)?

[WDOL User's Guide: Sec. B.5.b.](#)

<input type="button" value="Yes"/>	<input type="button" value="No"/>
--> NO	

Are the contract services to be performed listed below as Non-Standard Services?

If so, high-light the service by clicking on it, and click "Yes". If the contract services are not listed below then click "No".

Aerial Photographers/Seeding/Spraying Services	▲
Aircraft Services (Large Multi-Engine Aircraft including CNET Postal Contracts)	▬
Auto Concession Services	▬
Baggage Inspection Services	▼

<input type="button" value="Yes"/>	<input type="button" value="No"/>
--> NO	

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SCA WAGE DETERMINATIONS

Description:

To see a description of each Non-Standard Service, please select it from the above drop-down list.

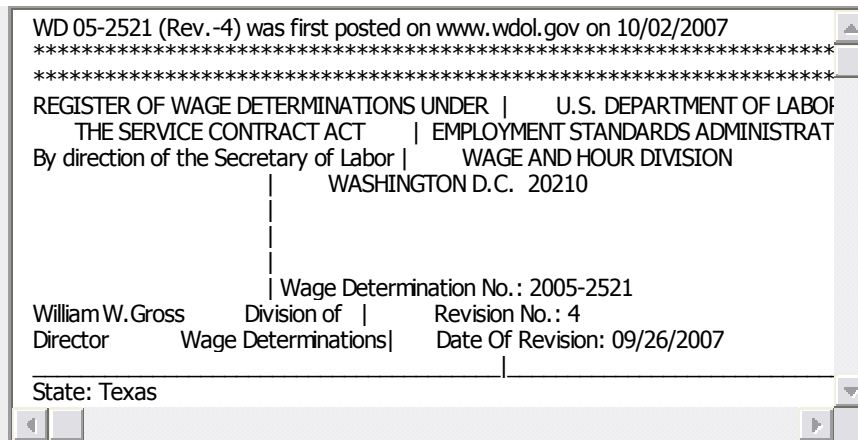


If the contract services are not listed as Non-Standard, or covered by the classifications listed on the Standard WD, the contracting officer must use the DOL [e-98](#) to request an appropriate SCA WD.

Were these services previously performed under an SCA wage determination that ends in an even number? Example: 1994-2104; or 1994-2114. [WDOL User's Guide: Sec. B.5.a.\(1\)](#)

--> **NO**

The Wage Determination you have requested is below.
Please scroll down to review the WD carefully to ensure that it is appropriate for the specific contract action.



[Printer Friendly Version](#)

[WDOL User's Guide Sec. B.6.f](#)

Clicking on “Printer Friendly Version” the user can obtain and print out the actual entire wage determination, as shown below.

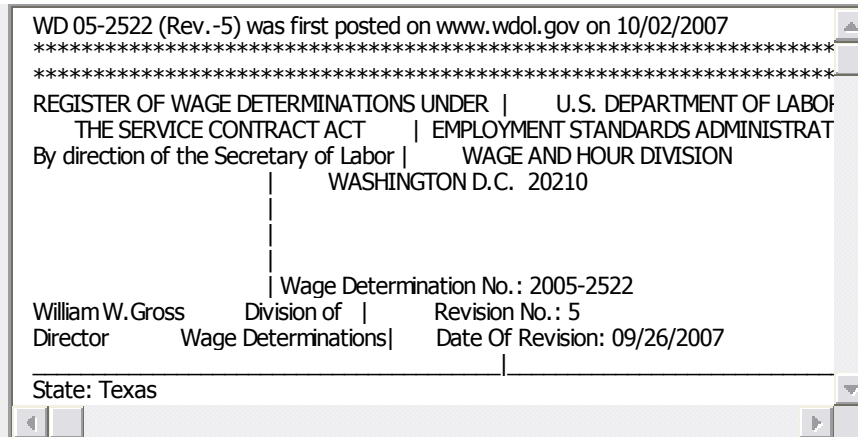
NOTE: Wage Determination No. 2005-2521, Revision No. 4, dated September 26, 2007, is generated by WDOL in response to the answers, shown above. In response to the question “Were these services previously performed under an SCA wage determination that ends in an even number?” the user answered “YES.” Therefore, the WDOL wage determination selection system provided an even numbered consolidated wage determination for the State/County identified by the user. As discussed previously, that wage determination has a “fixed cost” per employee H&W fringe benefit requirement.

If the user had instead answered the same question “NO” the WDOL wage determination selection process would have provided, instead, Wage Determination NO. 2005-2522, Revision No. 5, dated September 26, 2007. The classifications and wage requirements listed are identical. The difference is that Wage Determination NO. 2005-2522, issued on the same date for the same State/County has an “average cost” H&W fringe benefit requirement, for which the method of achieving compliance may be very different, as explained elsewhere in this chapter and in the chapter of this resource book entitled “SCA Compliance Principles.”

This illustrates the importance of users responding carefully to the questions in the WDOL decision tree for obtaining SCA wage determinations for use in SCA contracts.

The screen that would have led to the even-numbered wage determination – Wage Determination No 2005-2522, Revision 5, also dated September 26, 2007, for the same area is:

The Wage Determination you have requested is below.
Please scroll down to review the WD carefully to ensure that it is appropriate for the specific contract action.



[Printer Friendly Version](#)

[Sign Up for Alert Service](#)

[Find Another WD](#)

[Exit](#)

[WDOL User's Guide Sec. B.6.f](#)

See the H&W provisions in “Wage Determination Sample Materials” provided below.

Example 2

Selecting SCA WDs

Select state & county where the services are to be performed then click Continue.
If you do not find the locality listed, please request a WD by [e-98](#).

[WDOL User's Guide: Sec. B.5.a](#)

District of Columbia	▼	Statewide	▼
Continue			

Were these services previously performed at this locality under an SCA-Covered contract?

Yes	No	--> YES
---------------------	--------------------	----------------

Are any of the employees performing work subject to a Collective Bargaining Agreement (CBA)? [WDOL User's Guide: Sec. B.5.b](#).

Yes	No	--> NO
---------------------	--------------------	---------------

Are the contract services to be performed listed below as Non-Standard Services?
If so, high-light the service by clicking on it, and click "Yes". If the contract services are not listed below then click "No".

Hazardous Waste Pickup and Disposal Services (Material/Oil and Related Cleanup)	▲
Health Physics Technician Services	
Income Tax Preparation Services	
Moving and Storage Services	▼

Yes	No	--> YES
---------------------	--------------------	----------------

Description:

To see a description of each Non-Standard Service, please select it from the above drop-down list.



If the contract services are not listed as Non-Standard, or covered by the classifications listed on the Standard WD, the contracting officer must use the DOL [e-98](#) to request an appropriate SCA WD.

The Wage Determination you have requested is below.
Please scroll down to review the WD carefully to ensure that it is appropriate for the specific contract action.

WD 95-0819 (Rev. -20) was first posted on www.wdol.gov on 06/05/2007
 FL/HH/MS

 REGISTER OF WAGE DETERMINATIONS UNDER U.S. DEPARTMENT OF LABOR
 THE SERVICE CONTRACT ACT EMPLOYMENT STANDARDS ADMINISTRATIVE
 By direction of the Secretary of Labor WAGE AND HOUR DIVISION
 WASHINGTON, D.C. 20210

William W. Gross Division of Wage Wage Determination No: 1995-0819
 Director Determinations Revision No: 20
 Date Of Revision: 05/29/2007

 States: District of Columbia, Maryland, Virginia
 Area: District of Columbia Statewide

[Printer Friendly Version](#)

Sign Up for Alert Service Find Another WD Exit

[WDOL User's Guide Sec. B.6.f](#)

See WD No. 1995-1895 in the “Wage Determination Sample Materials” provided below.

Example 3

Selecting SCA WDs

Select state & county where the services are to be performed then click Continue.
If you do not find the locality listed, please request a WD by [e-98](#).

[WDOL User's Guide: Sec. B.5.a](#)

Texas	▼	Bexar	▼
Continue			

Were these services previously performed at this locality under an SCA-Covered contract?

Yes	No	--> YES
-----	----	---------

Are any of the employees performing work subject to a Collective Bargaining Agreement (CBA)?

[WDOL User's Guide: Sec. B.5.b.](#)





Yes	No	--> YES
-----	----	---------

NOTE: The format for a “4(c)” WD is shown in the “Wage Determination Sample Materials” at the end of this section of this resource book.

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SCA WAGE DETERMINATIONS

e98

<p>STANDARD FORM 98 ELECTRONIC VERSION</p>  <p>U.S. DEPARTMENT OF LABOR EMPLOYMENT STANDARDS ADMINISTRATION</p>	<p>NOTICE OF INTENTION TO MAKE A SERVICE CONTRACT AND RESPONSE TO NOTICE</p> <p>Click Here For Help With This Form</p>	<p>Rev. Feb. 1973 1. Notice No. TBA</p>
<p>Procurement Type <input type="text"/> If Sole Source type of procurement, name of organization agreement is with <input type="text"/></p>		
<p>2. Estimated Solicitation Date</p> <p><input type="text" value="mm/dd/yyyy"/> </p>	<p>3. Estimated Date Bids or Proposals to be Opened or Negotiations Begun</p> <p><input type="text" value="mm/dd/yyyy"/> </p>	<p>4. Date Contract Performance to Begin</p> <p><input type="text" value="mm/dd/yyyy"/> </p>
<p>5. Places of Performance</p> <p>State: <input type="text" value="None"/> Counties: <input type="text" value="-----"/> Counties Selected: <input type="text" value="-----"/></p>		
<p>6. Services to be Performed</p> <p><input type="text" value="Other"/></p>	<p>Description of Services to be Performed</p> <hr/> <p>JavaScript must be supported on enabled to submit SF98 forms.</p> <hr/> <p><input type="text"/></p> <hr/> <p>JavaScript must be supported on enabled to submit SF98 forms.</p> <hr/>	
<p>7. Information about Performance</p> <p>A. <input checked="" type="radio"/> Services now performed by contractors B. <input type="radio"/> Services now performed by Federal employees C. <input type="radio"/> Services not presently being performed</p>		
<p>If box A in item 7 is marked, complete item 8 as applicable. 8a. Name and Address of Incumbent Contractor</p>		

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SCA WAGE DETERMINATIONS

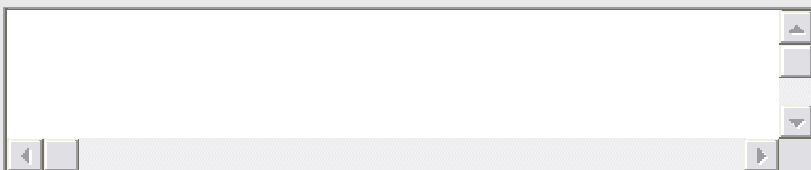
Number of Contractors: <input style="width: 30px; text-align: center;" type="text" value="0"/>	
8b. Year and Sequence Number of any wage determinations in incumbent's contracts	
Number of Wage Determinations: <input style="width: 30px; text-align: center;" type="text" value="0"/>	
8c. Name of Union if services are being performed under collective bargaining agreements	
Mail or email copies of current applicable collective bargaining agreements to DOL or include agreement information in the Comments Field below (15).	
Number of Unions: <input style="width: 30px; text-align: center;" type="text" value="0"/>	
9. Official Submitting Notice First Name: <input style="width: 150px;" type="text"/> Last Name: <input style="width: 150px;" type="text"/> Email: <input style="width: 150px;" type="text"/> Phone: <input style="width: 60px;" type="text"/> Ext: <input style="width: 40px;" type="text"/> Fax: <input style="width: 80px;" type="text"/> Date: 11/15/2007	10. Department, Agency, Bureau, or Division <input style="width: 100%; border: 1px solid black;" type="text" value="Bureau of Reclamation"/> 11. Name and address of contact person Name: <input style="width: 180px;" type="text"/> Address: <input style="width: 180px;" type="text"/> City: <input style="width: 100px;" type="text"/> State: <input style="width: 50px;" type="text"/> <input style="width: 20px;" type="text" value="▼"/> Zip: <input style="width: 80px;" type="text"/>
Standard Occupations	
Number of Standard Occupations: <input style="width: 30px; text-align: center;" type="text" value="0"/>	
Non Standard Occupations	

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Number of Non-Standard Occupations:

15. Comments



For help with the SF-98 Form
please contact the Wage and Hour Division at
(202) 357-0600.
Help Desk is open Monday through Friday, 8:00 AM until 5:00 PM EST.

CONTENTS OF AN SCA WAGE DETERMINATION

- ◇ Each wage determination developed and issued by the WHD contains the “Register of Wage Determinations” which is the official documentation of issuance by DOL.
- ◇ **“Consolidated” prevailing wage determinations** are most frequently issued and applied to SCA-covered contracts. These wage determinations contain the following types of information:
 - ◇◇ Wage Determination Number – is generally eight digits and will start with 2005-2xxx or 2005-3xxx (previously issued using 1994-2xxx or 1994-3xxx). Note: Two identical wage determinations are issued for each locality except for the fringe benefit requirements.
 - ◇◇◇ **Odd-number** wage determinations require compliance of its health and welfare fringe benefits on a “fixed cost” per employee basis. These apply most frequently.
 - ◇◇◇ **Even-number** wage determinations require compliance of its health and welfare fringe benefits on an “average cost” basis. Since June 1997, the WHD has issued such wage determinations only for successor contracts. Thus, agencies should use even-numbered wage determinations – only when a bid solicitation (or RFP) succeeds a contract that previously contained the “average cost” fringe benefit compliance requirement.
 - ◇◇◇ See the “SCA Compliance Principles” section of this resource book for information on how to comply with each of these fringe benefit requirements.
 - ◇◇ Revision No. – is assigned when the wage determination is modified.
 - ◇◇ Date of Revision – date wage determination was issued by the WHD. This date does not necessarily reflect the effective date of the wage determination in any particular contract.
 - ◇◇ Locality – each wage determination will specify the geographic scope usually by state and county.
 - ◇◇ Occupations – “consolidated” wage determinations list approximately 300 occupations in 21 broad occupational categories (*e.g.*, “Administrative Support and Clerical Occupations”) that are contained in the *SCA Directory of Occupations*.

- ◇◇ Wage Rates – are specified for each occupation listed in the wage determination and are the minimum rates that must be paid to service employees working on the contract.
 - ◇◇◇ The wage rates and fringe benefits in “prevailing in the locality” wage determinations are based on the wages and fringe benefits determined to prevail in the locality where the place of contract performance is located. The best available information is used to determine what is prevailing, while giving due consideration to federal wage rates that would apply if the workers were direct-hire federal employees.
- ◇◇ Health and Welfare Fringe Benefits – required by the wage determination for all occupations are specified in a footnote that follows the schedule of wage rates for the various occupations listed in the wage determination.
 - ◇◇◇ The footnote for the “**Fixed cost**” per employee health and welfare fringe benefit requirement is a single line specifying hourly, weekly, and monthly contribution amounts. For example:

HEALTH & WELFARE: \$3.35 per hour or \$134.00 per week or \$580.66 per month.
 - ◇◇◇ The footnote for the “**Average cost**” health and welfare fringe benefit requirement is a brief paragraph listing types of benefits and an hourly contribution amount. For example:

HEALTH & WELFARE: Life, accident, and health insurance plans, sick leave, pension plans, civic and personal leave, severance pay, and savings and thrift plans. Minimum employer contributions must cost an average of \$3.35 per hour computed on the basis of all hours worked by service employees employed on the contract.
- ◇◇ **Paid Vacation Benefits** – are specified in a footnote following the health and welfare fringe benefits footnote. Vacation benefits vary from locality to locality and by total length of service of the service employee with the current contractor and any predecessor contractor(s).
- ◇◇ **Paid Holiday Benefits** – are specified in a footnote following the vacation benefits footnote.
- ◇◇ Remaining footnotes include:
 - ◇◇◇ Specific occupational footnotes;
 - ◇◇◇ Hazardous Pay Differential;

- ◇◇◇ Uniform Allowance;
 - ◇◇◇ SCA Directory, which edition applies and how to obtain a copy; and,
 - ◇◇◇ Request for Authorization of Additional Classification and Wage Rate (SF 1444)
- ◇ **“Non-standard” prevailing wage determinations** – have most of the same information as the standard or “consolidated” wage determinations.
- ◇◇ Non-standard wage determinations are issued for specific contracts or types of contracts and may be based on different data sources that may be industry specific, often cover different geographic areas that may be either narrower or broader than the standard wage determinations for the area (*e.g.*, the non-standard wage determination may apply only to a specific contract or federal facility rather than the broader geographic area listed on the standard wage determination.
 - ◇◇ Conversely, the non-standard wage determination may apply statewide or regionwide as opposed to the smaller groups of counties listed on the standard (“consolidated”) wage determinations for that area that cover occupations listed in the *SCA Directory of Occupations*.
 - ◇◇ Non-standard wage determinations have numbers that reflect the year the wage determination was first issued. For example, a non-standard wage determination for “Forestry Services” covers the State of Alabama and carries a wage determination number of 2002-0147 Revision No. 10.
- ◇ **Section 4(c) “Successorship” Wage Determinations** – reflect the predecessor contractor’s CBA wage rates and fringe benefits and are issued only when certain criteria are met.
- ◇◇ These wage determinations are “short form,” *i.e.*, they identify the specific contract, locality, the parties signatory to the CBA, and a brief statement regarding the application of section 4(c) to the contract.
 - ◇◇ If the wage determination is issued by DOL, it will include an eight digit wage determination number starting with the year of first issuance (*e.g.*, 2007-0248 (Revision No. 1). If the “successorship” wage determination is issued by the contracting agency via the wdol.gov website, it will include the letters “CBA” in the wage determination number, and the WHD will not have a copy of it on file.
 - ◇◇ The wage and fringe benefits required under “4(c)” CBA “successorship” wage determinations are based on the wage rates and fringe benefits, including any accrued and prospective increases, contained in a predecessor or incumbent contractor’s CBA.

◇◇ *See* SCA § 4(c) and 29 C.F.R. §§ 4.1(b) and 4.163.

◇ **Note:** **Compliance with the SCA is determined by the wage determination contained in the federal service contract.**

WAGE DETERMINATION SAMPLE MATERIALS

Excerpts from WD Nos. 2005-2521 & 2005-2522

(1ST page and last 3 pages of each, showing footnotes: H&W different)

&

WD No. 95-0819 (Rev.-20)

(An example of a WD for non-standard classifications)

&

“4(c)” WD Format

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WD 05-2521 (Rev.-4) was first posted on www.wdol.gov on 10/02/2007

REGISTER OF WAGE DETERMINATIONS UNDER		U.S. DEPARTMENT OF LABOR
THE SERVICE CONTRACT ACT		EMPLOYMENT STANDARDS ADMINISTRATION
By direction of the Secretary of Labor		WAGE AND HOUR DIVISION
		WASHINGTON D.C. 20210
		Wage Determination No.: 2005-2521
William W.Gross	Division of	Revision No.: 4
Director	Wage Determinations	Date Of Revision: 09/26/2007

State: Texas

Area: Texas Counties of Atascosa, Bandera, Bexar, Comal, De Witt, Edwards, Gillespie, Gonzales, Guadalupe, Karnes, Kendall, Kerr, Kinney, McMullen, Medina, Real, Uvalde, Val Verde, Wilson

****Fringe Benefits Required Follow the Occupational Listing****

OCCUPATION CODE - TITLE	MINIMUM WAGE RATE
01000 - Administrative Support And Clerical Occupations	
01011 - Accounting Clerk I	12.58
01012 - Accounting Clerk II	14.11
01013 - Accounting Clerk III	15.78
01020 - Administrative Assistant	19.97
01040 - Court Reporter	16.64
01051 - Data Entry Operator I	10.73
01052 - Data Entry Operator II	11.72
01060 - Dispatcher, Motor Vehicle	15.18
01070 - Document Preparation Clerk	12.10
01090 - Duplicating Machine Operator	12.10
01111 - General Clerk I	10.45
01112 - General Clerk II	12.10
01113 - General Clerk III	15.45
01120 - Housing Referral Assistant	18.16
01141 - Messenger Courier	9.73
01191 - Order Clerk I	10.97
01192 - Order Clerk II	12.73
01261 - Personnel Assistant (Employment) I	14.73
01262 - Personnel Assistant (Employment) II	16.48
01263 - Personnel Assistant (Employment) III	18.38
01270 - Production Control Clerk	16.98
01280 - Receptionist	9.83
01290 - Rental Clerk	13.43
01300 - Scheduler, Maintenance	14.56
01311 - Secretary I	14.56
01312 - Secretary II	16.29
01313 - Secretary III	18.16
01320 - Service Order Dispatcher	13.44
01410 - Supply Technician	19.97
01420 - Survey Worker	15.14
01531 - Travel Clerk I	11.01
01532 - Travel Clerk II	11.72
01533 - Travel Clerk III	12.31
01611 - Word Processor I	12.30

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SCA WAGE DETERMINATIONS

31290 - Shuttle Bus Driver	12.89
31310 - Taxi Driver	10.81
31361 - Truckdriver, Light	12.89
31362 - Truckdriver, Medium	13.70
31363 - Truckdriver, Heavy	16.02
31364 - Truckdriver, Tractor-Trailer	16.02
99000 - Miscellaneous Occupations	
99030 - Cashier	8.58
99050 - Desk Clerk	8.80
99095 - Embalmer	16.85
99251 - Laboratory Animal Caretaker I	9.59
99252 - Laboratory Animal Caretaker II	10.32
99310 - Mortician	22.43
99410 - Pest Controller	14.42
99510 - Photofinishing Worker	10.76
99710 - Recycling Laborer	10.30
99711 - Recycling Specialist	11.14
99730 - Refuse Collector	9.36
99810 - Sales Clerk	10.73
99820 - School Crossing Guard	10.46
99830 - Survey Party Chief	16.24
99831 - Surveying Aide	11.32
99832 - Surveying Technician	13.52
99840 - Vending Machine Attendant	8.88
99841 - Vending Machine Repairer	10.58
99842 - Vending Machine Repairer Helper	8.88

ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:

HEALTH & WELFARE: \$3.16 per hour or \$126.40 per week or \$547.73 per month

VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 5 years, and 4 weeks after 15 years. Length of service includes the whole span of continuous service with the present contractor or successor, wherever employed, and with the predecessor contractors in the performance of similar work at the same Federal facility. (Reg. 29 CFR 4.173)

HOLIDAYS: A minimum of ten paid holidays per year, New Year's Day, Martin Luther King Jr's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. (A contractor may substitute for any of the named holidays another day off with pay in accordance with a plan communicated to the employees involved.) (See 29 CFR 4174)

THE OCCUPATIONS WHICH HAVE PARENTHESES AFTER THEM RECEIVE THE FOLLOWING BENEFITS (as numbered):

- 1) Does not apply to employees employed in a bona fide executive, administrative, or professional capacity as defined and delineated in 29 CFR 541. (See CFR 4.156)
- 2) APPLICABLE TO AIR TRAFFIC CONTROLLERS ONLY - NIGHT DIFFERENTIAL: An employee is entitled to pay for all work performed between the hours of 6:00 P.M. and 6:00 A.M. at the rate of basic pay plus a night pay differential amounting to 10 percent of the rate of basic pay.
- 3) AIR TRAFFIC CONTROLLERS AND WEATHER OBSERVERS - NIGHT PAY & SUNDAY PAY: If you work at night as part of a regular tour of duty, you will earn a night differential and receive an additional 10% of basic pay for any hours worked between 6pm and 6am.

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If you are a full-time employed (40 hours a week) and Sunday is part of your regularly scheduled workweek, you are paid at your rate of basic pay plus a Sunday premium of 25% of your basic rate for each hour of Sunday work which is not overtime (i.e. occasional work on Sunday outside the normal tour of duty is considered overtime work).

HAZARDOUS PAY DIFFERENTIAL: An 8 percent differential is applicable to employees employed in a position that represents a high degree of hazard when working with or in close proximity to ordnance, explosives, and incendiary materials. This includes work such as screening, blending, dying, mixing, and pressing of sensitive ordnance, explosives, and pyrotechnic compositions such as lead azide, black powder and photoflash powder. All dry-house activities involving propellants or explosives. Demilitarization, modification, renovation, demolition, and maintenance operations on sensitive ordnance, explosives and incendiary materials. All operations involving regrading and cleaning of artillery ranges.

A 4 percent differential is applicable to employees employed in a position that represents a low degree of hazard when working with, or in close proximity to ordnance, (or employees possibly adjacent to) explosives and incendiary materials which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation, irritation of the skin, minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used. All operations involving, unloading, storage, and hauling of ordnance, explosive, and incendiary ordnance material other than small arms ammunition. These differentials are only applicable to work that has been specifically designated by the agency for ordnance, explosives, and incendiary material differential pay.

**** UNIFORM ALLOWANCE ****

If employees are required to wear uniforms in the performance of this contract (either by the terms of the Government contract, by the employer, by the state or local law, etc.), the cost of furnishing such uniforms and maintaining (by laundering or dry cleaning) such uniforms is an expense that may not be borne by an employee where such cost reduces the hourly rate below that required by the wage determination. The Department of Labor will accept payment in accordance with the following standards as compliance:

The contractor or subcontractor is required to furnish all employees with an adequate number of uniforms without cost or to reimburse employees for the actual cost of the uniforms. In addition, where uniform cleaning and maintenance is made the responsibility of the employee, all contractors and subcontractors subject to this wage determination shall (in the absence of a bona fide collective bargaining agreement providing for a different amount, or the furnishing of contrary affirmative proof as to the actual cost), reimburse all employees for such cleaning and maintenance at a rate of \$3.35 per week (or \$.67 cents per day). However, in those instances where the uniforms furnished are made of "wash and wear" materials, may be routinely washed and dried with other personal garments, and do not require any special treatment such as dry cleaning, daily washing, or commercial laundering in order to meet the cleanliness or appearance standards set by the terms of the Government contract, by the contractor, by law, or by the nature of the work, there is no requirement that employees be reimbursed for uniform maintenance costs.

The duties of employees under job titles listed are those described in the "Service Contract Act Directory of Occupations", Fifth Edition, April 2006, unless otherwise indicated. Copies of the Directory are available on the Internet. A links to the Directory may be found on the WHD home page at <http://www.dol.gov/whd/> or through the Wage Determinations On-Line (WDOL) Web site at <http://wdol.gov/>.

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND WAGE RATE {Standard Form

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PREVAILING WAGE RESOURCE BOOK 2010**

SCA WAGE DETERMINATIONS

1444 (SF 1444)}

Conformance Process:

The contracting officer shall require that any class of service employee which is not listed herein and which is to be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination), be classified by the contractor so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed classes of employees shall be paid the monetary wages and furnished the fringe benefits as are determined. Such conforming process shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees. The conformed classification, wage rate, and/or fringe benefits shall be retroactive to the commencement date of the contract. {See Section 4.6 (C) (vi)} When multiple wage determinations are included in a contract, a separate SF 1444 should be prepared for each wage determination to which a class(es) is to be conformed.

The process for preparing a conformance request is as follows:

- 1) When preparing the bid, the contractor identifies the need for a conformed (occupation) and computes a proposed rate).
- 2) After contract award, the contractor prepares a written report listing in order (proposed classification title), a Federal grade equivalency (FGE) for each proposed classification), job description), and rationale for proposed wage rate), including information regarding the agreement or disagreement of the authorized representative of the employees involved, or where there is no authorized representative, the employees themselves. This report should be submitted to the contracting officer no later than 30 days after such unlisted class(es) of employees performs any contract work.
- 3) The contracting officer reviews the proposed action and promptly submits a report of the action, together with the agency's recommendations and pertinent information including the position of the contractor and the employees, to the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, for review. (See section 4.6(b)(2) of Regulations 29 CFR Part 4).
- 4) Within 30 days of receipt, the Wage and Hour Division approves, modifies, or disapproves the action via transmittal to the agency contracting officer, or notifies the contracting officer that additional time will be required to process the request.
- 5) The contracting officer transmits the Wage and Hour decision to the contractor.
- 6) The contractor informs the affected employees.

Information required by the Regulations must be submitted on SF 1444 or bond paper.

When preparing a conformance request, the "Service Contract Act Directory of Occupations" (the Directory) should be used to compare job definitions to insure that duties requested are not performed by a classification already listed in the wage determination. Remember, it is not the job title, but the required tasks that determine whether a class is included in an established wage determination. Conformances may not be used to artificially split, combine, or subdivide classifications listed in the wage determination.

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SCA WAGE DETERMINATIONS

WD 05-2522 (Rev.-5) was first posted on www.wdol.gov on 10/02/2007

REGISTER OF WAGE DETERMINATIONS UNDER		U.S. DEPARTMENT OF LABOR
THE SERVICE CONTRACT ACT		EMPLOYMENT STANDARDS ADMINISTRATION
By direction of the Secretary of Labor		WAGE AND HOUR DIVISION
		WASHINGTON D.C. 20210
		Wage Determination No.: 2005-2522
William W.Gross	Division of	Revision No.: 5
Director	Wage Determinations	Date Of Revision: 09/26/2007

State: Texas

Area: Texas Counties of Atascosa, Bandera, Bexar, Comal, De Witt, Edwards, Gillespie, Gonzales, Guadalupe, Karnes, Kendall, Kerr, Kinney, McMullen, Medina, Real, Uvalde, Val Verde, Wilson

****Fringe Benefits Required Follow the Occupational Listing****

OCCUPATION CODE - TITLE	MINIMUM WAGE RATE
01000 - Administrative Support And Clerical Occupations	
01011 - Accounting Clerk I	12.58
01012 - Accounting Clerk II	14.11
01013 - Accounting Clerk III	15.78
01020 - Administrative Assistant	19.97
01040 - Court Reporter	16.64
01051 - Data Entry Operator I	10.73
01052 - Data Entry Operator II	11.72
01060 - Dispatcher, Motor Vehicle	15.18
01070 - Document Preparation Clerk	12.10
01090 - Duplicating Machine Operator	12.10
01111 - General Clerk I	10.45
01112 - General Clerk II	12.10
01113 - General Clerk III	15.45
01120 - Housing Referral Assistant	18.16
01141 - Messenger Courier	9.73
01191 - Order Clerk I	10.97
01192 - Order Clerk II	12.73
01261 - Personnel Assistant (Employment) I	14.73
01262 - Personnel Assistant (Employment) II	16.48
01263 - Personnel Assistant (Employment) III	18.38
01270 - Production Control Clerk	16.98
01280 - Receptionist	9.83
01290 - Rental Clerk	13.43
01300 - Scheduler, Maintenance	14.56
01311 - Secretary I	14.56
01312 - Secretary II	16.29
01313 - Secretary III	18.16
01320 - Service Order Dispatcher	13.44
01410 - Supply Technician	19.97
01420 - Survey Worker	15.14
01531 - Travel Clerk I	11.04
01532 - Travel Clerk II	11.72
01533 - Travel Clerk III	12.31
01611 - Word Processor I	12.30

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31290 - Shuttle Bus Driver	12.89
31310 - Taxi Driver	10.81
31361 - Truckdriver, Light	12.89
31362 - Truckdriver, Medium	13.70
31363 - Truckdriver, Heavy	16.02
31364 - Truckdriver, Tractor-Trailer	16.02
99000 - Miscellaneous Occupations	
99030 - Cashier	8.58
99050 - Desk Clerk	8.80
99095 - Embalmer	16.85
99251 - Laboratory Animal Caretaker I	9.59
99252 - Laboratory Animal Caretaker II	10.32
99310 - Mortician	22.43
99410 - Pest Controller	14.42
99510 - Photofinishing Worker	10.76
99710 - Recycling Laborer	10.30
99711 - Recycling Specialist	11.14
99730 - Refuse Collector	9.36
99810 - Sales Clerk	10.73
99820 - School Crossing Guard	10.46
99830 - Survey Party Chief	16.24
99831 - Surveying Aide	11.32
99832 - Surveying Technician	13.52
99840 - Vending Machine Attendant	8.88
99841 - Vending Machine Repairer	10.58
99842 - Vending Machine Repairer Helper	8.88

ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:

HEALTH & WELFARE: Life, accident, and health insurance plans, sick leave, pension plans, civic and personal leave, severance pay, and savings and thrift plans. Minimum employer contributions costing an average of \$3.16 per hour computed on the basis of all hours worked by service employees employed on the contract.

VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 5 years, and 4 weeks after 15 years. Length of service includes the whole span of continuous service with the present contractor or successor, wherever employed, and with the predecessor contractors in the performance of similar work at the same Federal facility. (Reg. 29 CFR 4.173)

HOLIDAYS: A minimum of ten paid holidays per year, New Year's Day, Martin Luther King Jr's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. (A contractor may substitute for any of the named holidays another day off with pay in accordance with a plan communicated to the employees involved.) (See 29 CFR 4174)

THE OCCUPATIONS WHICH HAVE PARENTHESES AFTER THEM RECEIVE THE FOLLOWING BENEFITS (as numbered):

- 1) Does not apply to employees employed in a bona fide executive, administrative, or professional capacity as defined and delineated in 29 CFR 541. (See CFR 4.156)
- 2) APPLICABLE TO AIR TRAFFIC CONTROLLERS ONLY - NIGHT DIFFERENTIAL: An employee is entitled to pay for all work performed between the hours of 6:00 P.M. and 6:00 A.M. at the rate of basic pay plus a night pay differential amounting to 10 percent of the rate of basic pay.

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3) AIR TRAFFIC CONTROLLERS AND WEATHER OBSERVERS - NIGHT PAY & SUNDAY PAY: If you work at night as part of a regular tour of duty, you will earn a night differential and receive an additional 10% of basic pay for any hours worked between 6pm and 6am.

If you are a full-time employed (40 hours a week) and Sunday is part of your regularly scheduled workweek, you are paid at your rate of basic pay plus a Sunday premium of 25% of your basic rate for each hour of Sunday work which is not overtime (i.e. occasional work on Sunday outside the normal tour of duty is considered overtime work).

HAZARDOUS PAY DIFFERENTIAL: An 8 percent differential is applicable to employees employed in a position that represents a high degree of hazard when working with or in close proximity to ordnance, explosives, and incendiary materials. This includes work such as screening, blending, dying, mixing, and pressing of sensitive ordnance, explosives, and pyrotechnic compositions such as lead azide, black powder and photoflash powder. All dry-house activities involving propellants or explosives. Demilitarization, modification, renovation, demolition, and maintenance operations on sensitive ordnance, explosives and incendiary materials. All operations involving regrading and cleaning of artillery ranges.

A 4 percent differential is applicable to employees employed in a position that represents a low degree of hazard when working with, or in close proximity to ordnance, (or employees possibly adjacent to) explosives and incendiary materials which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation, irritation of the skin, minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used. All operations involving, unloading, storage, and hauling of ordnance, explosive, and incendiary ordnance material other than small arms ammunition. These differentials are only applicable to work that has been specifically designated by the agency for ordnance, explosives, and incendiary material differential pay.

**** UNIFORM ALLOWANCE ****

If employees are required to wear uniforms in the performance of this contract (either by the terms of the Government contract, by the employer, by the state or local law, etc.), the cost of furnishing such uniforms and maintaining (by laundering or dry cleaning) such uniforms is an expense that may not be borne by an employee where such cost reduces the hourly rate below that required by the wage determination. The Department of Labor will accept payment in accordance with the following standards as compliance:

The contractor or subcontractor is required to furnish all employees with an adequate number of uniforms without cost or to reimburse employees for the actual cost of the uniforms. In addition, where uniform cleaning and maintenance is made the responsibility of the employee, all contractors and subcontractors subject to this wage determination shall (in the absence of a bona fide collective bargaining agreement providing for a different amount, or the furnishing of contrary affirmative proof as to the actual cost), reimburse all employees for such cleaning and maintenance at a rate of \$3.35 per week (or \$.67 cents per day). However, in those instances where the uniforms furnished are made of "wash and wear" materials, may be routinely washed and dried with other personal garments, and do not require any special treatment such as dry cleaning, daily washing, or commercial laundering in order to meet the cleanliness or appearance standards set by the terms of the Government contract, by the contractor, by law, or by the nature of the work, there is no requirement that employees be reimbursed for uniform maintenance costs.

The duties of employees under job titles listed are those described in the "Service Contract Act Directory of Occupations", Fifth Edition, April 2006, unless otherwise indicated. Copies of the Directory are available on the Internet. A links to the Directory may be found on the WHD home page at <http://www.dol.gov/whd/> or through the Wage Determinations On-Line (WDOL) Web

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site at <http://wdol.gov/>.

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND WAGE RATE {Standard Form 1444 (SF 1444)}

Conformance Process:

The contracting officer shall require that any class of service employee which is not listed herein and which is to be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination), be classified by the contractor so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed classes of employees shall be paid the monetary wages and furnished the fringe benefits as are determined. Such conforming process shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees. The conformed classification, wage rate, and/or fringe benefits shall be retroactive to the commencement date of the contract. {See Section 4.6 (C) (vi)} When multiple wage determinations are included in a contract, a separate SF 1444 should be prepared for each wage determination to which a class(es) is to be conformed.

The process for preparing a conformance request is as follows:

- 1) When preparing the bid, the contractor identifies the need for a conformed occupation) and computes a proposed rate).
- 2) After contract award, the contractor prepares a written report listing in order proposed classification title), a Federal grade equivalency (FGE) for each proposed classification), job description), and rationale for proposed wage rate), including information regarding the agreement or disagreement of the authorized representative of the employees involved, or where there is no authorized representative, the employees themselves. This report should be submitted to the contracting officer no later than 30 days after such unlisted class(es) of employees performs any contract work.
- 3) The contracting officer reviews the proposed action and promptly submits a report of the action, together with the agency's recommendations and pertinent information including the position of the contractor and the employees, to the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, for review. (See section 4.6(b) (2) of Regulations 29 CFR Part 4).
- 4) Within 30 days of receipt, the Wage and Hour Division approves, modifies, or disapproves the action via transmittal to the agency contracting officer, or notifies the contracting officer that additional time will be required to process the request.
- 5) The contracting officer transmits the Wage and Hour decision to the contractor.
- 6) The contractor informs the affected employees.

Information required by the Regulations must be submitted on SF 1444 or bond paper.

When preparing a conformance request, the "Service Contract Act Directory of Occupations" (the Directory) should be used to compare job definitions to insure that duties requested are not performed by a classification already listed in the wage determination. Remember, it is not the job title, but the required tasks that determine whether a class is included in an established wage determination. Conformances may not be used to artificially split, combine, or subdivide classifications listed in the wage determination.

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PREVAILING WAGE RESOURCE BOOK 2010**

SCA WAGE DETERMINATIONS

WD 95-0819 (Rev.-20) was first posted on www.wdol.gov on 06/05/2007

FL/HH/MS

REGISTER OF WAGE DETERMINATIONS UNDER ³ U.S. DEPARTMENT OF LABOR
THE SERVICE CONTRACT ACT ³ EMPLOYMENT STANDARDS ADMINISTRATION
By direction of the Secretary of Labor ³ WAGE AND HOUR DIVISION
³ WASHINGTON, D.C. 20210
³
³

William W. Gross Division of Wage Wage Determination No: 1995-0819
Director Determinations Revision No: 20
³ Date Of Revision: 05/29/2007
³

States: District of Columbia, Maryland, Virginia
Area: District of Columbia Statewide
Maryland Counties of Calvert, Charles, Frederick, Montgomery, Prince George's,
St Mary's
Virginia Counties of Alexandria, Arlington, Fairfax, Falls Church, Fauquier,
King George, Loudoun, Prince William, Stafford

Fringe Benefits Required Follow the Occupational Listing

OCCUPATION CODE - TITLE MINIMUM WAGE RATE

Food & Lodging:

(not set)	- Food Service Worker	8.51
07041	- Cook I	10.93
07042	- Cook II	13.14
07070	- Dishwasher	7.78
07250	- Waiter/Waitress	7.78
11060	- Elevator Operator	7.78
11210	- Laborer, Grounds Maintenance	8.51
11240	- Maid or Houseman	8.51
99030	- Cashier	8.51
99050	- Desk Clerk (1)	8.51

Halfway House & Residential Community Treatment:

(not set)	- Food Service Worker	8.51
(not set)	- Secretary	12.13
01011	- Accounting Clerk I	10.48
01012	- Accounting Clerk II	11.29
01115	- General Clerk I	9.72
01611	- Word Processor I	9.72
07041	- Cook I	10.93
07042	- Cook II	13.14
07070	- Dishwasher	7.78
11150	- Janitor	8.51
11210	- Laborer, Grounds Maintenance	8.51
11240	- Maid or Houseman	8.51
23370	- General Maintenance Worker	11.73
27101	- Guard I	9.58
27102	- Guard II	10.24
99050	- Desk Clerk (1)	9.72

Moving & Storage:

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21040	- Material Handling Laborer	9.33
21071	- Forklift Operator	10.93
21130	- Shipping Packer	10.93
21400	- Warehouse Specialist	10.93
31361	- Truckdriver, Light Truck	10.93
31362	- Truckdriver, Medium Truck	11.73
31363	- Truckdriver, Heavy Truck	12.43
31364	- Truckdriver, Tractor-Trailer	13.14

ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:

HEALTH & WELFARE: \$3.16 per hour or \$126.40 per week or \$547.73 per month

VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 5 years, and 4 weeks after 15 years. Length of service includes the whole span of continuous service with the present contractor or successor, wherever employed, and with the predecessor contractors in the performance of similar work at the same Federal facility. (Reg. 29 CFR 4.173)

HOLIDAYS: A minimum of ten paid holidays per year: New Year's Day, Martin Luther King Jr.'s Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. (A contractor may substitute for any of the named holidays another day off with pay in accordance with a plan communicated to the employees involved.) (See 29 CFR 4.174)

THE OCCUPATIONS WHICH HAVE PARENTHESES AFTER THEM RECEIVE THE FOLLOWING BENEFITS (as numbered):

1) Rates are applicable only under the appropriate occupational category.

**** UNIFORM ALLOWANCE ****

If employees are required to wear uniforms in the performance of this contract (either by the terms of the Government contract, by the employer, by the state or local law, etc.), the cost of furnishing such uniforms and maintaining (by laundering or dry cleaning) such uniforms is an expense that may not be borne by an employee where such cost reduces the hourly rate below that required by the wage determination. The Department of Labor will accept payment in accordance with the following standards as compliance:

The contractor or subcontractor is required to furnish all employees with an adequate number of uniforms without cost or to reimburse employees for the actual cost of the uniforms. In addition, where uniform cleaning and maintenance is made the responsibility of the employee, all contractors and subcontractors subject to this wage determination shall (in the absence of a bona fide collective bargaining agreement providing for a different amount, or the furnishing of contrary affirmative proof as to the actual cost), reimburse all employees for such cleaning and maintenance at a rate of \$3.35 per week (or \$.67 cents per day). However, in those instances where the uniforms furnished are made of "wash and wear" materials, may be routinely washed and dried with other personal garments, and do not require any special treatment such as dry cleaning, daily washing, or commercial laundering in order to meet the cleanliness or appearance standards set by the terms of the Government contract, by the contractor, by law, or by the nature of the work, there is no requirement that employees be reimbursed for uniform maintenance costs.

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**** NOTES APPLYING TO THIS WAGE DETERMINATION ****

Under the policy and guidance contained in All Agency Memorandum No. 159, the Wage and Hour Division does not recognize, for section 4(c) purposes, prospective wage rates and fringe benefit provisions that are effective only upon such contingencies as "approval of Wage and Hour, issuance of a wage determination, incorporation of the wage determination in the contract, adjusting the contract price, etc." (The relevant CBA section) in the collective bargaining agreement between (the parties) contains contingency language that Wage and Hour does not recognize as reflecting "arm's length negotiation" under section 4(c) of the Act and 29 C.F.R. 5.11(a) of the regulations. This wage determination therefore reflects the actual CBA wage rates and fringe benefits paid under the predecessor contract.

Source of Occupational Title and Descriptions:

The duties of employees under job titles listed are those described in the "Service Contract Act Directory of Occupations," Fourth Edition, January 1993, as amended by the Third Supplement, dated March 1997, unless otherwise indicated. This publication may be obtained from the Superintendent of Documents, at 202-783-3238, or by writing to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Copies of specific job descriptions may also be obtained from the appropriate contracting officer.

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND WAGE RATE {Standard Form 1444 (SF 1444)}

Conformance Process:

The contracting officer shall require that any class of service employee which is not listed herein and which is to be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination), be classified by the contractor so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed classes of employees shall be paid the monetary wages and furnished the fringe benefits as are determined. Such conforming process shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees. The conformed classification, wage rate, and/or fringe benefits shall be retroactive to the commencement date of the contract. {See Section 4.6 (C) (vi)} When multiple wage determinations are included in a contract, a separate SF 1444 should be prepared for each wage determination to which a class(es) is to be conformed.

The process for preparing a conformance request is as follows:

- 1) When preparing the bid, the contractor identifies the need for a conformed occupation(s) and computes a proposed rate(s).
- 2) After contract award, the contractor prepares a written report listing in order proposed classification title(s), a Federal grade equivalency (FGE) for each proposed classification(s), job description(s), and rationale for proposed wage rate(s), including information regarding the agreement or disagreement of the authorized representative of the employees involved, or where there is no authorized representative, the employees themselves. This report should be submitted to the contracting officer no later than 30 days after such unlisted class(es) of employees performs any contract work.

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3) The contracting officer reviews the proposed action and promptly submits a report of the action, together with the agency's recommendations and pertinent information including the position of the contractor and the employees, to the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, for review. (See section 4.6(b)(2) of Regulations 29 CFR Part 4).

4) Within 30 days of receipt, the Wage and Hour Division approves, modifies, or disapproves the action via transmittal to the agency contracting officer, or notifies the contracting officer that additional time will be required to process the request.

5) The contracting officer transmits the Wage and Hour decision to the contractor.

6) The contractor informs the affected employees.

Information required by the Regulations must be submitted on SF 1444 or bond paper.

When preparing a conformance request, the "Service Contract Act Directory of Occupations" (the Directory) should be used to compare job definitions to insure that duties requested are not performed by a classification already listed in the wage determination. Remember, it is not the job title, but the required tasks that determine whether a class is included in an established wage determination. Conformances may not be used to artificially split, combine, or subdivide classifications listed in the wage determination.

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SCA WAGE DETERMINATIONS

REGISTER OF WAGE DETERMINATIONS UNDER
THE SERVICE CONTRACT ACT
By direction of the Secretary of Labor

(authorized signature)

(name)
Director

Division of
Wage Determinations

U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION
WASHINGTON D.C. 20210

Wage Determination No.:
Revision No.:
Date of Revision:

State(s):

Area: **(counties, by state)**

Employed on **(federal agency)** contract for **(specified services)**
Collective Bargaining Agreement between **(company)** and **(union)**
effective **(date)** through **(date)** .

In accordance with Sections 2(a) and 4(c) of the Service Contract Act, as amended, employees employed by the contractor(s) in performing services covered by the Collective Bargaining Agreement(s) are to be paid wage rates and fringe benefits set forth in the current collective bargaining agreement and modified extension agreement(s).

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SCA WAGE DETERMINATIONS
