**WAGE DETERMINATION NO: 94-2407 REV (23) AREA: ND,STATEWIDE**

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WAGE DETERMINATION NO: 94-2407 REV (23) AREA: ND,STATEWIDE
REGISTER OF WAGE DETERMINATIONS UNDER | U.S. DEPARTMENT OF LABOR
***FOR OFFICIAL USE ONLY BY FEDERAL AGENCIES PARTICIPATING IN MOU WITH DOL***
| WASHINGTON D.C. 20210

| Wage Determination No.: **1994-2407**
William W.Gross Division of | Revision No.: 23
Director Wage Determinations | Date Of Last Revision: 08/30/2004

State: North Dakota
Area: North Dakota Statewide

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**Fringe Benefits Required Follow the Occupational Listing**

| OCCUPATION CODE - TITLE | MINIMUM WAGE RATE |
|---|---|
| 01000 - Administrative Support and Clerical Occupations | |
| 01011 - Accounting Clerk I | 9.08 |
| 01012 - Accounting Clerk II | 10.31 |
| 01013 - Accounting Clerk III | 11.83 |
| 01014 - Accounting Clerk IV | 13.34 |
| 01030 - Court Reporter | 12.92 |
| 01050 - Dispatcher, Motor Vehicle | 14.11 |
| 01060 - Document Preparation Clerk | 10.04 |
| 01070 - Messenger (Courier) | 9.10 |
| 01090 - Duplicating Machine Operator | 9.10 |
| 01110 - Film/Tape Librarian | 10.18 |
| 01115 - General Clerk I | 8.27 |
| 01116 - General Clerk II | 9.70 |
| 01117 - General Clerk III | 11.14 |
| 01118 - General Clerk IV | 12.51 |
| 01120 - Housing Referral Assistant | 14.03 |
| 01131 - Key Entry Operator I | 10.16 |
| 01132 - Key Entry Operator II | 12.05 |
| 01191 - Order Clerk I | 10.83 |
| 01192 - Order Clerk II | 11.90 |
| 01261 - Personnel Assistant (Employment) I | 10.37 |
| 01262 - Personnel Assistant (Employment) II | 12.30 |
| 01263 - Personnel Assistant (Employment) III | 14.65 |
| 01264 - Personnel Assistant (Employment) IV | 16.12 |
| 01270 - Production Control Clerk | 13.55 |
| 01290 - Rental Clerk | 8.85 |
| 01300 - Scheduler, Maintenance | 10.77 |
| 01311 - Secretary I | 10.77 |
| 01312 - Secretary II | 12.92 |
| 01313 - Secretary III | 14.03 |
| 01314 - Secretary IV | 16.51 |
| 01315 - Secretary V | 22.83 |
| 01320 - Service Order Dispatcher | 13.55 |
| 01341 - Stenographer I | 9.60 |
| 01342 - Stenographer II | 10.77 |
| 01400 - Supply Technician | 15.97 |

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|---|---|
| 01420 - Survey Worker (Interviewer) | 10.61 |
| 01460 - Switchboard Operator-Receptionist | 9.81 |
| 01510 - Test Examiner | 12.92 |
| 01520 - Test Proctor | 12.92 |
| 01531 - Travel Clerk I | 9.77 |
| 01532 - Travel Clerk II | 11.02 |
| 01533 - Travel Clerk III | 11.64 |
| 01611 - Word Processor I | 9.60 |
| 01612 - Word Processor II | 11.54 |
| 01613 - Word Processor III | 13.84 |
| 03000 - Automatic Data Processing Occupations | |
| 03010 - Computer Data Librarian | 10.91 |
| 03041 - Computer Operator I | 11.10 |
| 03042 - Computer Operator II | 13.39 |
| 03043 - Computer Operator III | 14.87 |
| 03044 - Computer Operator IV | 17.41 |
| 03045 - Computer Operator V | 20.54 |
| 03071 - Computer Programmer I (1) | 13.73 |
| 03072 - Computer Programmer II (1) | 17.04 |
| 03073 - Computer Programmer III (1) | 22.28 |
| 03074 - Computer Programmer IV (1) | 25.28 |
| 03101 - Computer Systems Analyst I (1) | 22.15 |
| 03102 - Computer Systems Analyst II (1) | 27.62 |
| 03103 - Computer Systems Analyst III (1) | 27.62 |
| 03160 - Peripheral Equipment Operator | 11.15 |
| 05000 - Automotive Service Occupations | |
| 05005 - Automotive Body Repairer, Fiberglass | 16.61 |
| 05010 - Automotive Glass Installer | 15.30 |
| 05040 - Automotive Worker | 15.30 |
| 05070 - Electrician, Automotive | 15.99 |
| 05100 - Mobile Equipment Servicer | 13.97 |
| 05130 - Motor Equipment Metal Mechanic | 16.61 |
| 05160 - Motor Equipment Metal Worker | 15.30 |
| 05190 - Motor Vehicle Mechanic | 16.61 |
| 05220 - Motor Vehicle Mechanic Helper | 13.13 |
| 05250 - Motor Vehicle Upholstery Worker | 14.67 |
| 05280 - Motor Vehicle Wrecker | 15.30 |
| 05310 - Painter, Automotive | 15.99 |
| 05340 - Radiator Repair Specialist | 15.30 |
| 05370 - Tire Repairer | 13.50 |
| 05400 Transmission Repair Specialist | 16.61 |
| 07000 - Food Preparation and Service Occupations | |
| (not set) - Food Service Worker | 8.09 |
| 07010 - Baker | 9.77 |
| 07041 - Cook I | 8.87 |
| 07042 - Cook II | 9.71 |
| 07070 - Dishwasher | 6.68 |
| 07130 - Meat Cutter | 10.62 |
| 07250 - Waiter/Waitress | 7.04 |
| 09000 - Furniture Maintenance and Repair Occupations | |
| 09010 - Electrostatic Spray Painter | 16.51 |
| 09040 - Furniture Handler | 12.30 |
| 09070 - Furniture Refinisher | 16.51 |
| 09100 - Furniture Refinisher Helper | 13.13 |
| 09110 - Furniture Repairer, Minor | 14.67 |
| 09130 - Upholsterer | 15.99 |
| 11030 - General Services and Support Occupations | |
| 11030 - Cleaner, Vehicles | 8.03 |
| 11060 - Elevator Operator | 8.31 |
| 11090 - Gardener | 10.23 |

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|---|---|
| 11121 - House Keeping Aid I | 7.36 |
| 11122 - House Keeping Aid II | 8.71 |
| 11150 - Janitor | 8.94 |
| 11210 - Laborer, Grounds Maintenance | 9.30 |
| 11240 - Maid or Houseman | 7.36 |
| 11270 - Pest Controller | 11.12 |
| 11300 - Refuse Collector | 10.23 |
| 11330 - Tractor Operator | 9.92 |
| 11360 - Window Cleaner | 9.42 |
| 12000 - Health Occupations | |
| 12020 - Dental Assistant | 13.06 |
| 12040 - Emergency Medical Technician (EMT)/Paramedic/Ambulance Driver | 10.93 |
| 12071 - Licensed Practical Nurse I | 11.91 |
| 12072 - Licensed Practical Nurse II | 13.36 |
| 12073 - Licensed Practical Nurse III | 14.95 |
| 12100 - Medical Assistant | 10.78 |
| 12130 - Medical Laboratory Technician | 13.60 |
| 12160 - Medical Record Clerk | 10.58 |
| 12190 - Medical Record Technician | 13.54 |
| 12221 - Nursing Assistant I | 8.44 |
| 12222 - Nursing Assistant II | 9.48 |
| 12223 - Nursing Assistant III | 10.35 |
| 12224 - Nursing Assistant IV | 11.61 |
| 12250 - Pharmacy Technician | 12.19 |
| 12280 - Phlebotomist | 11.84 |
| 12311 - Registered Nurse I | 17.31 |
| 12312 - Registered Nurse II | 21.19 |
| 12313 - Registered Nurse II, Specialist | 21.19 |
| 12314 - Registered Nurse III | 25.63 |
| 12315 - Registered Nurse III, Anesthetist | 25.63 |
| 12316 - Registered Nurse IV | 30.71 |
| 13000 - Information and Arts Occupations | |
| 13002 - Audiovisual Librarian | 14.93 |
| 13011 - Exhibits Specialist I | 17.19 |
| 13012 - Exhibits Specialist II | 20.55 |
| 13013 - Exhibits Specialist III | 23.23 |
| 13041 - Illustrator I | 17.19 |
| 13042 - Illustrator II | 20.55 |
| 13043 - Illustrator III | 23.23 |
| 13047 - Librarian | 19.53 |
| 13050 - Library Technician | 12.20 |
| 13071 - Photographer I | 12.27 |
| 13072 - Photographer II | 15.63 |
| 13073 - Photographer III | 18.68 |
| 13074 - Photographer IV | 23.23 |
| 13075 - Photographer V | 26.82 |
| 15000 - Laundry, Dry Cleaning, Pressing and Related Occupations | |
| 15010 - Assembler | 7.43 |
| 15030 - Counter Attendant | 7.43 |
| 15040 - Dry Cleaner | 8.74 |
| 15070 - Finisher, Flatwork, Machine | 7.43 |
| 15090 - Presser, Hand | 7.43 |
| 15100 - Presser, Machine, Drycleaning | 7.43 |
| 15130 - Presser, Machine, Shirts | 7.43 |
| 15160 - Presser, Machine, Wearing Apparel, Laundry | 7.43 |
| 15190 - Sewing Machine Operator | 9.17 |
| 15220 - Tailor | 9.39 |
| 15250 - Washer, Machine | 7.77 |
| 19000 - Machine Tool Operation and Repair Occupations | |
| 19010 - Machine-Tool Operator (Toolroom) | 17.90 |

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|---|---|
| 19040 - Tool and Die Maker | 21.01 |
| 21000 - Material Handling and Packing Occupations | |
| 21010 - Fuel Distribution System Operator | 17.51 |
| 21020 - Material Coordinator | 17.25 |
| 21030 - Material Expediter | 17.25 |
| 21040 - Material Handling Laborer | 10.50 |
| 21050 - Order Filler | 10.10 |
| 21071 - Forklift Operator | 12.46 |
| 21080 - Production Line Worker (Food Processing) | 13.31 |
| 21100 - Shipping/Receiving Clerk | 11.59 |
| 21130 - Shipping Packer | 11.59 |
| 21140 - Store Worker I | 9.82 |
| 21150 - Stock Clerk (Shelf Stocker; Store Worker II) | 12.65 |
| 21210 - Tools and Parts Attendant | 13.31 |
| 21400 - Warehouse Specialist | 13.31 |
| 23000 - Mechanics and Maintenance and Repair Occupations | |
| 23010 - Aircraft Mechanic | 17.06 |
| 23040 - Aircraft Mechanic Helper | 13.49 |
| 23050 - Aircraft Quality Control Inspector | 17.81 |
| 23060 - Aircraft Servicer | 15.07 |
| 23070 - Aircraft Worker | 15.71 |
| 23100 - Appliance Mechanic | 15.99 |
| 23120 - Bicycle Repairer | 13.50 |
| 23125 - Cable Splicer | 22.29 |
| 23130 - Carpenter, Maintenance | 15.99 |
| 23140 - Carpet Layer | 15.30 |
| 23160 - Electrician, Maintenance | 20.32 |
| 23181 - Electronics Technician, Maintenance I | 17.31 |
| 23182 - Electronics Technician, Maintenance II | 23.14 |
| 23183 - Electronics Technician, Maintenance III | 23.90 |
| 23260 - Fabric Worker | 14.67 |
| 23290 - Fire Alarm System Mechanic | 18.10 |
| 23310 - Fire Extinguisher Repairer | 13.97 |
| 23340 - Fuel Distribution System Mechanic | 20.81 |
| 23370 - General Maintenance Worker | 15.30 |
| 23400 - Heating, Refrigeration and Air Conditioning Mechanic | 17.06 |
| 23430 - Heavy Equipment Mechanic | 18.76 |
| 23440 - Heavy Equipment Operator | 17.72 |
| 23460 - Instrument Mechanic | 18.05 |
| 23470 - Laborer | 10.00 |
| 23500 Locksmith | 16.44 |
| 23530 - Machinery Maintenance Mechanic | 19.63 |
| 23550 - Machinist, Maintenance | 19.15 |
| 23580 - Maintenance Trades Helper | 13.13 |
| 23640 - Millwright | 18.66 |
| 23700 - Office Appliance Repairer | 16.44 |
| 23740 - Painter, Aircraft | 15.99 |
| 23760 - Painter, Maintenance | 15.99 |
| 23790 - Pipefitter, Maintenance | 19.03 |
| 23800 - Plumber, Maintenance | 18.32 |
| 23820 - Pneudraulic Systems Mechanic | 18.05 |
| 23850 - Rigger | 18.05 |
| 23870 - Scale Mechanic | 15.34 |
| 23890 - Sheet-Metal Worker, Maintenance | 16.61 |
| 23910 - Small Engine Mechanic | 15.30 |
| 23930 - Telecommunication Mechanic I | 18.59 |
| 23931 - Telecommunication Mechanic II | 19.40 |
| 23950 - Telephone Lineman | 18.59 |
| 23960 - Welder, Combination, Maintenance | 18.14 |
| 23965 - Well Driller | 18.16 |

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| 23970 - Woodcraft Worker | 18.05 |
| 23980 - Woodworker | 13.97 |
| 24000 - Personal Needs Occupations | |
| 24570 - Child Care Attendant | 9.24 |
| 24580 - Child Care Center Clerk | 11.64 |
| 24600 - Chore Aid | 8.21 |
| 24630 - Homemaker | 17.31 |
| 25000 - Plant and System Operation Occupations | |
| 25010 - Boiler Tender | 17.70 |
| 25040 - Sewage Plant Operator | 15.99 |
| 25070 - Stationary Engineer | 17.70 |
| 25190 - Ventilation Equipment Tender | 13.13 |
| 25210 - Water Treatment Plant Operator | 15.99 |
| 27000 - Protective Service Occupations | |
| (not set) - Police Officer | 19.61 |
| 27004 - Alarm Monitor | 12.00 |
| 27006 - Corrections Officer | 17.50 |
| 27010 - Court Security Officer | 17.50 |
| 27040 - Detention Officer | 17.50 |
| 27070 - Firefighter | 17.25 |
| 27101 - Guard I | 9.24 |
| 27102 - Guard II | 12.00 |
| 28000 - Stevedoring/Longshoremen Occupations | |
| 28010 - Blocker and Bracer | 16.23 |
| 28020 - Hatch Tender | 16.23 |
| 28030 - Line Handler | 16.23 |
| 28040 - Stevedore I | 16.46 |
| 28050 - Stevedore II | 18.54 |
| 29000 - Technical Occupations | |
| 21150 - Graphic Artist | 16.79 |
| 29010 - Air Traffic Control Specialist, Center (2) | 30.50 |
| 29011 - Air Traffic Control Specialist, Station (2) | 21.03 |
| 29012 - Air Traffic Control Specialist, Terminal (2) | 23.16 |
| 29023 - Archeological Technician I | 15.27 |
| 29024 - Archeological Technician II | 17.07 |
| 29025 - Archeological Technician III | 20.08 |
| 29030 - Cartographic Technician | 23.25 |
| 29035 - Computer Based Training (CBT) Specialist/ Instructor | 23.80 |
| 29040 - Civil Engineering Technician | 18.68 |
| 29061 - Drafter I | 11.98 |
| 29062 - Drafter II | 13.89 |
| 29063 - Drafter III | 17.69 |
| 29064 - Drafter IV | 21.14 |
| 29081 - Engineering Technician I | 13.39 |
| 29082 - Engineering Technician II | 15.52 |
| 29083 - Engineering Technician III | 19.77 |
| 29084 - Engineering Technician IV | 23.63 |
| 29085 - Engineering Technician V | 28.91 |
| 29086 - Engineering Technician VI | 33.91 |
| 29090 - Environmental Technician | 21.14 |
| 29100 - Flight Simulator/Instructor (Pilot) | 27.62 |
| 29160 - Instructor | 18.88 |
| 29210 - Laboratory Technician | 15.61 |
| 29240 - Mathematical Technician | 23.25 |
| 29361 - Paralegal/Legal Assistant I | 14.27 |
| 29362 - Paralegal/Legal Assistant II | 17.61 |
| 29363 - Paralegal/Legal Assistant III | 24.05 |
| 29364 - Paralegal/Legal Assistant IV | 26.25 |
| 29390 - Photooptics Technician | 23.25 |
| 29480 - Technical Writer | 19.11 |

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| 29491 - Unexploded Ordnance (UXO) Technician I | 19.38 |
| 29492 - Unexploded Ordnance (UXO) Technician II | 23.45 |
| 29493 - Unexploded Ordnance (UXO) Technician III | 28.11 |
| 29494 - Unexploded (UXO) Safety Escort | 19.38 |
| 29495 - Unexploded (UXO) Sweep Personnel | 19.38 |
| 29620 - Weather Observer, Senior (3) | 15.85 |
| 29621 - Weather Observer, Combined Upper Air and Surface Programs (3) | 14.26 |
| 29622 - Weather Observer, Upper Air (3) | 14.26 |
| 31000 - Transportation/ Mobile Equipment Operation Occupations | |
| 31030 - Bus Driver | 12.01 |
| 31260 - Parking and Lot Attendant | 9.02 |
| 31290 - Shuttle Bus Driver | 12.62 |
| 31300 - Taxi Driver | 10.72 |
| 31361 - Truckdriver, Light Truck | 12.62 |
| 31362 - Truckdriver, Medium Truck | 13.32 |
| 31363 - Truckdriver, Heavy Truck | 15.15 |
| 31364 - Truckdriver, Tractor-Trailer | 15.15 |
| 99000 - Miscellaneous Occupations | |
| 99020 - Animal Caretaker | 8.35 |
| 99030 - Cashier | 7.09 |
| 99041 - Carnival Equipment Operator | 8.66 |
| 99042 - Carnival Equipment Repairer | 9.30 |
| 99043 - Carnival Worker | 7.29 |
| 99050 - Desk Clerk | 8.46 |
| 99095 - Embalmer | 19.14 |
| 99300 - Lifeguard | 10.19 |
| 99310 - Mortician | 22.28 |
| 99350 - Park Attendant (Aide) | 12.79 |
| 99400 - Photofinishing Worker (Photo Lab Tech., Darkroom Tech) | 9.21 |
| 99500 - Recreation Specialist | 11.72 |
| 99510 - Recycling Worker | 12.71 |
| 99610 - Sales Clerk | 9.69 |
| 99620 - School Crossing Guard (Crosswalk Attendant) | 8.90 |
| 99630 - Sport Official | 10.03 |
| 99658 - Survey Party Chief (Chief of Party) | 14.38 |
| 99659 - Surveying Technician (Instr. Person/Surveyor Asst./Instr.) | 12.63 |
| 99660 - Surveying Aide | 9.66 |
| 99690 - Swimming Pool Operator | 12.88 |
| 99720 - Vending Machine Attendant | 10.96 |
| 99730 - Vending Machine Repairer | 12.88 |
| 99740 - Vending Machine Repairer Helper | 10.96 |

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ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:
HEALTH & WELFARE: $2.59 an hour or $103.60 a week or $448.93 a month
VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 10 years, and 4 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) 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) 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 ordinance, explosives, and incendiary materials. This includes work such as screening, blending, dying, mixing, and pressing of sensitive ordance, 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 ordance, (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. Al operations involving, unloading, storage, and hauling of ordance, 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 ordance, 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.
** 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) 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 th 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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