

A Brief Explanation of the Service Contract Labor Standards (SCLS) Exemptions

Background

The purchase of services involves directly engaging the time and effort of the vendor whose primary purpose is to perform an identifiable task rather than to furnish an end item of supply.

Many services over \$2,500 are subject to Service Contract Labor Standards (SCLS) – previously known as the McNamara-O’Hara Service Contract Act of 1965 – which is a statutory law that requires prevailing wages and benefits to be paid to workers on Federal service contracts. These rates are determined to be prevailing by the Department of Labor. Construction vendor employees are protected under a different statutory law (Construction Wage Rate Act formerly known as the Davis-Bacon Act).

SCLS defines service employees as:

- Any person engaged in the performance of the contract, except those defined in 29 Code of Federal Regulation (CFR) Part 541
 - Executive/Supervisor
 - Administrative Manger
 - Professional salaried or fee-based; perform work primarily requiring advanced knowledge, customarily acquired by a prolonged course of specialized intellectual instruction (e-g., college-level); and exercise independent judgement and discretion.
- Regardless of contractual relationship
- You must consider all the classifications of all the employees necessary to perform the service.
 - Whose hand is on the pipette?
 - Whose hand is on the wrench?
 - Whose hand is on the hammer?

Due to these regulations, there are different micro-purchase thresholds (MPTs) for different types of purchases. They are:

- Supplies - \$10,000
- Non-SLCS covered services - \$10,000*
- SLCS covered services - \$2,500
- Construction - \$2,000

Allowable/Exempted Service Purchases Exceeding \$2,500

There are few SCLS exceptions that may allow non-warranted cardholders to buy exempted services up to their Single Purchase Limit.

- **Maintenance, Calibration, and Repair of**
 - Automated Data Processing (ADP) (i.e., software maintenance) and other office equipment (copiers, fax machines, etc.) where the services are performed by the manufacturer or supplier of that equipment
 - Medical and scientific equipment or apparatus where the services are performed by the manufacturer or supplier of that equipment (i.e., maintenance/service contracts below the cardholders SPL)

- **Commercial Services**

Criteria for exempt “commercial” services:

- Services are “commercial” in nature – in other words – they are offered and sold regularly to non-Governmental customers and are provided by the vendor to the general public in substantial quantities in the course of normal business operations.
- The services are furnished at prices that are, or based on, established catalog or market prices.
- The industry standard for the catalog price for the services is a flat-rate fee.
- Hours worked on the government’s contract are limited in comparison to other work (a monthly average of less than 20 percent of the available hours on an annualized basis, or less than 20 percent of available hours during the contract period if the contract period is less than a month).

Please Note: Services where the industry standard is to charge an hourly rate for services which are customarily performed by wage rate employees, or services covered by a wage determination, such as janitorial services, waste removal services, etc., are not exempt (See Wage Determination example attached).

Examples of services that are SCLS exempt:

- Training/tuition
- Publication fees
- Subscription fees
- Maintenance and service repairs of laboratory and office equipment by manufacturer

- **Other exempted Services Not Covered by SCLS** – these exempted services are not subject to SCLS, whereas the exempted services above are exempted in the statutory law.
 - Leasing of equipment
 - Services performed almost exclusively by an employee who meets the exception under 29 CFR Part 541
 - Executive/Supervisor
 - Administrative Manger
 - Professional Services including:
 - Research support such as Biologists and Entomologists (excludes technicians who are subject to the SLCS),
 - Certified Public Accountants,
 - Contract Specialists,
 - Human Resource Managers, etc.
 - You must consider all the classifications of all the employees necessary to perform the service.

Examples of services that are not SCLS exempt

- Maintenance of equipment (not ADP, office, medical, or scientific equipment) performed by manufacturer or supplier
- Transportation of people on a regular, scheduled routes (i.e., the shuttle to and from the George Washington Carver Center to the South Building)

- Services where the industry standard is to charge an hourly rate for services which are customarily performed by wage rate employees, or services covered by a wage determination, such as janitorial services, waste removal services, etc. (See Wage Determination example attached)

Mixed Service and Supply Purchases

The predominated line item (dollar amount) dictates if the entire purchase is classified as a supply or service purchase

Example: supplies/parts \$3,000 + labor \$1,500 = \$4,500 supply purchase

Example: supplies/parts \$1,500 + labor \$3,000 = \$4,500 service purchase

When in doubt – ASK!!!

Please Note: The information above is a very broad summary explanation of the SCLS exemptions contained in the complex statutory law governing this Federal contracting requirement to ensure Federal vendors pay their employees prevailing wages and benefits. As additional services are definitively identified as SCLS exempted services this information will be updated.

Please ask your contracting office or send an e-mail to PCPOB@ars.usda.gov to inquire if you have and doubts the services you intend to purchase are exempt.

Non-warranted cardholders who buy SCLS exempt services must include the [USDA/CCSC Service Contract Labor Standards Exemption Documentation form](#) in their transaction documentation. If the services are also from a non-required source, the [Non-Required Sources Vendor form](#) must also be included in the transaction documentation.

*As a reminder, the Non-SLCS covered services MPT of \$10,000 exceeds many cardholders single purchase limit (SPL) of \$4,999. Cardholders cannot exceed their personal SPL.

Non-exempt services over \$2,500 purchased by a non-warranted cardholder is an unauthorized commitment and requires ratification.

"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

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| Wage Determination No.: 2015-5416
Daniel W. Simms Division of | Revision No.: 9
Director Wage Determinations | Date Of Last Revision: 12/26/2018

Note: Under Executive Order (EO) 13658 an hourly minimum wage of \$10.60 for calendar year 2019 applies to all contracts subject to the Service Contract Act for which the contract is awarded (and any solicitation was issued) on or after January 1 2015. If this contract is covered by the EO the contractor must pay all workers in any classification listed on this wage determination at least \$10.60 per hour (or the applicable wage rate listed on this wage determination if it is higher) for all hours spent performing on the contract in calendar year 2019. The EO minimum wage rate will be adjusted annually. Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

State: Colorado

Area: Colorado County of Boulder

Fringe Benefits Required Follow the Occupational Listing

OCCUPATION CODE - TITLE	FOOTNOTE	RATE
01000 - Administrative Support And Clerical Occupations		
01011 - Accounting Clerk I		17.16
01012 - Accounting Clerk II		19.27
01013 - Accounting Clerk III		21.56
01020 - Administrative Assistant		26.31
01035 - Court Reporter		19.59
01041 - Customer Service Representative I		13.71
01042 - Customer Service Representative II		15.42
01043 - Customer Service Representative III		16.82
01051 - Data Entry Operator I		16.40
01052 - Data Entry Operator II		17.88
01060 - Dispatcher Motor Vehicle		21.31
01070 - Document Preparation Clerk		17.61
01090 - Duplicating Machine Operator		17.61
01111 - General Clerk I		14.67
01112 - General Clerk II		15.99
01113 - General Clerk III		17.95
01120 - Housing Referral Assistant		21.75
01141 - Messenger Courier		13.82
01191 - Order Clerk I		17.59
01192 - Order Clerk II		19.18
01261 - Personnel Assistant (Employment) I		17.87
01262 - Personnel Assistant (Employment) II		20.00
01263 - Personnel Assistant (Employment) III		22.30
01270 - Production Control Clerk		26.91
01290 - Rental Clerk		15.53
01300 - Scheduler Maintenance		17.15
01311 - Secretary I		17.15
01312 - Secretary II		19.19
01313 - Secretary III		21.75
01320 - Service Order Dispatcher		18.46
01410 - Supply Technician		26.31
01420 - Survey Worker		17.77
01460 - Switchboard Operator/Receptionist		14.81
01531 - Travel Clerk I		13.65

01532 - Travel Clerk II	14.30
01533 - Travel Clerk III	15.30
01611 - Word Processor I	15.57
01612 - Word Processor II	17.47
01613 - Word Processor III	19.55
05000 - Automotive Service Occupations	
05005 - Automobile Body Repairer Fiberglass	26.19
05010 - Automotive Electrician	21.10
05040 - Automotive Glass Installer	19.75
05070 - Automotive Worker	19.75
05110 - Mobile Equipment Servicer	17.61
05130 - Motor Equipment Metal Mechanic	22.42
05160 - Motor Equipment Metal Worker	19.75
05190 - Motor Vehicle Mechanic	22.42
05220 - Motor Vehicle Mechanic Helper	16.41
05250 - Motor Vehicle Upholstery Worker	19.36
05280 - Motor Vehicle Wrecker	19.75
05310 - Painter Automotive	21.10
05340 - Radiator Repair Specialist	19.75
05370 - Tire Repairer	14.98
05400 - Transmission Repair Specialist	22.42
07000 - Food Preparation And Service Occupations	
07010 - Baker	14.52
07041 - Cook I	14.71
07042 - Cook II	17.02
07070 - Dishwasher	10.89
07130 - Food Service Worker	11.96
07210 - Meat Cutter	16.02
07260 - Waiter/Waitress	10.65
09000 - Furniture Maintenance And Repair Occupations	
09010 - Electrostatic Spray Painter	19.06
09040 - Furniture Handler	15.90
09080 - Furniture Refinisher	19.06
09090 - Furniture Refinisher Helper	17.49
09110 - Furniture Repairer Minor	19.91
09130 - Upholsterer	19.06
11000 - General Services And Support Occupations	

11030 - Cleaner Vehicles	11.86
11060 - Elevator Operator	12.62
11090 - Gardener	19.64
11122 - Housekeeping Aide	13.68
11150 - Janitor	13.68
11210 - Laborer Grounds Maintenance	15.02
11240 - Maid or Houseman	11.09
11260 - Pruner	13.50
11270 - Tractor Operator	18.09
11330 - Trail Maintenance Worker	15.02
11360 - Window Cleaner	15.22
12000 - Health Occupations	
12010 - Ambulance Driver	18.67
12011 - Breath Alcohol Technician	20.66
12012 - Certified Occupational Therapist Assistant	25.93
12015 - Certified Physical Therapist Assistant	24.96
12020 - Dental Assistant	19.03
12025 - Dental Hygienist	42.70
12030 - EKG Technician	30.93
12035 - Electroneurodiagnostic Technologist	30.93
12040 - Emergency Medical Technician	18.67
12071 - Licensed Practical Nurse I	20.23
12072 - Licensed Practical Nurse II	22.64
12073 - Licensed Practical Nurse III	25.24
12100 - Medical Assistant	16.78
12130 - Medical Laboratory Technician	20.31
12160 - Medical Record Clerk	17.40
12190 - Medical Record Technician	19.47
12195 - Medical Transcriptionist	19.92
12210 - Nuclear Medicine Technologist	47.45
12221 - Nursing Assistant I	11.93
12222 - Nursing Assistant II	13.42
12223 - Nursing Assistant III	14.63
12224 - Nursing Assistant IV	16.43
12235 - Optical Dispenser	20.96
12236 - Optical Technician	18.81
12250 - Pharmacy Technician	17.12

12280 - Phlebotomist	16.66
12305 - Radiologic Technologist	32.21
12311 - Registered Nurse I	29.98
12312 - Registered Nurse II	36.67
12313 - Registered Nurse II Specialist	36.67
12314 - Registered Nurse III	43.96
12315 - Registered Nurse III Anesthetist	43.96
12316 - Registered Nurse IV	53.17
12317 - Scheduler (Drug and Alcohol Testing)	28.05
12320 - Substance Abuse Treatment Counselor	22.69
13000 - Information And Arts Occupations	
13011 - Exhibits Specialist I	24.57
13012 - Exhibits Specialist II	30.45
13013 - Exhibits Specialist III	37.24
13041 - Illustrator I	25.61
13042 - Illustrator II	30.75
13043 - Illustrator III	37.62
13047 - Librarian	35.13
13050 - Library Aide/Clerk	16.91
13054 - Library Information Technology Systems Administrator	31.73
13058 - Library Technician	17.64
13061 - Media Specialist I	22.89
13062 - Media Specialist II	25.61
13063 - Media Specialist III	28.55
13071 - Photographer I	18.54
13072 - Photographer II	20.74
13073 - Photographer III	25.70
13074 - Photographer IV	34.57
13075 - Photographer V	41.82
13090 - Technical Order Library Clerk	19.98
13110 - Video Teleconference Technician	20.93
14000 - Information Technology Occupations	
14041 - Computer Operator I	17.81
14042 - Computer Operator II	19.93
14043 - Computer Operator III	22.21
14044 - Computer Operator IV	24.69

14045 - Computer Operator V		28.56
14071 - Computer Programmer I	(see 1)	24.31
14072 - Computer Programmer II	(see 1)	
14073 - Computer Programmer III	(see 1)	
14074 - Computer Programmer IV	(see 1)	
14101 - Computer Systems Analyst I	(see 1)	
14102 - Computer Systems Analyst II	(see 1)	
14103 - Computer Systems Analyst III	(see 1)	
14150 - Peripheral Equipment Operator		17.81
14160 - Personal Computer Support Technician		24.69
14170 - System Support Specialist		32.53
15000 - Instructional Occupations		
15010 - Aircrew Training Devices Instructor (Non-Rated)		35.58
15020 - Aircrew Training Devices Instructor (Rated)		43.06
15030 - Air Crew Training Devices Instructor (Pilot)		49.15
15050 - Computer Based Training Specialist / Instructor		35.58
15060 - Educational Technologist		34.29
15070 - Flight Instructor (Pilot)		49.15
15080 - Graphic Artist		28.22
15085 - Maintenance Test Pilot Fixed Jet/Prop		44.36
15086 - Maintenance Test Pilot Rotary Wing		44.36
15088 - Non-Maintenance Test/Co-Pilot		44.36
15090 - Technical Instructor		25.71
15095 - Technical Instructor/Course Developer		31.44
15110 - Test Proctor		20.75
15120 - Tutor		20.75
16000 - Laundry Dry-Cleaning Pressing And Related Occupations		
16010 - Assembler		11.16
16030 - Counter Attendant		11.16
16040 - Dry Cleaner		13.47
16070 - Finisher Flatwork Machine		11.16
16090 - Presser Hand		11.16
16110 - Presser Machine Drycleaning		11.16
16130 - Presser Machine Shirts		11.16
16160 - Presser Machine Wearing Apparel Laundry		11.16
16190 - Sewing Machine Operator		14.38
16220 - Tailor		15.28

16250 - Washer Machine	11.69
19000 - Machine Tool Operation And Repair Occupations	
19010 - Machine-Tool Operator (Tool Room)	24.39
19040 - Tool And Die Maker	28.71
21000 - Materials Handling And Packing Occupations	
21020 - Forklift Operator	16.46
21030 - Material Coordinator	26.91
21040 - Material Expediter	26.91
21050 - Material Handling Laborer	17.36
21071 - Order Filler	13.51
21080 - Production Line Worker (Food Processing)	16.46
21110 - Shipping Packer	16.80
21130 - Shipping/Receiving Clerk	16.80
21140 - Store Worker I	12.48
21150 - Stock Clerk	17.30
21210 - Tools And Parts Attendant	16.46
21410 - Warehouse Specialist	16.46
23000 - Mechanics And Maintenance And Repair Occupations	
23010 - Aerospace Structural Welder	28.53
23019 - Aircraft Logs and Records Technician	22.49
23021 - Aircraft Mechanic I	27.10
23022 - Aircraft Mechanic II	28.53
23023 - Aircraft Mechanic III	29.70
23040 - Aircraft Mechanic Helper	19.22
23050 - Aircraft Painter	25.80
23060 - Aircraft Servicer	22.49
23070 - Aircraft Survival Flight Equipment Technician	25.80
23080 - Aircraft Worker	24.13
23091 - Aircrew Life Support Equipment (ALSE) Mechanic I	24.13
23092 - Aircrew Life Support Equipment (ALSE) Mechanic II	27.10
23110 - Appliance Mechanic	22.82
23120 - Bicycle Repairer	18.13
23125 - Cable Splicer	36.99
23130 - Carpenter Maintenance	19.40
23140 - Carpet Layer	23.23

23160 - Electrician Maintenance	28.18
23181 - Electronics Technician Maintenance I	25.09
23182 - Electronics Technician Maintenance II	26.80
23183 - Electronics Technician Maintenance III	28.48
23260 - Fabric Worker	21.64
23290 - Fire Alarm System Mechanic	26.37
23310 - Fire Extinguisher Repairer	20.08
23311 - Fuel Distribution System Mechanic	27.81
23312 - Fuel Distribution System Operator	21.17
23370 - General Maintenance Worker	21.07
23380 - Ground Support Equipment Mechanic	27.10
23381 - Ground Support Equipment Servicer	22.49
23382 - Ground Support Equipment Worker	24.13
23391 - Gunsmith I	20.08
23392 - Gunsmith II	23.23
23393 - Gunsmith III	26.37
23410 - Heating Ventilation And Air-Conditioning Mechanic	24.98
23411 - Heating Ventilation And Air Contidioning Mechanic (Research Facility)	26.29
23430 - Heavy Equipment Mechanic	26.36
23440 - Heavy Equipment Operator	23.63
23460 - Instrument Mechanic	28.48
23465 - Laboratory/Shelter Mechanic	24.81
23470 - Laborer	13.87
23510 - Locksmith	24.81
23530 - Machinery Maintenance Mechanic	28.05
23550 - Machinist Maintenance	23.88
23580 - Maintenance Trades Helper	18.49
23591 - Metrology Technician I	28.48
23592 - Metrology Technician II	29.99
23593 - Metrology Technician III	31.21
23640 - Millwright	26.37
23710 - Office Appliance Repairer	22.29
23760 - Painter Maintenance	19.75
23790 - Pipefitter Maintenance	26.37
23810 - Plumber Maintenance	24.81

23820 - Pneudraulic Systems Mechanic	26.37
23850 - Rigger	26.37
23870 - Scale Mechanic	23.23
23890 - Sheet-Metal Worker Maintenance	21.26
23910 - Small Engine Mechanic	23.23
23931 - Telecommunications Mechanic I	32.77
23932 - Telecommunications Mechanic II	34.49
23950 - Telephone Lineman	26.37
23960 - Welder Combination Maintenance	23.16
23965 - Well Driller	26.37
23970 - Woodcraft Worker	26.37
23980 - Woodworker	20.08
24000 - Personal Needs Occupations	
24550 - Case Manager	16.50
24570 - Child Care Attendant	13.08
24580 - Child Care Center Clerk	16.32
24610 - Chore Aide	13.01
24620 - Family Readiness And Support Services Coordinator	16.50
24630 - Homemaker	16.50
25000 - Plant And System Operations Occupations	
25010 - Boiler Tender	30.51
25040 - Sewage Plant Operator	27.93
25070 - Stationary Engineer	30.51
25190 - Ventilation Equipment Tender	20.24
25210 - Water Treatment Plant Operator	27.93
27000 - Protective Service Occupations	
27004 - Alarm Monitor	23.89
27007 - Baggage Inspector	13.92
27008 - Corrections Officer	28.27
27010 - Court Security Officer	30.00
27030 - Detection Dog Handler	21.32
27040 - Detention Officer	28.27
27070 - Firefighter	32.34
27101 - Guard I	13.92
27102 - Guard II	21.32
27131 - Police Officer I	33.56

27132 - Police Officer II	37.30
28000 - Recreation Occupations	
28041 - Carnival Equipment Operator	14.48
28042 - Carnival Equipment Repairer	15.72
28043 - Carnival Worker	10.80
28210 - Gate Attendant/Gate Tender	16.58
28310 - Lifeguard	11.73
28350 - Park Attendant (Aide)	18.43
28510 - Recreation Aide/Health Facility Attendant	13.53
28515 - Recreation Specialist	20.76
28630 - Sports Official	14.76
28690 - Swimming Pool Operator	18.18
29000 - Stevedoring/Longshoremen Occupational Services	
29010 - Blocker And Bracer	23.50
29020 - Hatch Tender	23.50
29030 - Line Handler	23.50
29041 - Stevedore I	21.91
29042 - Stevedore II	25.48
30000 - Technical Occupations	
30010 - Air Traffic Control Specialist Center (HFO) (see 2)	41.49
30011 - Air Traffic Control Specialist Station (HFO) (see 2)	28.61
30012 - Air Traffic Control Specialist Terminal (HFO) (see 2)	31.50
30021 - Archeological Technician I	19.40
30022 - Archeological Technician II	21.70
30023 - Archeological Technician III	26.89
30030 - Cartographic Technician	26.41
30040 - Civil Engineering Technician	29.31
30051 - Cryogenic Technician I	30.28
30052 - Cryogenic Technician II	32.45
30061 - Drafter/CAD Operator I	18.45
30062 - Drafter/CAD Operator II	20.65
30063 - Drafter/CAD Operator III	23.84
30064 - Drafter/CAD Operator IV	31.50
30081 - Engineering Technician I	18.44
30082 - Engineering Technician II	20.69
30083 - Engineering Technician III	23.15
30084 - Engineering Technician IV	28.69

30085 - Engineering Technician V	35.09
30086 - Engineering Technician VI	42.45
30090 - Environmental Technician	24.08
30095 - Evidence Control Specialist	24.12
30210 - Laboratory Technician	23.30
30221 - Latent Fingerprint Technician I	27.53
30222 - Latent Fingerprint Technician II	29.50
30240 - Mathematical Technician	26.62
30361 - Paralegal/Legal Assistant I	19.46
30362 - Paralegal/Legal Assistant II	24.11
30363 - Paralegal/Legal Assistant III	29.49
30364 - Paralegal/Legal Assistant IV	35.68
30375 - Petroleum Supply Specialist	29.50
30390 - Photo-Optics Technician	26.62
30395 - Radiation Control Technician	29.50
30461 - Technical Writer I	26.37
30462 - Technical Writer II	32.26
30463 - Technical Writer III	39.02
30491 - Unexploded Ordnance (UXO) Technician I	26.37
30492 - Unexploded Ordnance (UXO) Technician II	31.90
30493 - Unexploded Ordnance (UXO) Technician III	38.24
30494 - Unexploded (UXO) Safety Escort	26.37
30495 - Unexploded (UXO) Sweep Personnel	26.37
30501 - Weather Forecaster I	30.28
30502 - Weather Forecaster II	32.49
30620 - Weather Observer Combined Upper Air Or	(see 2) 23.84
Surface Programs	
30621 - Weather Observer Senior	(see 2) 26.41
31000 - Transportation/Mobile Equipment Operation Occupations	
31010 - Airplane Pilot	31.90
31020 - Bus Aide	13.08
31030 - Bus Driver	18.95
31043 - Driver Courier	14.49
31260 - Parking and Lot Attendant	11.76
31290 - Shuttle Bus Driver	15.55
31310 - Taxi Driver	12.89
31361 - Truckdriver Light	15.56

31362 - Truckdriver Medium	19.65
31363 - Truckdriver Heavy	21.57
31364 - Truckdriver Tractor-Trailer	21.57
99000 - Miscellaneous Occupations	
99020 - Cabin Safety Specialist	15.55
99030 - Cashier	10.89
99050 - Desk Clerk	12.21
99095 - Embalmer	26.37
99130 - Flight Follower	26.37
99251 - Laboratory Animal Caretaker I	13.20
99252 - Laboratory Animal Caretaker II	14.33
99260 - Marketing Analyst	32.58
99310 - Mortician	26.37
99410 - Pest Controller	22.12
99510 - Photofinishing Worker	13.85
99710 - Recycling Laborer	22.50
99711 - Recycling Specialist	27.13
99730 - Refuse Collector	20.21
99810 - Sales Clerk	12.60
99820 - School Crossing Guard	14.00
99830 - Survey Party Chief	22.70
99831 - Surveying Aide	12.60
99832 - Surveying Technician	20.64
99840 - Vending Machine Attendant	18.90
99841 - Vending Machine Repairer	22.70
99842 - Vending Machine Repairer Helper	18.90

Note: Executive Order (EO) 13706 Establishing Paid Sick Leave for Federal

Contractors applies to all contracts subject to the Service Contract Act for which the contract is awarded (and any solicitation was issued) on or after January 1 2017. If this contract is covered by the EO the contractor must provide employees with 1 hour of paid sick leave for every 30 hours they work up to 56 hours of paid sick leave each year. Employees must be permitted to use paid sick leave for their own illness injury or other health-related needs including preventive care; to assist a family member (or person who is like family to the employee) who is ill injured or has other health-related needs including preventive care; or for reasons resulting from or to assist a family member (or person who is like family to the employee) who is the victim of domestic violence sexual assault or stalking. Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

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 \$4.48 per hour computed on the basis of all hours worked by service employees employed on the contract.

HEALTH & WELFARE EO 13706: Minimum employer contributions costing an average of \$4.18 per hour computed on the basis of all hours worked by service employees employed on the covered contracts. *

*This rate is to be used only when compensating employees for performance on an SCA-covered contract also covered by EO 13706 Establishing Paid Sick Leave for Federal Contractors. A contractor may not receive credit toward its SCA obligations for any paid sick leave provided pursuant to EO 13706.

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 NUMBERED FOOTNOTES IN PARENTHESES RECEIVE THE FOLLOWING:

1) COMPUTER EMPLOYEES: Under the SCA at section 8(b) this wage determination does not apply to any employee who individually qualifies as a bona fide executive administrative or professional employee as defined in 29 C.F.R. Part 541. Because most Computer System Analysts and Computer Programmers who are compensated at a rate not less than \$27.63 (or on a salary or fee basis at a rate not less than \$455 per week) an hour would likely qualify as exempt computer professionals (29 C.F.R. 541.400) wage rates may not be listed on this wage determination for all occupations within those job families. In addition because this wage determination may not list a wage rate for some or all occupations within those job families if the survey data indicates that the prevailing wage rate for the occupation equals or exceeds \$27.63 per hour conformances may be necessary for certain nonexempt employees. For

example if an individual employee is nonexempt but nevertheless performs duties within the scope of one of the Computer Systems Analyst or Computer Programmer occupations for which this wage determination does not specify an SCA wage rate then the wage rate for that employee must be conformed in accordance with the conformance procedures described in the conformance note included on this wage determination.

Additionally because job titles vary widely and change quickly in the computer industry job titles are not determinative of the application of the computer professional exemption. Therefore the exemption applies only to computer employees who satisfy the compensation requirements and whose primary duty consists of:

(1) The application of systems analysis techniques and procedures including consulting with users to determine hardware software or system functional specifications;

(2) The design development documentation analysis creation testing or modification of computer systems or programs including prototypes based on and related to user or system design specifications;

(3) The design documentation testing creation or modification of computer programs related to machine operating systems; or

(4) A combination of the aforementioned duties the performance of which requires the same level of skills. (29 C.F.R. 541.400).

2) 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 re-grading 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.

** 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 (See 29 CFR 4.6(b)(2)(i)). Such conforming procedures shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees (See 29 CFR 4.6(b)(2)(ii)). The Wage and Hour Division shall make a final determination of conformed classification wage rate and/or fringe benefits which shall be paid to all employees performing in the classification from the first day of work on which contract work is performed by them in the classification. Failure to pay such unlisted employees the compensation agreed upon by the interested parties and/or fully determined by the Wage and Hour Division retroactive to the date such class of employees commenced contract work shall be a violation of the Act and this contract. (See 29 CFR 4.6(b)(2)(v)). 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 the 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.

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 U.S. Department of Labor Wage and Hour Division for review (See 29 CFR 4.6(b)(2)(ii)).

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 Division's decision to the contractor.

6) Each affected employee shall be furnished by the contractor with a written copy of such determination or it shall be posted as a part of the wage determination (See 29 CFR 4.6(b)(2)(iii)).

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"" should be used to compare job definitions to ensure 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 (See 29 CFR 4.152(c)(1)).

** SERVICE CONTRACT ACT DIRECTORY OF OCCUPATIONS **

The duties of employees under job titles listed are those described in the ""Service Contract Act Directory of Occupations"" Fifth Edition (Revision 1) dated September 2015 unless otherwise indicated."