



# Conformances

Presented by Aliecia Taormina

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# Aliecia Taormina

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Prior to working for LCPtracker, Aliecia was a contractor for more than 20 years. She last worked for the Kiewit Companies, as a Senior Compliance Manager out of their Corporate office in Nebraska and was a Business Manager for a couple of small construction companies in Colorado.

She is a Certified Compliance & Ethics Professional with the Society of Corporate Compliance and Ethics and a Master Compliance Administrator with the American Contract Compliance Association.

# AGENDA

- What is it?
- Recommended Process
- Secret Sauce
- Exercise

# What is a Conformance?

# What is it?

**Conformance:** A request for a classification, including the applicable wage and fringe, that is missing from a wage determination

**SF-1444:** Form generated by the GSA utilized by the USDOL to request, track and approve/deny request

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND RATE			CHECK APPROPRIATE BOX		OMB Control Number: 9000-0066 Expiration Date: 5/31/2025	
			<input type="checkbox"/> SERVICE CONTRACT			
			<input checked="" type="checkbox"/> CONSTRUCTION CONTRACT			
<p>Paperwork Reduction Act Statement - This information collection meets the requirements of 44 U.S.C. § 3507, as amended by section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget (OMB) control number. The OMB control number for this collection is 9000-0066. We estimate that it will take .5 hours to read the instructions, gather the facts, and answer the questions. Send only comments relating to our time estimate, including suggestions for reducing this burden, or any other aspects of this collection of information to: U.S. General Services Administration, Regulatory Secretariat Division (M1V1CB), 1800 F Street, NW, Washington, DC 20405.</p>						
<p><b>INSTRUCTIONS:</b> THE CONTRACTOR SHALL COMPLETE ITEMS 3 THROUGH 16, KEEP A PENDING COPY, AND SUBMIT THE REQUEST, IN QUADRUPPLICATE, TO THE CONTRACTING OFFICER.</p>						
1. TO: ADMINISTRATOR, WAGE AND HOUR DIVISION, U.S. DEPARTMENT OF LABOR, WASHINGTON, DC 20210			2. FROM: (REPORTING OFFICE)			
3. CONTRACTOR					4. DATE OF REQUEST	
5. CONTRACT NUMBER	6. DATE BID OPENED (SEALED BIDDING)	7. DATE OF AWARD	8. DATE CONTRACT WORK STARTED	9. DATE OPTION EXERCISED (IF APPLICABLE) (SERVICE CONTRACT ONLY)		
10. SUBCONTRACTOR (IF ANY)						
11. PROJECT AND DESCRIPTION OF WORK (ATTACH ADDITIONAL SHEET IF NEEDED)						
12. LOCATION (CITY, COUNTY, AND STATE)						
13. IN ORDER TO COMPLETE THE WORK PROVIDED FOR UNDER THE ABOVE CONTRACT, IT IS NECESSARY TO ESTABLISH THE FOLLOWING RATE(S) FOR THE INDICATED CLASSIFICATION(S) NOT INCLUDED IN THE DEPARTMENT OF LABOR DETERMINATION						
NUMBER:			DATED:			
a. LIST IN ORDER: PROPOSED CLASSIFICATION TITLE(S); JOB DESCRIPTION(S); DUTIES; AND RATIONALE FOR PROPOSED CLASSIFICATIONS (Service contracts only)			b. WAGE RATE(S)		c. FRINGE BENEFITS PAYMENTS	
<i>(Use reverse or attach additional sheets, if necessary)</i>						
14. SIGNATURE AND TITLE OF SUBCONTRACTOR REPRESENTATIVE (IF ANY)			15. SIGNATURE AND TITLE OF PRIME CONTRACTOR REPRESENTATIVE			
16. SIGNATURE OF EMPLOYEE OR REPRESENTATIVE			TITLE		CHECK APPROPRIATE BOX-REFERENCING BLOCK 13.	
					<input type="checkbox"/> AGREE <input type="checkbox"/> DISAGREE	
<p><b>TO BE COMPLETED BY CONTRACTING OFFICER (CHECK AS APPROPRIATE - SEE FAR 22.1019 (SERVICE CONTRACT LABOR STANDARDS) OR FAR 22.406-3 (CONSTRUCTION WAGE RATE REQUIREMENTS))</b></p>						
<input type="checkbox"/> THE INTERESTED PARTIES AGREE AND THE CONTRACTING OFFICER RECOMMENDS APPROVAL BY THE WAGE AND HOUR DIVISION. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED.						
<input type="checkbox"/> THE INTERESTED PARTIES CANNOT AGREE ON THE PROPOSED CLASSIFICATION AND WAGE RATE. A DETERMINATION OF THE QUESTION BY THE WAGE AND HOUR DIVISION IS THEREFORE REQUESTED. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED. <i>(Send 3 copies to the Department of Labor)</i>						
SIGNATURE OF CONTRACTING OFFICER OR REPRESENTATIVE			TITLE AND COMMERCIAL TELEPHONE NUMBER		DATE SUBMITTED	
AUTHORIZED FOR LOCAL REPRODUCTION PREVIOUS EDITION IS USABLE			STANDARD FORM 1444 (REV. 4/2013) Prescribed by GSA-FAR (48 CFR) 53.222(f)			

# What happens when you can't find a classification on your wage determination?

**1**

**Make one up and add it to your wage determination yourself**

**2**

**Just use the classification that resembles what you're looking for**

**3**

**Use the Laborer – duh!**

# What happens when you can't find a classification on your wage determination?

1

Make one up and add it to your wage determination yourself



3

Use the Laborer – duh!



# Ask the questions:



1. Is the work that the classification you want to request performed by any other classification on the Wage determination?

*If **no**, proceed to question 2*

*If **yes**, you don't need a conformance*

# Next question:



2. Is it a classification that is utilized in the area you're going to work in?

*If **yes**, proceed to question 3*

*If **no**, then you may need to do more research*

# Last question:

3. Does the wage and fringe you are proposing bear a “reasonable relationship” to rates on the Wage Determination?

*What do I mean by that?*



# Reasonable Relationship:



U.S. Department of Labor

Wage and Hour Division  
Washington, D.C. 20210



MAR 22 2013

MEMORANDUM NO. 213

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

The category in which the requested additional classification falls is relevant to the reasonable relationship analysis. As background, classifications in wage determinations fall into four general categories: skilled crafts, laborers, power equipment operators, and truck drivers. To determine a “reasonable relationship,” the requested additional classification is compared to the classifications on the applicable wage determination within the same category. A proposed skilled craft classification is compared to skilled classifications in the wage determination; a proposed laborer classification is compared to existing laborer classifications; a proposed power equipment operator classification is compared to existing power equipment operator classifications; and a proposed truck driver classification is compared to existing truck driver classifications. See *Mistick Construction*, ARB Case No. 02-004 (June 24, 2003); *Tower Construction*, WAB Case No. 94-17 (Feb. 28, 1995).<sup>1</sup> Thus, when considering a conformance

the contract is not performed by an existing classification. See *Cambridge Plaza*, ARB Case No. 07-102 (ARB Oct. 29, 2009). Accordingly, the WHD will not add a new classification through a conformance action unless the first criterion for issuance of a conformance is satisfied, i.e., the proposed work in question is not performed by any classification in the existing wage determination. 29 C.F.R. § 5.5(a)(1)(ii)(A)(1).

In those circumstances in which the duties of the proposed classification are not performed by any classification in the existing wage determination, the WHD will consider whether the proposed wage rate bears a “reasonable relationship” to the wage rates in the wage determination. In the past, WHD has generally approved proposed wage rates for a conformed skilled craft and a power equipment operator when such rates were not less than the rate for the lowest classification in the respective category on the contract wage determination. The practice of using the lowest rate in the relevant category as a benchmark also occurred on occasion with laborers and truck drivers. In keeping with the remedial purpose of the DBRA and the governing

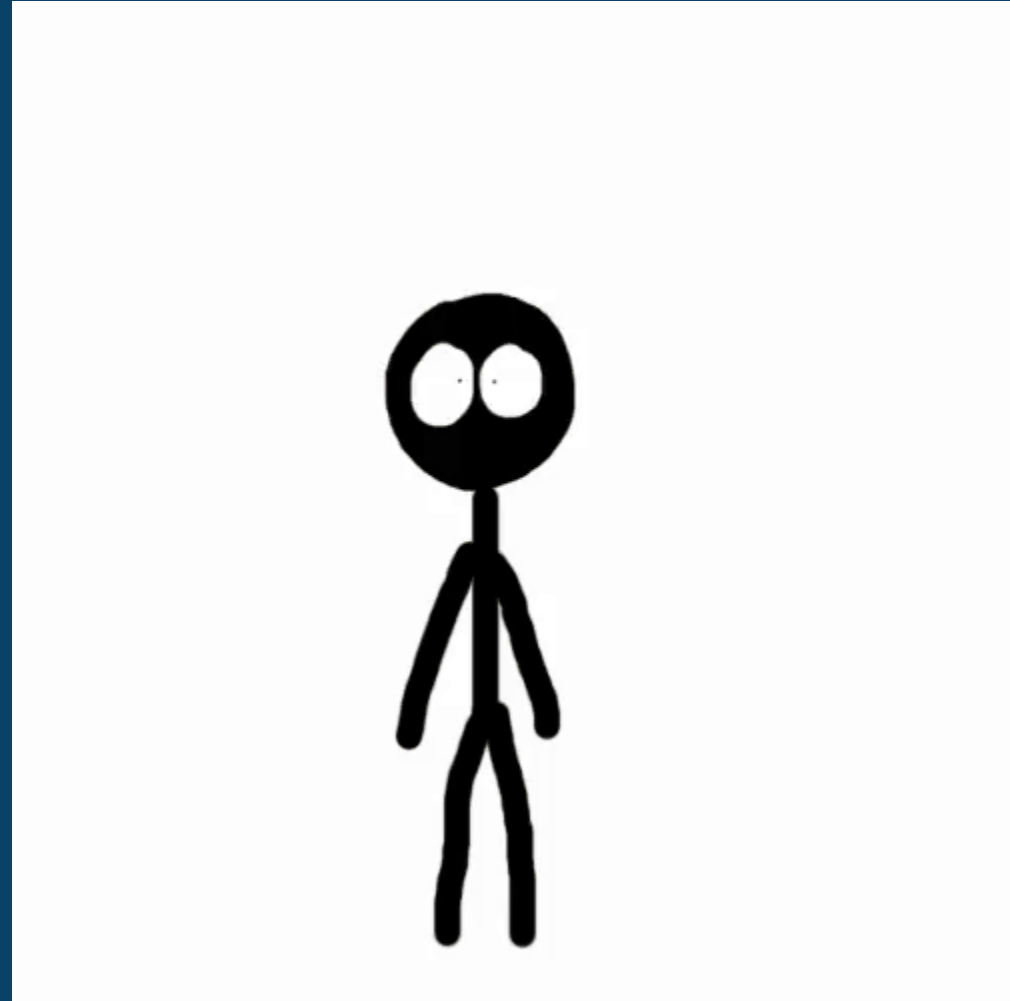
# Process

# Formal Conformance Process

1. Determine the missing classifications
2. Perform a wage and fringe analysis
3. Fill out the SF-1444 form
4. Submit SF-1444 to your Client

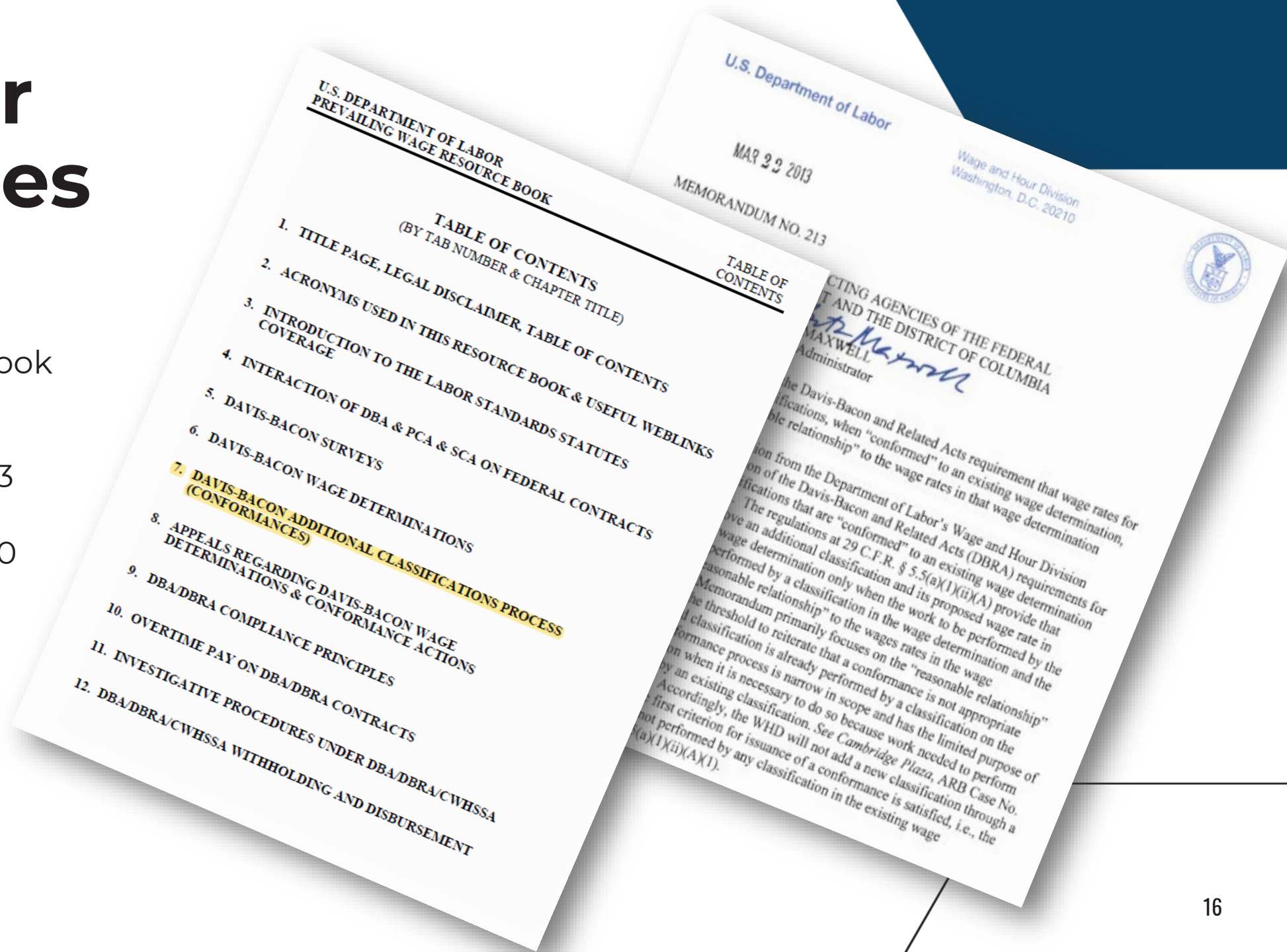
# Awesome-

# How do you do all that?



# Use Your Resources

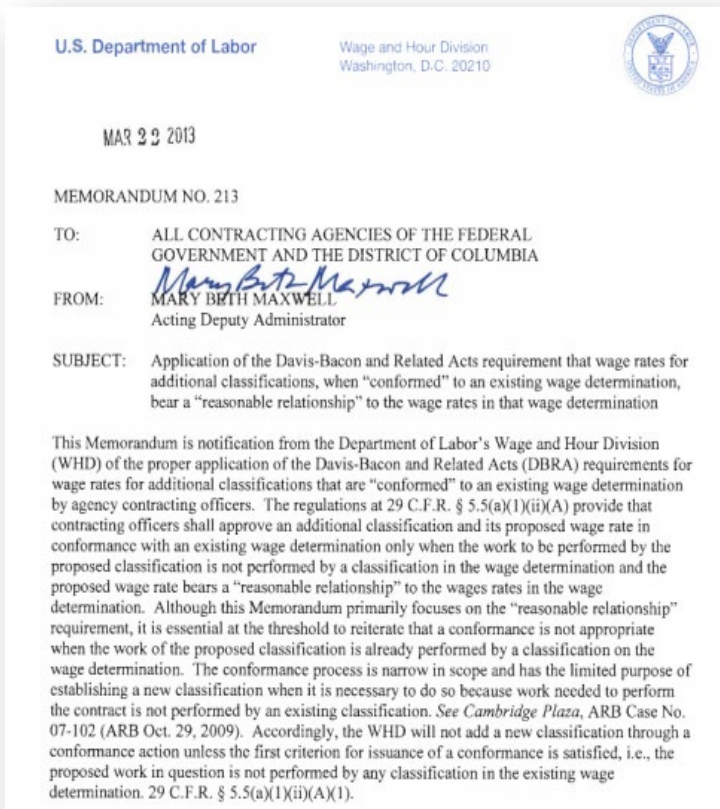
- ✓ USDOL Prevailing Wage Resource Book ver.2015
- ✓ AAM 213 03/22/2013
- ✓ AAM 233 12/14/2020





# AAM 213

- Wage Rates
  - Union
  - Weighted Average/Open-shop
- Classification Categories
  - Skilled Crafts
  - Laborers
  - Power Equipment Operators
  - Truck Drivers



# Example #1



**Project:** New Bridge Construction

**Location:** San Diego, California

**Missing Classification:** Mechanic

# Example #1

"General Decision Number: CA20230001 01/13/2023

Superseded General Decision Number: CA20220001

State: California

Construction Types: Building, Heavy (Heavy and Dredging), Highway and Residential

County: San Diego County in California.

BUILDING CONSTRUCTION PROJECTS; DREDGING PROJECTS (does not include hopper dredge work); HEAVY CONSTRUCTION PROJECTS (does not include water well drilling); HIGHWAY CONSTRUCTION PROJECTS; RESIDENTIAL CONSTRUCTION PROJECTS (consisting of single family homes and apartments up to and including 4 stories)

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60).

If the contract is entered into on or after January 30, 2022, or the contract is renewed or extended (e.g., an option is exercised) on or after January 30, 2022:

- Executive Order 14026 generally applies to the contract.
- The contractor must pay all covered workers at least \$16.20 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 2023.

If the contract was awarded on or between January 1, 2015 and January 29, 2022, and the contract is not renewed or extended on or after January 30, 2022:

- Executive Order 13658 generally applies to the contract.
- The contractor must pay all covered workers at least \$12.15 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on that contract in 2023.

	Rates	Fringes
<b>CARP0213-003 07/01/2021</b>		
Drywall		
(1) Work on wood framed construction of single family residences, apartments or condominiums under four stories		
Drywall Installer/Lather...\$ 32.14		16.28
Drywall Stocker/Scraper...\$ 22.16		8.62
<b>CARP0619-002 07/01/2021</b>		
Drywall		
(2) All other work		
Drywall Installer/Lather...\$ 42.80		16.28
Drywall Stocker/Scraper...\$ 23.07		8.62
<b>CARP0619-003 07/01/2021</b>		
CARPENTER		
(1) Bridge.....\$ 51.53		16.28
(2) Commercial Building....\$ 46.30		16.28
(3) Heavy & Highway.....\$ 51.40		16.28
(4) Residential Carpenter...\$ 38.47		16.28
(5) Residential		
Insulation Installer.....\$ 24.16		15.76
PILEDRIVERMAN.....\$ 51.53		16.28
<b>CARP0619-004 07/01/2021</b>		
Diver		
(1) Wet.....\$ 831.20		16.28
(2) Standby.....\$ 444.24		16.28
(3) Tender.....\$ 436.24		16.28
(4) Assistant Tender.....\$ 412.24		16.28
Amounts in "'Rates' column are per day		
<b>CARP0721-001 07/01/2021</b>		
Modular Furniture Installer.....\$ 21.85		
		7.15
<b>CARP1607-004 07/01/2021</b>		
MILLWRIGHT.....\$ 51.90		
		16.48
<b>ELEC0569-001 06/01/2021</b>		
Electricians (Tunnel Work)		

work on the following Military Bases: China Lake Naval Reserve, Vandenberg AFB, Point Arguello, Seely Naval Base, Fort Irwin, Nebo Annex Marine Base, Marine Corp Logistics Base Yermo, Edwards AFB, 29 Palms Marine Base and Camp Pendleton

Workers required to suit up and work in a hazardous material environment: \$2.00 per hour additional. Combination mixer and compressor operator on gunite work shall be classified as a concrete mobile mixer operator.

SEE ZONE DEFINITIONS AFTER CLASSIFICATIONS

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP 1: Bargeman; Brakeman; Compressor operator; Ditch Witch, with seat or similar type equipment; Elevator operator-inside; Engineer Oiler; Forklift operator (includes load, lull or similar types under 5 tons; Generator operator; Generator, pump or compressor plant operator; Pump operator; Signalman; Switchman

GROUP 2: Asphalt-rubber plant operator (nurse tank operator); Concrete mixer operator-skip type; Conveyor operator; Fireman; Forklift operator (includes load, lull or similar types over 5 tons; Hydrostatic pump operator; oiler crusher (asphalt or concrete plant); Petromat laydown machine; PJU side dum jack; Screening and conveyor machine operator (or similar types); Skiploader (wheel type up to 3/4 yd. without attachment); Tar pot fireman; Temporary heating plant operator; Trenching machine oiler

GROUP 3: Asphalt-rubber blend operator; Bobcat or similar type (Skid steer); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter radioman (ground); Stationary pipe wrapping and cleaning machine operator

GROUP 4: Asphalt plant fireman; Backhoe operator (mini-max or similar type); Boring machine operator; Boxman or mixerman (asphalt or concrete); Chip spreading machine operator; Concrete cleaning decontamination machine operator; Concrete Pump Operator (small portable); Drilling machine operator, small auger types (Texoma super economic or similar types - Hughes 100 or 200 or similar types - drilling depth of 30' maximum); Equipment greaser (grease truck); Guard rail post driver operator; Highline cableway signalman; Hydra-hammer-aero stomper; Micro Tunneling (above ground tunnel); Power concrete curing machine operator; Power concrete saw operator; Power-driven jumbo form setter operator; Power sweeper operator; Rock Wheel Saw/Trencher; Roller operator (compacting); Screed operator (asphalt or concrete); Trenching machine operator (up to 6 ft.); Vacuum or much truck

GROUP 5: Equipment Greaser (Grease Truck/Multi Shift).

GROUP 6: Articulating material hauler; Asphalt plant engineer; Batch plant operator; Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer operator; Dandy digger; Deck engine operator; Derrickman (oilfield type); Drilling machine operator, bucket or auger types (Calweld 100 bucket or similar types - Watson 1000 auger or similar types - Texoma 330, 500 or 600 auger or similar types - drilling depth of 45' maximum); Drilling machine operator; Hydrographic seeder

or similar types - Texoma 700, 800 auger or similar types - drilling depth of 60' maximum); Elevating grader operator; Grade checker; Gradall operator; Grouting machine operator; Heavy-duty repairman; Heavy equipment robotics operator; Kalamazoo balliste regulator or similar type; Kolman belt loader and similar type; Le Tourneau blob compactor or similar type; Loader operator (Atkey, Euclid, Giannini and

# Example #1

years of service, and 6% for 6 months to 5 years of service.

b. PAID HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, Friday after Thanksgiving, and Christmas Day.

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 ENGI0012-003 07/01/2022

	Rates	Fringes
OPERATOR: Power Equipment (All Other Work)		
GROUP 1.....	\$ 51.90	30.70
GROUP 2.....	\$ 52.68	30.70
GROUP 3.....	\$ 52.97	30.70
GROUP 4.....	\$ 54.46	30.70
GROUP 5.....	\$ 48.96	25.25
GROUP 6.....	\$ 54.68	30.70
GROUP 8.....	\$ 54.79	30.70
GROUP 9.....	\$ 49.29	25.25
GROUP 10.....	\$ 54.91	30.70
GROUP 11.....	\$ 49.41	25.25
GROUP 12.....	\$ 55.08	30.70
GROUP 13.....	\$ 55.18	30.70
GROUP 14.....	\$ 55.21	30.70
GROUP 15.....	\$ 55.29	30.70
GROUP 16.....	\$ 55.41	30.70
GROUP 17.....	\$ 55.58	30.70
GROUP 18.....	\$ 55.68	30.70
GROUP 19.....	\$ 55.79	30.70
GROUP 20.....	\$ 55.91	30.70
GROUP 21.....	\$ 56.08	30.70
GROUP 22.....	\$ 56.18	30.70
GROUP 23.....	\$ 56.29	30.70
GROUP 24.....	\$ 56.41	30.70
GROUP 25.....	\$ 56.58	30.70

	Rates	Fringes
OPERATOR: Power Equipment (Cranes, Piledriving & Hoisting)		
GROUP 1.....	\$ 53.25	30.70
GROUP 2.....	\$ 54.03	30.70
GROUP 3.....	\$ 54.32	30.70
GROUP 4.....	\$ 54.46	30.70
GROUP 5.....	\$ 54.68	30.70
GROUP 6.....	\$ 54.79	30.70
GROUP 7.....	\$ 54.91	30.70
GROUP 8.....	\$ 55.08	30.70
GROUP 9.....	\$ 55.25	30.70
GROUP 10.....	\$ 56.25	30.70
GROUP 11.....	\$ 57.25	30.70
GROUP 12.....	\$ 58.25	30.70
GROUP 13.....	\$ 59.25	30.70

	Rates	Fringes
OPERATOR: Power Equipment (Tunnel Work)		
GROUP 1.....	\$ 54.53	30.70
GROUP 2.....	\$ 54.82	30.70
GROUP 3.....	\$ 54.96	30.70
GROUP 4.....	\$ 55.18	30.70
GROUP 5.....	\$ 55.29	30.70
GROUP 6.....	\$ 55.41	30.70
GROUP 7.....	\$ 55.71	30.70

PREMIUM PAY:  
 \$3.75 per hour shall be paid on all Power Equipment Operator

	Rates	Fringes
Traffic signal, street light and underground work		
Utility Technician #1.....	\$ 38.67	9.11
Utility Technician #2.....	\$ 30.10	8.85

STREET LIGHT & TRAFFIC SIGNAL WORK:

UTILITY TECHNICIAN #1: Installation of street lights and traffic signals, including electrical circuitry, programmable controller, pedestal-mounted electrical meter enclosures and laying of pre-assembled cable in ducts. The layout of electrical systems and communication installation including proper position of trench depths, and radius at duct banks, location for manholes, street lights and traffic signals.

UTILITY TECHNICIAN #2: Distribution of material at jobsite, installation of underground ducts for electrical, telephone, cable TV land communication systems. The setting, leveling, grounding and racking of precast manholes, handholes and transformer pads.

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 ELEC0569-008 08/30/2021

	Rates	Fringes
ELECTRICIAN (Residential, 1-3 Stories).....	\$ 37.28	7.98

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 ELEC1245-001 06/01/2022

	Rates	Fringes
LINE CONSTRUCTION		
(1) Lineman; Cable splicer..	\$ 64.40	22.58
(2) Equipment specialist (operates crawler tractors, commercial motor vehicles, backhoes, trenchers, cranes (50 tons and below), overhead & underground distribution line equipment).....	\$ 50.00	21.30
(3) Groundman.....	\$ 38.23	20.89
(4) Powderman.....	\$ 51.87	18.79

HOLIDAYS: New Year's Day, M.L. King Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and day after Thanksgiving, Christmas Day

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 \* ELEV0018-001 01/01/2023

	Rates	Fringes
ELEVATOR MECHANIC.....	\$ 63.95	37.335+a+b

FOOTNOTE:  
 a. PAID VACATION: Employer contributes 8% of regular hourly rate as vacation pay credit for employees with more than 5

which is the NE corner of the Western half of the NW quarter of Section 6, T25S, R42E, MDM. Continue S to that point which is the SW corner of the NW quarter of Section 6, T27S, R42E, MDM. Continue E in a straight line to the California and Nevada state border at the point which is the NW corner of Section 1, T17N, R14E, San Bernardino Meridian. Then continue NW along the state line to the starting point, which is the center of Section 18, T10N, R22E, MDM.

REMAINING AREA NOT DEFINED ABOVE RECEIVES BASE RATE

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 \* ENGI0012-004 08/01/2022

	Rates	Fringes
OPERATOR: Power Equipment (DREDGING)		
(1) Leverman.....	\$ 61.60	32.50
(2) Dredge dozer.....	\$ 55.63	32.50
(3) Deckmate.....	\$ 55.52	32.50
(4) Winch operator (stern winch on dredge).....	\$ 54.97	32.50
(5) Fireman-Oiler, Deckhand, Bargeman, Leveehand.....	\$ 54.43	32.50
(6) Barge Mate.....	\$ 55.04	32.50

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 \* IRON0229-001 01/01/2023

	Rates	Fringes
IRONWORKER		
Fence Erector.....	\$ 41.28	25.66
Ornamental, Reinforcing and Structural.....	\$ 46.20	34.30

PREMIUM PAY:

\$6.00 additional per hour at the following locations:

China Lake Naval Test Station, Chocolate Mountains Naval Reserve-Niland, Edwards AFB, Fort Irwin Military Station, Fort Irwin Training Center-Goldstone, San Clemente Island, San Nicholas Island, Susanville Federal Prison, 29 Palms - Marine Corps, U.S. Marine Base - Barstow, U.S. Naval Air Facility - Sealey, Vandenberg AFB

\$4.00 additional per hour at the following locations:

Army Defense Language Institute - Monterey, Fallon Air Base, Naval Post Graduate School - Monterey, Yermo Marine Corps Logistics Center

\$2.00 additional per hour at the following locations:

Port Hueneme, Port Mugu, U.S. Coast Guard Station - Two Rock

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 LABO0089-001 07/01/2022

	Rates	Fringes
LABORER.....		

PLASTER TENDER.....\$ 41.47 23.32

Work on a swing stage scaffold: \$1.00 per hour additional.

Work at Military Bases - \$3.00 additional per hour:  
 Coronado Naval Amphibious Base, Fort Irwin, Marine Corps Air Station-29 Palms, Imperial Beach Naval Air Station, Marine Corps Logistics Supply Base, Marine Corps Pickle Meadows, Mountain Warfare Training Center, Naval Air Facility-Seeley, North Island Naval Air Station, Vandenberg AFB.

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 PAIN0036-001 07/01/2020

	Rates	Fringes
Painters: (Including Lead Abatement)		
(1) Repair (excludes San Diego County).....	\$ 29.59	17.12
(2) All Other Work.....	\$ 33.12	17.24

REPAINT of any previously painted structure. Exceptions: work involving the aerospace industry, breweries, commercial recreational facilities, hotels which operate commercial establishments as part of hotel service, and sports facilities.

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 PAIN0036-010 09/01/2022

	Rates	Fringes
DRYWALL FINISHER/TAPER		
(1) Building & Heavy Construction.....	\$ 39.54	21.50
(2) Residential Construction (Wood frame apartments, single family homes and multi-duplexes up to and including four stories).....	\$ 32.27	14.70

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 PAIN0036-012 10/01/2022

	Rates	Fringes
GLAZIER.....	\$ 47.90	20.71

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 PAIN0036-019 06/01/2022

	Rates	Fringes
SOFT FLOOR LAYER.....	\$ 34.77	17.89

-----  
 PLAS0200-005 08/03/2022

	Rates	Fringes
PLASTERER.....	\$ 47.37	19.64

NORTH ISLAND NAVAL AIR STATION, COLORADO NAVAL AMPHIBIOUS BASE, IMPERIAL BEACH NAVAL AIR STATION: \$3.00 additional per hour.

# Example #1

<b>PLUMBER</b>		
Landscape/Irrigation Fitter.....	\$ 38.20	25.65
Sewer & Storm Drain Work....	\$ 42.29	23.03
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ROOF0045-001 07/01/2022		
	Rates	Fringes
ROOFER.....	\$ 39.90	11.19
-----		
* SFCA0669-001 01/01/2023		
	Rates	Fringes
SPRINKLER FITTER.....	\$ 44.99	25.72
-----		
SHEE0206-001 07/01/2020		
	Rates	Fringes
<b>SHEET METAL WORKER</b>		
Camp Pendleton.....	\$ 42.62	29.55
Except Camp Pendleton.....	\$ 40.62	29.55
Sheet Metal Technician.....	\$ 30.51	9.49
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<b>SHEET METAL TECHNICIAN - SCOPE:</b>		
a. Existing residential buildings, both single and multi-family, where each unit is heated and/or cooled by a separate system b. New single family residential buildings including tracts. c. New multi-family residential buildings, not exceeding five stories of living space in height, provided each unit is heated or cooled by a separate system. Hotels and motels are excluded. d. LIGHT COMMERCIAL WORK: Any sheet metal, heating and air conditioning work performed on a project where the total construction cost, excluding land, is under \$1,000,000 e. TENANT IMPROVEMENT WORK: Any work necessary to finish interior spaces to conform to the occupants of commercial buildings, after completion of the building shell		
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TEAM0166-001 07/01/2022		
	Rates	Fringes
<b>Truck drivers:</b>		
GROUP 1.....	\$ 28.15	24.82
GROUP 2.....	\$ 38.74	24.82
GROUP 3.....	\$ 38.94	24.82
GROUP 4.....	\$ 39.14	24.82
GROUP 5.....	\$ 39.34	24.82
GROUP 6.....	\$ 39.83	24.82
GROUP 7.....	\$ 41.34	24.82
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FOOTNOTE: HAZMAT PAY: Work on a hazmat job, where hazmat certification is required, shall be paid, in addition to the classification working in, as follows: Levels A, B and C - +\$1.00 per hour. Workers shall be paid hazmat pay in increments of four (4) and eight (8) hours.		
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<b>TRUCK DRIVER CLASSIFICATIONS</b>		
GROUP 1: Fuel Man, Swamper		

## GROUP 9: Heavy Duty Repairman

machine operator (straw, pulp or seed), Jackson track maintainer, or similar type; Kalamazoo Switch tamper, or similar type; Machine tool operator; Maginnis internal full slab vibrator, Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete, Clary-Johnson-Bidwell or similar); Micro tunnel system (below ground); Pavement breaker operator (truck mounted); Road oil mixing machine operator; Roller operator (asphalt or finish), rubber-tired earth moving equipment (single engine, up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Skiploader operator (crawler and wheel type, over 3/4 yd. and up to and including 1-1/2 yds.); Slip form pump operator (power driven hydraulic lifting device for concrete forms); Tractor operator-bulldozer, tamper-scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types); Tugger hoist operator (1 drum); Ultra high pressure waterjet cutting tool system operator; Vacuum blasting machine operator

GROUP 8: Asphalt or concrete spreading operator (tamping or finishing); Asphalt paving machine operator (Barber Greene or similar type); Asphalt-rubber distribution operator; Backhoe operator (up to and including 3/4 yd.), small ford, Case or similar; Cast-in-place pipe laying machine operator; Combination mixer and compressor operator (gunite work); Compactor operator (self-propelled); Concrete mixer operator (paving); Crushing plant operator; Drill Doctor; Drilling machine operator, Bucket or auger types (Calweld 150 bucket or similar types - Watson 1500, 2000 2500 auger or similar types - Texoma 700, 800 auger or similar types - drilling depth of 60' maximum); Elevating grader operator; Grade checker; Gradall operator; Grouting machine operator; Heavy-duty repairman; Heavy equipment robotics operator; Kalamazoo balliste regulator or similar type; Kolman belt loader and similar type; Le Tourneau blob compactor or similar type; Loader operator (Athey, Euclid, Sierra and similar types); Mobark Chipper or similar; Ozzie padder or similar types; P.C. slot saw; Pneumatic concrete placing machine operator (Hackley-Presswell or similar type); Pumpcrete gun operator; Rock Drill or similar types; Rotary drill operator (excluding caisson type); Rubber-tired earth-moving equipment operator (single engine, caterpillar, Euclid, Athey Wagon and similar types with any and all attachments over 25 yds. up to and including 50 cu. yds. struck); Rubber-tired earth-moving equipment operator (multiple engine up to and including 25 yds. struck); Rubber-tired scraper operator (self-loading paddle wheel type-John Deere, 1040 and similar single unit); Self-propelled curb and gutter machine operator; Shuttle buggy; Skiploader operator (crawler and wheel type over 1-1/2 yds. up to and including 6-1/2 yds.); Soil remediation plant operator; Surface heaters and planer operator; Tractor compressor drill combination operator; Tractor operator (any type larger than D-5 - 100 flywheel h.p. and over, or similar-bulldozer, tamper, scraper and push tractor single engine); Tractor operator (boom attachments), Traveling pipe wrapping, cleaning and bending machine operator; Trenching machine operator (over 6 ft. depth capacity, manufacturer's rating); trenching Machine with Road Miner attachment (over 6 ft depth capacity); Ultra high pressure waterjet cutting tool system mechanic; Water pull (compaction) operator

GROUP 9: Heavy Duty Repairman

# Example #2

**Project:** Light Rail Construction

**Location:** Houston, Texas

**Missing Classification:** Ironworker



# Example #2



Superseded General Decision Nu SUTX2009-122 04/21/2009

State: Texas

Construction Type: Heavy

Counties: Anderson, Falls, Fre Jasper, Lee, Leon, Limestone, Sabine, San Augustine, Shelby, Washington Counties in Texas.

HEAVY CONSTRUCTION PROJECTS

	Rates	Fringes
CEMENT MASON/CONCRETE FINISHER...	\$ 13.00 **	0.00
LABORER: Common or General.....	\$ 8.75 **	0.00
LABORER: Pipelayer.....	\$ 11.25 **	0.00
OPERATOR: Backhoe/Trackhoe.....	\$ 15.89 **	0.00
OPERATOR: Bulldozer.....	\$ 14.25 **	0.00

	Rates	Fringes
CEMENT MASON/CONCRETE FINISHER...	\$ 13.00 **	0.00
LABORER: Common or General.....	\$ 8.75 **	0.00
LABORER: Pipelayer.....	\$ 11.25 **	0.00
OPERATOR: Backhoe/Trackhoe.....	\$ 15.89 **	0.00
OPERATOR: Bulldozer.....	\$ 14.25 **	0.00
OPERATOR: Loader (Front End)....	\$ 11.52 **	0.00
TRUCK DRIVER.....	\$ 11.75 **	0.00

January 29, 2022, and the contract is not renewed or extended on or after January 30, 2022:

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 a victim of, domestic violence, sexual assault, or stalking. Additional information on contractor requirements and worker protections under the EO is available at <https://www.dol.gov/agencies/whd/government-contracts>.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The applicable Executive Order adjusted annually. If this con Executive Orders and a classif. performance of work on the con wage determination, the contra conformance request.

Additional information on cont. protections under the Executive <http://www.dol.gov/whd/govcont>:

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of ""identifiers"" that indicate whether the particular

# Remember These Things

1. Determine category of the classification requested
2. “Union” rate or “Weighted Average/Open-shop”
3. Look for a reasonable relationship of the proposed rates to the wage determination
4. Any other considerations from the AAM’s?



# Helpful Hints

## Helpers

- ◇ Generally, conformance requests for helpers will not be approved unless the duties performed are clearly defined and distinct from those of any other classification on the wage determination, the use of such helpers is an established prevailing practice in the area, and the helper is not employed as a trainee in an informal training program. The conformance process cannot be used to add a “helper” classification where any work to be performed by the helper is performed by a classification in the wage determination. 29 C.F.R. §§ 5.2(n)(4) and 5.5(a)(1)(ii)(A).

# Secret Sauce

# Be Detailed

## Perform a detailed analysis

Classification	Group	Union or Open-Shop	Wage Rate	Fringe Rate	Total Package
Cement Mason/Concrete Finishr	Skilled Craft	Open-Shop	\$ 12.77		\$ 12.77
Form Builder/Form Setter	Skilled Craft	Open-Shop	\$ 12.38		\$ 12.38
Laborer, Asphalt Raker	Laborer	Open-Shop	\$ 11.64		\$ 11.64
Laborer, Common	Laborer	Open-Shop	\$ 10.24		\$ 10.24
Laborer, Flagger	Laborer	Open-Shop	\$ 8.70		\$ 8.70
Laborer, Utility	Laborer	Open-Shop	\$ 12.11		\$ 12.11
Laborer, Work Zone Barricade Servi	Laborer	Open-Shop	\$ 10.77		\$ 10.77
POE, Asphalt Distributor	Operator	Open-Shop	\$ 15.72		\$ 15.72
POE, Asphalt Paving Machine	Operator	Open-Shop	\$ 14.20		\$ 14.20
POE, Broom or Sweeper	Operator	Open-Shop	\$ 11.62		\$ 11.62
POE, Excavator, 50,000lbs or less	Operator	Open-Shop	\$ 14.38		\$ 14.38
POE, Front End Loader 3 cu yd or less	Operator	Open-Shop	\$ 13.15		\$ 13.15
POE, Front End Loader over 3 cu yd	Operator	Open-Shop	\$ 12.86		\$ 12.86
POE, Motor Grader, Fine	Operator	Open-Shop	\$ 16.69		\$ 16.69
POE, Motor Grader, Rough	Operator	Open-Shop	\$ 18.50		\$ 18.50
POE, Pavement Marking Machine	Operator	Open-Shop	\$ 12.01		\$ 12.01
POE, Roller, Asphalt	Operator	Open-Shop	\$ 11.61		\$ 11.61
POE, Roller, Other	Operator	Open-Shop	\$ 11.64		\$ 11.64
Servicer	Skilled Craft	Open-Shop	\$ 15.56		\$ 15.56
Truck Driver, Single Axle	Truck Driver	Open-Shop	\$ 13.53		\$ 13.53
Truck Driver, Tandem Axle Tractor with Semi Trailer	Truck Driver	Open-Shop	\$ 13.16		\$ 13.16
			\$ 273.24	\$ -	\$ 273.24
		AVERAGE	\$ 13.01	\$ -	\$ 13.01

<b>21 Total Classifications</b>
21 Open-Shop
0 Union
<b>21 Open-Shop classifications</b>
3 Skilled Crafts
5 Laborers
11 Operators
2 Truck Driver
<b>0 Union classifications</b>
0 Skilled Crafts
0 Laborers
0 Operators
0 Truck Driver

## Write a letter

Administrator, Employee Standards Administration  
Wage and Hour Division  
U.S. Department of Labor  
Washington, D.C. 20210

Subject: SF 1444 Conformance request

We respectfully ask that the Texas DOT project Pecos Trail turn in our request for conformances to the Wage and Hour Division of the Department of Labor for the proposed rates for the classifications identified below, as allowed in 29 C.F.R. § 5.5(a)(1)(ii).

Based on guidance set forward in All Agency Memorandum 213, we utilized the "reasonable relationship" test, reviewed the wage rates in the wage determination at issue, and determined the "category in which the requested additional classification falls." Below is the step-by-step analysis.

1. Kiewit has analyzed TX160018 (Highway Wage Determination for Crockett County, Texas; mod. 0 01/08/2016), and the following 5 classifications are not included in TX160018 but are needed to perform the scope of work identified in the Contract.

Classification	Type	Proposed Wage Rate	Proposed Fringe Benefit	Proposed Total Package
Water Truck Driver	Truck Driver	\$13.53	\$0.00	\$13.53
Asphalt Mill Operator	Operator	\$15.70	\$0.00	\$15.70
Mixer	Operator	\$15.70	\$0.00	\$15.70
Mechanic	Operator	\$17.61	\$0.00	\$17.61
Shuttle Buggy	Operator	\$15.70	\$0.00	\$15.70

1. There are two types of wage determinations that govern the scope of work on this project: the Federal TX160018 (Highway Wage Determination for Crockett County, Texas; mod. 0 01/08/2016) and the State Wage Schedule for Zone TX18 (01/08/2016). For purposes of analysis and the federal conformances requested on the SF1444, we will be utilizing TX1600018.
2. We have determined the following with respect to Wage Determination TX160018 Mod. 0 01/08/2016 that governs the above mentioned project: There are 21 classifications that apply to Crockett County. Per guidance in AAM 213, "if a wage determination contains predominately weighted average prevailing wage rates for a category of classifications, it typically would be appropriate to look to the weighted average non-union sector category in the wage determination and the rates for those classifications when proposing a wage rate for the additional classification." We will do that when proposing a rate for these five classifications.
3. Of the 21 classifications included in TX160018, 11 of those are operator classifications, all in the weighted average non-union sector. The average rate for an operator is \$13.85 per hour wage and \$0.00 an hour fringe. There are many skilled levels for these operators, and they are paid accordingly. We feel that the proposed Asphalt Milling Machine, Mixer and Shuttle Buggy operators are more skilled than the operators with the lower hourly rates, but less skilled than the motor grader operators. We propose that the Asphalt Milling Machine Operator, Mixer Operator and Shuttle Buggy Operator should make \$15.70 per hour and \$0.00 per hour fringe for a total package of \$15.70 per hour. We feel the skilled level of the mechanic would be higher than other operators which is why we are proposing \$17.61 per hour with \$0 fringe per hour for a total package of \$17.61 per hour.

# Conformance Exercise

# Conformance Exercise Scenario

Your Company has been awarded a project to rehab a bridge built in the 1930's in Buckhead Ridge, Florida. This is located in Glades County. Project will include partial demolition of bridge and new build of bridge, to happen off-site and be placed with crane.

- *Federal wage determination FL20220092 is in the contract, Mod.0 01/06/2023*
- *FDOT is your client*
- *This project is partially funded by the FHWA*
- *Contract No. FL 2552-8-22*
- *Bid opened 02/24/2022*
- *Date awarded 08/22/2022*
- *Date work started 10/06/2022*

## PLANNED OPERATIONS

Asphalt Paving  
Bridge Road/Demo  
Cast-in-Place Bridge

## PLANNED EQUIPMENT

Loader	Excavator
Crane	Paving Spread
Bulldozer	

## PLANNED SUBCONTRACTORS

Demo	Curb & Gutter
Traffic Control	Equipment Hauling

# Exercise

1. Using the information above, determine what classifications are missing
2. Analyze proposed wage & fringe rate for reasonable relationship
3. Fill out the SF-1444

# REMEMBER...

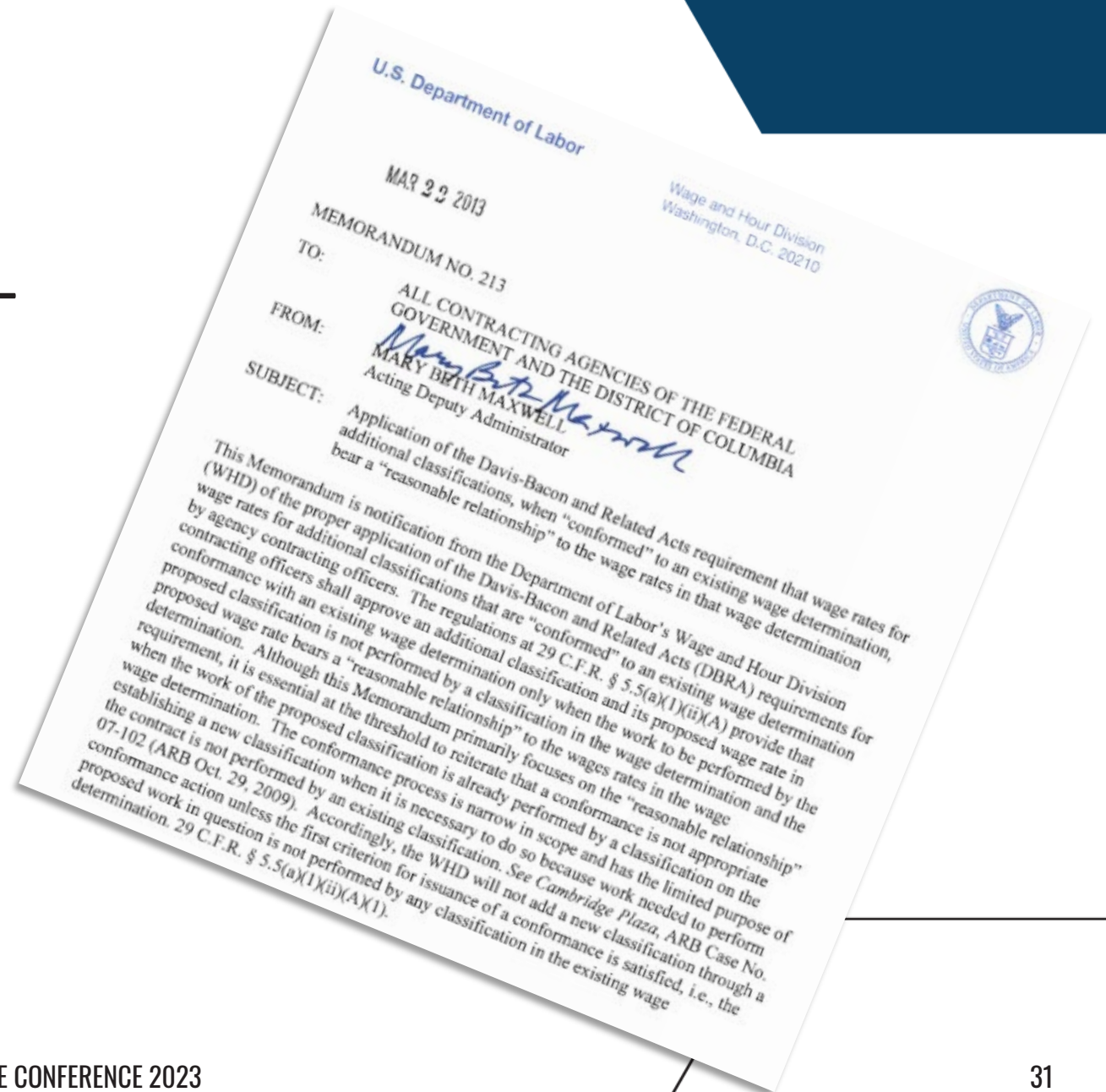
## USE AAM 213 AS YOUR GUIDE

To have a “Reasonable Relationship” – look to the categories

- *Skilled crafts*
- *Power Equipment Operators*
- *Laborers*
- *Truck Drivers*

Analyze based on classifications in your Wage Determination

- *Predominately Union*
- *Predominately Weighted Average (Open Shop)*
- *½ Union and ½ Weighted Average*



# Analysis Help

Classification	Group	Union or Open-Shop	Wage Rate	Fringe Rate	Total Package
Painter: Brush or Spray	Skilled Craft	Union	\$ 19.50	\$ 8.83	\$ 28.33
Laborer: Common or General	Laborer	Open-Shop	\$ 9.34	\$ 1.85	\$ 11.19
Laborer: Pipelayer	Laborer	Open-Shop	\$ 11.58	\$ -	\$ 11.58
Operator: Backhoe/Excavator	Operator	Open-Shop	\$ 12.25	\$ 1.33	\$ 13.58
Operator: Bulldozer	Operator	Open-Shop	\$ 13.30	\$ 1.92	\$ 15.22
Operator: Loader	Operator	Open-Shop	\$ 14.13	\$ 1.94	\$ 16.07
Truck Driver: Distributor, Dump, Lowboy & Tandem	Truck Driver	Open-Shop	\$ 14.00	\$ -	\$ 14.00
			\$ 94.10	\$ 15.87	\$ 109.97
		AVERAGE	\$ 13.44	\$ 1.32	\$ 14.77

7 Total Classifications
6 Open-Shop
1 Union
6 Open-Shop classifications
0 Skilled Crafts
2 Laborers
3 Operators
1 Truck Driver
1 Union classifications
1 Skilled Crafts
0 Laborers
0 Operators
0 Truck Driver



# Analysis Help...

AAM 233 allows to look at another category if less than three classifications available

<b>Skilled Craft</b>					
Classification	Group	Union or Open-Shop	Wage Rate	Fringe Rate	Total Package
Painter: Brush or Spray	Skilled Craft	Union	\$ 19.50	\$ 8.83	\$ 28.33
Operator: Backhoe/Excavator	Operator	Open-Shop	\$ 12.25	\$ 1.33	\$ 13.58
Operator: Bulldozer	Operator	Open-Shop	\$ 13.30	\$ 1.92	\$ 15.22
Operator: Loader	Operator	Open-Shop	\$ 14.13	\$ 1.94	\$ 16.07
		AVERAGE	\$ 14.80	\$ 3.51	\$ 18.31

<b>Laborer</b>					
Classification	Group	Union or Open-Shop	Wage Rate	Fringe Rate	Total Package
Laborer: Common or General	Laborer	Open-Shop	\$ 9.34	\$ 1.85	\$ 11.19
Laborer: Pipelayer	Laborer	Open-Shop	\$ 11.58	\$ -	\$ 11.58
		AVERAGE	\$ 10.46	\$ 0.93	\$ 11.39

# Final SF-1444

## Other Potential Classifications:

- Operator: Truck Crane
- Operator: Skid Steer
- Operator: Manlift
- Laborer: Landscape
- Laborer: Waterproofer

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND RATE		CHECK APPROPRIATE BOX <input type="checkbox"/> SERVICE CONTRACT <input checked="" type="checkbox"/> CONSTRUCTION CONTRACT		OMB Control Number: 9000-0066 Expiration Date: 5/31/2025	
Paperwork Reduction Act Statement - This information collection meets the requirements of 44 U.S.C. § 3507, as amended by section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget (OMB) control number. The OMB control number for this collection is 9000-0066. We estimate that it will take .5 hours to read the instructions, gather the facts, and answer the questions. Send only comments relating to our time estimate, including suggestions for reducing this burden, or any other aspects of this collection of information to: U.S. General Services Administration, Regulatory Secretariat Division (M1V1CB), 1800 F Street, NW, Washington, DC 20405.					
INSTRUCTIONS: THE CONTRACTOR SHALL COMPLETE ITEMS 3 THROUGH 16, KEEP A PENDING COPY, AND SUBMIT THE REQUEST, IN QUADRUPPLICATE, TO THE CONTRACTING OFFICER.					
1. TO: ADMINISTRATOR, WAGE AND HOUR DIVISION U.S. DEPARTMENT OF LABOR WASHINGTON, DC 20210			2. FROM: (REPORTING OFFICE) Florida Department of Transportation, District One 801 N. Broadway Ave Bartow, FL 33830		
3. CONTRACTOR Taormina's General Contracting				4. DATE OF REQUEST	
5. CONTRACT NUMBER FL 2552-8-22	6. DATE BID OPENED (SEALED BIDDING) 2/24/2022	7. DATE OF AWARD 8/22/2022	8. DATE CONTRACT WORK STARTED 10/6/2022	9. DATE OPTION EXERCISED (IF APPLICABLE) (SERVICE CONTRACT ONLY) N/A	
10. SUBCONTRACTOR (IF ANY) Not applicable					
11. PROJECT AND DESCRIPTION OF WORK (ATTACH ADDITIONAL SHEET IF NEEDED) Partial demolition of bridge and new build of bridge, to happen off-site and be placed with crane.					
12. LOCATION (CITY, COUNTY, AND STATE) Buckhead Ridge, Glades County, Florida					
13. IN ORDER TO COMPLETE THE WORK PROVIDED FOR UNDER THE ABOVE CONTRACT, IT IS NECESSARY TO ESTABLISH THE FOLLOWING RATE(S) FOR THE INDICATED CLASSIFICATION(S) NOT INCLUDED IN THE DEPARTMENT OF LABOR DETERMINATION NUMBER: FL20220092 Mod.1 DATED: 2/25/2022					
a. LIST IN ORDER: PROPOSED CLASSIFICATION TITLE(S); JOB DESCRIPTION(S); DUTIES; AND RATIONALE FOR PROPOSED CLASSIFICATIONS (Service contracts only) <i>(Use reverse or attach additional sheets, if necessary)</i>			b. WAGE RATE(S)	c. FRINGE BENEFITS PAYMENTS	
Carpenter			14.80	3.51	
Cement Mason/Concrete Finisher			14.80	3.51	
Ironworker			14.80	3.51	
Operator: Crane, less than 50,000lbs			14.13	1.94	
Operator: Asphalt Paving Machine			12.25	1.33	
Operator: Roller			12.25	1.33	
Operator: Broom			12.25	1.33	
Operator: Shuttle Buggy/Material Transfer Vehicle			12.25	1.33	
Servicer			14.80	3.51	
Laborer: Flagger			10.46	0.93	
14. SIGNATURE AND TITLE OF SUBCONTRACTOR REPRESENTATIVE (IF ANY) Unknown			15. SIGNATURE AND TITLE OF PRIME CONTRACTOR REPRESENTATIVE Alicia Taormina CEO, Taormina's General Contracting <i>(Digitally signed by Alicia Taormina Date: 2023.03.29 13:28:53 -0500)</i>		
16. SIGNATURE OF EMPLOYEE OR REPRESENTATIVE			TITLE Unknown	CHECK APPROPRIATE BOX-REFERENCING BLOCK 13. <input checked="" type="checkbox"/> AGREE <input type="checkbox"/> DISAGREE	
TO BE COMPLETED BY CONTRACTING OFFICER (CHECK AS APPROPRIATE - SEE FAR 22.1019 (SERVICE CONTRACT LABOR STANDARDS) OR FAR 22.406-3 (CONSTRUCTION WAGE RATE REQUIREMENTS))					
<input type="checkbox"/> THE INTERESTED PARTIES AGREE AND THE CONTRACTING OFFICER RECOMMENDS APPROVAL BY THE WAGE AND HOUR DIVISION. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED.					
<input type="checkbox"/> THE INTERESTED PARTIES CANNOT AGREE ON THE PROPOSED CLASSIFICATION AND WAGE RATE. A DETERMINATION OF THE QUESTION BY THE WAGE AND HOUR DIVISION IS THEREFORE REQUESTED. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED. <i>(Send 3 copies to the Department of Labor)</i>					
SIGNATURE OF CONTRACTING OFFICER OR REPRESENTATIVE		TITLE AND COMMERCIAL TELEPHONE NUMBER		DATE SUBMITTED	
AUTHORIZED FOR LOCAL REPRODUCTION PREVIOUS EDITION IS USABLE				STANDARD FORM 1444 (REV. 4/2013) Prescribed by GSA-FAR (48 CFR) 53.222(f)	

# Final Thoughts

# More on Reasonable Relationships, per Classification Category

**1**

**If predominantly  
Union rates, use  
those rates and find  
average unless you  
have a CBA or Union  
rate sheet**

**2**

**If predominantly  
Weighted  
Average/Open-Shop  
rates, use those rates  
and find average**

**3**

**If a combination, look  
to lowest Union rate  
and highest  
Weighted  
Average/Open-Shop  
rate**

# Detailed Letter

- Address to USDOL
- Describe your understanding of AAM 213/233 as needed
- Describe project
- Describe how many wage determinations included in contract, including construction type
- Show analysis
- Explain wage determinations assumptions, if any
- Restate requests included on SF-1444
- Summarize

# The Complete Conformance Process

1. Perform your analysis of the wage determination via scope of work on your project
2. Fill out an SF-1444
3. Write a letter with explanation and attached documentation
4. Review (i.e., CFO, SME, Legal)
5. Transmit to Client for Submittal to USDOL
6. Track progress

## REMEMBER

Only Funding Recipients may submit SF-1444's to USDOL

Administrator, Employee Standards Administration  
Wage and Hour Division  
U.S. Department of Labor  
Washington, D.C. 20210

Subject: SF 1444 Conformance request

We respectfully ask that the Texas DOT project Pecos Trail turn in our request for conformances to the Wage and Hour Division of the Department of Labor for the proposed rates for the classifications identified below, as allowed in 29 C.F.R. § 5.5(a)(1)(ii).

Based on guidance set forward in All Agency Memorandum 213, we utilized the "reasonable relationship" test, reviewed the wage rates in the wage determination at issue, and determined the "category in which the requested additional classification falls." Below is the step-by-step analysis.

1. Kiewit has analyzed TX160018 (Highway Wage Determination for Crockett County, Texas; mod. 0 01/08/2016), and the following 5 classifications are not included in TX160018 but are needed to perform the scope of work identified in the Contract.

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1. There are two types of wage determinations that govern the scope of work on this project: the Federal TX160018 (Highway Wage Determination for Crockett County, Texas; mod. 0 01/08/2016) and the State Wage Schedule for Zone TX18 (01/08/2016). For purposes of analysis and the federal conformances requested on the SF1444, we will be utilizing TX160018.
2. We have determined the following with respect to Wage Determination TX160018 Mod. 0 01/08/2016 that governs the above mentioned project: There are 21 classifications that apply to Crockett County. Per guidance in AAM 213, "if a wage determination contains predominately weighted average prevailing wage rates for a category of classifications, it typically would be appropriate to look to the weighted average non-union sector category in the wage determination and the rates for those classifications when proposing a wage rate for the additional classification." We will do that when proposing a rate for these five classifications.
3. Of the 21 classifications included in TX160018, 11 of those are operator classifications, all in the weighted average non-union sector. The average rate for an operator is \$13.85 per hour wage and \$0.00 an hour fringe. There are many skilled levels for these operators, and they are paid accordingly. We feel that the proposed Asphalt Milling Machine, Mixer and Shuttle Buggy operators are more skilled than the operators with the lower hourly rates, but less skilled than the motor grader operators. We propose that the Asphalt Milling Machine Operator, Mixer Operator and Shuttle Buggy Operator should make \$15.70 per hour and \$0.00 per hour fringe for a total package of \$15.70 per hour. We feel the skilled level of the mechanic would be higher than other operators which is why we are proposing \$17.61 per hour with \$0 fringe per hour for a total package of \$17.61 per hour.



## Aliecia Taormina

Director of Education & Compliance

LCPtracker

ataormina@lcptracker.com

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U.S. Department of Labor

Wage and Hour Division  
Washington, D.C. 20210



MAR 22 2013

MEMORANDUM NO. 213

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

FROM: *Mary Beth Maxwell*  
MARY BETH MAXWELL  
Acting Deputy Administrator

SUBJECT: Application of the Davis-Bacon and Related Acts requirement that wage rates for additional classifications, when "conformed" to an existing wage determination, bear a "reasonable relationship" to the wage rates in that wage determination

This Memorandum is notification from the Department of Labor's Wage and Hour Division (WHD) of the proper application of the Davis-Bacon and Related Acts (DBRA) requirements for wage rates for additional classifications that are "conformed" to an existing wage determination by agency contracting officers. The regulations at 29 C.F.R. § 5.5(a)(1)(ii)(A) provide that contracting officers shall approve an additional classification and its proposed wage rate in conformance with an existing wage determination **only when the work to be performed by the proposed classification is not performed by a classification in the wage determination and the proposed wage rate bears a "reasonable relationship" to the wages rates in the wage determination.** Although this Memorandum primarily focuses on the "reasonable relationship" requirement, it is essential at the threshold to reiterate that a conformance is not appropriate when the work of the proposed classification is already performed by a classification on the wage determination. The conformance process is narrow in scope and has the limited purpose of establishing a new classification when it is necessary to do so because work needed to perform the contract is not performed by an existing classification. *See Cambridge Plaza*, ARB Case No. 07-102 (ARB Oct. 29, 2009). Accordingly, the WHD will not add a new classification through a conformance action unless the first criterion for issuance of a conformance is satisfied, i.e., the proposed work in question is not performed by any classification in the existing wage determination. 29 C.F.R. § 5.5(a)(1)(ii)(A)(1).

In those circumstances in which the duties of the proposed classification are not performed by any classification in the existing wage determination, the WHD will consider whether the proposed wage rate bears a "reasonable relationship" to the wage rates in the wage determination. In the past, WHD has generally approved proposed wage rates for a conformed skilled craft and a power equipment operator when such rates were not less than the rate for the lowest classification in the respective category on the contract wage determination. The practice of using the lowest rate in the relevant category as a benchmark also occurred on occasion with laborers and truck drivers. In keeping with the remedial purpose of the DBRA and the governing



Skilled Crafts	Laborers
Operators	Truckers

regulations, the wage rate of the lowest skilled craft, laborer, power equipment operator, or truck driver classification on the contract wage determination has no longer been an automatic benchmark when reviewing conformance requests. WHD's approach of not using the lowest wage rate as a benchmark has been progressively implemented over the last year.

### The Conformance Process

In accordance with 29 C.F.R. § 5.5(a)(1)(ii)(A), the contracting officer shall require that any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and a wage rate (including fringe benefits) for the classification only when the following criteria have been met:

- (1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and
- (2) The classification is utilized in the area by the construction industry; and
- (3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

Further, if the contractor, the laborers or mechanics (if known) to be employed in the classification or their representatives, and the contracting agency agree on the classification and wage rate proposed, a report of the action taken is sent by the contracting officer to the Administrator of WHD for approval, denial, or modification. The Administrator (or an authorized representative) shall respond within 30 days of receipt, or the contracting officer will be notified that more time is necessary. See 29 C.F.R. § 5.5(a)(1)(ii)(B). In the event that the contractor, the laborers or mechanics (if known) to be employed in the classification or their representatives, and the contracting agency do not agree on the classification and wage rate proposed, the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator of WHD for determination. The Administrator (or an authorized representative) shall issue a determination within 30 days of receipt and so advise the contracting officer, or the contracting officer will be notified that more time is necessary. See 29 C.F.R. § 5.5(a)(1)(ii)(C).

### "Reasonable Relationship"

WHD previously typically approved conformance requests from contracting officers for wage rates (including fringe benefits) for skilled classifications and power equipment operators by automatically using as a benchmark the lowest rate for a skilled classification or power equipment operator, respectively, in the applicable wage determination. The practice of using the lowest rate in the relevant category as a benchmark also occurred on occasion with laborers and truck drivers. WHD has concluded, however, that it better reflects the regulatory requirement that "the proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination" to consider the entirety of the rates within the relevant category on the wage determination and to not generally use as a benchmark the lowest rate within that category. The regulation at 29 C.F.R. §

Approved  
As Is  
Denied  
Already Exists  
Modified  
Classification approved, wage and/or fringe changed.

Contractor bears RISK for wage + fringe amounts. If "modified" = RESTITUTION OWED

5.5(a)(1)(ii)(A)(3) requires that the proposed wage rate bear a reasonable relationship to the "wage rates" on the wage determination and not to a particular rate or the lowest rate.

The category in which the requested additional classification falls is relevant to the reasonable relationship analysis. As background, classifications in wage determinations fall into four general categories: skilled crafts, laborers, power equipment operators, and truck drivers. To determine a "reasonable relationship," the requested additional classification is compared to the classifications on the applicable wage determination within the same category. A proposed skilled craft classification is compared to skilled classifications in the wage determination; a proposed laborer classification is compared to existing laborer classifications; a proposed power equipment operator classification is compared to existing power equipment operator classifications; and a proposed truck driver classification is compared to existing truck driver classifications. See *Mistick Construction*, ARB Case No. 02-004 (June 24, 2003); *Tower Construction*, WAB Case No. 94-17 (Feb. 28, 1995).<sup>1</sup> Thus, when considering a conformance request for a skilled classification, WHD generally considers the entirety of the rates for the skilled classifications on the applicable wage determination and looks to where the proposed wage rate falls within the rates listed on the wage determination. Occasionally, however, a wage determination may contain some wage rates for laborer classifications that are higher than some wage rates for the skilled classifications or power equipment operators (likely because the laborers' rates reflect union prevailing rates and the skilled crafts' or power equipment operators' rates reflect weighted average prevailing rates). On such occasions, the contracting officer should look to those skilled classifications whose rates are higher than the laborer classifications' rates. See *M.Z. Contractors Co.*, WAB Case No. 92-06 (Aug. 25, 1992). If, however, most of the skilled classifications' or power equipment operators' rates are lower than the laborer classifications' rates, then it may be reasonable to propose a rate that reflects the skilled classifications' rates even if they are lower than the laborer classifications' rates.

Read

Additionally, whether the wage rates in the applicable category (skilled craft, laborer, power equipment operator, truck driver) in the wage determination are predominantly union prevailing wage rates or predominantly weighted average prevailing wage rates should be considered when proposing rates for an additional classification. For example, if a wage determination contains predominantly union prevailing wage rates for skilled classifications, it typically would be appropriate to look to the union sector skilled classifications in the wage determination and the rates for those classifications when proposing a wage rate for the additional classification.

Conversely, if a wage determination contains predominantly weighted average prevailing wage rates for skilled classifications, it typically would be appropriate to look to the weighted average/non-union sector skilled classifications in the wage determination and the rates for those classifications when proposing a wage rate for the additional classification. If the wage rates in the applicable category are roughly half union prevailing rates and half weighted average prevailing rates, it would typically be appropriate to look to the lowest union rate and the highest weighted average rate (assuming the union rates are higher than the weighted average rates) when proposing a wage rate.

<sup>1</sup> Copies of Administrative Review Board (ARB) and Wage Appeals Board (WAB) decisions can be obtained from: [www.oalj.dol.gov/libdba.htm](http://www.oalj.dol.gov/libdba.htm).

→ Read

Union


Survey-  
Weighted  
Average

1/3 and 1/2

While the majority of conformance requests are within the skilled classification category, the governing regulations and the principles outlined in this Memorandum apply to the other categories of workers – laborers, power equipment operators, and truck drivers. To meet the “reasonable relationship” test for a conformed power equipment operator or truck driver classification, the proposed wage rate should bear a reasonable relationship to the entirety of rates within the respective classification, and in particular to the union or weighted average rates in the classification (assuming union or weighted average rates prevail for the classification). When a conformance for a laborer classification is requested, WHD generally continues to use the common laborer rate already existing in the wage determination as a benchmark for the proposed rate.

*Write letter with explanation* ← Each conformance request and corresponding wage determination involves particular circumstances and therefore should be evaluated as such. The full range of wage rates on the wage determination for the appropriate category should be reviewed in the manner discussed above. When seeking conformed classifications and wage rates, the contractor and the contracting officer should not rely on a wage determination or conformance granted to another party regardless of the similarity of the work in question. *See, e.g., Inland Waters Pollution Control, Inc.*, WAB Case No. 94-12 (Sept. 30, 1994). Moreover, the contractor and the contracting officer should not prospectively rely on WHD’s prior approval of rates for application to a contract performed at the same location. *See E&M Sales, Inc.*, WAB Case No. 91-17 (Oct. 4, 1991). Although atypical, use of the “lowest skilled” rate may of course be appropriate when that rate in fact bears a reasonable relationship to the wage rates contained in the wage determination for the appropriate category. *See, e.g., Tower Construction*, WAB Case No. 94-17 (Feb. 28, 1995) (conformed wage rate, which equaled lowest skilled rate on wage determination, was reasonable). — Read

In sum, contracting agencies should take the following steps when proposing a wage rate for a classification to be conformed to an existing wage determination:

- 
- First, the contracting agency should determine the category (skilled crafts, laborers, power equipment operators, or truck drivers) of the classification which is being conformed.
  - Second, the contracting agency should determine for that category whether union or weighted average/non-union sector rates prevail in the existing wage determination.
  - Third, after reviewing the entirety of the rates within the appropriate sector in the applicable category, the contracting agency should determine a rate that bears a reasonable relationship to those rates on the wage determination.
  - Fourth, the contracting agency should determine whether any of the considerations identified in this Memorandum apply (or whether any other relevant considerations apply). For example, if the classification being conformed is a skilled classification and some of the wage rates for skilled classifications in the wage determination are lower than the rates for laborer classifications, then the contracting agency should use those existing skilled classification rates that are higher than the laborer rates to determine the

proposed rate. And if the classification which is being conformed is a laborer classification, the proposed wage rate should generally use the existing common laborer wage rate as a benchmark.

### Conclusion

The WHD Administrator has historically maintained broad discretion under the regulations to make determinations regarding proposed wage rates for additional classifications that are conformed to existing wage determinations. This broad discretion has been confirmed by the ARB and its predecessors, as illustrated by the decisions cited in this Memorandum, among others. In exercising that discretion, WHD ensures that wage rates (including fringe benefits) for the classification to be conformed bear a reasonable relationship to the range of rates for the classifications in the wage determination in the same category (skilled classifications, power equipment operators, laborers, and truck drivers), and not automatically to the lowest rate in the applicable category. Consistent with the governing regulations, contracting agencies should ensure that they request wage rates (including fringe benefits) for additional classifications in accordance with the principles set forth in this Memorandum. By following the guidance in this AAM, contracting agencies and contractors will benefit by receiving approvals from WHD that ensure consistency in conformed wage rates and increase efficiencies in government.

In conjunction with the guidance provided in this AAM, WHD has posted on [www.dol.gov/whd/govcontracts/dbra.htm](http://www.dol.gov/whd/govcontracts/dbra.htm) a series of frequently asked questions that include examples which will provide additional guidance regarding the reasonable relationship requirement in the conformance process. WHD also is updating its Prevailing Wage Resource Book and will provide compliance assistance on DBRA conformances at future Prevailing Wage Conferences. In addition, WHD's Branch of Construction Wage Determinations is available to assist with any questions.



December 14, 2020

## ALL AGENCY MEMORANDUM NUMBER 233

TO: All Contracting Agencies of the Federal Government and the District of Columbia

FROM: Cheryl M. Stanton, Administrator *Cheryl M Stanton*

SUBJECT: Clarification of All Agency Memorandum No. 213

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The purpose of this memorandum is to clarify the application of All Agency Memorandum (AAM) No. 213, dated March 22, 2013, to conformance decisions where the relevant wage determination (WD) contains very few classifications within the same category – *i.e.*, skilled crafts, power equipment operators (PEOs), laborers, or truck drivers – to which the additional classification may be compared to determine whether its wage rate bears a “reasonable relationship” to other wage rates on the WD pursuant to 29 C.F.R. § 5.5(a)(1)(ii)(A)(3). When the WD contains fewer than three skilled classifications, agency contracting officers should compare a proposed skilled classification to existing classifications within the skilled craft *and* PEO categories. Likewise, when the WD contains fewer than three PEO classifications, agency contracting officers should compare a proposed PEO classification to existing classifications within both categories.

AAM 213 addresses the proper application of Davis-Bacon and Related Acts (DBRA) requirements for wage rates for additional classifications that are “conformed” to an existing WD by agency contracting officers, focusing on the requirement that the conformed wage rate for an unlisted classification must “bear a reasonable relationship to the wage rates contained in the wage determination.” AAM 213; *see* 29 C.F.R. § 5.5(a)(1)(ii)(A)(3). Under AAM 213, to determine a “reasonable relationship,” the wage rate for the requested additional classification is compared to the wage rates for classifications on the WD within the same category – *i.e.*, skilled crafts, PEOs, laborers, and truck drivers. AAM 213 at 3. For instance, the wage rate for a proposed skilled classification is compared to the wage rates for skilled classifications in the WD. *Id.* (citing *Mistick Constr.*, ARB No. 02-004, 2003 WL 21488362 (June 24, 2003), and *Tower Constr.*, WAB No. 94-17, 1995 WL 90010 (Feb. 28, 1995)). Similarly, the wage rate for a proposed PEO, laborer, or truck driver classification is compared to those of existing classifications within the PEO, laborer, or truck driver categories, respectively. *Id.*

At issue is how to apply the “reasonable relationship” principle in the narrow circumstances in which the WD contains very few classifications within the relevant category. In such instances, the Wage and Hour Division (WHD) has determined that it is appropriate for agency contracting officers to combine the skilled craft and PEO categories for the purposes of the “reasonable relationship” analysis. Therefore, when the WD contains fewer than three skilled classifications against which to compare a proposed skilled classification, or when the WD contains fewer than three PEO classifications against which to compare a proposed PEO classification, agency

contracting officers should determine whether the proposed classification bears a “reasonable relationship” to other wage rates on the WD by comparing the proposed classification to the existing skilled *and* PEO classifications on the WD. Considering skilled and PEO classifications together in these limited circumstances is consistent with WHD’s long-held view that PEOs, while forming a “separate and distinct subgroup of construction worker classifications,” *Tower Constr.*, 1995 WL 90010, at \*4, are nonetheless a type of skilled classification.<sup>1</sup> However, when the WD contains three or more classifications within the skilled craft or PEO categories, proposed skilled or PEO classifications should be compared only to the classifications within the relevant category. This approach is consistent with the broad discretion afforded to the Administrator in making conformance decisions, *see, e.g., Constr. Terrebonne Par. Juvenile Justice Complex*, ARB No. 2017-0056, 2020 WL 5902440, at \*2 (Sept. 4, 2020), as well as Administrative Review Board precedent, *Courtland Constr. Corp.*, ARB No. 2017-0074, 2019 WL 5089598 (Sept. 30, 2019) (upholding a conformed skilled wage rate based on three skilled classifications); *Tower Constr.*, 1995 WL 90010 (affirming WHD’s policy of distinguishing PEOs from skilled classifications where the WD at issue contained four skilled classifications).

Thus, for the purposes of applying AAM 213’s “reasonable relationship” analysis, WHD hereby clarifies that in the narrow circumstances in which the WD contains fewer than three classifications in the relevant skilled craft or PEO category, agency contracting officers should evaluate whether the proposed classification bears a “reasonable relationship” to the existing skilled and PEO classifications on the WD. Agency contracting officers should otherwise continue to follow the guidance set forth in AAM 213, including the steps required when proposing a wage rate for an unlisted classification. AAM 213 at 3-4. By following the guidance in this AAM and AAM 213, contracting agencies and contractors will benefit by receiving approvals from WHD that ensure consistency in conformed wage rates and increase efficiencies in government.

Questions should be directed to the Branch of Construction Wage Determinations, Division of Wage Determinations, Office of Enterprise Data and Analytics, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210; telephone number (202) 693-0087.

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<sup>1</sup> Unlike the skilled craft and PEO categories, WHD considers the remaining two categories, laborers and truck drivers, sufficiently distinct such that it would not be appropriate to look beyond the classifications within these categories even in instances when the WD contains only one or two classifications in these categories.

"General Decision Number: FL20230092 01/06/2023

Superseded General Decision Number: FL20220092

State: Florida

Construction Type: Heavy

County: Glades County in Florida.

HEAVY CONSTRUCTION PROJECTS (Including Sewer and Water Lines)

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60).

<p>If the contract is entered into on or after January 30, 2022, or the contract is renewed or extended (e.g., an option is exercised) on or after January 30, 2022:</p>	<ul style="list-style-type: none"> <li>. Executive Order 14026 generally applies to the contract.</li> <li>. The contractor must pay all covered workers at least \$16.20 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 2023.</li> </ul>
<p>If the contract was awarded on or between January 1, 2015 and January 29, 2022, and the contract is not renewed or extended on or after January 30, 2022:</p>	<ul style="list-style-type: none"> <li>. Executive Order 13658 generally applies to the contract.</li> <li>. The contractor must pay all covered workers at least \$12.15 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on that contract in 2023.</li> </ul>

The applicable Executive Order minimum wage rate will be adjusted annually. If this contract is covered by one of the Executive Orders and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must still submit a conformance request.

Additional information on contractor requirements and worker protections under the Executive Orders is available at <http://www.dol.gov/whd/govcontracts>.

Modification Number      Publication Date  
 0                              01/06/2023

PAIN0452-009 08/01/2014

	Rates	Fringes
PAINTER: Brush and Spray.....	\$ 19.50	8.83

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SUFL2009-131 06/24/2009

	Rates	Fringes
LABORER: Common or General.....	\$ 9.34 **	1.85
LABORER: Pipelayer.....	\$ 11.58 **	0.00
OPERATOR: Backhoe/Excavator.....	\$ 12.25 **	1.33
OPERATOR: Bulldozer.....	\$ 13.30 **	1.92
OPERATOR: Loader.....	\$ 14.13 **	1.94
TRUCK DRIVER: Distributor, Dump, Lowboy and Tandem.....	\$ 14.00 **	0.00

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WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

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\*\* Workers in this classification may be entitled to a higher minimum wage under Executive Order 14026 (\$16.20) or 13658 (\$12.15). Please see the Note at the top of the wage determination for more information.

Note: Executive Order (EO) 13706, Establishing Paid Sick Leave for Federal Contractors applies to all contracts subject to the Davis-Bacon 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 a victim of, domestic violence, sexual assault, or stalking. Additional information on contractor requirements and worker protections under the EO is available at <https://www.dol.gov/agencies/whd/government-contracts>.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

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The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical



order of ""identifiers"" that indicate whether the particular rate is a union rate (current union negotiated rate for local), a survey rate (weighted average rate) or a union average rate (weighted union average rate).

#### Union Rate Identifiers

A four letter classification abbreviation identifier enclosed in dotted lines beginning with characters other than ""SU"" or ""UAVG"" denotes that the union classification and rate were prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2014. PLUM is an abbreviation identifier of the union which prevailed in the survey for this classification, which in this example would be Plumbers. 0198 indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. 07/01/2014 is the effective date of the most current negotiated rate, which in this example is July 1, 2014.

Union prevailing wage rates are updated to reflect all rate changes in the collective bargaining agreement (CBA) governing this classification and rate.

#### Survey Rate Identifiers

Classifications listed under the ""SU"" identifier indicate that no one rate prevailed for this classification in the survey and the published rate is derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As this weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SULA2012-007 5/13/2014. SU indicates the rates are survey rates based on a weighted average calculation of rates and are not majority rates. LA indicates the State of Louisiana. 2012 is the year of survey on which these classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. 5/13/2014 indicates the survey completion date for the classifications and rates under that identifier.

Survey wage rates are not updated and remain in effect until a new survey is conducted.

#### Union Average Rate Identifiers

Classification(s) listed under the UAVG identifier indicate that no single majority rate prevailed for those classifications; however, 100% of the data reported for the classifications was union data. EXAMPLE: UAVG-OH-0010 08/29/2014. UAVG indicates that the rate is a weighted union average rate. OH indicates the state. The next number, 0010 in the example, is an internal number used in producing the wage determination. 08/29/2014 indicates the survey completion date for the classifications and rates under that identifier.

A UAVG rate will be updated once a year, usually in January of each year, to reflect a weighted average of the current negotiated/CBA rate of the union locals from which the rate is based.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- \* an existing published wage determination
- \* a survey underlying a wage determination
- \* a Wage and Hour Division letter setting forth a position on a wage determination matter
- \* a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour National Office because National Office has responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations  
 Wage and Hour Division  
 U.S. Department of Labor  
 200 Constitution Avenue, N.W.  
 Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator  
 U.S. Department of Labor  
 200 Constitution Avenue, N.W.  
 Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board  
 U.S. Department of Labor  
 200 Constitution Avenue, N.W.  
 Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISIO"

# Conformance Exercise Scenario

Your Company has been awarded a project to rehab a bridge built in the 1930's in Buckhead Ridge, Florida. This is located in Glades County. Project will include partial demolition of bridge and new build of bridge, to happen off-site and be placed with crane.

- *Federal wage determination FL20220092 is in the contract, Mod.0 01/06/2023*
- *FDOT is your client*
- *This project is partially funded by the FHWA*
- *Contract No. FL 2552-8-22*
- *Bid opened 02/24/2022*
- *Date awarded 08/22/2022*
- *Date work started 10/06/2022*

## 4 Categories of Classifications:

- Skilled Crafts
- Laborers
- Power Equipment Operators
- Truck Drivers

- Carpenter
- Cement Mason/Concrete Finisher
- Operator: Crane, less than 50,000lbs
- Ironworker
- Operator: Asphalt Machine
- Operator: Roller
- Operator: Broom
- Operator: Shuttle Buggy/Material Transfer Veh.
- Servicer
- Laborer: Flagger
- Operator: Truck Crane
- Operator: Skid Steer
- Operator: Manlift
- Laborer: Landscape
- Laborer: Waterproofer

### PLANNED OPERATIONS

Asphalt Paving  
Bridge Road/Demo  
Cast-in-Place Bridge

### PLANNED EQUIPMENT

Loader	Excavator
Crane	Paving Spread
Bulldozer	

### PLANNED SUBCONTRACTORS

Demo	Curb & Gutter
Traffic Control	Equipment Hauling

**REQUEST FOR AUTHORIZATION OF  
ADDITIONAL CLASSIFICATION AND RATE**

CHECK APPROPRIATE BOX  
 SERVICE CONTRACT  
 CONSTRUCTION CONTRACT

**OMB Control Number: 9000-0066**  
**Expiration Date: 5/31/2025**

Paperwork Reduction Act Statement - This information collection meets the requirements of 44 U.S.C. § 3507, as amended by section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget (OMB) control number. The OMB control number for this collection is 9000-0066. We estimate that it will take .5 hours to read the instructions, gather the facts, and answer the questions. Send only comments relating to our time estimate, including suggestions for reducing this burden, or any other aspects of this collection of information to: U.S. General Services Administration, Regulatory Secretariat Division (M1V1CB), 1800 F Street, NW, Washington, DC 20405.

**INSTRUCTIONS:** THE CONTRACTOR SHALL COMPLETE ITEMS 3 THROUGH 16, KEEP A PENDING COPY, AND SUBMIT THE REQUEST, IN QUADRUPPLICATE, TO THE CONTRACTING OFFICER.

1. **TO:** ADMINISTRATOR,  
WAGE AND HOUR DIVISION  
U.S. DEPARTMENT OF LABOR  
WASHINGTON, DC 20210

2. **FROM: (REPORTING OFFICE)**  
Florida Department of Transportation, District One  
801 N. Broadway Ave  
Bartow, FL 33830

3. **CONTRACTOR**  
Taormina's General Contracting

4. **DATE OF REQUEST**

5. <b>CONTRACT NUMBER</b> FL 2552-8-22	6. <b>DATE BID OPENED (SEALED BIDDING)</b> 2/24/2022	7. <b>DATE OF AWARD</b> 8/22/2022	8. <b>DATE CONTRACT WORK STARTED</b> 10/6/2022	9. <b>DATE OPTION EXERCISED (IF APPLICABLE) (SERVICE CONTRACT ONLY)</b> N/A
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10. **SUBCONTRACTOR (IF ANY)**  
Not applicable

11. **PROJECT AND DESCRIPTION OF WORK (ATTACH ADDITIONAL SHEET IF NEEDED)**  
Partial demolition of bridge and new build of bridge, to happen off-site and be placed with crane.

12. **LOCATION (CITY, COUNTY, AND STATE)**  
Buckhead Ridge, Glades County, Florida

13. **IN ORDER TO COMPLETE THE WORK PROVIDED FOR UNDER THE ABOVE CONTRACT, IT IS NECESSARY TO ESTABLISH THE FOLLOWING RATE(S) FOR THE INDICATED CLASSIFICATION(S) NOT INCLUDED IN THE DEPARTMENT OF LABOR DETERMINATION**  
 NUMBER: FL20220092 Mod.1 DATED: 2/25/2022

a. LIST IN ORDER: PROPOSED CLASSIFICATION TITLE(S); JOB DESCRIPTION(S); DUTIES; AND RATIONALE FOR PROPOSED CLASSIFICATIONS (Service contracts only) <i>(Use reverse or attach additional sheets, if necessary)</i>	b. WAGE RATE(S)	c. FRINGE BENEFITS PAYMENTS
Carpenter	14.80	3.51
Cement Mason/Concrete Finisher	14.80	3.51
Ironworker	14.80	3.51
Operator: Crane, less than 50,000lbs	14.13	1.94
Operator: Asphalt Paving Machine	12.25	1.33
Operator: Roller	12.25	1.33
Operator: Broom	12.25	1.33
Operator: Shuttle Buggy/Material Transfer Vehicle	12.25	1.33
Servicer	14.80	3.51
Laborer: Flagger	10.46	0.93

14. **SIGNATURE AND TITLE OF SUBCONTRACTOR REPRESENTATIVE (IF ANY)**  
Unknown

15. **SIGNATURE AND TITLE OF PRIME CONTRACTOR REPRESENTATIVE**  
 Aliecia Taormina  
 CEO, Taormina's General Contracting  
Digitally signed by Aliecia Taormina  
Date: 2023.03.29 13:28:53 -0400

16. **SIGNATURE OF EMPLOYEE OR REPRESENTATIVE**  
Unknown

TITLE  
Unknown

CHECK APPROPRIATE BOX-REFERENCING BLOCK 13.  
 **AGREE**     **DISAGREE**

**TO BE COMPLETED BY CONTRACTING OFFICER (CHECK AS APPROPRIATE - SEE FAR 22.1019 (SERVICE CONTRACT LABOR STANDARDS) OR FAR 22.406-3 (CONSTRUCTION WAGE RATE REQUIREMENTS))**

THE INTERESTED PARTIES AGREE AND THE CONTRACTING OFFICER RECOMMENDS APPROVAL BY THE WAGE AND HOUR DIVISION. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED.

THE INTERESTED PARTIES CANNOT AGREE ON THE PROPOSED CLASSIFICATION AND WAGE RATE. A DETERMINATION OF THE QUESTION BY THE WAGE AND HOUR DIVISION IS THEREFORE REQUESTED. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED.  
*(Send 3 copies to the Department of Labor)*

SIGNATURE OF CONTRACTING OFFICER OR REPRESENTATIVE	TITLE AND COMMERCIAL TELEPHONE NUMBER	DATE SUBMITTED
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