TRANSPORT, INC., P.O. Box 1029, Glenwood Springs, CO 81601. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages*, from Los Angeles, Irvine, and Van Nuys, CA; Secaucus, NJ; and Milwaukee, WI, and points in their commercial zones to Steamboat Springs, Grand Junction, Denver, and Glenwood Springs, CO, and points in their commercial zones, and (2) *Empty alcoholic beverage containers* from the destinations in part (1) above to the origins in part (1) above, under a continuing contract or contracts with Johnston Brothers Distribution Co. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Johnston Brothers Distribution Co., Box 1029, Glenwood Springs, CO 81601. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 145334TA, filed August 29, 1978. Applicant: SNODGRASS WELDING SERVICE, 700 Shaver Street, Bossier City, LA 71111. Representative: Mr. Milton Barnes, 412 Hamilton Road, Bossier City, LA 71111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment such as air compressors, water filters, pump parts, pipe connections, chemicals in sacks, and miscellaneous equipment parts.* No tank vehicles, no passengers or baggage to be transported, from Bossier City, LA, to Houma, LA; Bossier City, LA, to Hattiesburg, MS; Bossier City, LA, to Laredo, TX; Bossier City, LA, to Tulsa, OK; Bossier City, LA to Little Rock, AR; Tulsa, OK, for 180 days. Supporting shipper: Dowell Division of Dow Chemical, U.S.A., P.O. Box 5478, Bossier City, LA 71111. Send protests to: Connie A. Gulllory, Interstate Commerce Commission, Bureau of Operations, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

PASSENGER CARRIER

MC 144237 (Sub-1TA), filed August 29,, 1978. Applicant: EUGENE T. FALBO, d.b.a. MOUNTAIN VIEW TOURWAYS, R.D. No. 6, Box 401, Latrobe, PA 15650. Representative: John A. Pillar, Attorney-at-Law, 205 Ross Street, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip special and charter operations beginning and ending in Latrobe and Greensburg, PA, and extending to points in the United States east of the Mississippi River, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately five statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-29960 Filed 10-19-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6320-01-M]

[M-170, Oct. 13, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 1:30 p.m., October 20, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.

2. Docket 29977, Cayman Airways Ltd.: Motion to amend Order 77-10-120 for blanket statement of authorization to operate off-route charters (Memo 6347-E, BIA).

3. Docket 32689, Tradewinds Airways Ltd.: Application for foreign air carrier permit to engage in charter foreign air transportation between the United Kingdom and the United States (Memo 8224, BIA, OGC).

5. Docket 33243, Application of Air Panama International, S.A. to modify the restriction on its Route 2 authority to allow stopover traffic between Los Angeles and Mexico City (Memo 8238, BIA, OGC).

4. Docket 32840, Application of Brooker-Wheaton Aviation Ltd. for an initial foreign air carrier permit to operate charters between Canada and the United States using small aircraft (Memo 8230, BIA, OGC).

6. Dockets 28366 and 32710, scoping orders on Reconsideration in *Denver-Alaska Service Investigation* and *San Francisco-Reno-Albuquerque-Texas Service Investigation* (Memo 8193, 8193-A, OGC, BALJ).

7. Docket 30635, *Arizona Service Investigation* (Memo 8158-B, OGC).

8. Dockets 25546 and 28266, *Mackey Certification Proceeding*—Motion of Rich to withdraw its motion to postpone effectiveness of certificate granted to it by Order 78-7-107 (Memo 7984-A, OGC).

9. Amending the rules of practice in economic proceedings to prohibit petitions seeking to amend scope orders and to establish a 30-day period for motions to consolidate with earlier applications (Memo 8237, OGC, BALJ, BIA, BPDA, BCP).

10. Dockets 33237, 32286, 32129, 32309, 32303, 33372, 33375, 33373, 33392, 33391, 33390, 33383, 33386, 33388, 33385, 33389, 33394, 33425, 33432, *California-Arizona Low Fare Route Proceeding*—Petitions for reconsideration; motions for consolidation and other relief (Memo 8065-B, OGC).

11. Docket 30356, *Transcontinental Low-Fare Route Proceeding*, (instructions to staff) for information, memo dated September 26, 1978.

12. Docket 30254 (*In the Matter of the Flying Tiger Line, Inc., Wayne M. Hoffman, Robert W. Prescott, Joseph J. Healy, Charles I. Hopkins, Rudolph J. Valenta, and Anna C. Chennault, Enforcement Proceeding*), discretionary review on Board initiative of supplemental initial decision explaining basis for earlier initial decision's approval of settlement of alleged accounting and reporting violations (Memo 7986-B, OGC).

13. Docket 33112, *Texas International-National Airlines Case and Enforcement Investigation*, Order disposing of the voting trust issues (OGC).

14. Docket 31013, Petition for reconsideration of Order 78-3-63, which approved an Air Traffic Conference of America resolution allowing intrastate carriers to participate in area settlement plan provided certain practices are optional rather than mandatory (Memo 7750-B, BPDA, OGC, BCP).

15. Docket 30452, Application for prior approval of the Universal Air Travel Plan (UATP)-1976, Agreements CAB 26433 and 26433-A1, under section 412 of the act. UATP is a joint venture among some 200 air carriers and foreign air carriers establishing a commonly accepted credit card (Memo 8236, BPDA, OGC, BALJ).

16. Docket 32390, CAB Agreements 27262, 27263, 27311, 27504 and 27505; Agreements between Continental and Air California, Continental and Air Florida, Aloha and Air California, and Braniff and Southwest providing reciprocal free and reduced-rate transportation (Memo 8231, BPDA, OGC).

17. Rulemaking to amend part 223 (Memo 8232, BPDA, OGC).

18. Revised transatlantic fares proposed by TWA, National, Air France, Sabena, Lufthansa and SAS. The proposals include increases in most normal and promotional fares (Memo 8240, BPDA, BIA).

19. Docket 33348, Final rule requiring U.S. carriers operating internationally and foreign route air carriers that have not complied with the tariff filing requirements of part 250 on oversales and denied boarding to include statement to that effect in any advertisement it places in any publication or on radio or television in the United States, its territories or possessions (Memo 8164-A, BPDA, OGC, BIA, BCP).

20. Docket 33151, Braniff's exemption request for Harford/Springfield-New York/Newark nonstop authority (Memo 8217, BPDA).

21. Docket 32319, Piedmont's motion for hearing or, in the alternative, request for an order to show cause, on its application for Tampa entry (Memo 8223, BPDA, OGC).

22. Docket 33172, Motion of Allegheny Airlines, Inc., for the issuance of a show cause order to amend its certificate for Route 97 so as to redesignate the intermediate point "Liberty-Monticello" the Intermediate Point "Catskills/Sullivan County" (Memo 8227, BPDA).

23. Docket 33179, Allegheny's petition for show-cause order for nonstop Cincinnati-Pittsburgh Authority Memo 8228, BPDA)

24. Dockets 32594, 32842, American's motion for an expedited hearing on its certificate application for Route 4 (Salt Lake City-St. Louis Nonstop Authority); Eastern's answer supporting American's motion and requesting the same authority; Airwest's certificate application Route 76 (St. Louis-Salt Lake City Nonstop Authority (Memo 8239, BPDA OGC).

25. Docket 31593, Wien's motion for show cause or other expedited procedures on its application for amendment of its certificate to add a new segment between the coterminal points Anchorage and Fairbanks, Alaska and the terminal point Chicago, Illinois (Midway) (Memo 8234, BPDA, OGC).

26. Dockets 33567, 33550, 33558 and 33634, Pan Am request for suspension of service to points in Europe and Hawaii; applications of United, Braniff, Hawaii, and Aeroamerica for exemptions to serve Seattle/Portland-Honolulu (BPDA).

27. Docket 31128, 31244, and 32791, Service to Fort Myers (Memo 8233, BPDA, OGC).

28. Docket 27426, Application of Air New England, Inc. (ANE), and Delta Air Lines, Inc., for approval of a refinancing agreements. ANE wishes to consolidate its $3.2 million debt to Delta which it incurred in two separate transactions in 1974 (Memo 5123-A, BPDA, BCP).

29. Dockets 31129, and 32910, Commuter Airlines' exemptions to operate large aircraft (Memo 8152-A, BPDA, OGC, BCP).

30. Revision of record retention requirements (Memo 8197-a, BAS, BPDA, BCP, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the secretary, 202-673-5068.

[S-2109-78 Filed 10-18-78; 9:11 am]

[6320-01-M]

2

[M-171, Oct. 16, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., October 23, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: The city of Philadelphia to make a presentation regarding its problems and prospects.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Taylor, the Secretary, 202-673-5068.

[S-2110-78 Filed 10-18-78; 9:11 am]

[6355-01-M]

3

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: October 26, 1978, 9:30 a.m.

LOCATION: Third floor hearing room, 1111 18th Street NW., Washington, D.C. 20207.

STATUS: Open.

MATTERS TO BE CONSIDERED:

AGENDA

Open to the public

1. *Recommendation to accept corrective action plan: Collier-Keyworth, car seat/stroller, ID 78-29.* The staff has recommended that the Commission accept and monitor the corrective action plan which Collier-Keyworth has implemented to deal with a defect associated with a conversion kit which converts a car seat into a stroller. Collier-Keyworth has issued a joint press release with CPSC, and has begun a recall and repair program.

2. *Recommendation to accept corrective action plan: Parkway Fabricators, scuba regulator, ID 78-41.* The staff has recommended that the Commission accept the corrective action plan which Parkway has implemented to deal with hazards associated with certain scuba regulators it imports. Parkway has issued a joint press release with CPSC, and has begun a recall and repair program.

3. *Recommendation to accept corrective action plan: Black & Decker Manufacturing Co., cord adapter, ID 78-102.* The staff has recommended that the Commission accept the corrective action plan which Black & Decker has implemented to deal with possible shock hazards associated with cord adapters for electric hedge trimmers it manufactures. Black & Decker is notifying consumers, and is replacing the adapter at no cost.

4. *Recommendation to accept corrective action plan: U.S. Suzuki Motor Corp., off-road motorcycles, ID 78-57.* The staff has recommended that the Commission accept and monitor the corrective action plan Suzuki has implemented to deal with a possible steering hazard in two models of off-road motorcycles. Suzuki is notifying dealers and customers and will repair the defect at no cost.

5. *Memorandum of Understanding with HUD: Consumer products sold in mobile homes.* The Commission will consider a draft memorandum of understanding with the Department of Housing and Urban Development, prepared by CPSC and HUD staff, which would minimize duplicative or conflicting reporting requirements concerning consumer products also deemed to be mobile home components. If both HUD and CPSC approve the draft, the Commission will propose changes to its substantial product hazard reporting ("section 15") regulations.

Agenda approved October 17, 1978.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Consumer Product Safety Commission, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-2103-78 Filed 10-18-78; 9:11 am]

[6570-06-M]

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, October 24, 1978.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the public:

1. Miscellaneous amendments to the Commission's Compliance Manual.
2. Amendment of Commission's Procedural Regulations at 1601.13 to correct omission.
3. Report on Commission operations by the Executive Director.

Closed to the public:

1. Proposed withdrawal of a Commissioner's charge.
2. Litigation Authorization; General Counsel Recommendations: Matters closed to the public under the Commission's regulations at 29 CFR 1612.13.

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretarial, at 202-634-6748.

This notice issued October 17, 1978.

[S-2115-78 Filed 10-18-78; 12:42 pm]

[6712-01-M]

5

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, October 24, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Review of delegations of authority to bureau and offices.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this matter may be obtained from the FCC Public Information Office, telephone 202-632-7260.

Issued: October 17, 1978.

[S-2116-78 Filed 10-18-78; 3:21 pm]

[6715-01-M]

6

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, October 25, 1978, at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audit reports, compliance, personnel.

* * *

DATE AND TIME: Thursday, October 26, 1978, at 10 a.m.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED:

Portions open to the public:

Setting of dates for future meetings.
Correction and approval of minutes.
Advisory opinions: AO 1978-75, AO 1978-80, AO 1978-76.
Proposed amendment for part II, section D-3 of the nonfiler procedures.
Computer contract procurement.
Earmarked contributions.
Appropriations and budget.
Presidential campaign disclosure form.
Pending legislation.
Pending litigation.
Liaison with other Federal agencies.

Classification actions.
Routine administrative matters.

Portions of the meeting closed to the public:

Any matters not concluded on October 25, 1978.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-2117-78 Filed 10-18-78; 3:33 pm]

[6740-02-M]

7

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 47649, published October 16, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., October 18, 1978.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No. and Company

CAG-25. CP74-160, et al., Pacific Indonesia LNG Co., et al.

KENNETH F. PLUMB,
Secretary.

[S-2114-78 Filed 10-18-78; 11:43 am]

[6720-01-M]

8

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., October 25, 1978.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Franklin O. Bolling, 202-377-6677.

MATTERS TO BE CONSIDERED:

Consideration of exceptions to restrictions on real property transactions with affiliated persons.
Consideration of deregulation of RSU application procedure.
Preliminary application for conversion into a Federal Mutual Association—Fayetteville Savings & Loan Association, Fayetteville, Ark.
Limited facility application—Talman Federal Savings & Loan Association, Oaklawn, Ill.
Application for permission to organize a new Federal association—Manuel Blanco-Massol, et al., Catano, P.R.
Change of office location application—Highland Federal Savings & Loan Association of Cincinnati, Cincinnati, Ohio.
Change of name application—Jeannette Federal Savings & Loan Association, Jeannette, Pa.
Agency office application—United Federal Savings & Loan Association, Dothan, Ala.
Application for amendment of charter-change of name—First Federal Savings & Loan Association of Tullahoma, Tullahoma, Tenn.
Limited facility application—Commercial Federal Savings & Loan Association, Omaha, Nebr.
Extension of time application—Laguna Federal Savings & Loan Association, Laguna Beach, Calif.
Application for bank membership—Northfield Savings Bank, Northfield, Vt.
Concurrent consideration of branch office applications—(1) Biscayne Federal Savings & Loan Association, Miami, Fla; and (2) First Federal Savings & Loan Association of the Palm Beaches, West Palm Beach, Fla.
Agency office application—United Federal Savings & Loan Association, Sarasota, Fla.
Agency office application—First Federal Savings & Loan Association of Broward County, Fort Lauderdale, Fla.
Consideration of modification of resolution—First Federal Savings & Loan Association of Flint, Flint, Mich.
Branch office application—First Federal Savings & Loan Association of Fort Smith, Fort Smith, Ark.
Withdrawal from bank membership—Quincy Co-operative Bank, Quincy, Mass.
Merger, maintenance of branch offices, cancellation of membership and insurance and transfer of stock applications—Tri-County Savings & Loan Association, Hudson, Wis., into First Federal Savings & Loan Association of Eau Claire, Eau Claire, Wis.
Application for modification of condition for insurance of accounts—Amigo Savings & Loan Association, Brownsville, Tex.

No. 189, October 17, 1978.

RONALD A. SNIDER,
Assistant Secretary.

[S-2106-78 Filed 10-18-78; 9:11 am]

[6720-02-M]

9

FEDERAL HOME LOAN MORTGAGE CORPORATION.

TIME AND DATE: 2:30 p.m., October 26, 1978.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Henry Judy, 202-789-4734.

MATTERS TO BE CONSIDERED:

Consideration or republication of record systems under the Privacy Act.
Consideration of book entry regulations.

No. 190, October 17, 1978.

RONALD A. SNIDER,
Assistant Secretary.

[S-2107-78 Filed 10-18-78; 9:11 am]

[6730-01-M]

10

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 47359, October 13, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., October 18, 1978.

CHANGES IN THE MEETING: Addition of the following item to the closed session:

1. Enforcement claim against certain carriers.

[S-2104-78 Filed 10-18-78; 9:11 am]

[6730-01-M]

11

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., October 25, 1978.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Report on notation items disposed of during September 1978.
2. Report of the Secretary on times shortened for submitting comments on section 15 agreements pursuant to delegated authority during September 1978.
3. Report of the Secretary on applications for admission to practice approved during September 1978, pursuant to delegated authority.
4. Assignment of informal dockets by the Secretary during September 1978, pursuant to delegated authority.
5. Agreement No. 8240-13: Modification of the Atlantic and Gulf-Singapore, Malaya and Thailand Conference Agreement providing for appointment of collection agents.
6. Docket No. 78-26: Trimodal Inc.—Independent Ocean Freight Forwarder Application and possible violations of sections 16, first paragraph, 18(b)(1), 18(b)(3), and 44—Request for settlement.
7. Docket No. 77-25: Agreement No. 7540-28, modification of the Leeward and Windward Islands and Guianas Conference Agreement—Decision on holding of oral argument and discussion of the record.
8. Docket No. 73-3: *Maritime Service Corporation* v. *Acme Fast Freight of Puerto Rico, et al.*—Petition for reconsideration.
9. Docket No. 74-45: Agreement No. 8005-7 between members of the New York Terminal Conference (NYTC)—Petitions for reconsideration.
10. Docket No. 78-33: Actions to adjust or meet conditions unfavorable to shipping in

the United States/Ecuador Trade—Discussion of the record.

11. Docket No. 74-5: Agreement No. 10066—Cooperative Working Arrangement—Discussion of the record.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-2105-78 10-18-78; 9:11 am]

[6735-01-M]

12

OCTOBER 17, 1978.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., October 24, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C. 20006.

STATUS: This meeting will be open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following cases remanded from the Court of Appeals for the District of Columbia Circuit Court:

1. Cowin and Co., Inc., Docket No. IBMA 75-57 (*United Mine Workers of America* v. *Thomas S. Kleppe, Cowin and Company, Inc., Intervenor*, No. 76-1980, D.C. Cir. May 26, 1978).

2. Republic Steel Corp., Docket No. IBMA 76-28 (*Republic Steel Corporation* v. *Interior Board of Mine Operations Appeals*, No. 76-1041, D.C. Cir. February 22, 1978).

The following proceedings will be considered and acted upon by the Commission:

3. Pittsburgh and Midway Coal Co., Docket No. IBMA 76-57.

4. Christopher Coal Co., Docket No. IBMA 77-7.

The following proceedings will be considered and acted upon by the Commission. Motions to withdraw pleadings have been filed in these cases:

5. Kaiser Steel Corp., Docket No. IBMA 76-107.

6. *Ronnie R. Ross* v. *Maurice S. Childers, Mining Enforcement and Safety Administration, Marcell Chamness and Cecil Andrus*, Docket No. IBMA 77-63.

The Commission will consider and act upon a motion to set a briefing schedule in the following proceeding:

7. Consolidation Coal Co., Docket No. IBMA 77-18.

The Commission will consider and act upon a petition for discretionary review in the following proceeding:

8. Cowin and Co., Inc., Docket Nos. 76-210-P, 76-211-P, 76-212-P, 76-213-P.

The following item will be considered by the Commission and carried over to the next regularly scheduled meetings:

9. Propose rules of procedure.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Philip Paschall, 202-653-5648.

JEROME R. WALDIE,
Chairman, Federal Mine Safety and Health Review Commission.

[S-2108-78 Filed 10-18-78; 9:11 am]

[6210-10-M]

13

FEDERAL RESERVE SYSTEM (Board of Governors).

TIME AND DATE: 10 a.m., Wednesday, October 25, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

SUMMARY AGENDA

Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Proposed revisions in the Condition and Income Reports required of Edge corporations and the foreign branches and foreign subsidiaries of U.S. commercial banks.

DISCUSSION AGENDA

1. Proposed revised amendments to Regulation H (membership of State banking Institutions in the Federal Reserve System) to require that State member banks that effect certain securities transactions for customers provide confirmation and maintain certain records with respect to such transactions. (Proposed earlier for public comment; Docket No. R-0142.)

2. Request by the Commodity Futures Trading Commission for Board comment on a proposal to trade a futures contract based on the Dow Jones Industrial Average.

3. Proposed data collection for the monitoring of savings deposits subject to automatic transfer.

4. Any agenda items carried forward from a previously announced meeting.

NOTE.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

[S-2111-78 Filed 10-18-78; 11:34 am]

[7035-01-M]

14

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, October 25, 1978.

PLACE: Hearing Room "C", Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D.C. 20423.

STATUS: Open Special Conference.

MATTERS TO BE CONSIDERED:

1. Staff briefing on the Milwaukee Road—Levels of service, prospects for winter, status of merger negotiations, and status of employee layoffs.

2. Discussion of pending Southern Motor Carriers Rate Conference general increase case.

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, telephone 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-2118-78 Filed 10-18-78; 3:53 pm]

[8010-01-M]

15

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 47651, October 16, 1978.

STATUS: Open meeting and closed meeting.

DATE AND TIME: Thursday, October 19, 1978.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

The following additional item will be considered by the Commission at an open meeting scheduled for Thursday, October 19, 1978, at 10 a.m.:

Consideration of proposed amendments to the joint industry plan declared effective by the Commission pursuant to Rule 17a-15 under the Securities Exchange Act of 1934 governing the consolidated transaction reporting system. For further information, please contact Stephen L. Parker, at 202-755-8949.

The following item will not be considered by the Commission at the open meeting scheduled for Thursday, October 19, 1978, at 10 a.m.:

Consideration of an objection by the U.S. Trust Co. to the mailing to holders of the 6½ percent Convertible Subordinated Debentures due 1996 of the Chase Manhattan Mortagage and Realty Trust of a proposed

communication from three of the holders. The grounds of the objection is that the mailing of such statement is not in the best interest of the debentures. For further information, please contact Norman Schou at 202-755-1240.

The following items will be considered by the Commission at a closed meeting scheduled for Thursday, October 19, 1978, immediately following the open meeting:

Subpoena enforcement action.
Other litigation matters.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a), (8), (9) (i) and (10).

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Karmel determined that Commission business required consideration of these matters and that no earlier notice thereof was possible.

OCTOBER 16, 1978.

[S-2112-78 Filed 10-18-78; 11:43 a.m.]

[8010-01-M]

16

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of October 23, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, October 24, 1978, at 10 a.m. An open meeting will be held on Wednesday, October 25, 1978, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b (c) (4) (8) (9) (A) and (10) and 17 CFR 200.402(a) (8) (9) (i) and (10).

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, October 24, 1978, at 10 a.m., will be:

Access to investigative files by Federal, State or self-regulatory authorities.
Freedom of Information Act appeals.
Institution of administrative proceedings of an enforcement nature.
Institution of injuctive action.
Personnel security action.
Settlement of injunctive action.
Subpena enforcement action.

The subject matter of the open meeting scheduled for Wednesday, October 25, 1978, at 10 a.m., will be:

1. Consideration of a request by Power Designs, Inc., that the Commission review the Division of Corporation Finance's denial pursuant to delegated authority of a request by Power Designs, Inc., for an extension of time within which to file its annual report on Form 10-K for the period ended June 30, 1978. For further information, please contact Spencer Browne at 202-376-2976.

2. Consideration of a request that the Commission adopt Rule 17f-4 under the Investment Company Act of 1940 that would (1) designate the Federal Reserve/Treasury book-entry system as a permitted depository for securities owned by registered management investment companies, and (2) state the conditions under which deposits thereof may be made in the book-entry system or in clearing agencies which act as securities depositories. For futher information, please contact Stanley B. Judd at 202-755-0213.

3. Consideration of a request by Highland Investment Corp. for an exemption from the Investment Advisers Act of 1940. For further information, please contact Michael S. Lichtenthal at 202-755-9034.

4. Consideration of whether or not to approve proposed rules submitted by the Securities Investor Protection Corp. setting forth requirements for the closeout or completion of open contractual commitments. For further information, please contact Linda Kurjan at 202-376-7470.

5. Consideration of whether (1) to release withheld portions of two memoranda concerning the disposition to be made in the matter of the Freedom of Information request of W. B. Shellhorn (these memoranda were requested under the Freedom of Information Act by Brad Ragan, Inc., and certain individuals), and (2) to affirm the Freedom of Information Officer's decision to release certain investigative transcripts to Mr. Shellhorn, in light of objections to disclosures made by Brad Ragan, Inc. and certain individuals, on the ground that they believe this material is exempt under 5 U.S.C. 552(b)(4), 6, 7(A), 7(B), and 7(C). For further information, please contact Linda Schneider at 202-755-1339.

6. Consideration of a Freedom of Information Act appeal of Robert Adamson of Securities Week for mailing lists of SEC Docket, SEC News Digest and SEC Releases which were denied to him by the Freedom of Information Act officer relying on exemption 6 of the Freedom of Information Act. For further information, please contact Judy Chesser at 202-376-8085.

FOR FURTHER INFORMATION PLEASE CONTACT:

Michael P. Rogan at 202-755-1638.

OCTOBER 16, 1978.

[S-2113-78 Filed 10-18-78; 11:43 am]

federal register

FRIDAY, OCTOBER 20, 1978
PART II



DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

[4510-27-M]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Ohio: OH78-2133.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arkansas:
AR78-4063, June 16, 1978.
AR78-4064; AR78-4067; AR78-4068, June 23, 1978.
Georgia:
GA78-1077, September 8, 1978.
Michigan:
MI78-2078, September 29, 1978.
Oklahoma:
OK78-4054; OK78-4055; OK78-4056; OK78-4057; June 9, 1978.
OK78-4058; OK78-4059; OK78-4062; June 16, 1978.
Pennsylvania: PA78-3070, September 29, 1978.
Tennessee: TN78-1058; TN78-1060, July 7, 1978.
Texas:
TX78-4038, April 14, 1978.
TX78-4078; TX78-4079, August 11, 1978.
TX78-4081, August 18, 1978.
TX78-4082; TX78-4083; TX78-4084; TX78-4085, August 25, 1978.
TX78-4095; TX78-4096, September 22, 1978.
Washington: WA78-5105, June 30, 1978.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Illinois:
IL78-2017 (IL78-2092); IL78-2019 (IL78-2105); IL78-2020 (IL78-2094); IL78-2021 (IL78-2106); IL78-2022 (IL78-2107); IL78-2024 (IL78-2109); IL78-2026 (IL78-2111); IL78-2027 (IL78-2112); IL78-2034 (IL78-2120); IL78-2035 (IL78-2122); IL78-2037 (IL78-2124); IL78-2038 (IL78-2125); IL78-2018 (IL78-2093), March 17, 1978.
Indiana: IN76-2046 (IN78-2132), April 16, 1976.
New York: NY77-3076 (NY78-3077), June 6, 1977.
Pennsylvania: PA75-3070 (PA78-3078), July 18, 1975.
Tennessee:
TN77-1133 (TN78-1090), October 7, 1977.
TN77-1048 (TN78-1091), May 19, 1978.
Texas: TX78-4041 (TX78-4114), April 14, 1977.
Wisconsin:
WI77-2102 (WI78-2104), July 5, 1977.
WI77-2103 (WI78-2129), July 15, 1977.
WI77-2105 (WI78-2110); WI77-2106 (WI78-2114); WI77-2109 (WI78-2115); WI77-2110 (WI78-2121); July 22, 1977.
WI77-2126 (WI78-2108), August 26, 1977.
WI77-2130 (WI78-2116), September 23, 1977.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

None.

Signed at Washington, D.C., this 13th day of October 1978.

DOROTHY P. COME,
Assistant Administrator, Wage and Hour Division.

NEW DECISION

STATE: Ohio COUNTIES: *See Below
DECISION NO.: OH78-7133 DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and garden type apartments up to and including 4 stories

*Adams, Brown, and Highland

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 5.77				
BRICKLAYERS	7.14				
CARPENTERS	5.69				
CEMENT MASONS	5.53				
DRYWALL FINISHERS	6.88				
DRYWALL HANGERS	6.34				
ELECTRICIANS	6.02				
LABORERS:					
Laborers	4.00				
Mason Tenders	5.00				
PAINTERS	5.00				
PLUMBERS	5.95				
ROOFERS	5.07				
SHEET METAL WORKERS	5.33				
SOFT FLOOR LAYERS	5.00				
TRUCK DRIVERS	4.50				
POWER EQUIPMENT OPERATORS:					
Backhoe	5.00				
Bulldozer	5.00				
Front End Loader	5.00				

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION NO. AR78-4063 - Mod. #2 (43 FR 26232 - June 16, 1978) Union and Ouachita Counties, Arkansas					
CHANGE:					
PLUMBERS & PIPEFITTERS	$10.90	.75	.45		.05
DECISION NO. AR78-4064 - Mod. #2 (43 FR 27341 - June 23, 1978) Pulaski County, Arkansas					
CHANGE:					
ELECTRICIANS					
Electricians	11.00	.50	3%+.35		1/4%
Cable splicers	11.125	.50	3%+.35		1/4%
LINE CONSTRUCTION:					
Linemen	11.95		3%		3/8%
Cable splicers	12.075		3%		3/8%
Operator	11.95		3%		3/8%
PAINTERS:					
Painters, paperhangers and steam cleaners, sheet rock finishers and wall covers hangers	8.50		.40		.02
Spray gun operators and sand blasterers	9.10		.40		.02
All skelton steel and all work on stages, structural steel over 30 feet High	8.75		.40		.02
DECISION NO. AR78-4067 - Mod. #2 (43 FR 27342 - June 23, 1978) Garland, Hot Springs and Clark Counties, Arkansas					
CHANGE:					
BRICKLAYERS-Stonemasons	9.05		.25		
LINE CONSTRUCTION:					
Linemen	11.20		3%		1/2%
Cable splicers	11.325		3%		1/2%
DECISION NO. AR78-4068 - Mod. #2 (43 FR 27344 - June 23, 1978) Sebastian, Crawford & Washington Counties, Arkansas					
CHANGE:					
ELECTRICIANS:					
Electricians	11.00	.35	3%+5.5%		1/4%
Cable splicers	11.25	.35	3%+5.5%		1/4%
PLUMBERS & PIPEFITTERS	10.26	.45	.55		.04

MODIFICATIONS P. 2

DECISION #GA78-1077 - Mod. #2
(43 FR 40174 - September 8, 1978)
Clayton, DeKalb, & Fulton Counties, Georgia

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Glaziers	$ 9.20	.70	.43	.75	.11
Laborers:					
Group 1	6.40	.25	.33		.05
Group 2	6.62	.25	.33		.05
Group 3	6.90	.25	.33		.05
Group 4	7.15	.25	.33		.05
Group 5	7.47	.25	.33		.05
Group 6 (25¢ above rate for classification under which employed)					
Marble, Tile, & Terrazzo Finishers	6.65				
Plumbers & Pipefitters	11.15	.65	.50		.11

DECISION MI78-2078 - MOD. #1
(43 FR 45125 September 29, 1978)
Macomb, Monroe, Oakland, Washtenaw & Wayne Counties, Michigan

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers:					
Remainder of Counties, & the Remainder of Washtenaw Co.	$12.95	1.51	1.48		.07
Cement Masons:					
Remainder of Counties & North of Hwy. #151 in Monroe Co.	12.35	.95	11%		.02
Laborers - Building, Heavy & Residential					
Monroe County:					
Construction Laborer & Carpenter Helper	10.07	.65	.35	.90	.04
Mortar Mixer, Mason & Plaster Tender, Carpenter Helper, Cement Mason Helper, Tool Operator & Caisson Worker	10.27	.65	.35	.90	.04
Painters:					
Remainder of Counties:					
Brush	11.35	.92	1.15	1.10	50.00 P/Y
Spray to 40' Height	11.85	.92	1.15	1.10	50.00 P/Y
Sprinkler Fitters:					
Remainder of Counties	13.805	.75+.50	1.05		.10
Truck Drivers:					
Building, Heavy & Residential					
Pole Trailer; Low Boys; Straddle Carrier; Double - Bottoms & Special Load Permits	10.60	b29.50	b31.00		
Semi-Drivers	10.50	b29.50	b31.00		
All other Truck Drivers	10.35	b29.50	b31.00		

MODIFICATIONS P. 3

DECISION MI78-2078 - MOD. #1 (CONT'D)

MICH-1-PRO-1-2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
BUILDING, HEAVY & RESIDENTIAL CONSTRUCTION					
CLASS A	$12.74	.90	1.25	11%	.05
CLASS B	12.51	.90	1.25	11%	.05
CLASS C	12.20	.90	1.25	11%	.05
CLASS D	12.08	.90	1.25	11%	.05
CLASS E	11.70	.90	1.25	11%	.05
CLASS F	10.32	.90	1.25	11%	.05
CLASS G	9.44	.90	1.25	11%	

CLASS A - Crane with boom & jib or leads 220' or longer

CLASS B - Crane with boom & jib or leads 140' or longer

CLASS C - Crane with boom & jib or leads 120' or longer

CLASS D - Regular Crane Operator

CLASS E - Regular Engineer

CLASS F - Engineer when operating compressor or Welding Machine

CLASS G - Fireman or Oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. OK78-4054 - Mod. #4 (43 FR 25268 - June 9, 1978) Oklahoma, Cleveland, Caddo, Grady, Canadian, Kingfisher, Lincoln, Logan, McClain, Seminole, and Pottawatomie Counties, Oklahoma					
CHANGE:					
LATHERS	$10.50				.01
DECISION NO. OK78-4055 - Mod. #3 (43 FR 25270 - June 9, 1978) Tulsa, Creek, Craig, Ottawa, Delaware, Mayes and Rogers Counties, Oklahoma					
CHANGE:					
Terrazzo workers	10.56		.30		
Terrazzo workers & tile layers finishers	8.72				
Terrazzo workers floor machine operator	8.84				
Terrazzo workers base machine operator	9.06				
Tile layers	10.56		.30		
DECISION NO. OK78-4056 - Mod. #2 (43 FR 25273 - June 9, 1978) Muskogee, Adair, Cherokee and Okmulgee Counties, Oklahoma					
CHANGE:					
SHEET METAL WORKERS	11.03	.50	.66		.10
BRICKLAYERS	10.70	.60	.40		.05
DECISION NO. OK78-4057 - Mod. #2 (43 FR 25275 - June 9, 1978) Latimer, LeFlore, Haskell, Sequoyah and Pushmataha Counties Oklahoma					
CHANGE:					
SHEET METAL WORKERS	11.03	.50	.66		.10
BRICKLAYERS	10.70	.60	.40		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. OK78-4058 - Mod. #2 (43 FR 26258 - June 16, 1978) McIntosh County, Oklahoma					
CHANGE:					
SHEET METAL WORKERS	$11.03	.50	.66		.10
TERRAZZO WORKERS	10.56		.30		
Terrazzo workers finishers	8.72				
Terrazzo workers floor machine operators	8.84				
Terrazzo workers base machine op.	9.06				
Tile layers	10.56		.30		
DECISION NO. OK78-4059 - Mod. #2 (43 FR 26258 - June 16, 1978) Wagoner County, Oklahoma					
CHANGE:					
SHEET METAL WORKERS	11.03	.50	.66		.10
DECISION NO. OK78-4062 - Mod. #2 43 FR 26265 - June 16, 1978) Pittsburg County, Oklahoma					
CHANGE:					
SHEET METAL WORKERS	11.03	.50	.66		.10
TILE SETTERS	10.56		.30		
TERRAZZO WORKERS	10.56		.30		
TILE & TERRAZZO WORKERS HELPERS TO READ "Tile & Terrazzo finishers"	8.72				

DECISION #PA78-3070 - Mod. # 1 (43 FR 45162 - Sept. 29, 1978) Lancaster County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers:					
General Laborers	$6.85	.50	.57		
Operator of Jackhammer	7.05	.50	.57		
Wagon drill	7.15	.50	.57		
Handling of all materials	7.00	.50	.57		
Laborers assisting tile	6.90	.50	.57		
Handling & using dynamite	7.18	.50	.57		
Caisson Work (Top Men)	7.10	.50	.57		
Caisson Work (Bottom Men)	7.30	.50	.57		
Mixer Man	7.25	.50	.57		
Sheet metal workers	10.47	1.40	1.18		.13
DECISION NO. TN78-1058 - Mod. #3 (43 FR 29464 - July 7, 1978) Hamilton, Marion, Polk, and Rhea Counties, Tennessee					
CHANGE:					
Asbestos workers	$10.50	.45	.70		.02
Ironworkers	9.76	.55	.50		1%
Roofers:					
Composition, damp & waterproofers	9.40		.10		.05
Kettlemen	8.90		.10		.05
Slate & tile	9.60		.10		.05
DECISION NO. TN78-1060 - Mod. #1 (43 FR 29467 - July 7, 1978) Davidson County, Tennessee					
CHANGE:					
Asbestos workers	$11.55	.55	.65		.05
Electricians	10.20	.55	3% + .25		¼ of 1%

DECISION #TX78-4038 - Mod. #3 (43 FR 16129 - April 14, 1978) Harrison County, Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Sheet metal workers	$10.425	.50	.60		.105
DECISION #TX78-4078 - Mod. #4 (43 FR 35881 - August 11, 1978) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
Change:					
Marble, tile & terrazzo workers: Collin, Dallas, Denton, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos.	9.40		.30		
Omit:					
Sheet metal workers:					
Zone 1 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Cos.	10.275	.45	.66		.055
Zone 2 - Denton, Hood, Johnson & Tarrant Cos.	10.425	.60	.33		.055
Zone 3 - Palo Pinto & Wise Cos.	10.58				.07
Add:					
Sheet metal workers:					
Zone 1 - Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Rockwall, Tarrant & Wise Cos.	10.425	.50	.66		.105
Zone 2 - Palo Pinto Co.	10.58				.07
DECISION #TX78-4079 - Mod. #4 (43 FR 35884 - August 11, 1978) Bee, Kleberg & Nueces Cos., Texas					
Change:					
Line Construction:					
Linemen	10.93	.60	3%		1/2%
Cable splicers	11.055	.60	3%		1/2%
Groundmen (1st year)	5.47	.60	3%		1/2%
Groundmen	6.01	.60	3%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX78-4081 - Mod. #1 (43 FR 36651 - August 18, 1978) Bexar County, Texas					
Change:					
Line Construction:					
Lineman	$11.32	.60	3%		1/2%
Cable splicer	11.57	.60	3%		1/2%
Groundman (1st year)	5.66	.60	3%		1/2%
Groundman	6.23	.60	3%		1/2%
DECISION #TX78-4082 - Mod. #2 (43 FR 38278 - August 25, 1978) Brazos County, Texas					
Change:					
Line Construction:					
Lineman & cable splicer	11.77	.60	3%		1/2%
Groundman (1st 6 months)	4.12	.60	3%		1/2%
Groundman (2nd 6 months)	4.94	.60	3%		1/2%
Groundman	6.83	.60	3%		1/2%
Marble masons	10.49	.63	.20		
Painters:					
Group 1	10.595	.565	.45	.40	.04
Group 2	10.97	.565	.45	.40	.04
Group 3	10.72	.565	.45	.40	.04
Group 4	11.22	.565	.45	.40	.04
Terrazzo workers	10.49	.63	.20		
Tile setters	10.49	.63	.20		
DECISION #TX78-4083 - Mod. #3 (43 FR 38279 - August 25, 1978) El Paso County, Texas					
Change:					
Asbestos workers	8.61	.57	1.30		.03
Plumbers & steamfitters	9.09	.59	.44		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX78-4084 - Mod. #3 (43 FR 38281 - August 25, 1978) Galveston & Harris Cos., Texas					
Change:					
Line Construction:					
Lineman & cable splicer	$11.77	.60	3%		1/2%
Groundmen (1st 6 months)	4.12	.60	3%		1/2%
Groundmen (2nd 6 months)	4.94	.60	3%		1/2%
Marble masons - Harris Co.	10.49	.63	.20		
Painters (Remainder of Harris Co.):					
Group 1	10.595	.565	.45	.40	.04
Group 2	10.97	.565	.45	.40	.04
Group 3	10.72	.565	.45	.40	.04
Group 4	11.22	.565	.45	.40	.04
Terrazzo workers - Harris Co.	10.49	.63	.20		
Tile setters - Harris Co.	10.49	.63	.20		
DECISION #TX78-4085 - Mod. #2 (43 FR 38283 - August 25, 1978) Travis County, Texas					
Change:					
Line Construction:					
Linemen	11.14	.60	3%		1/2%
Groundmen	6.13	.60	3%		1/2%
Groundmen (1st year)	5.57	.60	3%		1/2%
DECISION #TX78-4095 - Mod. #1 (43 FR 43241 - September 22, 1978) Ector & Midland Counties, Texas					
Change:					
Painters:					
Brush	8.24				
Spray & sandblasters	8.99				
DECISION #TX78-4096 - Mod. #2 (43 FR 43242 - September 22, 1978) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
Change:					
Building Construction:					
Carpenters:					
Zone 2 - Carpenters	9.58				
Millwrights	10.10				

MODIFICATIONS P. 10

DECISION NO. WA78-5105 - Mod. #3 (43 FR 28734 - June 30, 1978) Statewide Washington	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
OMIT:					
Sheet Metal Workers (As contained in Mod. #2)					
Adams (N.E. part), Ferry, Lincoln (E.½), Pend Oreille, Spokane, and Stevens Counties	$10.52	.40	.60		
Adams (S.E. part), Benton, Columbia, Franklin, Walla Walla Counties	10.04	.40	.80	1.21	
Adams (S.W.part), Chelan, Douglas, Grant, Lincoln (W½), and Okanogan Counties	11.00	.40	.90	.60	
King and Snohomish Counties	11.14	.63	1.00		.05
ADD:					
Soft Floor Layers:					
Adams (N.E.part), Ferry, Lincoln (E½), Pend Oreille, Spokane, and Stevens Counties	10.52	.40	.60		
Adams (S.E. part), Benton, Columbia, Franklin, and Walla Walla Counties	10.04	.40	.80	1.21	
Adams (S.W. part), Chelan, Douglas, Grant, Lincoln (W½), and Okanogan Counties	11.00	.40	.90	.60	
King and Snohomish Counties	11.14	.63	1.00		.05

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: Adams, Brown & Pike
DECISION NUMBER: IL78-2092 DATE: Date of Pulication
Supersedes Decision No.: IL78-2017, dated March 17, 1978 in 43 FR 11371
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.63	.80	.97		
BOILERMAKERS	11.45	.95	1.20		.03
BRICKLAYERS:					
Bricklayers, Stonemasons, Marble Setters, Terrazzo Workers, Tile Setters, Pointers, Caulkers & Cleaners	11.65		.20		
CARPENTERS:					
Adams County:					
Carpenters & Soft Floor Layers	10.50	.65	.35		.02
Millwrights & Piledrivermen	10.75	.65	.35		.02
Brown County & Pike County:					
Carpenters & Soft Floor Layers	10.40	.55	.25		.02
Millwrights	10.65	.55	.25		.02
Piledrivermen	10.90	.55	.25		.02
CEMENT MASONS	9.85		1.00		
ELECTRICIANS:					
Electricians	11.15	.50	3%+.75		1%
ELEVATOR CONSTRUCTORS:					
Constructors	11.34	.745	.56	a+b	.025
Helpers	70%JR	.745	.56	a+b	.025
Helpers (Prob.)	50%JR				
GLAZIERS	10.39	.45	.50		
IRONWORKERS:					
Brown County, Pike County & the S. E. corner of Adams County	11.75	.55	.90		.08
Remainder of Adams County	11.50	.55	.90		.06
LATHERS:					
Brown & Pike Counties	12.30				
PAINTERS:					
Adams County:					
Brush	8.80				
Sand & Water Blasting; Spray & Steamcleaning	9.80				
Pike County:					
Commercial	11.05	.55	.35		
Industrial	11.30	.55	.35		

DECISION NO. IL78-2092

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS	$10.20		1.00		.01
PLUMBERS & STEAMFITTERS:					
Adams & Brown Counties	12.05	.35	.40		.05
Pike County	12.43	.35	.88		.07
ROOFERS	9.90				
SHEET METAL WORKERS:					
Adams & Pike Counties	10.11	.45	.44		.10
Brown County	11.86	3%+.50	.78		.07
SPRINKLER FITTERS	12.10	.75	1.05		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTES:

a. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

b. 7 Paid Holidays: A through G

DECISION NO. IL78-2092

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Adams County	9.34	.50	.60		
Unskilled	$ 9.54	.50	.60		.035
Semi-skilled	9.69	.50	.60		.035
Skilled					.035
Brown and Pike Counties					
Unskilled	9.39	.60	.45		.035
Semi-skilled	9.59	.60	.45		.035
Skilled	9.74	.60	.45		.035

CLASSIFICATIONS

UNSKILLED: Allsewer workers plus depth pay, Asphalt Plant Laborers, Bankmen on Floating Plant, Batch Dumpers, Carpenters, Tenders, Cleaning Lumber, Cofferdam workers plus depth pay, Deck Hand, Dredge Hand and Shore Laborers, Dispatchers; Driving of stakes, Stringlines for all machinery, Fencing Laborers, Firemen or Salamander Tenders, Fireproofing Laborers, Fire Shop Laborers; Flagman, Form Handlers, Gravel Box Men, Dumpmen and Spotters, Janitors, Laborers with De-watering systems, Landscapers, Laying of Sod, Material Checkers, Material Handlers, Pit Men, Plaster Installers, Planting of Trees, Removal of Trees, Rip Rap Men, Rod and Chairmen, Scaffold Workers, Tool Cribmen, Track Laborers, Unloading explosives, Unloading and carrying Lath, Unloading and carrying or re-bars, Wrecking, Dismantlling Building, Wallmen and Housemovers, Wrecking Laborers, Wreter or Scale Tickets.

SEMI-SKILLED: Asphalt Workers with machine, Asphalt Raker, and Layers, Cement Handlers, Cement Silica, Clay, Fly Ash, Lime and Plasters, Handler (Bulk or Bag) Chain Saw, Chloride Handlers, Concrete Workers (wet); Grade Checker, Handling or material treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing, Kettle and Tar Men, Mason Tenders, Mortar Micer Operators, Motorized Buggies or Motorized Union used for wet concrete to handling of building materials, On concrete paving, placing, cutting and typing or Reinforcing, Signal man on Crane Tank cleaning helpers in free air, Vibrator Operators

SKILLED: Air Tamping Hammerman, Caisson workers plus depth, Concrete Burning Machine Operator, Concrete Saw Operator, Corming Machine Operator, Gunnite Nozzlemen, Jackhammer and drill Operators, Laborers handling masterplante or similar materials, Laborers Tending Masons with hot material or where foreign material are used, Laster Beam Operator, Layout Man/or Tile Layer Leadman on sewer work Foreman, Multiple Concrete Duct - Leadman, Plasterer Tenders, Ready Mix Scalemen, Portable or temporary plant, Screenman on Asphalt Paver, Steel Form Setters - street and highway, Welders, Cutters, Burners, and Torchmen

DECISION NO IL78-2092

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
CLASS I	$ 11.90	.55	.65		.05
CLASS II	10.45	.55	.65		.05
CLASS III	9.35	.55	.65		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, clam shell, C.M.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth auger or boring machines, levating graders eingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournavull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 lead line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO. IL78-2092

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 tons, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment shen used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3 or 4 axle trucks hauling 16 tons or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois
COUNTIES: Champaign & Vermillion
DECISION NUMBER: IL78-2093
DATE: Date of Publication
Supersedes Decision No.: IL78-2018, dated March 17, 1978, in 43 FR 11373
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.15	.50	1.20		.01
BOILERMAKERS	11.45	.95	1.00		.03
BRICKLAYERS:					
Champaign County:					
Bricklayers; Stonemasons	11.70	.45	.50		.05
Marble, Tile, Terrazzo Workers	12.55	-	.50		
Vermillion County:					
Bricklayers; Stonemasons	11.70	.45	.50		.05
Marble, Terrazzo Workers; Tile Setters	12.55		.50		
CARPENTERS:					
Champaign County:					
Carpenters & Soft Floor Layers	11.665	.45	1.00		.13
Millwrights & Piledrivermen	12.165	.45	1.00		.13
Vermillion County:					
North of Rossville					
Carpenters; Soft Floor Layers; Millwrights & Piledrivermen	11.88	.65	.80		.01
Remainder of County					
Carpenters & Soft Floor Layers	11.665	.75	.80		.05
Millwrights & Piledrivermen	12.165	.75	.80		.05
CEMENT MASONS & PLASTERERS:					
Champaign County:					
Cement Masons	12.575	.45	.25		.025
Plasterers	11.915	.45			.025
Vermillion County:					
Cement Masons & Plasterers	11.35		1.00		
ELECTRICIANS:					
Champaign County	12.45	.50	3%+.40		.3%
Vermillion County	12.27	.50	3%+.50		.25%
ELEVATOR CONSTRUCTORS:					
Constructors	11.34	.745	.56	a+b	.025
Helpers	70%JR	.745	.56	a+b	.025
Helpers (Prob.)	50%JR				
GLAZIERS:					
Champaign County	10.39	.45	.50		
IRONWORKERS	11.55	.65	1.00		.08
LATHERS	11.49	.45	.40		.01

DECISION NO. IL78-2093

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Champaign County:					
Brush	$ 11.57	.65	.40		.04
Open and Erected Steel	12.57	.65	.40		.04
Vermillion County:					
Brush	11.80				
Spray	12.80				
PLUMBERS & STEAMFITTERS:					
Champaign County	12.15	.35	1.15		.12
Vermillion County	11.52	.35	1.05		.25
ROOFERS:					
Champaign County:					
Roofers	12.39	.70	.45		.03
Vermillion County	11.55				.16
SHEET METAL WORKERS	11.94	3%+.60	.67		
SPRINKLER FITTERS	12.10	.75	1.05		.08
WELDERS: receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Thanksgiving Day; G-Christmas Day

FOOTNOTES:
a. 7 Paid Holidays: A through G

b. Employer contibutes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

DECISION NO. IL78-2093

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Champaign County:					
Unskilled	10.75	.30	.30		.035
Semi-skilled	10.95	.30	.30		.035
Skilled	11.10	.30	.30		.035
Vermillion County:					
Unskilled	10.30	.45	.60		.035
Semi-skilled	10.50	.45	.60		.035
Skilled	10.65	.45	.60		.035

UNSKILLED - All sewer workers plus depth pay, Asphlat plant laborers, Bankmen on floating plant, Barch dumpers, Carpenters tenders, Cleaning lumber, Cofferdam workers plus depth pay, Deck hand, Dredge hand and shore laborer, Dispatchers, Driving of stakes, Stringlines for all machinery, Fencing laborers, Firemen or Salamander tenders; Fireproofing laborers; Fire shop laborers; Flagmen; Form handlers, Gravel box men, Dumpmen and Spotters; Janitors, Laborers with de-watering systems; Landscapers, Laying of sod, Material checkers, Material handlers, Pit men, Plaster installers, Planting of trees, Removal of trees, Rip rap men, Rod and chairemen, Scaffold workers, Tool cribmen, Tractor laborers, Unloading explosives, Unloading and carrying Lath, Unlaoding and carrying re-bars, wrecking, dismanteling building, Wallmen and housemovers, Wrecking laborers, Writer or scale tickets

SEMI-SKILLED - Asphalt workers with machine, asphalt raker and layers, Cement handlers, cement silica, clay, Fly ash, line and plasters handler (bulk or bay) Chain saw; Chloride handlers, concrete workers (wet); Grade checker; Handling of materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing; Kettle and Tar men; Mason tenders; Mortar mixer operators; Motorized buggies or motorized unit used for wet concrete or handling of building materials, On concrete paving, placing, Cutting and Typing or Reinforcing, Signal man on crane tank cleaning, Tunnel helpers in free, air, Vibrator operators

SKILLED: - Air tamping hammerman, Caisson workers plus depth, Concrete burning machine operator, Concrete saw operator, corming machine operator, Gunnite nozzle men, Jackhammer and drill operators, Laborers handling masterplate or similar materials, Laborers tending masons with hot material or where foreign material are used, Laser beam operator, Layout man and/or tile Layer leadman on sewer work lutemen, Multiple concrete duct - Leadman, Placterer tenders, ready mix scalemen, portable or temporary plant, Screenman on asphalt pavers, Steel form setters - street and highway, Welders, cutters, burners and torchmen

DECISION NO. IL78-2093 ILI-1-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	11.60	.55	.75		.13
CLASS II	11.55	.55	.75		.13
CLASS III	11.35	.55	.75		.13
CLASS IV	7.35	.55	.75		.13

CLASS I - Master Mechanic

CLASS II - Utility Operator

CLASS III - Power cranes, Draglines, Electric overhead cranes, Shovels, Gradall, Mehcanics, Repair and Maintenance of all equipment, Tractor highlift shovel, Forklifts, Tournamixer, 2 drums machine or 2 cage hoist, Cableways, Tower machines, Motor Patrol, Boom tractor, Boom or winch truck, Truck Crane, Tournapull, Tractor operating scoops, Bulldozer, Push Tractor, Finishing machine on asphalt, Large rollers & rollers on asphalt, Geavel Macadam & brick surface, Ross carrier or similar machine, Asphalt Plant Engineer or Pug Mill, Two (2) air compressors, Hetherington paver operator, farm tractor with ½ yard bucket and/or backhoe attachment, Trench machine cutting over 24" Dredging equipment, Central mix plant engineer, concrete spreader, Air compressors 200 cu. ft. or over, Standard or Dinkey locomotives, Scoopmobiles, Euclid loader, Soil cement machine, Mixers 14S capacity or less, trench Machine cutting 24" & under, backfiller, Elevating machine, Power Blade, asphalt Plant Engineer, Well drilling machines, Paint Machine, Pipe cleaning machine, Pipe wrapping machine, Pipe bending machine, Apsco paver, Boring machine, w/o winch, Head equipment, Greasers, Barger Green Loaders, Formless paver, farm Tractor with less than half-yard bucket and other attachments except backhow, Well point System

CLASS IV - Power Sub-Grader, Bull Float, Porm grader, finishing machine, Pavement breaker, Rock Crushers, One drum machine, air compressor less than 20 cu. ft. capacity, Concrete pump, Gunnite machine, Air tuggers, Truck crane drivers, House Elevators when used for temporary heat, Samll rollers on earth, Engine tendefs, Fireman on pain pots, Fireman, Wagon Drill Flexaplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Asphalt plants, Distributor operator on trucks, Tampers, Power Broom, Post Hole Digger, Self propelled concrete saw, Striping machine (Motor driven), Form tamper, seaman tiller, Bulk cement Plant Equipment Greaser

DECISION NO. IL78-2093

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

GROUP I - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including pulled by separate units, truck drirer helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tolls, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II - 2 or 3 axle Trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III - 2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-xzle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois

COUNTIES: Dupage, Grundy, Kane, Kendall, Lake, McHenry and Will

DECISION NUMBER: IL78-2094

DATE: Date of Publication

Supersedes Decision No.: IL78-2020, dated March 17, 1978, in 43 FR 11379

DESCRIPTION OF WORK: Building Construction (including Residential Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 13.01	.91	.99		.05
BOILERMAKERS	13.05	1.05+.40	1.00	5%	.03
BRICKLAYERS & STONEMASONS:					
DuPage County:					
North of Butterfield Road;					
Argonne Vicinity (National Accl. Lab.) Aec Plant	11.71	.90	.85		.05
South of Butterfield Road from East to West	11.71	.90	.85		.05
Northern Kane, bounded on the south by St. Charles, Campton & Virgil Twps; West by the DeKalb County line East by Cook County line, McHenry County	12.03	.85	.60		
Southern Kane County & Kendall Counties	12.03	.75	.70		
Lake County	11.71	.90	.85		.05
Will and Grundy Counties	12.16	.90	.45		
Cement Masons:					
Southern Kane, Kendall Cos.	12.10	.75	.80		
Lake County	11.75	.85	1.05		
MARBLE, TILE & TERRAZZO WORKERS:					
Kane, Dupage, Lake & Will Cos.:					
Marble Setters	12.73	.80			
Terrazzo Workers	8.95	.30	.30		
Tile Setters	10.85	.425	.45625		
Tile Setters' Finishers	9.55	D.325	D3.40		
CARPENTERS:					
Carpenters, Soft Floor Layers, Millwrights and Piledrivermen					
Dupage and Lake Counties	10.50	.98	1.00		.08
Kane, Kendall & McHenry Cos.	11.74	.75	1.00		
Will County:					
Building	11.88	.85	1.00		
Residential	11.81	.85	1.00		
Grundy County	12.145	.75	.85		.04
CEMENT MASONS:					
Dupage County	10.90	.68	.70		.06
Southern Kane & Kendall Cos.	12.10	.75	.80		
Lake County	11.75	.85	1.05		
Will and Grundy Counties	11.02	.65	1.28		.05
Remainder of Kane County	12.15	.70	.80		

DECISION NO. IL78-2094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ELECTRICIANS:					
Dupage County	13.20	5%	11%	8%	.5%
McHenry Co. & Norhtern half of Kane County	13.95	5%	11%		.5 of 1%
Kendall Co. & Nothern half of Kane County	13.80	5%	11%		½ of 1%
Will & Grundy Cos.: Building	13.93	.88	3%+.70		.2 of 1%
Residential	10.31	.88	3%+.60		.2 of 1%
Lake County	13.54	.65	3%+1.00		½ of 1%
GLAZIERS:					
Dupage, Kane, Kendall, Lake and Will Counties	11.09	.48	.89		.01
ELEVATOR CONSTRUCTORS:					
Dupage, Lake and Will Counties					
Constructors	12.455	.745	.56		.025
Helpers	70%JR	.745	.56		.025
Helpers (Prob.)	50%JR				
IRONWORKERS:					
Kane, County; Kendall (Northern ½ Co., including Bristol & Yorkville Co; McHenry (S.E. ½ of Co., including Huntley) Co. & the remainder of Dupage Co.	13.65	.75	.525		.08
Will & Grundy Cos.; Dupage (Argonne) Co; & Southern half of Kendall Co.	11.07	2.65	.525		.02
N. W. ½ of McHenry County	12.00	.65	.975		10
Lake Co.; McHenry, (Heborn, Woodstock & east thereof) Co.	12.30	1.24	1.87		.10
LATHERS: Dupage & Lake Cos.	11.52	.58	.645		.04
Kane Co. & eastern ½ of McHenry Co.	11.05	.65	.50	.01	
Will and Grundy Counties	11.20		.65		
Western ½ of McHenry County	9.84	.40	.35		
LINE CONSTRUCTION: Dupage Co.:					
Linemen	12.83	.45	3%		.50%
Equipment Operator	10.92	.45	3%		.50%
Groundman Truck Driver	8.70	.45	3%		.50%
Groundman	8.41	.45	3%		.50%
PAINTERS: Dupage; Kane, Kendall, McHenry Counties					
Brush, Spray & Taper	9.34	.60	.70		.06
Lake County:					
Brush, Paperhangers & Tapers	10.20	.575	.65		.013

DECISION NO. IL78-2094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PAINTERS: (CONT'D)					
Will and Grundy Counties:					
Residential and Commercial	10.45	.76	.55		.04
PLASTERERS: Dupage County	10.46	.75	.50		
Southern Kane & Kendall Cos.	11.62	.75	.50		
Lake County	10.935	.85	1.05		
Will and Grundy Counties	10.87	.875	.92		.045
Remainder of Kane County	11.80	.70	.77		
PLUMBERS, PIPEFITTERS & STEAMFITTERS:					
Dupage County: (Argonne-AEC Plant)					
Plumbers	12.50	.75	.82		.10
Pipefitters	12.90	.80	1.00		.02
Dupage County: (Remainder of Co.)					
Plumbers and Pipefitters:					
Wheaton and N. Dupage County	12.00	.60	.86		.07
Naperville and S. Dupage Co.	11.90	.65	.90		.05
Kane County:					
Plumbers; Steamfitters and Pipefitters:					
Elgin and Vicinity	11.72	.80	.60	1.00	.05
Aurora and Vicinity	13.06	.55	.29	.25	.02
Kendall (Cities of Oswego and Plano) County	13.06	.55	.29	.25	.02
Kendall (City of Yorkville) County; and Grundy (W. of Rt. #47) County	12.78	.55	.60		.09
Lake and McHenry Counties:					
Plumbers	12.10	.90	.92		.25
Steamfitters and Pipefitters	12.90	.80	1.00		.02
Will (City limits of Joliet) County; and Grundy (E. of Rt. #47) County:					
Plumbers and Pipefitters	12.90	.85	.87		.10
Remainder of Will County:					
Plumbers	12.50	.75	.82		.10
Pipefitters	12.90	.80	1.00		.02
ROOFERS:					
Dupage and Lake Counties:					
Composition and Waterproof	12.30	1.16	.90		.03
Slate and Tile	12.09	1.16	.75		.02

DECISION NO. IL78-2094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (CONT'D)					
Kane; Kendall, McHenry (Southern part including Cities of McHenry, Woodstock & Crystal Lake) County	12.58	.85	.70		.02
Will and Grundy Counties	11.89	.86	.80		
Remaidner of McHenry Counties	12.20	.55			
SPRINKLERFITTERS:					
Dupage County	12.50	.95	1.05		.15
Lake County:					
Within 20 mile radius of Chicago City Hall	12.50	.95	1.05		.15
Kane, Will, Grundy, McHenry, Kendall and Remainder of Lake County	12.10	.75	1.05		.08
SHEET METAL WORKERS:					
Dupage County	12.15	.55	.60	.20	.12
Kane, Kendall and McHenry Cos.	11.65	.50	.55	1.00	.06
Lake County	12.35	.90	.73	.50	.06
Will and Grundy Counties	12.97	.70	.83		.08
TRUCK DRIVERS:					
2-3 Axle Trucks	10.65	c 29.00	c33.00		
4 Axle Trucks	10.80	c 29.00	c33.00		
5 Axle Trucks	11.00	c 29.00	c33.00		
6 Axle Trucks	11.20	c 29.00	c33.00		
GLAZIERS	11.09	.48	.89		.01
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. IL78-2094

PAID HOLIDAYS: (*WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTES:
a. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular rate to vacation pay credit for employee who has worked in business less than 5 years.
b. 7 Paid Holidays; A through G
c. Per week per employee
d. Per Day

DECISION NO IL78-2094

ILL-4-LAB-1

LABORERS: Kane, Kendall & McHenry	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class 1 - Laborers	9.20	.57	1.10		
Class 2 - Power Vibrator	9.30	.57	1.10		
Class 3 - Mortar Men, Torchmen (on Demolition Only)	9.35	.57	1.10		
Class 4 - Power Tampers	9.40	.57	1.10		
Class 5 - Chain saw Men, Swinging State & Boatswin Chairs, Cement Gun Nozzlemen, Hod carriers, Plasterer Tenders, tunnelmen, Tree Surgeons (Toppers)	9.45	.57	1.10		
Class 6 - Tile Layers & Bottom Men	9.55	.57	1.10		
Class 7 - Caisson Laborers & Dynamiters	9.70	.57	1.10		

DECISION NO. IL78-2094

I11-9-LAB-1-2-3

LABORERS: DUPAGE, GRUNDY, AND WILL COS.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
CLASS A - common Laborers, Plasterer, Laborers, Pumps or Dewatering & other Unclassified Laborers	9.20	.57	1.10		
CLASS 2 - Cement Gun Laborers	9.275	.57	1.10		
CLASS 3 - Scaffold Laborers & Chimney Laborers over 40'	9.30	.57	1.10		
CLASS 4 - Windlass & Cement Gun Nozzle Laborers - Gunnite	9.30	.57	1.10		
CLASS 5 - Stone Handler & Derrickmen	9.40	.57	1.10		
CLASS 6 - Jackhammermen	9.425	.57	1.10		
CLASS 7 - Concrete Vibrator, Plumbers' Labor & Chain Saw Operator	9.45	.57	1.10		
CLASS 8 - Firebrick & Boiler Setters' Laborers	9.52	.57	1.10		
CLASS 9 - Chimney Laborers on Firebrick, Caisson Diggers & Well Point System Men	9.55	.57	1.10		
CLASS 10 - Boiler Setters Plastic Laborers	9.65	.57	1.10		
CLASS 11 - Jackhammer On Firebrick Only	9.755	.57	1.10		

DECISION NO. IL78-2094

ILL-49-LAB-1

LABORERS: LAKE COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1 Building & Plasters Laborers; General Laborers (Wrecking & Demolition) Fireproofing & Fire Shop Laborers	$ 8.55	.57	1.10		
CLASS 2 Cement Gun Laborers & Hose	8.625	.57	1.10		
CLASS 3 Chimney Laborers (Over 40'); Scaffold Laborers; Wall Men or Wreckers	8.65	.57	1.10		
CLASS 4 Stone Derrickmen & Handlers	8.75	.57	1.10		
CLASS 5 Jackhammer Men (Tampers & Vibrators) Power Driven Concrete Saws	8.775	.57	1.10		
CLASS 6 Caisson Diggers, Well Point System; Chimney Laborers (on Firebrick)	8.90	.57	1.10		

DECISION NO. IL78-2094

ILL-12-PEO-1

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	12.55	1.00	1.00	.50	.05
CLASS II	11.25	1.00	1.00	.50	.05
CLASS III	10.10	1.00	1.00	.50	.05
CLASS IV	8.85	1.00	1.00	.50	.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt plant, asphalt spreader, auto-grad, batch plant, Benoto (requires two engineers), boiler & throttle valve, caisson rigs, central redi-mix plant, combination backhoe front end-loader machine compressor & throttle valve, concrete breaker (truck mounted), conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endloader 2¼ yd. & over, hoists, one, two & three drum hoists, two & three drum hoists, two tugger one floor, hydraulic boom truck, locomotives (all), mechanic, motor patrol, pile drivers & skid rig, post-hole digger pre-stress machine, pump cretes dual ram (requiring frequent Lubrication & water), pumpcretes, squeeze cretes - screw type pumps, Gysum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoopes - tractor drawn, slip form paver, straddle buggies, tournapull, tractor with boom & side boom, trenchingmachines

CLASS II - Boilers, bulldozers, broom all power propelled, concrete mixer (2 bag & over), Conveyor portable, forklift truck greaser engineer, highlift shovels or front end loaders under 2¼ yd., hoists, automatic, hoists,a ll elevators, hoists, tugger single drum, rollers, all steam generators, stone crushers, tractors, all winch trucks with "A" frame

CLASS III - Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 ft.), Air compressor - large over 1¾), combination - small equipment opr., generators under & over 50 KW, heaters, mechanical pumps over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machine (2 through 5), winches, 4 small electric drill winches

CLASS IV - Oilers

SUPERSEDEAS DECISION

STATE: Illinois COUNTY: Cook
DECISION NUMBER: IL78-2105 DATE: Date of Publication
Supersedes Decision No.: IL78-2019, dated March 17, 1978, in 43 FR 11376
DESCRIPTION OF WORK: Building (Including Residential), Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.01	.91	.99		.05
BOILERMAKERS	13.05	1.05+.40	1.00	5%	.03
BRICKLAYERS & STONEMASONS	11.71	.90	.85		.05
CARPENTERS:					
Building, Heavy & Highway Carpenters & Soft Floor Layers	11.50	.98	1.08		.08
Millwrights & Piledrivermen	11.50	.98	1.08		.08
CEMENT MASONS:					
Building	11.25	1.25	1.15		.05
Heavy &Highway	10.05	.82	.85		.05
ELECTRICIANS	12.25	8.90%	12.30%	6.53%	.84%
ELEVATOR CONSTRUCTORS:					
Constructors	12.455	.745	.56	a+b	.025
Helpers	70%JR	.745	.56	a+b	.025
Helpers (Prob.)	50%JR				
GLAZIERS	11.09	.48	.89		.01
IRONWORKERS:					
Structural & Reinforcing	12.30	1.24	1.22		.10
Ornamental	12.80	.75	.905		.10
Riggers & Machinery Movers	9.90	.75	1.725	1.30	.15
Red Book Fence Erector	9.07	.75	.905		.10
LATHERS	11.02	.58	.445		.04
LINE CONSTRUCTION:					
Linemen	12.46	7.25%	6.5%	7.5%	.25%
Groundmen	9.45	7.25%	6.5%	7.5%	.25%
MARBLE SETTERS	12.73	.80			
MARBLE SETTERS' FINISHERS & POLISHER	9.00	.62		.33	
PAINTERS:					
Brush, Decorators, Paperhangers & Tapers	10.20	.575	.65		.013
PLASTERERS	10.87	.875	.92		.045
PIPEFITTERS	12.90	.80	1.00		.02
PLUMBERS	12.50	.75	.82		.10
POINTERS, CAULKERS & CLEANERS	11.60	1.10	.90		

DECISION NO. IL78-2105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Composition & Waterproofers	12.30	1.16	.90		.03
Slate & Tile	12.07	1.15	.75		.02
SHEET METAL WORKERS	12.35	.90	.73	.50	.06
SPRINKLER FITTERS	12.50	.95	1.05		.15
SURVEY CREW:					
Layout Technician	11.30	.80	.25		
Instrument Man	9.30	.80	.25		
Rodman	7.71	.80	.25		
TERRAZZO WORKERS	8.95	.30	.30		
TILE SETTERS	10.85	.425	.45625		
TILE SETTERS' FINISHERS	8.10	d2.45	d3.40		
TRUCK DRIVERS:					
Building & Residential					
2-3 Axle Trucks	10.15	c29.00	c33.00		
4 Axle Trucks	10.40	c29.00	c33.00		
5 Axle Trucks	10.60	c29.00	c33.00		
6 Axle Trucks	10.80	c29.00	c33.00		
Heavy and Highway					
2-3 Axle Trucks	10.05	.80	.85		
4 Axle Trucks	10.30	.80	.85		
5 Axle Trucks	10.50	.80	.85		
6 Axle Trucks	10.70	.80	.85		

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving Day; G-Christmas Day

FOONOTES:
a. 7 Paid Holidays A through G
b. Employer contributes 8% of regular houlry rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
c. Per week per employee
d. Per Day

DECISION NO. IL78-2105

ILL-9-LAB-1-2-3

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1					
Common Laborers, Plasterer Laborers, Pumps for DeWatering & other Unclassified Laborers	$ 9.20	.57	1.10		
CLASS 2					
Cement Gun Laborers	9.275	.57	1.10		
CLASS 3					
Scaffold Laborers & Chimney Laborers over 40'	9.30	.57	1.10		
CLASS 4					
Windlass & Cement Gun Nozzle Laborers - Gunnite	9.30	.57	1.10		
CLASS 5					
Stone Handlers & Derrickmen	9.40	.57	1.10		
CLASS 6					
Jackhammermen	9.425	.57	1.10		
CLASS 7					
Concrete Vibrator, Plumbers' Laborer & Chain Saw Operator	9.45	.57	1.10		
CLASS 8					
Firebrick & Boiler Setters' Laborers	9.52	.57	1.10		
CLASS 9					
Chimney Laborers on Firebrick, Caisson Diggers & Well Point System Men	9.55	.57	1.10		
CLASS 10					
Boiler Setter Plastic Laborers	9.65	.57	1.10		
CLASS 11					
Jackhammer on Firebrick Only	9.755	.57	1.10		

DECISION NO. IL78- 2105

WRECKING LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
General Laborers	$ 7.82	.57	1.10		
Wallmen, Wreckers, Burners, Air Hammermen	8.47	.57	1.10		
Smokestack or High Man	8.82	.57	1.10		
Landscape work: Highway Construction only					
Landscape Plantsmen	5.63			e	
Maintenance Men	5.32			e	
Truck Driver - Tractor Trailer (3 Axle of more) and Equipment Operator	6.11			e	
Truck Driver - 2 Axle	5.69			e	

FOOTNOTE:

e. Six paid holidays; New Year's Day; Memorial Day; July Fourth Labor Day; Thanksgiving Day; Christmas Day

DECISION NO. IL78-2105 ILL-12-PEO-1

POWER EQUIPENT OPERATORS: BUILDING & RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	12.55	1.00	1.00	.50	.05
CLASS II	11.25	1.00	1.00	.50	.05
CLASS III	10.10	1.00	1.00	.50	.05
CLASS IV	8.85	1.00	1.00	.50	.05

CLASS I - Asphalt plant, asphalt spreader, auto-grad, batch plant, Benoto (requires two engineers), boiler & throttle valve, caisson rigs, central redi-mix plant, combination backhoe breaker (truckmounted), conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endloader 2½ yd. & over, hoists, one, two & three drum, hoists, two & three, drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all), mechanic, motor patrol, pile drivers & skid rig, post-hole digger, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), pumpcretes, squeeze cretes, - screw types pumps, Gysum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoopes - tractor drawn, slipform paver, straddle buggies, tournapull, tractor with boom & side boom, trenching machines

CLASS II - Boiler, bulldozers, broom all power propelled, concrete mixer (2 bag & over), conveyor portable, forklift truck greaser engineer, highlift shovels or front endloaders under 2½ yd., hoists, automatic, hoists, all elevator, hoists, tugger single drum, roller, all, steam generators, stone crushers, tractor, all winch trucks with "A" frame

CLASS III - Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 Ft.), Air compressor - large over 150, combination - small equipment opr., generators under & over 50 KW heaters, mechanical pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

CLASS IV -Oilers

DECISION NO. IL78-2105 ILL-10-PEO-2-3

POWER EQUIPMENT OPERATORS: SEWER, HEAVY & HIGHWAY CONST.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	12.20	1.00	1.00	.50	.05
CLASS II	11.65	1.00	1.00	.50	.05
CLASS III	10.90	1.00	1.00	.50	.05
CLASS IV	9.80	1.00	1.00	.50	.05
CLASS V	8.80	1.00	1.00	.50	.05

CLASS I - Asphlat plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader, ciasson rigs, central redimix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, Linden, Peco & machines of alike nature, derricks, traveling, dredges, euclid loader, elevating type, gradall, & mechanics of a like nature, derricks, all derrick boats, derricks, traveling, dredges, euclid loader,elevating type gradall, and mechines of a like nature, 1 cu. yd. & over, mucking machine, under 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), rock drill crane type, slip form paver, straddle buggies, tractor w/boom tractaire w/attachments, trenchingmachine, undergound boring &/or mining machine under 5 ft., wheel exactor widener (Apsco)

CLASS II - Mechanic-welder, batch plant, bituminous mixer, bulldozer, combination backhoe front endloader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mxier or paver 7S Series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete grader, motor patrol auto patrol, form grader, pull grader, subgtader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cretes; Squeeze cretes; srew type pumps Cypsum bulker & pump, rock drill (self-propelled), roto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self-propelled compactor, spreader, chipstone, etc., scraper, tank car heater, tractor, push, pulling sheeps foot, disc., compactor, etc. tug boats

DECISION NO. IL78-2105

POWER EQUIPMENT OPERATORS (CONT'D)

CLASS III - Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tender, compressor throttle valve, concrete mixer (2 bags & over) conveyor, portable, fireman on boiler, forklift trucks, greaser engineer, grouting machine hoists, automatic, hoists, all elevators, hoists, tugger, single drum, jeep diggers, pipe power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch truck with "A" frame, work boats, tamper, form motor driven

CLASS IV - Air Compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pmps, all, pumps well points, tractaire, welding machines (2 through 6)

CLASS V - Oilers

STATE: Illinois COUNTIES: Fulton, Hancock, McDonough & Schuyler

DECISION NUMBER: IL78-2106 DATE: Date of Publication

Supersedes Decision No.: IL78-2021, dated March 17, 1978 in 43 FR 11384

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Fulton & Schuyler Counties	12.63	.80	.97		
Hancock & McDonough Counties	11.55	.40	.60		.10
BOILERMAKERS	11.45	.95	1.00		.03
BRICKLAYERS:					
Schuyler County					
Bricklayers, Stonemasons, Plasterers, Marble-Tile-Terrazzo Workers, Cement Blocklayers, Pointers-Caulkers-Cleaners	10.80	.50	.52		.02
Marble & Tile Setters' Finishers	10.90				
Fulton County					
Bricklayers, Stonemasons, Cement Blocklayers, Cleaners-Pointers & Caulkers	11.70	.70	1.00		.01
Marble-Tile-Terrazzo Workers	11.45	.70	1.00		.01
Marble & Tile Setters' Finishers	11.00	.60	.25		
Hancock & McDonough Counties					
Bricklayers, Stonemasons, Cement Block Layers, Marble-Tile & Terrazzo Workers	12.30				
Marble & Tile Setters' Finishers	11.00	.60	.25		
CARPENTERS:					
Schuyler County					
Carpenters & Soft Floor Layers	10.40	.55	.25		.02
Millwrights	10.65	.55	.25		.02
Piledrivermen	10.90	.55	.25		.02
Fulton County					
Carpenters & Soft Floor Layers	12.01	.40	.40		.05
Millwrights & Piledrivermen	12.51	.40	.50		.05
McDonough Co. & Eastern 1/3 of Hancock Co.					
Carpenters & Soft Floor Layers	12.01	.40	.50		.05
Millwrights & Piledrivermen	12.51	.40	.50		.05
Remainder of Hancock County					
Carpenters & Soft Floor Layers	10.70	.75	.90		.04
Millwrights & Piledrivermen	11.40	.75	.40		.04

DECISION NO. IL78-2106

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS & PLASTERERS:					
Hancock, McDonough & Schuyler Counties					
Cement Masons	12.35				
Hancock & McDonough Counties					
Plasterers	12.10				
Fulton County					
Cement Masons	11.30	.80	.90		.05
Plasterers	11.20	.80	.90		.03
ELECTRICIANS:					
Hancock & Schuyler Cos., Twps. of Lamoine, Bethel, Industry & Eldorado in McDonough County	11.15	.50	3%+.75		.1%
Twps. of Cass, Deerfield, Ellisville, Harris, Lee, Union, Young & Hickory in Fulton Co., & the Northern 2/3 of McDonough County	12.06	.50	3%+.75		3/4%
Remainder of Fulton County	12.32	.50	3%+.75		1%
IRONWORKERS:					
Hancock & McDonough Cos., the Western ½ of Schuyler County	11.50	.55	1.05		
Eastern ½ of Schuyler Co.	11.50	.55	.90		
The Southern Tip of Fulton Co., incl. Marbletown, Astoria, Summum, & Remainder of Fulton Co.	11.75	.55	1.05		.08
LABORERS:					
Hancock & McDonough Counties					
Unskilled	10.07	.45	.60		.035
Semi-Skilled	10.27	.45	.60		.035
Skilled	10.47	.45	.60		.035
Schuyler County					
Unskilled	9.39	.60	.45		.035
Semi-Skilled	9.59	.60	.45		.035
Skilled	9.74	.60	.45		.035
Fulton County					
Projects Under $375,000					
Unskilled	10.15	.60	.60		.035
Semi-Skilled	10.35	.60	.60		.035
Skilled	10.55	.60	.60		.035

DECISION NO. IL78-2106

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
Projects in Excess of $375,000					
Unskilled	$ 10.55	.60	.60		.035
Semi-Skilled	10.75	.60	.60		.035
Skilled	10.95	.60	.60		.035
PAINTERS:					
Fulton & Schuyler Cos.					
Brush	11.30	.55	.30		.03
Structural Steel & Spray	11.95	.55	.30		.03
Hancock & McDonough Cos.					
Brush	10.75				
Structural Steel & Spray	11.25				
PLUMBERS & STEAMFITTERS:					
Fulton & McDonough Counties	12.32	.35	.35	4%	
Hancock & Schuyler Counties	12.05	.35	.40		.05
ROOFERS:					
Schuyler County					
Composition	11.78				
Slate-Tile & Precast Slab	12.93	.70			
Fulton Co., & Eastern ½ of McDonough Co., excluding Macomb					
Slate-Tile-Comopsition-Damp & Waterproof	12.00	.70	.40		.025
Hancock Co., & Western ½ of McDonough including Macomb					
Slate-Tile-Damp & Waterproof	10.20				
SHEET METAL WORKERS:					
Fulton & McDonough Counties	11.83	.54	.99		.10
Hancock County	10.11	.45	.44		.10
Schuyler County	11.86	3%+.50	.78		.07
SPRINKLER FITTERS	12.10	.75	1.05		.08
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO IL78-2106

SCHUYLER COUNTY

POWER EQUIPMENT OPERATORS:

ILL-5-PEO-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 11.90	.55	.65		.05
CLASS II	10.45	.55	.65		.05
CLASS III	9.35	.55	.65		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, claim shell, C.N.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augeror boring machines, levating graders eingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS. WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO. IL78-2106

POWER EQUIPMENT OPERATORS
REMAINDER OF COUNTIES

ILL-6-PEO-1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	12.22	.45	.80		.05
GROUP 2	12.02	.45	.80		.05
GROUP 3	11.645	.45	.80		.05
GROUP 4	11.37	.45	.80		.05
GROUP 5	10.46	.45	.80		.05

POWER EQUIPMENT OPERATORS:

GROUP 1 - Cranes, escalated rate on crane, derricks, booms, $.01 per hour, per foot, after 80 feet or boom including jib, overhead cranes, gradall, cherry pickers (and similar types, over 15 ton lifting capacity) require oiler, mechanics, central concrete mixing plant operator, road pavers (2YE-dual drum-tri batchers), blacktop plant operators and plant engineers, 3 drum hoist, derricks, hydro cranes, shovels skimmer scoops, koehring scoopers, draglines, backhoe, hoptics-crane-type that require oilers, derrick boats, pile drivers and skid rigs, clamshells, locomotive cranes, dredge (all types), motor patrol, power blades dumore-elevating and similar types tower cranes (crawler mobile) and stationary, crane-type backfiller, drott yumbo and similar types considered as cranes, caisson rigs (require oilers) dozer, tourna-dozer, work boats, ross carrier and helicopter

GROUP 2 - Trench machine, pumpcrete-belt-wqueeze cretes-screw-type pumps and gysum bulker and pump, dinkeys, power launches, tournapulls (all), multiple unit earth movers, $.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (all similar types), wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine euclid loader, forklifts, formless finishing machine, jeeps w/ditching machine, or other attachments, tuneluger, rock crushers, automatic cement gravel batching plants, mobile drills (soil testing and similar types), (require oilers), flaherty spreader or similar types (require oilers), heavy equipment greaser (top greaser on spread), gurries and similar type), 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators Chicago boom, boring machine and pipe jacking machine, hydro boom, statting engineer on pipeline, C.M.I. and similar types (require oiler) Straw blower, hydro seeder and F.W.D. and similar types

DECISION NO. IL78-2106

POWER EQUIPMENT OPERATORS (Cont'd)

Group 3: Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling rollers, center stripper, cement finishing machines, barber greene or similar loaders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bags to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, firemen and spray machine on paving

Group 4: Air compressor, all air and steam valves, power subgrader, oil distributor, straight tractor, trac-air without attachments, curb machines, truck crane oilers, and truck type hoptoe oilers

Group 5: Herman Nelson heater, Dravo, Warner, Silent glo, and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser on spreed, roller, 5 tons and under on earth or gravel, form grader, pump 1 or 2, generator (1) or (2), welding machine (1) or (2) - 300 amp. or over, mixer (3) bag and under (standard capacity), bulk cement plant, crawler crane and skid rig oilers

DECISION NO. IL78- 2106

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.125	.60	a31.00		
GROUP II	10.525	.60	a31.00		
GROUP III	10.725	.60	a31.00		

TRUCK DRIVERS

GROUP I - Drivers on 2 axle truck hauling less than 9 tons, air compressor and welding machine including those pulled by separate units truck driver helpers, warehousemen, mechanics helpers, greasers & tiremen, pick-up trucks when hauling materials, tolls, or men to and from and on the jobs site; Fork lifts up to 6,000lbs., capacity.

GROUP II - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used tranportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4 axle combination units; ticket writers

GROUP III - 2,3 or 4 axle truck hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatcher

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois
COUNTIES: Ford, Iroquios & Kankakee
DECISION NUMBER: IL78-2107
DATE: Date of Publication
Supersedes Decision No.: IL78-2022, dated March 17, 1978 in 43 FR 11087
DESCRIPTION OF WORK: Building Construction, (excluding single family himes and garden type apartments up to and including 4 stories).

DECISION NO. IL78-2107

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 13.01	.91	.99		.05
BOILERMAKERS:					
Kankakee County	13.05	1.05+.40	1.00	5%	.03
Ford & Iroquois Counties	11.45	.95	1.00		.03
BRICKLAYERS, STONEMASONS, MARBLE SETTERS, TERRAZZO WORKERS, TILE SETTERS, POINTERS, CAULKERS & CLEANERS:					
Kankakee County:					
Bricklayers, Stonemasons, Marble Setters, Terrazzo Workers, Tile Setters, Pointers, Caulkers & Cleaners, Cement Masons	11.70	.80	.75		
South of Roberts in Ford County:	11.70				
Bricklayers & Stonemasons	11.70	.45	.50		.05
Marble-Tile & Terrazzo Workers	12.55		.50		
Remainder of Ford County:					
Bricklayers & Stonemasons	11.70	.80	.75		
Marble Setters	11.45	.70	1.00		.01
Iroquois County:					
Bricklayers & Stonemasons	11.70	.80	.75		
Marble-Tile & Terrazzo Workers	11.45	.70	1.00		.01
CARPENTERS:					
Ford County:					
Carpenters & Soft Floor Layers	11.665	.45	1.00		.13
Millwrights & Piledrivermen	12.165	.45	1.00		.13
Iroquois & Kankakee Counties:					
Carpenters, Millwrights, Soft Floor Layers & Piledrivermen	11.88	.65	.70		.01
CEMENT MASONS:					
Ford County	12.575	.45	.25		.025
Iroquois County	11.70	.80	.75		
ELECTRICIANS:					
Twps. of Fountain Creek, Love Joy & Praitie Green in Iroquois County	12.27	.50	3%+.50		.25%
Area S. of Roberts Twps in Ford County, Twps of Artesia, Pigron Grove & Loda in Iroquois County	12.45	.50	3%+.40		.3%
ELECTRICIANS (CONT'D)					
Kankakee County & Remainder of Ford & Iroquios Counties	12.42	.80	3%+.70		.2 of 1%
ELEVATOR CONSTRUCTORS:					
Kankakee County:					
Constructors	12.455	.745	.56	a+b	.025
Helpers	70%JR	.745	.56	a+b	.025
Helpers (Prob.)	50%JR				
GLAZIERS:					
Piper City & North therof in Ford County & Area East of Cabery in Kankakee County	9.65			.65	
Remainder of Kankakee County	11.89	.48	.89		.01
Remainder of Ford County	11.53	.55	.55		.01
IRONWORKERS:					
Ford County	11.55	.65	1.00		.08
Iroquios & Kankakee Counties	12.50	.75	.75		.05
LATHERS:					
Ford County	11.49	.45	.40		.01
PAINTERS					
Ford County:					
Brush & Roller	11.20	.55			.06
Paperhanging	11.45	.55			.06
Structural Steel	11.70	.55			.06
Iroquois & Kankakee Counties:					
Brush & Roller	10.85	.55	.50		
Spray	10.90	.45	.50		
PLASTERERS:					
Ford County	11.915	.45			.025
Iroquois & Kankakee Counties	11.50	.80	.75		
PLUMBERS & STEAMFITTERS:					
Ford County	12.15	.35	1.15		.12
Iroquois & Kankakee Counties	12.68	.35	1.00		.08
ROOFERS:					
Ford County	12.39	.70	.45		.03
Iroquois County	11.55				
Kankakee County:					
Roofers	12.30	.65			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Ford County	11.94	3%+.60	.67		.16
Iroquois & Kankakee Counties	12.97	.70	.89		.08
SPRINKLER FITTERS	12.10	.75	1.05		.08
TRUCKDRIVERS:					
Kankakee County; Remainder of Iroquois County & Northern ½ of Ford Co.					
2-3 Axle Trucks	10.525	b29.50	b31.00		
4 Axle Trucks	10.725	b29.50	b31.00		
5 Axle Trucks	10.925	b29.50	b31.00		
6 Axle Trucks	11.075	b29.50	b31.00		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTES:
a. 6 paid holidays: A through G
b. Per week - Per Employee

DECISION NO. IL78-2107

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Unskilled	$10.07	.45	.60		.035
Semi-skilled	10.27	.45	.60		.035
Skilled	11.60	.45	.60		.035

UNSKILLED: Common Laborer; carpenter tenders; tool cribmen firemen or salamander tenders; flagmen; gravel bo men; dumpmen & spotters; form handlers; material patchers; landscapers; unloading explosives; laying of sod; planting of trees; asphalt plant laborers; wrecking laborers; writer of scale tickest; fire shop laborers; fireproofing laborers; janitors; wrecking-dismantling buildings; wallmen & [illegible]; driving of stakes; [illegible] machinery

SEMI-SKILLED: Handling of materials treated with oil, creosote, asphalt or any foreign material, track laborers; cement handlers; chloride handlers; the unloading and laborers w/steel workers 7 rebars; concrete workers (wet); tunnel helpers in free air; batch dumpers; mason & plasterer tenders & material wheelers kettlemen & tarmen; tank cleaners; plastic instrllers; scaffold workers; motorized buggies or motorized unit used for wet concrete or handling of building materials laborers w/dewatering systems; all sewer workers plus depth; rod & chainmen with land surveyors; vibrator operators; mortar mixer operator; cement silica; clay, fly ash, lime & plasters; handlers (bulk or bag); cofferdam workers plus depth; (on concrete paving) placing, cutting & trying or reinforcing; deck hand; dredge hand & shore laborers; bankmen on floating plant; asphalt workers w/machine; asphalt raker; grade checker

SKILLED: Dynamite man or blasters; caisson workers plus depth; gunnite; nozzle men leadman on sewer work; welder; cutters; burners; torchmen; chain saw operator; jackhammer & drill operators; layout man; steel form setters (street & highway); air tamping hammerman; signal man on crane, conctete saw operator; screenman on asphalt pavers; laborers tending masons w/hot materials are used: multiple concrete duct-leadmen; curb asphalt machine operator; ready-mix scalemen; portable or temporary plant; laborers handling masterplate or similar materials; laser beam operator; coring machine operator

DECISION NO. IL78-2107

ILL-1PEO-1-2-3

POWER EQUIPMENT OPERATORS: FORD & IROQUOIS COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	11.60	.55	.75		.13
CLASS II	11.55	.55	.75		.13
CLASS III	11.35	.55	.75		.13
CLASS IV	7.35		.75		.13

POWER EQUIPMENT OPERATORS:

CLASS I: Master Mechanic

CLASS II: Utility Operator

CLASS III: Power cranes, Draglines, Electric overhead cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all equipment, Tractor highlift shovel, Forklifts, Tournamixer, 2 drums machine or 2 cage hoist, Cableways, Tower machines, Motor Patrol, Boom tractor, Boom or winch truck, Truck Crane, Tournapull, Tractor operating scoops, Bulldozer, Push Tractor, Finishing machine on Asphalt, Large rollers & rollers on asphalt, Gravel Macadam & Brick surface, Ross carrier or similar machine, Asphalt Plant Engineer or Pug Mill, Two (2) air compressors, Hetherington paver operator, Farm tractor with ½ yard bucket and/or backhoe attachment, Trench machines cutting over 24", Dredging equipment, Central mix plant engineer, concrete spreader, Air compressors 200cu. ft. or over, Standard or Dinkey locomotives, Scoopmobiles, Euclid loader, Soil cement machine, Mixers 14S capacity or less, Trench Machine cutting 24" & under, Backfiller, Elevating machine, Power Blade, Asphalt Plant Engineer, Well drilling Machines, Paint Machine, Pipe Cleaning Machine, Pipe wraping machine, Pipe Bending Machine, Apsco paver, Boring Machine, w/o winch, Head equipment, Greasers, Barber Green Loaders, Formless paver, Farm Tractor with less than half-yard bucket and other attachments except backhoe, Well Point System

CLASS IV: Power Sub-Grader, Bull Float, Form Grader, Finishing machine, Pavement breaker, Rock Crushers, One drum machine, air compressor less than 20 cu. ft. capacity, Concrete pump, Gunnite machine, Air Tuggers, Truck crane drivers, House Elevators when used for temporary heat, Small rollers on earth, Engine tenders, Fireman on pain pots, Fireman, Wagon Drill, Flexaplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Asphalt plants, Distrbutor operator on trucks, Tampers, Power Broom, Post Hole Digger, Self Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser

DECISION NO. IL78-2107

ILL-12-PEO-1

POWER EQUIPMENT OPERATORS: KANKAKEE COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	12.55	1.00	1.00	.50	.05
CLASS II	11.25	1.00	1.00	.50	.05
CLASS III	10.10	1.00	1.00	.50	.05
CLASS IV	8.85	1.00	1.00	.50	.05

POWER EQUIPMENT OPERATORS:

CLASS I: Asphalt plant, asphalt spreader, auto-grad, batch plant, Benoto (requires two engineers), boiler & throttle valve, caisson rigs, central redi-mix plant, combination backhoe front end-loader machine, compressor & throttle valve, concrete breaker (truck mounted), conveyor, concrete paver- concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endloader 2¼ yd. & over, hoists, one, two & three drum, hoists, two & three, drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all), mechanic, motor patrol, pile drivers & skid rig, post-hole digger, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), pumpcretes, squeeze cretes - screw types pumps, Gysum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoopes - tractor drawn, slip form paver, straddle buggies, tournapull, tractor with boom & side boom, trenching machines

CLASS II: Boilers, bulldozers, broom all power propelled, concrete mixer (2 bag & over), conveyor portable, forklift truck greaser engineer, highlift shovels or front endloaders under 2¼ yd., hoists, automatic, hoists, all elevators, hoists, tugger single drum, rollers, all, steam generators, stone crushers, tractors, all, winch trucks with "A" frame

CLASS III: Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 ft.), Air compressor - large over 150, combination - small equipment opr., generators under & over 50 KW, heaters, mechanical, pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

CLASS IV: Oilers

DECISION NO. IL78-2107

ILL-82-TD-1-2-3

TRUCK DRIVERS - S.E. CORNER OF IROQUOIS CO., & S. ½ OF FORD CO.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks haulijg less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 tons, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois

COUNTIES: Bureau, LaSalle, Livingston, Marshall, Putnam and Woodford

DECISION NUMBER: IL78-2109

DATE: Date of Publication

Supersedes Deicsion NO. IL78-2024, dated March 17, 1978, in 43 FR 11391

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WOKRERS	13.01	.91	.99		.05
BOILERMAKERS	11.45	.95	1.00		.03
BRICKLAYERS AND STONEMASONS:					
LaSalle county					
Peru and Vicinity	11.70	.65	1.00		
Streator and Vicinity	11.75	.70	.50		
Ottawa and Vicinity	11.80	.75	1.00		
Woodford & Marshall Counties	11.70	.70	1.00		.01
Livingston County	11.55	.85	.50		
CARPENTERS:					
LaSalle, Marshall, Bureau Cos.					
The Northern half of Putnam County and Northwestern corner of Livingston County					
Carpenters; Piledrivermen and Soft Floor Layers	11.68	.75	.70		.03
Millwrights	11.93	.75	.60		.03
Remainder of Livingston County					
Carpenters; soft Floor Layers	12.01	.40	.50		.05
Millwrights and Piledrivermen	12.51	.40	.50		.05
Woodford County					
Carpenters and Soft Floor Layers	12.01	.40	.50		.05
Millwrights & Piledrivermen	12.51	.40	.50		.05
CEMENT MASONS:					
LaSalle, Bureau, Putnam Cos. and the Northern part of Livingston County	11.85		1.00		
Southern part of Livingston County and that portion East of Roanoke in Woodford Co.	12.53	.55			
Marshall County & the Remainder of Woodford county	11.30	.80	.90		.05
ELECTRICIANS:					
Northern half and Central Southern part of LaSalle Co. Walnut; Ohio, LaMoille, Clarion, Bureau, Dover, Berlin and Westville Townships in Bureau county	13.93	.80	3%+.70		.2 of 1%

DECISION NO. IL78-2109

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (CONT'D)					
Vicinity of LaSalle - S. W. part of County; Remainder of Putnam County; Arispe, Concord, Fairfield, Gold, Greenville, Hall, Indiantown, Leepertown, Macon, Manilus, Milo, Mineral, Neponset, Princeton, Sibly, Wheatland, and Waynet Townships, in Bureau County	12.30	.50	3%+.30		.25%
Area West of Bell Plain and Roberts Townships in Marshall County; Area West to but not including Linn, Kansas, Palestone, Roanoke, Cazenovia and Metamora Townships in Woodford County	12.32	.50	3%+.75		1%
Livingston County; Vicinity of Streator - S. E. part of County South of Eden in LaSalle County; Magnolia Township in Putnam County; Area East of Cazenovia and Metamora Townships, including Linn, Clayton, Minak, Roanoke, Green & Panola Townships in Woodford County; Remainder of Marshall County	12.45	.50	3%+.40		.3%
El Paso, Kansas and Palstine Townships S. E. corner of Woodford County	11.95	.50	3%+.55		.002
IRONWORKERS:					
LaSalle, Bureau, Putnam and the Remainder of Marshall County	13.19	.65	.375		.02
Woodford County; and the S. W. corner of Marshall County	11.975	.65	.925		
Livingston County	11.975	.65	.925		
LATHERS:					
S. W. half of Marshall County	11.92	.40	.40		.01

DECISION NO. IL78-2109

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Livingston County:					
Brush	9.00				
Structural Steel	9.50				
Vicinity of Ottawa, Streator and Marseilles in LaSalle Co.					
Brush	9.00	.55	.50		
Spray	10.00	.55	.50		
Putnam County and the Vicinity of LaSalle, Mendota, Oglesby, Utica and Peru in LaSalle Co.					
Brush	8.50	.55	.45		
Spray and Taping	9.50	.55	.45		
Woodford and Marshall Counties:					
Brush	11.30	.55	.30		.03
Spray	11.95	.55	.30		.03
Bureau County:					
Brush and Roller	10.27	.55	.85		.18
Spray	10.77	.55	.85		.18
PLASTERERS:					
Vicinity of LaSalle and Peru in LaSalle County	11.70	.65	1.00		
Vicinity of Ottawa, Earlville, Seneca and Marseilles - LaSalle County	11.80	.75	1.00		
Vicinity of Streator; LaSalle County and Northern part of Livingston County	11.75	.70	.50		
Portion East of Roanoke in Woodford County & the Southern part of Livingston County	13.05				.01
Marshall County & the Remainder of Woodford County	11.20	.80	.90		.03
Putnam and Bureau Counties	12.25	.70	.40		
PLUMBERS AND STEAMFITTERS:					
LaSalle, Putnam and Bureau Cos. and North of Pontiac in Livingston County	12.78	.55	.60		.09
City of Pontiac and South thereof Livingston County	12.55	.70	1.15		.15
Illinois State Prison (Pontiac) in Livingston county	12.68	.35	1.00		.08

DECISION NO. IL78-2109

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
LaSalle, Bureau, Putnam, Livingston and N. E. half of Marshall County	11.38	.40	.60		
Woodford County and S. E. half of Marshall County	12.00	.70	.40		.025
SHEET METAL WORKERS:					
Woodford County	11.83	.65	.99		.10
LaSalle, Bureau, Marshall, Putnam and Southern part of Livingston County	11.24	.65+B	.99		.12
Northern portion of Livingston County	12.97	.70	.89		.08 .08
SPRINKLER FITTERS	12.10	.75	1.05		
TRUCK DRIVERS:					
Remainder of Woodford and Livingston Counties					
2-3 Axle Trucks	10.65	a29.00	a33.00		
4 Axle Trucks	10.80	a29.00	a33.00		
5 Axle Trucks	11.60	a29.00	a33.00		
6 Axle Trucks	11.20	a29.00	a33.00		
WELDERS: - Receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE:

a. Per week per employee
B. 3% of gross earnings to SASMI

DECISION NO. IL78-2109

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Unskilled	10.07	.45	.60		.035
Semi-skilled	10.27	.45	.60		.035
Skilled	10.47	.45	.60		.035

UNSKILLED: Common Laborer; Carpenter Tenders; Tool Cribmen; Fireman or Salamander Tenders; Flagmen;; ravel Box Men; Dumpmen and Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Material Checkers; Dispatchers; Landscapers; Unloading explosives; Laying of sod; Panting of trees; Asphalt Plant Laborers; Wrecking Laborers; Writer or scale tickets; Fire shop Laborers; Fireproofing Laborers; Janitors; Wrecking-dismantling buildings; Wallmen and Housemovers; Driving of Stakes; Stringlines for all Machinery

SEMI-SKILLED: Handling of Materials treated with oil, creosote, asphalt or any foreign material, track Laborers; Cement Handlers; Chloride Handlers; the unloading and Laborers w/steel workers and rebard; Concrete Workers (wet); Tunnel Helpers in free air; Batch Dumpers; Mason and Plasterer Tenders and material wheelers; Kettlemen and Tarmen; Tank Cleaners; Plastic Installers; Scaffold Workers; Motorized buggies or motorized unit used for wet concrete or handling of building materials; Laborers w/dewatering systems; All sewer workers plus depth; Rod and Chainmen with land surveyors; Vibrator Operators; Mortar Mixer Operator; Cement Silica, Clay, Fly Ash, Lime and Plasters; Handlers (bulk or bag); Cofferdam Workers plu depth; (on concrete paving); Placing, Cutting and trying or Reinforcing; Deck Hand; Dredge hand or Shore Laborers; Bankmen on floating plant; Asphalt Workers w/machine; Asphalt Raker; Grade Checker

SKILLED: Dynamite Man or Blasters; caisson workers plus depth; Gunnite Nozzle Men; Leadmen on sewer work; Welders; Cutters; Burners; Torchmen; Chain Saw Operator; Jackhammer and Drill Operators; Layout man; wteel Form Setters (street and highway); Air Tamping Hammerman; Signalman on crane, Concrete Saw Operator; Screenman on Asphalt Pavers; Laborers tneding Masons w/hot materials are used; Multiple Concrete Duct-Leadmen; Lutemen; Curb Asphalt Machine Operator; Ready-mix Scalemen; Portable or temporary plant; Laborers handling master plate or similar materials; Laser Beam Operator; Coring Machine Operator

DECISION NO. IL78-2109

ILL-12-PEO-1

POWER EQUIPMENT OPERATORS: Bureau (e. of Rt. #26); LaSalle; Livingston; Putnam (e. of Illinois River)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	12.55	1.00	1.00	.50	.05
CLASS II	11.25	1.00	1.00	.50	.05
CLASS III	10.10	1.00	1.00	.50	.05
CLASS IV	8.85	1.00	1.00	.50	.05

CLASS I - Asphalt plant, asphalt spreader, auto-grade, batch plant, Benoto (requires two engineers), boiler & throttle valve, caisson tugs, central ready-mix plant, combination backhoe front end-loader machine, compressor & throttle valve, concrete breaker (truck mounted), conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endloader 2½ yd. & over, hoists, one, two & three drum, hoists, two & three, drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all) mechanic, motor patrol, pile drivers & skid rig, post-hole digger, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), pumpcretes, squeeze cretes - screw types pumps, Gysum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoopes - tractor drawn, slip form paver, straddle buggies, tournapull, tractor with boom & side, trenching machines

CLASS II - Boilers, bulldozers, broom all power propelled, concrete mixer (2 bag & over), conveyor portable, forklift truck greaser engineer, highlift shovels or front endloaders under 2½ yd., hoists, automatic, hoists, all elevators, hoists, tugger single drum, rollers, all steam generators, stone crushers, tractors, all winch trucks with "A" frame

CLASS III - Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 ft.), Air compressor - large over 150, combination - small equipment opr., generators under & over 50 KW, heaters, mechanical pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

CLASS IV - Oilers

DECISION NO. IL78- 2109

ILL-6-PEO-1

POWER EQUIPMENT OPERATORS: Bureau (w. of Rt. #26); Marshall; Putnam (W. of Illinois River); & Woodford Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	12.22	.45	.80		.05
GROUP 2	12.02	.45	.80		.05
GROUP 3	11.645	.45	.80		.05
GROUP 4	11.37	.45	.80		.05
GROUP 5	10.76	.45	.80		.05

GROUP 1 - Cranes, escalated rate on crane, derricks, booms, $.01 per hour, per foot, after 80 feet or boom including jib, overhead cranes, gradall, cherry pickers (and similar types, over 15 ton lifting capacity (require oiler), mechanics, central concrete mixing plant operator, road pavers (27e-dual drum-tri batchers), blacktop plant operators and plant engineers, 3 drum hoist, derricks, hydro cranes, shovels skimmer scoops, kohring scoopers, draglines, backhoe, loptoes-crane-type that require oilers, derrick boats, pile drivers and skid rigs, clamshells, locomotives, cranes, dredge (all types), motor patrol, power blades dumore-elevating and similar types tower cranes (crawler mobile) and stationary, crane-type backfiller, drott yumbo and similar types considered as cranes caisson rigs (require oilers) dozer, tourna-dozer, work boats, ross carrier and helicopter

GROUP 2 - Trench machine, pumpcrete-belt-crete-squeeze cretes-screw-type pumps and gypsum bulker and pump, dinkey, power launches, tournapulls (all), multiple unit, earth mover, $.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (all similar types), wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine euclid loader, forklifts, formless finishing machine jeeps w/ditching machine, or other attachments, tuneluger, rock crushers, automatic cement and gravel batching plants, mobile drills (soil testing and similar types), require oiler), flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), gurries and similar type), 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators Chicago boom, boring machine and pipe jacking, machine, hydro boom, starting engineer on pipeline, C.M.I. and similar types (require oiler) straw blower, hydro seedeer and F.W.D. and similar types

DECISION NO. IL78-2109

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 3 - Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling roller, center stripper, cement finishing machines, barger greene or similar loaders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bags to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, firemen and spray machine on paving

GROUP 4 - Air compressor, dl air and steam falves, power subgrader, oil distributor, straight tractor, trac-air without attachments, surb machines, truck crane oilers, and truck type hoptoe oilers

GROUP 5 - Herman Nelson heater, Dravo, Warner, Silent flo, and similar types, one engineer will opera l-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser on spread, roller, 5 tons and under on erth or gravel, form grader, pump 1 Or 2, generator (1) or (2), welding machine (1) or (2) - 300 amp. or over, mixer (3) bag and umder (standard capacity), bulk cement plant, crawler crane and skid rig oilers

DECISION NO. IL78- 2109

TRUCK DIRVERS: Bureau, LaSalle, Marshall & Putnam Cos., Woodford Co: (NW Corner) Livingston Co: (SW Corner)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

GROUP I - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity

GROUP II - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III - 2,3, or 4 axle trucks hauling 16 tons or more, drivers on oil distributors, water pulls, mehcanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week per employee

STATE: Illinois

COUNTIES: Logan, Mason, and Menard

DECISION NUMBER: IL78-2111

DATE: Date of Publication

Supersedes Decision No. IL78-2026, dated March 17, 1978 in 43 FR 11395

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

DECISION NO. IL78- 2111

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.63	.80	.97		
BOILERMAKERS:					
Menard County	11.45	.90	1.20		.03
Logan and Mason	11.45	.95	1.00		.03
BRICKLAYERS:					
Logan and Mason Counties					
Bricklayers, Stonemason, Cement Blocklayers, Caulkers, Pointers, Cleaners and Plasterers	11.90				
Marble-Tile and Terrazzo Workers	11.65				
Marble-Tile Finishers	10.90				
Menard County					
Bricklayers, Stonemasons, Marble-Tile and Terrazzo Workers, Pointers, Caulkers and Cleaners	10.75	.50	1.00		.02
Plasterers	12.41	.65	1.00		.01
Marble and Tile Finishers	10.90				
CARPENTERS:					
Logan County					
Carpenters and Soft Floor Layers	12.01	.40	.50		.05
Millwrights and Piledrivermen	12.51	.40	.50		.05
Menard County					
Carpenters and Soft Floor Layers	11.45	.55	.55		.06
Millwrights and Piledrivermen	11.95	.55	.55		.06
Mason County					
Carpenters and Soft Floor Layers	12.01	.40	.50		.05
Millwrights and Piledrivermen	12.51	.40	.50		.05
CEMENT MASONS:					
Logan County	11.45				
Menard County	9.98	.35	.35		.02
Mason County	11.30	.80	.90		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Logan and Menard Counties; the Townhsips of Bath, Crane Creek, Kilbourne, Lynchburg, Mason City and Salt Creek in Mason County	12.37	.50	3%+.60		.1 of 1%
Remainder of Mason County	12.32	.50	3%+.75		1%
GLAZIERS	10.39	.45	.50		
IRONWORKERS	11.75	.55	1.05		.08
LABORERS:					
Logan County and Northern half of Menard County					
Unskilled	10.10	.45	.40		.035
Semi-Skilled	10.30	.45	.40		.035
Skilled	10.45	.45	.40		.035
Southern half of Menard County					
Unskilled	10.55	.45	.45		.035
Semi-killed	10.75	.45	.45		.035
Skilled	10.90	.45	.45		.035
Mason County					
Unskilled	9.39	.60	.45		.035
Semi-Skilled	9.59	.60	.45		.035
Skilled	9.74	.60	.45		.035
LATHERS	12.30				
PAINTERS:					
Logan and Menard Counties					
Brush and Roller	10.15	.55	.50		
Spray	10.65	.55	.50		
Mason County					
Brush	11.30	.55	.30		.03
Spray	11.95	.55	.30		.03
PLUMBERS and PIPEFITTERS	12.43	.35	.88		.07
ROOFERS	12.93	.70	-		
SHEET METAL WORKERS	11.86	3%+.50	.78		.07
SPRINKLER FITTERS	12.10	.75	1.05		.08
WELDERS: Receive rate prescrived for craft performing operation to which welding is incidental.					

DECISION NO. IL78-2111

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS: LOGAN & MENARD COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	11.90	.55	.65		.05
CLASS II	10.45	.55	.65		.05
CLASS III	9.35	.55	.65		.05

CLASS I - Asphalt screed man, Aspeo concrete spreaders, Asphalt paver, Asphalt rollers on bituminous concrete, athey loaders, backfiller, crane type, backhoes, cableways, cherry pickers, claim shell, C.N.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick baots, draglines, earth augeror boring machines, levating graders engineers on dredge, gravel processing machines, high lifts or fork lifts, hoist w/two drums or two or more loadlines locomotive (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operator power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozer, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot roller (self propelled) shovels, skimmer scoops, test hole drilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type form lifts or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnel luggers, wheel type end laoders, winch cat, scoops, all or turnapull.

CLASS - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 rum & 1 load line, mud jacks, post hole diggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressor, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size or type) truck crane oiler & driver 1 (man), water pumps*, welding machines (300 amp. or over)* welding machines

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS. WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTIERS OR WINTIN 300 FT.

DECISION NO. IL78-2111

POWER EQUIPMENT OPERATORS MASON COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	12.22	.45	.80		.05
GROUP 2	12.02	.45	.80		.05
GROUP 3	11.645	.45	.80		.05
GROUP 4	11.37	.45	.80		.05
GROUP 5	10.76	.45	.80		.05

GROUP 1 - Cranes, escalated rate on crane, derricks, booms, $.01 per hour, per foot, after 80 feet or boom including jib, overhead cranes, gredall, cherry pickers (and similar types, over 15 tons lifting capacity (require oiler), mechanics, central concrete mixing plant operator, road pavers (27E-dual drum tri-batchers), blacktop plant operators and plant engineers. 3 drum hoist, derricks, hydro cranes, shovels skimmer scoops, koehring scoopers, draglines, badkhoe, hoptoes-cranes-type that require oilers, derrick boats, pile drivers and skid rigs, clamshells, locomotive cranes, dredge (all types), motor patrol, power blades dumore-elevating and similar types tower cranes (crawler mobile) and stationary, -rane-type backfiller, drott yumbo and similar type considered as cranes, caisson rigs (require oilers) dozer, tourna-dozer, work boats, ross carrier and helicopter

GROUP 2 - Trench machine, pumpcrete-belt crete-squeese crete-screw-type pumps and gysum bulker and pump, dinkeys, power launches, tournapulls (all), multiple unit, earth mover, $.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (all similar types), wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine, euclid loader, forklifts, formless finishing machine, jeeps w/ditching machine, or other attachments, tuneluger, rock crushers, automatic cement and gravel batching plants, mobile drills (soil testing and similar types), require oiler), flaherty spreader or similar types (require oiler), heavy equipment greaers (top greaser on spread), gurries and similar type), 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators Chicago boom, boring machine and pipe jacking, machine, hydro boom, starting engineer on pipeline, C.M.I and similar types (require oilers) straw blower, hydro seeder and F.W.D. and similar types

DECISION NO. IL78- 2111

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 3 - Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling rollers, center stripper, cement finishing machines, barger greene or similar loaders, vibro tamper (all similar types), self-propelled, winch or boom truck mechanical bull floats, mixer over 3 bags to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, firemen and spray machine on paving

GROUP 4 - Air compressor, all air and steam valves, power subgrader, oil distributor, straight tractor, trac-air withour attachments, curb machines, truck crane oilers, ad trucktype hoptoe oilers

GROUP 5 - Herman Nelson heater, Dravo, Warner, Silent glo, and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistnat heavy equipment greaser on spreed, roller, 5 tons and under on earth or gravel, form grader, pump 1 or 2, generator (1) or (2), welding machine (1) or (2) - 300 amp. or over, mixer (3) bag and under (stnadard capacity), bulk cement plant, crawler crane and skid rig oilers

DECISION NO. IL78-2111

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

TRUCK DRIVERS

GROUP I - Drivers on 2 axle truckd hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or ment to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity

GROUP II - 2 or 3 axle truck hauling more than 9 tons, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units. ticket writers

GROUP III - 2,3 or 4 axle truck hauling 16 tons or more, drivers on oil distributors, water pulls, mechanic & working foremen; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

STATE: Illinois COUNTY: McLean
DECISION NUMBER: IL78-2112 DATE: Date of Publication
Supersedes Decision No. IL78-2027 dated March 17, 1978, in 43 FR 11398
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.01	.91	.99		.05
BOILERMAKERS	11.45	.95	1.00		.03
BRICKLAYERS:					
Bricklayers, Stonemasons, Marble, Tile, Terrazzo Workers	11.50	.70	.80		
CARPENTERS:					
Carpenters and Soft Floor Layers	12.01	.40	.50		.05
Millwrights and Piledrivermen	12.51	.40	.50		.05
CEMENT MASONS:	12.53	.55			
ELECTRICIANS:					
Cropsey, Anchor, Cheney Grove and Bell Flower Townships	12.45	.50	3%+.40		.3%
Remainder of County	11.95	.50	3%+.55		.002
ELEVATOR CONSTRUCTORS:					
Constructors	11.34	.745	.56	a+b	.025
Helpers	70%JR	.745	.56	a+b	.025
Helpers (Prob.)	50%JR				
GLAZIERS	11.53	.55	.55		.01
IRONWORKERS:					
Eastern Part of County	11.55	.65	1.00		.08
Western Part of County	11.975	.65	.925		
LABORERS:					
Unskilled	9.97	.55	.60		.035
Semi-Skilled	10.17	.55	.60		.035
Skilled	10.37	.55	.60		.035
LATHERS	11.92	.40	.40		.01
PAINTERS:					
Brush	11.20	.55			.06
Structural Steel and Spray	11.70	.55			.06
PLASTERERS	13.05				.01
PLUMBERS and STEAMFITTERS	12.55	.70	1.15		.15
ROOFERS:					
Composition, slate, tile and Asbestos Damp and Waterproof	11.00		.45		
SHEET METAL WORKERS	11.83	.65	.99		.10
SPRINKLER FITTERS	12.10	.75	1.05		.08
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental					

DECISION NO. IL78-2112

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTES:
a. 7 Paid Holidays: A through G

b. Employer contributes 8% of Regular Hourly Rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% of Regular Hourly Rate to Vacation Pay Credit for employee who has worked in Business less than 5 years.

DECISION NO. IL78 -2112

ILL-6-PEO-1

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	12.22	.45	.80		.05
GROUP 2	12.02	.45	.80		.05
GROUP 3	11.645	.45	.80		.05
GROUP 4	11.37	.45	.80		.05
GROUP 5	10.76	.45	.80		.05

GROUP 1 - Cranes, escalated rate on crane, derricks, booms, $.01 per hour, per foot, after 80 feet or boom including jib, overhead cranes, gradall, cherry pickers (and similar types, over 15 ton lifting capacity (require oiler), mechanics, central concrete mixing plant operator, road pavers (27e-dual drum-tri batchers), blacktop plant operators and plant engineers, 3 drum hoist, derricks, hydro cranes, shovels skimmer scoops, kohring scoopers, draglines, backhoe, loptoes-crane-type that require oilers, derrick boats, pile drivers and skid rigs, clamshells, locomotives, cranes, dredge (all types), motor patrol, power blades dumore-elevating and similar types tower cranes (crawler mobile) and stationary, crane-type backfiller, drott yumbo and similar types considered as cranes caisson rigs (require oilers) dozer, tourna-dozer, work boats, ross carrier and helicopter

GROUP 2 - Trench machine, pumperete-belt-crete-squeeze cretes-screw-type pumps and gypsum bulker and pump, dinkey, power launches, tournapulls (all), multiple unit, earth mover, $.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (all similar types), wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine euclid loader, forklifts, form-less finishing machine jeeps w/ditching machine, or other attachments, tune-luger, rock crushers, automatic cement and gravel batching plants, mobile drills (soil testing and similar types), require oiler), flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), gurries and similar type), 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators Chicago boom, boring machine and pipe jacking, machine, hydro boom, starting engineer on pipeline, C.M.I. and similar types (require oiler) straw blower, hydro seedeer and F.W.D. and similar types

DECISION NO. IL78-2112

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 3 - Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling roller, center stripper, cement finishing machines, barger greene or similar loaders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bags to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, firemen and spray machine on paving

GROUP 4 - Air compressor, dl air and steam falves, power subgrader, oil distributor, straight tractor, trac-air without attachments, surb machines, truck crane oilers, and truck type hoptoe oilers

GROUP 5 - Herman Nelson heater, Dravo, Warner, Silent flo, and similar types, one engineer will opera 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser on spread, roller, 5 tons and under on arth or gravel, form grader, pump 1 Or 2, generator (1) or (2), welding machine (1) or (2) - 300 amp. or over, mixer (3) bag and under (standard capacity), bulk cement plant, crawler crane and skid rig oilers

DECISION NO IL78-2112 ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units;

GROUP III: - 2,3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: Cass, Morgan and Scott

DECISION NUMBER: IL78-2120 DATE: Date of Publication

Supersedes Decision No. IL78-2034, dated March 17, 1978, in 43 FR 11410

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	12.63	.80	.67		
BOILERMAKERS	11.45	.95	1.20		.03
BRICKLAYERS:					
Morgan and Scott Counties:					
Bricklayers, Stonemasons, Plasterers, Marble-Tile and Terrazzo Workers, Cement Block Layers-Pointers-Caulkers and Cleaners	10.80	.50	.52		.02
Cass County:					
Bricklayers	10.80	.50	.52		.02
CARPENTERS:					
Carpenters and Soft Floor Layers	10.40	.55	.25		.02
Millwrights	10.65	.55	.25		.02
Piledrivermen	10.90	.55	.25		.02
CEMENT MASONS AND PLASTERERS:					
Morgan and Scott Counties:					
Cement Masons	10.555	.50	.52		.02
Cass County:					
Cement Masons	9.98	.35	.35		.02
Plasterers	12.41	.65	1.00		.01
ELECTRICIANS	12.37	.50	3%+60		.1 of 1%
ELEVATOR CONSTRUCTORS:					
Morgan and Scott Counties:					
Contructors	11.34	.745	.56	a+b	.025
Helpers	70%JR	.745	.56	a+b	.02
Helpers (Prob.)	50%JR				
GLAZIERS:					
Morgan and Scott Counties	10.39	.45	.50		
IRONWORKERS	11.75	.55	1.05		.08
LABORERS:					
Unskilled	9.39	.60	.45		.035
Semi-Skilled	9.59	.60	.45		.035
Skilled	9.74	.60	.45		.035
LATHERS	12.30				
PAINTERS:					
Brush and Roller	10.15	.55	.50		
Spray	10.65	.55	.50		
PLUMBERS AND STEAMFITTERS	12.43	.35	.88		.07

DECISION NO. IL78-2120

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Composition	12.93	.70			
Slate-Tile-Precast Slab	12.93	.70			
SHEET METAL WORKERS	11.86	.50+c	.78		.05
SPRINKLER FITTERS	12.10	.75	1.05		.08
WELDER: Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)

A-New Year's Day; B-Memorial Dau; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Day After Thanksgiving; G-Christmas Day

FOOTNOTES:

a. Seven Paid Holidays

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in the business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Pay Credit for employees who has worked in the business less than 5 years.

c. 3% of gross earnings to SASMI.

DECISION NO IL78-2120

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$11.90	.55	.60		.05
CLASS II	10.45	.55	.60		.05
CLASS III	9.35	.55	.60		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, claim shell, C.N.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augeror boring machines, levating graders eingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scooops, skimmer, 2 cu. yd. capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS. WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO. IL78-2120

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

TRUCK DRIVERS

GROUP I - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, ruck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II - 2 or 3 axle truck hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III - 2,3 or 4 axle truck hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES:

a. Per week Per employee

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: Peoria and Tazewell
DECISION NUMBER: IL78-2122 DATE: Date of Publication
Supersedes Decision No. IL78-2035, dated March 17, 1978 in 43 FR 11412
DESCRIPTION OF WORK: Building (including Residential) and Dredging Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	13.01	.91	.99		.05
BOILERMAKERS	11.45	.95	1.00		.03
BRICKLAYERS AND STONEMASONS	11.70	.70	1.00		.01
CARPENTERS:					
Residential					
Peoria County:					
Chillicothe & Vicinity	10.78	.75	.70		.03
Tazewell County & Remainder of Peoria County	12.01	.40	.50		.05
Commerical					
Peoria County:					
Chillicothe & Vicinity:					
Carpenters, Piledrivermen & Soft Floor Layers	11.68	.75	.70		.03
Millwrights	11.93	.75	.70		.03
Tazewell County & Remainder of Peoria County:					
Carpenters & Soft Floor Layers	12.01	.40	.50		.05
Millwrights & Piledrivermen	12.51	.40	.50		.05
CEMENT MASONS	11.30	.80	.90		.05
ELECTRICIANS	12.32	.50	3%+.75		1%
ELEVATOR CONSTRUCTORS:					
Constructors	11.195	.745	.56	a+b	.025
Helpers	70%JR	.745	.56	a+b	.025
Helpers (Prob.)	50%JR				
GLAZIERS	10.73	.55	.45		
IRONWORKERS	11.975	.65	.925		
LATHERS	11.92	.40	.40		.01
MARBLE-TILE & TERRAZZO WORKERS	11.45	.70	1.00		.01
MARBLE & TILE FINISHERS	11.00	.60	.25		
TERRAZZO FINISHERS:					
Terrazzo Finishers & Floor Machine Operator	11.13	.60	.25		
Base Machine Operator	11.38	.60	.25		

DECISION NO. IL78- 2122

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush	11.30	.55	.30		.03
Structural Steel & Spray	11.95	.55	.30		.03
PLASTERERS	11.20	.80	.90		.03
PLUMBERS & STEAMFITTERS:					
Peoria County & North of Highway #98 in Tazewell Co.	12.70	.51	1.05		.15
Remainder of Tazewell County	12.70	.51	1.02		.11
ROOFERS	12.00	.70	.40		.025
SHEET METAL WORKERS	11.83	.65	.99		.10
SPRINKLER FITTERS	12.10	.75	1.05		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTES:

A. Six Paid Holidays; A through G

b. Employer contributes 8% of regular hourly rate to vacation pay credit for employer who has worked in business less than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays, A through F plus Washington's Birthday and Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular schedule work days immediately preceding and following the holiday.

DECISION NO. IL78- 2122

ILL-28-LAB-1

LABORERS: PEORIA COUNTY & THE CITY OF EAST PEORIA (TAZEWELL COUNTY)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	10.65	.50	.60		.035
CLASS 2	10.775	.50	.60		.035
CLASS 3	10.90	.50	.60		.035
CLASS 4	10.825	.50	.60		.035
CLASS 5	10.025	.50	.60		.035
CLASS 6	10.775	.50	.60		.035
CLASS 7	10.90	.50	.60		.035

CLASS 1 - Bricklayers tenders, Common Laborers, carpenter tenders, cement mason tenders, concrete form dismantler, Stone & tile derrickmen, Tool Crib men, Window washers, Wrecking & dismantling Old Buildings, wall men & house movers, Curing concrete

CLASS 2 - Cement men & sack shakers, concrete saw, drill operator, jackhammer, Kettlemen & carriers, men handling hot stuff, singalling & spotting of buckets on rig or rig men paving breaker, plasterers tenders, air tampec chain saw,

CLASS 3 - Gunnite pumpmen, sandblasting pump men, tile layers or laterial sewer, Unloading & handling of creosote materials.

CLASS 4 - Power wheel barrow or buggies

CLASS 5 - Cutting & Acetylene torch, gunnite nozzle men, sandblasting nozzle men, woodblock setters

CLASS 6 - Concrete form disnatler in composite crew with carpenters, compactor rammer type, setting up and using laser beam equipment

CLASS 7 - Setting up and using concrete burning bars, underpinning & shoring of existing buildings.

DECISION NO. IL78- 2122

ILL-34-LAB-1

LABORERS: REMAINDER OF TAZEWELL COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
UNSKILLED	10.55	.60	.60		.035
SEMI-SKILLED	10.75	.60	.60		.035
SKILLED	10.95	.60	.60		.035

UNSKILLED:
Carpenter Tender, Tool Cribmen, Cleaning & Oiling of Machinery, Firemen or Salamander Tenders, Flagmen, Gravel Box Men, Form Handlers, Material Handlers, Fencing Laborers, Cleaning Lumber, Pit Men, Material Checkers, Dispatchers, Landscapers, Unloading Explosives, Laying of Sod, Planting of Trees, Removal of Trees, Pile Driver Helpers, Asphalt Plant Helpers, Wrecking Laborers, Fireproofing Laborers, Surveyors & Instrument Men Helpers, Janitors, Driving of Stakes, String Lines for all Machinery, Unloading & Laborers w/Steel Workers & Re-Bars, Mason Tenders, Scaffold Workers, Laborers with De-Watering Systems, Plaster Tenders

SEMI-SKILLED:
Handling of materials treated w/oil, crosote & asphalt, Track Laborers, Cement Handlers, Concrete Workers (Wet), Cloride Handlers, Tunnel Helpers in Free Air, Batch Dumpers, Kettle & Tar Men, Tank Cleaners, Plastic Installers, Motorized Buggies, Sewer Workers, Vibrator Operators, Mortar Mixer Operators, Cement Silica, Clay, Fly Ash, Lime & Plaster Handlers (Bulk or Bag), Cofferdam Workers, Concrete Paving, Placing, Cutting & Tying of R inforcing, Deck Hand, Dredge Hand & Shore Laborers, Bank Men on Floating Plant, Asphalt Workers & Layers w/ Machine, Grade Checker, Dumpmen, Spotter where grade is to be established, Power Tools, Chain Saw Operators, Jackhammer & Drill Operators, Air Tamping Hammermen, Tree Topping, Signalling & Spotting of Rigs & Equipment.

SKILLED:
Caisson Workers plus depth, Gunnite Nozzle Men, Leadman on Sewer Work, Welders, Cutters, Burners & Torchmen, Layout Man and/or Tile Layer, Steel Form Setters-Street & Highway, Concrete Saw Operator, Screenman on Asphalt Pavers, Front end man on Chip Spreader, Laborers tending Masons w/hot materials or foreign materials are used, Multiple Concrete Duct-Leadman, Luteman, Curb Asphalt Machine Operator, Ready-Mix Scalemen, Permanent, Portable or Temporary Plant, Laser Beam Operator, Concrete Burning Machine & Coring Machine Operators, Underpinning and Shoring or Buildings, Dynamite Shooter.

DECISION NO. IL78- 2122

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	12.22	.45	.80		.05
GROUP 2	12.02	.45	.80		.05
GROUP 3	11.645	.45	.80		.05
GROUP 4	11.37	.45	.80		.05
GROUP 5	10.76	.45	.80		.05

GROUP 1 - Cranes, escalated rate on crane, derricks, booms, $.01 per hour, per foot, after 80 feet or boom including jib overhead cranes, gradall, cherry pickers (and similar types, over 15 ton lifting capacity (require oiler), mechanic, central concrete mixing plant operator, road pavers (27B-dual drum-tri batchers), blacktop plant opeators and plant engineers, 3 drum joist, derricks, hydro cranes, shovels skimmer scoops, koehring scoopers, draglines, backhoe, hoptoes-crane-type that require oiler, derrick boats, pile drivers and skid rigs, clamshells, locomotive cranes, dredge (all types). motor patrol, power blades dumore-elevating and similar types tower cranes (crawler mobile) and stationary, crane-type backfiller, drott yumbo and similar types considered as cranes, caisson rigs (require oilers) dozer, tourna-dozer, work boats, ross carrier and helicopter

GROUP 2 - Trench machine pumpcrete-belt crete-squeeze cretes-screw-type pumps and gypsum bulker and pump, dinkeys, power launches, tournapulls (all), multiple unit, earth movers, $.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (all similar types), wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine, euclid loader, forklifts, formless finishing machine, jeeps w/ditching machine, or other attachments, tuneluger, rock crushers, automatic cement and gravel batching plants, mobile drills (soil and similar types), require oiler), flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), gurries and similar type), 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators chicago boom, boring machine and pipe jacking, machine, hydro boom, starting engineer on pipeline, C.M.I. and similar types (require oiler) straw blower, hydro seeder and P.W.D and similar types

DECISION NO. IL78-2122

POWER EQUIPMENT OPERATOR (CONT'D)

GROUP 3 - Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling rollers, center stripper, cement finishing machines, barger greene or similar laoders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bags to 27E, tractor pullign power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, firemen and spray machine on paving

GROUP 4 - air compressor, all air and steam valves, power subgrader, oil distributor, straight tractor, trac-are without attachments, curb machine, truck cranes oiler, and truck type hoptoe oilers

GROUP 5 - Herman Nelson heater, Dravo, Warner, Silent glo, & similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser on spreed, roller, 5 tons and under on earth or gravel, form grader, pump 1 or 2, generator (1) or (2), welding machine (1) or (2) - 300 amp. or over, mixer (3) bag and under (standard capacity) bulk cement plant, crawler crane and skid rig oilers

DECISION NO. IL78-2122 ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

GROUP I - Drivers on axle trucks hauling less than 9 tons, air compressors and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; fork lifts up to 6,000 lbs. capacity

GROUP II - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch truck, hydrolifts trucks, or similar equipment when used for transportation purposes; fork lifts over 6,000 lb. capacity; winch truck; 4-axle combination units; ticket writers

GROUP III - 2,3 or 4 axle truck hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES:
a. Per Week Per Employee

DREDGING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	12.22	.45	.80		.05
GROUP 2	12.02	.45	.80		.05
GROUP 3	11.645	.45	.80		.05
GROUP 4	11.37	.45	.80		.05
GROUP 5	10.76	.45	.80		.05

GROUP 1 - Operators on hydraulic dipper or clamshell dredges, Engineers and Repairmen, Operators on work boats
GROUP 2 - Power Winches 1-2-3 Drums
GROUP 3 - Security Engineer
GROUP 4 - Cranemen on dipper dredges, operators on launches or power boats
GROUP 5 - Firemen & Oilers

SUPERSEDEAS DECISION

STATE: Illinois COUNTY: Sangamon
DECISION NUMBER: IL78-2124 DATE: Date of Publication
Supersedes Decision No. IL78-2037, dated March 17, 1978 in 43 FR 11421
DESCRIPTION OF WORK: Building (Including Residential), Construction.

DECISION NO IL78-2124

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.63	.80	.97		
BOILERMAKERS	11.45	.95	1.20		.03
BRICKLAYERS:					
Bricklayers, Stonemasons, Marble-Tile-Terrazzo Workers, Pointers, Caulkers & Cleaners	10.75	.50	1.00		.02
CARPENTERS:					
Residential					
Housing - 1 & 2 Family Dwellings	8.70	.55	.45		.06
Building					
Carpenters & Soft Floor Layers	11.45	.55	.55		.06
Millwrights & Piledrivermen	11.95	.55	.55		.06
CEMENT MASONS	9.98	.35	.35		.02
ELECTRICIANS:					
Building	12.37	.50	3%+.60		.1 of 1%
Residential	8.10	.50	3%+.40		.5 of 1%
ELEVATOR CONSTRUCTORS:					
Constructors	11.34	.745	.56	a+b	.025
Helpers	70%JR	.745	.56	a+b	.025
Helpers (Prob.)	50%JR				
GLAZIERS	10.39	.45	.50		
IRONWORKERS	11.75	.55	1.05		.08
LATHERS	12.30				
PAINTERS:					
Brush & Roller	10.15	.55	.50		
Spray	10.65	.55	.50		
PLASTERERS	12.41	.65	1.00		.01
PLUMBERS & STEAMFITTERS	12.43	.35	.88		.07
ROOFERS:					
Composition	12.93	.70			
Slate-Tile & Precast Slab	12.93	.70			
SHEET METAL WORKERS					
Building	11.86	.50+D	.78		.05
Residential	7.71	.50+D	.78		.05
SPRINKLER FITTERS,	12.10	.75	1.05		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; F-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTE:

a. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in bsuiness more than 5 years and 6% of regular hourly rate for employee who has worked in business more than 5 years.

b. 7 paid Holidays: A through G

c. Nine paid holidays, A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work day immediately preceding anf following the holiday

d. 3% of gross earning to SASMI

DECISION NO. IL78-2124

ILL-27-LAB-1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
UNSKILLED	$10.55	.45	.45		.035
SEMI-SKILLED	10.75	.45	.45		.035
SKILLED	10.90	.45	.45		.035

LABORERS:

UNSKILLED All Sewer Workers plus Depth Pay, Asphalt Plant Laborers, Bankmen on Floating Plant, Batch Dumpers, Carpenter Tenders, Cleaning Lumber, Cofferdam Workers plus depth pay, Deck Hand, Dredge Hand & Shore Laborer, Dispatchers, Driving of Stakes, Stringlines for all machinery, Fencing Laborers, Firemen or Salamander Tenders, Fireproofing Fire Shop Laborers, Flagmen, Form Handlers, Gravel Box Men, Dumpmen & Spotters, Janitors, Laborers w/de-watering systems, Landscapers, Laying of Sod, Material Checkers, Material Handlers, Pit Men, Plastic Installers, Planting of Trees, Removal of Trees, Rip-Rap Men, Rod & Chairmen, Scaffold Workers, Tool Cribmen, Track Laborers, Unloading Explosives, Unloading & Carrying Lath; Unloading & Carrying of Re-Bars, Wrecking, Dismantling Buildings, Wallmen & Housemovers, Wrecking Laborers, Writer of Scale Tickets

SEMI-SKILLED Asphalt Workers with Machine, Asphalt Raker & Layers, Cement Handlers, Cement Silica, Fly Ash, Line & Plasters, Handlers (Bulk or Bag); Chain Saw, Chloride Handlers, Concrete Workers (wet), Grade Checker; Handling of materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing, Kettle Tar Men, on Concrete Paving, Placing, Cutting & Typing of Reinforcing, Signal Man on Crane, Tank Cleaners, Tunnel Helpers in Free Air.

SKILLED Air Tamping Hammerman, Caisson Workers plus depth pay, Concrete Burning Machine Operator Concrete Saw Operator, Coring Machine Operator, Curb Asphalt Machine Operator, Gunnite Nozzle Men, Jackhammer & Drill Operators, Laborers handling Masterplate or similar materials, Laborers tenders Masons with hot material or where foreign materials are used for wet concrete or handling of Building Materials, Multiple Concrete Duct - Leadman; Plasterer Tenders, Ready Mix Scaleman, Portable or Temporary Plant, Screenman on Asphalt Pavers, Steel Form Setters (Street & Highway), Vibrator Operators, Cutters, Burners & Torchmen.

DECISION NO. IL78-2124

ILL-5-PEO-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
CLASS I	$11.90	.55	.65		.05
CLASS II	10.45	.55	.65		.05
CLASS III	9.35	.55	.65		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, clain shell, C.M.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augeror boring machines, levating graders eingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelmnn on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO IL78-2124

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportaion purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NUMPER: IL78-2125
COUNTIES: *See bleow
DATE: Date of Publication
Supersedes Decision No.: IL78-2038, dated March 17, 1978 in 43 FR 11423
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

*Counties: Alexander, Franklin, Gallitin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Saline, Union, White & Williamson

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS:					
Alexander, Jackson, Jefferson, Marion, Perry & Unions Cos.,	$12.63	.80	.97		
REMAINDER OF Counties	11.30	.45	.60		.03
BOILERMAKERS	11.45	.95	1.20		.03
BRICKLAYERS & STONEMASONS:					
Marion County:					
Bricklayers, Stonemasons, Marble-Tile-Terrazzo Workers, Cement Blocklayers, Pointers, Cleaners & Caulkers	10.70	.35	.50		
Remainder of Counties:					
Bricklayers, Stonemasons, Marble-Tile-Terrazzo Workers, Cement Blocklayers, Pointers, Caulkers & Cleaners	9.95	.55	.40		
CARPENTERS:					
Marion County:					
Carpenters, Piledrivermen & Soft Floor Layers	10.06	.50	.50		.03
Millwrights	10.41	.50	.50		.03
Hamilton, Jefferson & White Counties:					
Carpenters, Piledrivermen & Soft Floor Layers	10.11	.45	.50		.02
Millwrights	10.46	.45	.50		.02
Remainder of Counties:					
Carpenters, Piledrivermen, Millwrights & Soft Floor Layers	10.25	.50	.50		.05
CEMENT MASONS & PLASTERERS:					
Marion County:					
Centrailia & Vicinity					
Cement Masons	10.75				.01
Plasterers	10.85				.01
Franklin, Hamilton, Jefferson & Williamson Counties	10.70				
Saline, Gallatin, Hardin, Pope Johnson, Massac & White Cos.	10.70				

DECISION NO. IL78-2125

CEMENT MASONS & PLASTERERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Alexander, Jackson, Perry, Pulaski & Union Counties	$ 9.65	.30			
ELECTRICIANS	12.50	.40	13%		1%
IRONWORKERS:					
Marion & Perry Cos: Jefferson (Mt. Vernon & All Area West thereof) County	11.35	.55	.90		
Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Union & Williamson Counties	10.75	.55	.75		.05
LABORERS:					
Marion County:					
Central & Vicinity					
Laborers	7.75		.30		.035
Salem & Vicinity					
Unskilled	6.80		.30		.035
Skilled	7.05		.30		.035
Pataka & Sandoula & Vicinity					
Laborers	8.60	.40	.30		.035
Hamilton, Jefferson & White Counties	8.60	.40	.30		.035
Remainder of Counties	8.30	.40	.30		.035
PAINTERS:					
Marion County:					
Centrailia & Vicinity					
Brush & Structural Steel	8.10				
Roller	8.35				
Spray	9.10				
Salem, Flora, Clay & Vicinity					
Brush	8.00				
Roller, Spray	9.25				
Structural Steel	10.00				
Union County:					
Commercial	8.75				
Industrial	9.25				
White County:					
Brush & roller	9.65	.65	.30		
Spray	10.65	.65	.30		
Jefferson & Hamilton Counties:					
Brush and Roller	6.80				
Structural Steel & Spray	9.00				
Massac County					
Brush and Roller	7.60	.40			
Spray	10.45	.40			

DECISION NUMBER IL78-2125

PAINTERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Jackson & Perry Counties:					
Commercial	$ 9.00				
Industrial	10.90				
Franklin & Williamson Counties:					
Commercial	9.45				
Industrial	10.20				
Gallatin, Hardin, Pope, Saline Counties:					
Brush	6.90				
Struc, Steel & Drywall	7.15				
Spray	7.25				
Alexander, Johnson, Pulaski Counties:					
Commercial	7.89				
Industrial	10.91				
PLUMBERS & STEAMFITTERS:					
Marion County	13.00	1.20	1.40		.15
White County:					
- Crossville, Phillipstown, Emma & Mauine	13.575	.50	.90		.06
Remainder of County	13.45	.50	.90		.06
Alexander, Hardin, Massac, Jackson, Johnson, Perry, Pope, Pulaski & Union Counties	12.70	.30	.90		.08
Franklin, Hamilton, Jefferson, Saline, Williamson, & Gallatin Counties	12.55	.50	.55		.08
ROOFERS:					
Gallatin, Hardin & White Cos.					
Composition	10.63	.60	.50		
Slate & Tile	10.88	.60	.50		
Remainder of Counties	8.75	.60			
SHEET METAL WORKERS	11.23	.45	.20	6%	.02
SPRINKLER FITTERS	12.10	.75	1.05		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

DECISION NO. IL78-2125

POWER EQUIPMENT OPERATORS REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class 1	$11.30	.40	.60		.035
Class 2	10.35	.40	.60		.035
Class 3	10.10	.40	.60		.035
Class 4	9.80	.40	.60		.035
Class 5	9.10	.40	.60		.035
Class 6	10.35	.40	.60		.035
Class 7	10.10	.40	.60		.035
Class 8	9.60	.40	.60		.035
Class 9	9.00	.40	.60		.035
Class 10	9.00	.40	.60		.035
RIVER WORK and LEVEE WORK ON MISSISSIPPI and OHIO RIVERS					
Class 11	11.40	.40	.60		.035
Class 12	9.50	.40	.60		.035

POWER EQUIPMENT OPERATORS:

Class 1: Apsco or equal spreading machine; Backhoe; Backfiller; Boom or winch cat; Bituminous mixplace machine; Backsmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truck crane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumpcrete pump; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; Rubbertired; Flex-plane; Gradall; Hi-lift; handblade, power; Hoists; Tugger type; Hoist, (2 drum) or over one; Guy-derrick; Hyster mechanic; Motor patrol; Mixer 21 cu. ft. or over; Push cat; Pulls and scrapers; Pumps; 2 well points; P&H pulverizer or pulverizer equal to pugmill; Rubber-tired farm type tractor with bulldozer or hi-lift (Over 1/2 yd.), Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine; or ditching machine; Wood chipper with tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greader.

Class 2: Roller, self-propelled; Power subgrader; Elevator operator

Class 3: Rubber-tired farm type tractor w/bull dozer or hi-lift (½ yd. or less)

Class 4: Pump, one well point; All tract type tractors, pulling any type roller or disc.

Class 5: Oiler; All wheel type tractors, Oiler on 30 Hp ditches and over; Oiler; Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity and more.

POWER EQUIPMENT OPERATORS (CONT'D)

Class 6: Air compressor w/valve driving piling air compressors, two (220 cu. ft. capacity or over); Air track drills, air track drill w/compressor; Automatic bins scales w/compressor or generator; pipeline boring machine; Bulk cement plant w/separate compressor bulk float power operator; Concrete saws, (two); Hydra-lift (single motor); Straw mulcher blower w/spout

Class 7: Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or without dump; Conveyors, two; Chip spreader, self-propelled concrete saw, on self-propelled; Form grader, Heater, (motor driven); Hoist; 1 drum; Truck crane oiler; Vibrator, Self-propelled.

Class 8: Air track drill (one); Belt drag machine, Power boom; Mechanical; Plasterers applicator; Tract-air

Class 9: Air compressor (220 cu. ft. capacity or over), one; Air compressor under (220 cu. ft,); two; Automatic bins; Bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or switchmen; Form tamper, self-propelled; Light plants (two); Welding machine (two); Pumps (two); or combination or 2 pumps; Light plants, welding machines,air compressor (under 200 cu. ft.); Mud jacks or wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or pump; Pipeline track jack

Class 10: Air compressor, under 220 cu. ft. capacity (one); Conveyor (one); Conveyor operator on self-propelled chip spreader; Heater (one); Motor drive; Light plant (one) pump (one); Welding machine (one) Ulmac or equal spreader.

RIVER WORK and LEVEE WORK on MISSISSIPPI and OHIO RIVERS

Class 11: Crane, shovel, dragline 4 yards or more, scraper, 18 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic or 4 yards machine or over, Engine man on dredge, Levee man on dredge.

Class 12: Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge.

JEFFERSON, PERRY, & MARION COUNTIES

III-2-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$11.52	.87	1.51		.05
GROUP II	1 9	.87	1.51		.05
GROUP III	9.54	.87	1.51		.05
GROUP IV	9.44	.87	1.51		.05
GROUP V	9.19	.87	1.51		.05
GROUP VI					
a.	13.67	.87	1.51		.05
b.	13.97	.87	1.51		.05
c.	11.29	.87	1.51		.05
d.	11.79	.87	1.51		.05

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant opers. plant opers., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanics, ass't. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoists-2 drum or more (where oiler or firemen is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (Steam or gas , concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boad oprs., 25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders winch cats, boom tractors, and pipe wrapping or painting machines, Drills, (other than derrick type) 1-drum hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (Stright tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floats, boat oprs., (under 25', conveyors 1', distribution pors., on trucks, siphons or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air compressor (1), water pumps regardless or size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V Oilers

GROUP VI
a. Engineers operating under air pressure
b. Engineers operating in air over 50 lbs pressure
c. Oilers operating under air pressure
d. Oilers operating in air over 10 lbs pressure

DECISION NO. IL78-2125

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 tons, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3, or 4 axle trucks hauling 16 tons or more, drivers on oil distributores, water pulls, mechanic & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Indiana COUNTY: Vanderburgh
DECISION NO.: IN78-2132 DATE: Date of Publication
Supersedes Decision No. IN76-2046, dated April 16, 1976, in 41 FR 16302
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 8.70				
CARPENTERS	6.76				
CEMENT MASONS	8.06				
DRYWALL FINISHERS	7.00				
DRYWALL HANGERS	6.50				
ELECTRICIANS	5.00				
INSULATION INSTALLERS	5.04				
LABORERS	4.88				
PAINTERS	8.60				
PLUMBERS	8.45				
SHEET METAL WORKERS	6.00				
TRUCK DRIVERS, Single Axle	8.05	27.50a	28.00a		
POWER EQUIPMENT OPERATORS: Grader	10.30	.50	.60		

FOOTNOTE:
a. per week per employee

SUPERSEDEAS DECISION

STATE: New York COUNTY: Westchester
DECISION NO.: NY78-3077 DATE: Date of Publication
Supersedes Decision No. NY77-3076 dated June 6, 1977 in 42 FR 28801.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr
Asbestos Workers	$14.09	.82	1.64		
Boilermakers	13.19	5%	15%	7%	.02
Bricklayers, Cement Masons, Plasterers, Pointers, Caulkers, Cleaners and Stone Masons	11.50	1.00	2.00	a+b	.07
Carpenters	9.88	1.40	1.15	1.07	.085
Electricians	12.00	6%+c	9⅓%	10%	.02+⅓%
Elevator Constructors	11.52	.495	.32+d	e+f	
Elevator Constructors Helpers	8.64	.495	.32+d	e+f	
Glaziers	11.20	.66	1.66	.67	.01
Ironworkers:					
Ornamental	10.33	1.48	2.55	.78	.09
Structural	11.75	1.30	3.00	1.60+g	.06
Reinforcing	10.79	1.325	1.985	.75+h	.03
Laborers, Building:					
Unskilled	8.05	1.15	1.05	.75+i	
Equipment Operators, Drillers, Swinger Operators on Conveyor Belt, Pavement breakers, Plastering, Accoustic Pumps, Barco and all Air Tampers, Vibrator Operators, Power Buggies, Fork Lifts, Power Jacks and All Pneumatic Equipment	8.70	1.15	1.05	.75+i	
Lathers:					
Metal	10.79	1.325	1.985	.75+h	.03
Nail On	12.00				.01
Leadburners	10.75	.40	.25	j	.01
Marble Setters:					
Cutters and Setters	10.00	1.13	1.19	k	
Carvers	10.15	1.13	1.19	k	
Finishers and Crane Operators	8.28	1.13	1.19	k	
Millwrights, Soft Floor Layers	11.80	1.50	1.78	.85	.04
Painters:					
Brush	9.15	.60	1.03	.40	
Spray	10.15	.60	1.03	.40	
Tapers	9.60	.60	1.03	.40	
Swing Stage, Boatswain, Chair, Ladder or Rolling Scaffold 30 ft. or more, all Iron and steel	10.45	.60	1.03	.40	

DECISION NO. NY78-3077

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Piledrivers and Dockbuilders	$11.70	1.50	1.78	.91	.04
Plumbers	11.21	1.79	1.06	1.12	.28
Roofers	9.65	1.79	2.65	.65	
Sheet Metal Workers	10.97	1.645	2.28	1.04	.12
Sprinkler Fitters	12.31	.75	1.05		.08
Steamfitters	11.00	12%	10%+L	11%	
Terrazzo Workers	11.18	1.21	1.50		
Terrazzo Finisher	9.84	1.21	1.50		
Terrazzo Finisher Machine Operator	9.99	1.21	1.50		
Tile Layers	10.60	1.15	.75		
Tile Finisher	9.31	.68	.77	.50	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. NY78-3077

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTES:

a. Holidays: Columbus Day, Presidential Election Day 1 hour off with pay.

b. Holidays: (Highway Construction Only) A thru P, Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Election Day and Veteran's Day.

c. Employer contributes $7.50 per day to Security Benefit Fund.

d. Employer contributes $8.00 per day to Annuity Fund.

e. Holidays: A through P; Lincoln's Birthday, Washington's Birthday, Columbus Day, Armistice Day and Election Day.

f. Employer contributes 6.4% of basic hourly rate for 5 years or more of service of 4% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

g. Holidays: New Years Eve and Christmas Eve, providing the employee works a full half day preceeding the holiday, he shall receive a full day's pay.

h. Work on Christmas and New Year's Eve will terminate at noon, but employees will receive a full day's pay.

i. One hour voting time with pay on Election Day.

j. Holidays: A through P; Washington's Birthday, Good Friday, Christmas Eve, providing employee has worked 30 full days during the 90 calendar days prior to the holiday and the regularly schedule work days immediately preceding and following the holiday.

k. One half days pay for Labor Day.

l. Employer contributes $7.70 per day to Annuity Fund.

DECISION NO. NY78-3077	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction:					
Street Lighting Systems, installation of Signal Cable Systems, Overhead and Underground when installed on streets and right of way:					
Linemen	9.28	5⅛%+a	7⅛%	10%	.02
Compressor	7.68	5⅛%+a	7⅛%	10%	.02
Lamp Changer	7.16	5⅛%+a	7⅛%	10%	.02
Utility Outside Work:					
Linemen	10.71	6%+b	9⅛%	10%	.02
Compressor	8.67	6%+b	9⅛%	10%	.02
Boring Machine	9.32	6%+b	9⅛%	10%	.02
Dynamite Man	9.53	6%+b	9⅛%	10%	.02
Groundman	7.28	6%+b	9⅛%	10%	.02
Driver Groundman	8.14	6%+b	9⅛%	10%	.02
New Construction of Steel Towers, Substations, All Railroad Work Underground:					
Linemen and Cable Splicers	13.26	6%+b	9⅛%	10%	.02
Equipment Operators	12.20	6%+b	9⅛%	10%	.02
Heavy Driver groundman	9.68	6%+b	9⅛%	10%	.02
Driver Groundman	10.21	6%+b	9⅛%	10%	.02
Groundman	9.68	6%+b	9⅛%	10%	.02
Dynamite and Transit Men	11.80	6%+b	9⅛%	10%	.02
Mechanic	11.54	6%+b	9⅛%	10%	.02

FOOTNOTES:

a. Employer contributes $3.00 per hour to Supplementary Unemployment Benefit Fund.

b. Employer contributes $7.00 per hour to Supplementary Unemployment Benefit Fund.

DECISION NO. NY78-3077 HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
Blasters, blaster (quarry master)	$ 9.60	9%	9%	a+.82	
Joy drillers, wagon drillers, air track drillers, concrete form aligner, concrete form and curb form highway (steel), and deck winches on scows, jumbo driller	9.05	9%	9%	a+.82	
Asphalt curb machine operator, jeeper operator, pavement breaker operator, rock scalers, power saw operator, bit grinder or grinders. barco rammer operator, air tamper and all type powered tampers not covered by any other classification, steel kings, power buggy operator, jack hammer drillers, all type pneumatic tool and gasoline drillers, concrete saw or saws, asphalt screeder on barbergreen, form pin puller railroad spike puller, pumps and their operation, and pneumatic tools and service of air power, gunniting	8.95	9%	9%	a+.82	
General concrete laborers or anything pertaining to concrete which means any men handling aggregate or concrete materials and carpenters tender and steel handling, pipe layers, puddlers, asphalt worker, fine grade men between forms, epoxy and waterproofing	8.80	9%	9%	a+.82	
Joy driller's helper, wagon driller helper, air track driller helper, common laborers, signal men and pitman, truck spotters, powdermen, landscape and nursery men, and dump men	8.70	9%	9%	a+.82	
Wrecking:					
Blasters	9.70	9%	9%	a+.82	

DECISION NO. NY78-3077

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers: (CONT'D)					
Wrecking:					
Barmen, and burner	$ 9.20	9%	9%	a+.82	
Barmen helpers and laborers	9.05	9%	9%	a+.82	
Shaft and Tunnel in Free Air:					
Blasters	9.85	9%	9%	a+.82	
Concrete setters	10.05	9%	9%	a+.82	
Form setters	9.55	9%	9%	a+.82	
Miners, drill runners air, tuggers, chippers, pneumatic tools and source of air-power pumps and their operations and vibrator operators	9.55	9%	9%	a+.82	
Puddlers	9.30	9%	9%	a+.82	
Chuck tenders, nippers, concrete laborers, tunnel sewer and water pipe reliners and Boring	9.20	9%	9%	a+.82	
Laborers	8.95	9%	9%	a+.82	
Powder carriers, signalmen	8.90	9%	9%	a+.82	
Brakemen	8.85	9%	9%	a+.82	
Outside laborers	8.80	9%	9%	a+.82	
Vibrator	9.35	9%	9%	a+.82	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; F-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; November Election Day; Veterans' Day; and Good Friday, provided employee works (2) two or more days in the calendar week in which the holiday falls.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS, BUILDING:					
GROUP I	$14.105	6%+1.00	10%+b	a	1½%
GROUP II	13.19	6%+1.00	10%+b	a	1½%
GROUP III	13.0475	6%+1.00	10%+b	a	1½%
GROUP IV	12.905	6%+1.00	10%+b	a	1½%
GROUP V	11.7625	6%+1.00	10%+b	a	1½%
GROUP VI					
A	15.08	6%+1.00	10%+b	a	1½%
B	14.6175	6%+1.00	10%+b	a	1½%
C	9.9925	6%+1.00	10%+b	a	1½%
D	13.6175	6%+1.00	10%+b	a	1½%
E	12.3325	6%+1.00	10%+b	a	1½%
F	13.19	6%+1.00	10%+b	a	1½%
G	18.3325	6%+1.00	10%+b	a	1½%
H	11.7625	6%+1.00	10%+b	a	1½%
I	18.0475	6%+1.00	10%+b	a	1½%
J	16.105	6%+1.00	10%+b	a	1½%
K	17.105	6%+1.00	10%+b	a	1½%
L	14.605	6%+1.00	10%+b	a	1½%
M	15.105	6%+1.00	10%+b	a	1½%
GROUP VII	14.3325	6%+1.00	10%+b	a	1½%

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION

GROUP I
Backhoe Oliver 88, Fordson, dynahoe, dual purpose & similar machine, Barber Green loader-euclid loader or similar type, cherry picker (cableway), compressor (steel erection), conway or similar mucking machines, dragline, gradall, shovel, backhoe, etc., (crawler or truck), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tournapull (scrapers over 20 yds. struck), mucking machines, pavement breaker (air ram), paver (concrete), pulsemeter, push button (buzz box) elevator, road boring machine, road mix machines, Ross carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1-½ yds., trenching machines, tractor type demolition equipment, winch truck "A" Frame

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POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION (CONT'D)

GROUP II
Compactor self-propelled, grader, bulldozer D7 & similar tractors with a draw bar horsepower of 100 & over maintenance engineer, mechanic (outside) all types, welder, scraper-20 yds. struck & under, machine pulling sheep's foot roller, etc., roller 4 ton and over, vib. roller

GROUP III
Asphalt plant, boiler (high pressure), bulldozer D6 & similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete mixing plants, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1-½ yds., & under, lighting unit (portable & generator), locomotive (all sizes), mixer concrete-21E & over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection excavation), well drilling machine, well point system

GROUP IV
Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine concrete, material hooper-sand-stone-cement, mixer-concrete-under 21E, Muching grass spreader, heater-all types, pump, pump station (water & sewer), pump-gypsum, etc., concrete, pump-plasterer roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel cuting machine, sweeper, syphon pump air steam, tar joint machine, Turbo jet burner or similar equipment vibrator (1 to 5) fine grading machine

GROUP V
Concrete saw, mechanic's helper, oiler (fuel truck), oiler (grease truck), paint compressor, welder's helper

GROUP VI
A. Master mechanic
B. Helicopter hoist op.
C. Oiler, asphalt paver, utility man
D. Welder - certified
E. SEcond engineer on cranes 30 ton and over
F. Cable splicer
G. Helicopter pilot
H. Helicopter signalman
I. Engineer, all tower cranes, all climbing cranes and all cranes of 100 ton and regardless of how the same is rigged (except for pile rigs)

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POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION (CONT'D)

GROUP VI (CONT'D)
J. Cranes (crawlers or truck) 100 ft. but less than 149 ft
K. Cranes (crawlers or truck) 149 ft. and over
L. Loaders op. (over 5 yd. capacity)
M. Shovel op. (over 4 yd. capacity)

GROUP VII
Concrete-portable hoist, crane & hoist engineer-steel (concrete, material, super structure, sub-structure), derrick (stone-steel), elevator & cage, engineer-pile driver, overheadcrane, power house plant, telephies, whirly, hoist (single, double or triple drum), hoist (portable mobile unit), hoist engineer-concrete (crane, derrick, mine hoist), hoist engineer material

FOOTNOTES:
a. Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, November Election Day, Veteran's Day, Thanksgiving Day and X-Mas Day.

b. Employer contributes $2.00 per day to an Annuity Fund.

Construction, Alteration, Repair of Sanitary Sewers, Storm Sewers, Combined Storm and Sanitary Sewers, drainage related thereto, on or off Streets or Highways (except drainage systems or Storm sewers that are part of overall road, street and highway construction, or heavy construction or building construction), temporary pipe fittings, sinking of well points related to sewer construction and drainage, telephone cable and conduit (except trans-water and trans-state or trans-county cables and conduits), pipelines (except trans-water and trans-state pipelines or transportation pipelines) and electrical lines above or below the surface of the ground (except on or in connection with the construction of roads, buildings, highways, bridges and/or tunnels).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I-A	$11.80	6⅛%+a	9⅛%	b	1⅛%
GROUP I-B	11.675	6⅛%+a	9⅛%	b	1⅛%
GROUP II	11.00	6⅛%+a	9⅛%	b	1⅛%
GROUP III-A	10.875	6⅛%+a	9⅛%	b	1⅛%
GROUP III-B	10.75	6⅛%+a	9⅛%	b	1⅛%
GROUP IV-A	10.75	6⅛%+a	9⅛%	b	1⅛%
GROUP IV-B	10.625	6⅛%+a	9⅛%	b	1⅛%
GROUP V-A	9.75	6⅛%+a	9⅛%	b	1⅛%
GROUP V-B	9.625	6⅛%+a	9⅛%	b	1⅛%
GROUP VI-A MISCELLANEOUS					
CLASS I	13.00	6⅛%+a	9⅛%	b	1⅛%
CLASS II	12.25	6⅛%+a	9⅛%	b	1⅛%
CLASS III	15.25	6⅛%+a	9⅛%	b	1⅛%
CLASS IV	12.00	6⅛%+a	9⅛%	b	1⅛%
CLASS V	15.50	6⅛%+a	9⅛%	b	1⅛%
CLASS VI	9.75	6⅛%+a	9⅛%	b	1⅛%
CLASS VII	10.835	6⅛%+a	9⅛%	b	1⅛%
GROUP VI-B MISCELLANEOUS					
CLASS I	9.625	6⅛%+a	9⅛%	b	1⅛%
CLASS II	8.80	6⅛%+a	9⅛%	b	1⅛%
GROUP VII	13.80	6⅛%+a	9⅛%	b	1⅛%
GROUP VIII	14.80	6⅛%+a	9⅛%	b	1⅛%
GROUP IX	11.375	6⅛%+a	9⅛%	b	1⅛%
GROUP X	12.80	6⅛%+a	9⅛%	b	1⅛%

CLASSIFICATION DEFINITIONS

GROUP I-A - Auger, auto grader, backhoe oilver 88, Fordson, dynahoe, dual purpose and similar machines, barber green loader - euclid loader or similar type machine, central mix plant operator, cherry picker (Cableway), compactor with blade, concrete portable hoist, S.M.I. or similar, conway or similar mucking machines, crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, letourneau or tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete) power house plant, pulsemeter, push button (buzz box) elevator, road mix machines, ross carrier and similar machines, shovels (tunnels), side boom, spreader (asphalt) scoopmobile-tractor-shovel over 1½ yards, trenching machines, telephies, tractor type demolition equipment, whirly, winch truck "A" frame

GROUP I-B - Compressor (steel erection)

CLASSIFICATION DEFINITIONS (CONT'D)

GROUP II - Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 or over, maintenance engineer, mechanic (outside) all types, welder, scraper - 20 yards struck and under, vibrator roller, etc., roller 4 ton and over

GROUP III- A - Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor plant, concrete pump, conveyor belt machine - irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader - 1½ yards and under, locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete - 21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, well drilling machine, well point system

GROUP III-B - Compressor, lighting unit (portable & generator), Welding machine (steel erection excavation)

GROUP IV-A - Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, curb cutter machine, farm tractor (all types), finishing machine - concrete, material hopper - sand - stone - cement, mulching grass spreader, roller under 4 ton, spreading & fine grading machine, steel cutting machine, sweeper, turbo jet burner or similar equipment, fine grading machine

GROUP IV-B - Compressor to 125 cu. ft., dust collector, mixer - concrete under 21E, heater - all types, pump 4 inches and over, pump station (water & sewer), pump - gypsum, etc., pump - plaster, steam jenny, syphon pump - air - steam, tar joint machine, vibrator (1 to 5)

GROUP V-A - Concrete saw, oiler (fuel or grease truck)

GROUP V-B - Oiler, stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4", roller motorizer (walk behind)

GROUP VI-A MISCELLANEOUS:

CLASS I - Master mechanic, Asst. master mechanic

CLASS II - Helicopter hoist operator

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CLASSIFICATION DEFINITIONS (CONT'D)

CLASS III - Engineer, tower crane, 3900 Monitowac or over or similar (rail, truck or crawler mounted)

CLASS IV - Hoist engineer - steel sub-structure, engineer - pile driver

CLASS V - Helicopter pilot

CLASS VI - Helicopter pilot

CLASS VII - Jersey spreader, pavement breaker (air ram), Post hole digger

GROUP VI-B MISCELLANEOUS:

CLASS I - Safety man 60 ton crane & over

CLASS II - Oiler asphalt paver and utility man

GROUP VII - Operators of crane (crawlers or truck) 100 ft. but less than 149 ft.

GROUP VIII - Operators of crane (crawlers or truck) 149 ft. and over

GROUP IX - Loader Operators: Over 5 cu. yd. capacity

GROUP X - Shovel Operator over 4 cu. yd. capacity

Footnotes

a. Employer contributes $1.20 per hour to Supplemental Unemployment Benefit Fund.

b. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, November Election Day, Veteran's Day, Thanksgiving Day and Christmas Day.

DECISION NO. NY78-3077	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY					
GROUP I	$11.75	6%+1.00	9⅓%+.25	a	2%
GROUP II	10.96	6%+1.00	9⅓%+.25	a	2%
GROUP III	10.825	6%+1.00	9⅓%+.25	a	2%
GROUP IV	10.70	6%+1.00	9⅓%+.25	a	2%
GROUP V	9.70	6%+1.00	9⅓%+.25	a	2%
GROUP VI	11.95	6%+1.00	9⅓%+.25	a	2%
GROUP VII	11.325	6%+1.00	9⅓%+.25	a	2%
GROUP VIII	9.70	6%+1.00	9⅓%+.25	a	2%
GROUP IX	11.625	6%+1.00	9⅓%+.25	a	2%
GROUP X	10.70	6%+1.00	9⅓%+.25	a	2%
GROUP XI	10.575	6%+1.00	9⅓%+.25	a	2%
GROUP XII					
A	10.7875	6%+1.00	9⅓%+.25	a	2%
B	9.575	6%+1.00	9⅓%+.25	a	2%
C	8.75	6%+1.00	9⅓%+.25	a	2%
D	15.45	6%+1.00	9⅓%+.25	a	2%
E	12.20	6%+1.00	9⅓%+.25	a	2%
F	15.20	6%+1.00	9⅓%+.25	a	2%
G	12.95	6%+1.00	9⅓%+.25	a	

POWER EQUIPMENT OPERATORS - HEAVY AND HIGHWAY

GROUP I

Auger, auto grader, backhoe Oliver 88, Pordson, dynahoe, dual purpose and similar machines, barber green loader-euclid loader or similar type, central mix plant operator, cherry picker (cableway), compactor with blade, concrete portable hoist, C.M.I. or similar Conway or similar mucking machines, crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, LeTourneau or Tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulsometer, push button (buzz box) elevator, road mix machines, Ross carrier and similar machines, shovel (tunnels), side boom, spreader (Asphalt), scoopmobile-tractor-shovel over 1½ yards, trenching machines, telephies, tractor type demolition equipment, whirly, winch truck "A" Frame

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POWER EQUIPMENT OPERATORS - HEAVY AND HIGHWAY (CONT'D)

GROUP II
Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 and over, maintenance engineer, mechanic (outside) all types, welder, scrapers 20 yards struck and under, shop foreman, vibratory roller, etc., roller 4 ton and over

GROUP III
Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor plant, concrete pump, conveyor belt machine-irrespective of motor size, firemen, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1½ yds. and under, locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete-21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, well drilling machine, well point system

GROUP IV
Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, curb cutter machine, farm tractor (all types), finishing machine-concrete, material hopper-sand-stone-cement, mulching grass spreader, roller under 4 ton, shop mechanic (not employed on job site), spreading & fine grading machine, steel cutting machine, sweeper, syphon pump-air-steam, tar joint machine, Turbo jet burner or similar equipment, fine grading machine

GROUP V
Concrete saw, mechanic's helper, oiler, oiler (fuel truck), oiler (grease truck)

GROUP VI
Hoist engineer-steel, sub-struct., engineer-pile driver

GROUP VII
Welder-certified crawlers or truck: 100 ft. but less than 149 ft. $2.00 per hour additional crawlers or truck: 149 ft. and over $3.00 per hour additional loader operators: Over 5 cu. yd. capacity $.50 per hour additional shovel operators: Over 4 cu. yd. capacity $1.00 per hour additional

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POWER EQUIPMENT OPERATORS - HEAVY AND HIGHWAY (CONT'D)

GROUP VIII
Stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4" roller motorized (walk behind, welder's helper

GROUP IX
Compressor (steel erection)

GROUP X
Compressor, lighting unit (portable and generator), welding machine (steel erection excavation)

GROUP XI
Compressor to 125 cu. ft., dust collector, mixer-concrete under 21E, heater-all types, pump 4" and over, pump station (water and sewer), pump-gypsum, etc., pump-plasterer, steam jenny syphon pump-air-steam, tar-joint machine, vibrator (1 to 5)

GROUP XII
A. Jersey spreader, pavement breaker (air ram), post hole digger
B. Safety man 60 ton crane & over, helicopter signalman
C. Oiler asphalt paver, utility man
D. Helicopter pilot
E. Helicopter hoist operator
F. Engineer, tower crane, 3900 monitowac or over or similar (rail, truck, or crawler mounted
G. Master mechanic

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; November Election Day and Veteran's Day.

DECISION NO. NY78-3077

TRUCK DRIVERS: HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	9.86	1.10	.85	a+b	
GROUP II	9.98	1.10	.85	a+b	
GROUP III	10.11	1.10	.85	a+b	
GROUP IV	10.23	1.10	.85	a+b	
GROUP V	10.86	1.10	.85	a+b	
GROUP VI	10.61	1.10	.85	a+b	
GROUP VII	10.31	1.10	.85	a+b	
GROUP VIII	9.81	1.10	.85	a+b	
GROUP IX	10.06	1.10	.85	a+b	
GROUP X	9.61	1.10	.85	a+b	
GROUP XI	11.36	1.10	.85	a+b	
GROUP XII	11.73	1.10	.85	a+b	

TRUCK DRIVERS - HEAVY CONSTRUCTION

GROUP I
Straight jobs, A-Frame (inside cab), winch (inside cab), tow, dynamite, seeding, mulching, agitator, water, post hole diggers, mortar mixing, suburbans, oil distributors, pick-up, hopper men & crusher op., concrete mixer, lift (in garage, yards and on job site)

GROUP II
Tractor trailers (all types), 3 axle trucks (physically load and unload), mixer men, high pressure boiler in asphalt and batch plants

GROUP III
Tractor trailers (carrying equipment), weighmasters

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TRUCK DRIVERS - HEAVY CONSTRUCTION (CONT'D)

GROUP IV	Euclid
GROUP V	Euclids, athey wagons, trailer wagons, belly dumps (All over 40 tons)
GROUP VI	Athey wagons, trailer wagons, belly dumps (Under 40 tons)
GROUP VII	Dual purpose grease & fuel trucks, fuel trucks, tire trucks
GROUP VIII	Welding trucks on pipelines
GROUP IX	Welders, Maintenance Men, Mechanics
GROUP X	Yardmen
GROUP XI	Darts (up to 100 tons)
GROUP XII	RXS

PAID HOLIDAYS:
A-New Year's Day; B-Memorial day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Election Day, Veteran's Day (provided employee works one day of the work week in which the holiday occurs).

b. One week vacation after 90 days of employment in calendar year, plus one additional day for each additional 18 days of employment, not exceeding 10 days in any one calendar year; two weeks after 130 days of employment in a calendar year, However, an employee with 5 years of seniority service shall receive 2 weeks' paid vacation provided he works 90 days in a calendar year; three weeks and one day after 16 years of seniority service - plus 1 additional day for each year up to 19 years of seniority service; four weeks after 20 years of seniority service.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Allegheny
DECISION NO.: PA78-3078 DATE: Date of Publication
Supersedes Decision No. PA75-3070, dated July 18, 1975, in 40 FR 30433.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$11.90	.75	1.60		
Carpenters	11.15	6%	8%	6%	.4%
Cement Masons	11.32	.68	1.81		
Drywall Taper/Finishers	7.40				
Electricians	12.10	.40	3% +.30	.60	.10
Laborers	5.61				
Painters	6.05				
Plasterers	6.42				
Plumbers	11.80	.92	1.26		.07
Roofers	7.21				
Sheet Metal Workers	9.32	.65	.85		.02
Soft Floor Layers	7.87				
Tile Setters	11.50	.60	1.40		
Truck Drivers	4.92				
Power Equipment Operators:					
Backhoe	11.975	.95	1.00		.09
Hi-Lift	11.975	.95	1.00		.09

SUPERSEDEAS DECISION

STATE: TENNESSEE COUNTIES: *SEE BELOW
DECISION NUMBER: TN78-1090 DATE: DATE OF PUBLICATION
Supersedes Decision No. TN77-1133, dated October 7, 1977, in 42 FR 54739.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION (does not include single family homes and garden type apartments up to and including 4 stories).

*COUNTIES: ALL OF KNOX & MONROE, AND THAT PORTION OF ANDERSON & ROANE WHICH COMPRISE THE OAK RIDGE ENERGY RESEARCH & DEVELOPMENT ADMINISTRATION SITE.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.50	.45	.70		.02
BOILERMAKERS	9.95	1.05	1.05		.02
BRICKLAYERS, STONE MASONS, MARBLE MASONS, TILE SETTERS, & TERRAZZO WORKERS	10.62				
CARPENTERS & SOFT FLOOR LAYERS	8.94		.50		.02
CEMENT MASONS	8.28				
ELECTRICIANS:					
Knox & Monroe Counties:					
Wiremen	9.71	.50	3% + .50		½ of 1%
Cable splicers	10.11	.50	3% + .50		½ of 1%
Anderson & Roane Counties:					
Wiremen	9.76	.50	3% + .40		
Cable splicers	10.26	.50	3% + .40		
ELEVATOR CONSTRUCTORS:					
Mechanics	8.805	.745	.56	6%+a+b	.025
Helpers	6.16	.745	.56	6%+a+b	.025
GLAZIERS	7.79	.10	.25	.13	
IRONWORKERS:					
Reinforcing	8.86	.50	.50		.02
Structural, Ornamental, & Fence Erectors	9.00	.50	.50		.02
LABORERS:					
Construction laborers	5.14	.15	.15		.01
Mortar mixers, plasterer tenders	5.29	.15	.15		.01
Hod carriers, power buggies, yearner, potman, grademen, snake men, form setters & strippers, pipelayers, asphalt rakers, jackhammer operators, air tool operators, vibrator operators, chain saw operators, barco tamp operators, & all power driven tool operators	5.29	.15	.15		.01
Acetlyene burner	5.32	.15	.15		.01
Wagon drill operator	5.44	.15	.15		.01
Concrete gun operator, nozzleman	5.84	.15	.15		.01
Powderman	5.64	.15	.15		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$ 9.24		.20		.01
LINE CONSTRUCTION:					
Knox & Monroe Counties:					
Linemen & heavy equipment operators	9.71	.50	3% + .50		of 1%
Truck driver with winch	8.20	.50	3% + .50		of 1%
Truck driver without winch	7.76	.50	3% + .50		of 1%
Groundmen	7.86	.50	3% + .50		of 1%
Cable splicers	10.11	.50	3% + .50		of 1%
Anderson & Roane Counties:					
Linemen & Equipment operators	9.76	.50	3% + .40		of 1%
Groundmen	8.68	.50	3% + .40		of 1%
Cable splicers	10.26	.50	3% + .40		of 1%
MILLWRIGHTS	9.62		.50		.02
PAINTERS	8.70		.35		.03
PILEDRIVERMEN	9.19		.50		.02
PLASTERERS	9.45				
PLUMBERS & PIPEFITTERS:					
Knox County	9.95	.40	.70	.35	.05
Remaining Counties	10.25	.40	.70	.35	.05
ROOFERS - Composition, slate & tile	8.18		.25		
SHEET METAL WORKERS:					
Knox County	10.23	.61	.77		.04
Remaining Counties	10.73	.61	.77		.04
SPRINKLER FITTERS	10.80	.75	1.05		.08
TRUCK DRIVERS:					
Trucks up to 3 tons, including 4-yard dump trucks (struck measure), & pick-up trucks	5.10	.25	.35		
Material checkers & batch plant scale operators	5.16	.25	.35		
Trucks 3 to 5 tons, including 6-yard dump trucks (struck measure)	5.34	.25	.35		
Trucks 5 tons & over, dump trucks over 6-yards (struck measure), ready-mix concrete trucks, tank trucks, floats, low-boys, winch trucks, semi-trailers, any truck pulling or towing equipment	5.45	.25	.35		

DECISION NO. TN78-1090

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$ 8.71	.35	.35		.05
GROUP B	8.09	.35	.35		.05
GROUP C	6.75	.35	.35		.05
GROUP D	6.19	.35	.35		.05

GROUP A: Backhoes; cableways; ross carrier; clamshells; cranes; derricks; draglines; turnapulls; pans; scrapers; scoops; head tower machines; end-loaders; locomotives (over 20 tons); shovels; dozers; fork-lifts (over 8' lift); core drills; foundation drills; graders; mechanics; welders; winch truck with A-Frame; skimmer scoops; locomotive cranes; overhead cranes; skid rigs; piledrivers; side boom tractors; euclid loaders; derrick boat; dredge boats; hoist (any size handling steel or stone); engines used in connection with hoists material; mucking-machines; cherrypickers; tower cranes; skylift; gradall.

GROUP B: Tractors; farm type tractors (with attachments); central compressor plants; elevators (used for hoisting building materials); central mixing plants; hoist; (not handling steel or stone); pump-crete machine; concrete pumps; backfillers (other than cranes); tracmobile; crushing plant; elevating graders; earth augers; forklifts; (8' lift or under); paving machines (Blacktop/concrete); boat operator or engineer (30 tons or over); blacktop rollers; switchman; locomotive (under 20 tons); maintainers.

GROUP C: Asphalt plant; barber-green type loader; engine tender (other than steam) mixers (over 2 bags, not to include central plants); pumps (not more than 3); scrifiers; spreader box (bituminous); asphalt mixers; portable compressors (not more than 3); roller; sub-grader machine; tractors (farm type without attachments); cable head tower engineman; dredge booster pump; boat operator or engineers (under 30 tons); finishing machine; fireman & oiler (Combination); motor crane oiler & driver; welding machines (not more than 3); heaters (stationary or portable, not more than 5); compressors (portable, not more than 3); greaser or fuel truck.

GROUP D: Air compressor (1 portable); fireman; portable crushers; welding machine (1); conveyors; pump (1); oiler; heater (1).

WELDERS - Rate for craft.

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Employer contributes 4% of the basic hourly rate of employees with 5 years or more service, or 2% of the basic hourly rate of employees with 6 months to 5 years service as Vacation Pay Credit.

SUPERSEDEAS DECISION

STATE: TENNESSEE COUNTY: SHELBY
DECISION NUMBER: TN78-1091 DATE: DATE OF PUBLICATION
Supersedes Decision No. TN78-1048, dated May 19, 1978, in 43 FR 21827.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.50	.55	.75		.05
BOILERMAKERS	9.95	1.05	1.05		.02
BRICKLAYERS & STONE MASONS	10.90	.50	.30		.10
CARPENTERS, PILEDRIVERMEN, & SOFT FLOOR LAYERS	9.80	.60	.50		.065
CEMENT MASONS	9.725	.50	.65		.15
ELECTRICIANS:					
Wiremen & Electronic technicians	10.93	.75	3% + .50		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	10.07	.745	.56	4%+a+b	.025
Helpers	7.05	.745	.56	4%+a+b	.025
GLAZIERS	9.00	.75	.40		
IRONWORKERS	9.60	.65	.70		.125
LATHERS	9.30	.25			
LINE CONSTRUCTION:					
Linemen	10.93	.75	3% + .50		½ of 1%
Cable splicers	11.03	.75	3% + .50		½ of 1%
Special equipment operators	8.20	.75	3% + .50		½ of 1%
Groundmen	5.465	.75	3% + .50		½ of 1%
MARBLE MASONS, TERRAZZO WORKERS, TILE SETTERS	8.91	.53	.36		.05
MILLWRIGHTS	10.25	.65	.40		.12
PAINTERS:					
Commercial	9.40	.50	.45		.075
Industrial, spray, & sandblast	9.65	.50	.45		.075
PIPEFITTERS & AIR CONDITIONING MECHANICS	12.47	.55	.30		
PLASTERERS	10.25				.01
PLUMBERS	11.52	.75	.30		
ROOFERS	9.70		.25		.03
SHEET METAL WORKERS	11.32	3% + .65	.25	.55	.04
SPRINKLER FITTERS	10.80	.75	1.05		.08
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION No. TN78-1091

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$ 6.975	.30	.35		.05
GROUP B	7.075	.30	.35		.05
GROUP C	7.125	.30	.35		.05
GROUP D	7.325	.30	.35		.05
GROUP E	7.525	.30	.35		.05
GROUP F	7.65	.35	.35		.05

GROUP A: General and common laborers, concrete laborers, track laborer walkers, cement finisher helper, plumbers helpers, carpenters tenders, asphalt rakers, tampers, form strippers, roofing helpers.

GROUP B: Well driller helpers, storm and sanitary pipe layers, mat weavers, motor buggie operators.

GROUP C: Chain saw operator, jackhammer, vibrator and electric hammer and all air tool and pneumatic tools.

GROUP D: Deep hole men

GROUP E: Powderman, tool room attendant, torchman on demolition and salvage, sand hog (free air).

GROUP F: Hod carriers, mason tenders and plasterers tenders.

DECISION No. TN78-1091

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$ 9.725	.50	.50		.10
CLASS B	9.295	.50	.50		.10
CLASS C	8.595	.50	.50		.10
CLASS D	8.195	.50	.50		.10

CLASS A - Shovels, backhoes, draglines, cranes, gantrys, gradall, winch with boom, motor patrol, trenching machine (18" & over), pile driver, tug boat operator, mechanics (heavy), central mixing plant, locomotive engineer, strattle carriers, core drills (over 3"), tower cranes, hydro cranes, austin western and similar type cranes, drilling of piling, tugger, earth freezing equipment, 3 drum hoist, side boom, dredge operator (engineer), hopto, pump crete, mucking machines, cableways, central compressor plant, derrick boat, concrete pump, welders (men from the craft), helicopter operator, well point system, sweeper, bulldozers, pans, scrapers, fork lift, & front end loader.

CLASS B - Trenching machines (18" and smaller), tandem rollers, pavers, mobile mixers (rubber tired, mobile, mixed on job), back filler, blade graders, dinkey operator over 10 tons, elevating graders, winches (operated from trucks or tractors, without booms and powered by other than the truck), distributors, bituminous surfaces, 1 and 2 drum hoist, grout pumps, motor boat, switchman, earth compactors (motorized - Buffalo-Springfield type).

CLASS C - Locomotive fireman (on boilers 100 h.p. and over), air compressor (stationary), earth drills, scale operators, tractors (40 h.p. and less), motor crane driver and oiler, pumps (larger than 4"), dinkey operators (10 tons and less), oilers on gantrys, & greasers.

CLASS D - Air compressor operator, mechanic helper, locomotive fireman, welding machine operator, deck hand, & elevator operators

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Employer contributes 4% of the basic hourly rate for 5 years or more of service, or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Lubbock
DECISION NO.: TX78-4114 DATE: Date of Publication
Supersedes Decision No. TX78-4041, dated April 14, 1978, in 43 FR 16133.
DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.30	.75	.85		.07
BOILERMAKERS	10.55	.80	1.00		.02
BRICKLAYERS & STONEMASONS	9.82		.30		.03
CARPENTERS	9.20	.48	.50		.01
CEMENT MASONS	7.80				
ELECTRICIANS:					
Electricians	10.35	.60	3%		1/10%
Cable splicers	10.60	.60	3%		1/10%
IRONWORKERS:					
Structural; Ornamental; Reinforcing	9.13	.55	1.00		.10
All ironworkers on jobs 30 miles or more from the city of Lubbock	9.255	.55	1.00		.10
LABORERS:					
GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading & unloading materials, wrecking buildings & all structures & all construction laborers except those named below	5.525	.275	.27		
GROUP 2 - Air tool op. (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete & clay & all non-metallic pipe); handling, laying & cleaning purpcrete pipe	5.80	.275	.27		
GROUP 3 - Mortar mixers, mason tenders, plasterer tenders, cement finisher tender, lather tenders	5.725	.275	.27		
GROUP 4 - Wagon drill	5.875	.275	.27		
GROUP 5 - Blasters & powder men	6.125	.275	.27		
LATHERS	6.75	.20			.01
LINE CONSTRUCTION:					
Linemen	10.35	.60	3%		1/10%
Operators	80%JR	.60	3%		1/10%
Groundmen (more than 1 year experience)	55%JR	.60	3%		1/10%
Groundmen (less than 1 year experience)	50%JR	.60	3%		1/10%
Flat bed truck operator	70%JR	.60	3%		1/10%
PAINTERS:					
Brush	8.24				
Spray; Sandblasters	8.99				
PLASTERERS	7.00				
PLUMBERS & STEAMFITTERS	9.95	.50	.45		.04
ROOFERS	3.50				
SHEET METAL WORKERS	10.54	.50	.55		.11
TRUCK DRIVERS	3.00				

DECISION NO. TX78-4114

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

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 7.20	.30	.50		.10
GROUP 2	8.10	.30	.50		.10
GROUP 3	8.50	.30	.50		.10

GROUP 1 - Oiler-Fireman

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear); All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Backhoe; Drilling Machines (all types); Scoopmobiles; Hoist, two drums or more; Fork Lifts (over 25 feet); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixer, 14 cubic feet or over; Blade Graders, self-propelled; Cableways; Cranes-power operated (to 100 ft. of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Mon-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractorvators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressors, Pumps, Welding Machines and Light Plants (7 to 12 machines); Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTY: Statewide
DECISION NUMBER: WI78-2104 DATE: Date of Publication
Supersedes Decision Number WI77-2102 dated July 5,1978 in 42 FR 36781
DESCRIPTION OF WORK: Highway and Airport Runway and Taxiway Construction (does not include bridges over navigable waters; tunnels; buildings in highway rest areas; and railroad construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS and STONEMASONS:					
Zone 1 - Barron, Buffalo, Burnett, Chippewa, Dunn, Eau Claire, Pepin, Pierce, Polk, Rusk, St. Croix and Sawyer Counties	$ 9.75	.65	.25		.04
Zone 2 - Brown, Calumet, Door, Florence, Fond Du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Oconto Outagamie, Shawano, Waupaca, Washara, and Winnebago Counties	9.40	.65	.40	.55	
Zone 3 - Green, Lafayette and Rock Counties	10.13	.65	.30	.25	
Zone 4 - Crawford, Jackson, Juneau, La Crosse, Vernon, Trempealeau and Monroe Cos.	9.70	.40	.25		
Zone 5 - Walworth County	11.25	.60	.60	.50	
Zone 6 - Dane, Grant, Iowa and Richland Counties	9.29	.65	.69	.50	
Zone 7 - Milwaukee, Ozaukee, Washington and Waukesha Cos.	10.61	1.07	.90	.56	
Zone 8 - Columbia and Sauk Cos.	10.10	.65	.30		
Zone 9 - Kenosha and Racine Cos.	11.25	.60	.60	.50	
Zone 10 - Sheboygan County	9.40	.65	.40	.55	
Zone 11 - Ashland, Bayfield, Douglas and Iron Counties	10.51	.75	.45		
Zone 12 - Dodge and Jefferson Counties	9.85	.55	.25	.40	
Zone 13 - Adams, Clark, Forest, Langlade, Lincoln, Marathon, Menominee, Oneida, Portage, Price, Taylor, Vilas and Wood Counties	10.05	.65	.30		
CARPENTERS and PILEDRIVERMEN:					
Zone 1 - Ashland County					
Carpenters	9.44	.50	.35	.15	
Piledrivermen	9.64	.50	.35	.15	

DECISION NO. WI78-2104

CARPENTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Zone 2 - Barron, Burnett, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk Rusk, St. Croix, Sawyer, and Taylor Counties					
Carpenters	$10.22	.50	.60		.05
Piledrivermen	10.62	.50	.60		.05
Zone 3 - Brown, Calumet, Door Fond Du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Waupaca & Waushara & Winnbago Cos.					
Carpenters	9.92	.50	.60		.05
Piledrivermen	10.32	.50	.60		.05
Zone 4 - Green, Jefferson & Rock Counties					
Carpenters	10.90	.50	.60		.10
Piledrivermen	11.05	.50	.60		.10
Zone 5 - Kenosha County					
Carpenters	11.00	.40	.85		.05
Piledrivermen	11.08	.40	.85		.05
Zone 6 - Jackson, La Crosse, Monroe, Trempealeau & Vernon Counties					
Carpenters	9.92	.50	.60		.05
Piledrivermen	10.32	.50	.60		.05
Zone 7 - Adams, Columbia, Crawford, Dane, Dodge, Grant, Iowa, Juneau, La Fayette, Richland & Sauk Counties					
Carpenters	10.27	.50	.60		.05
Piledrivermen	10.67	.50	.60		.05
Zone 8 - Florence & Iron Cos.					
Carpenters	10.69	.60	.70		.05
Piledrivermen	10.69	.60	.70		.05
Zone 9 - Milwaukee, Ozaukee, Washington & Waukesha Cos.					
Carpenters	10.37	.80	.80	.51	
Piledrivermen	10.91	.80	.80	.51	
Zone 10 - Racine County					
Carpenters	10.80	.60	.85		.05
Piledrivermen	10.88	.60	.85		.05

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CARPENTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Zone 11 - Sheboygan County					
Carpenters	$10.20	.75	.30		
Piledrivermen	11.24	.75	.30		
Zone 12 - Bayfield & Douglas Counties					
Carpenters	9.45	.30	.40	.50	
Piledrivermen	9.45	.30	.40	.50	
Zone 13 - Walworth County					
Carpenters	10.90	.50	.60		.10
Piledrivermen	11.05	.50	.60		.10
Zone 14 - Forest, Langlade, Lincoln, Marathon, Oneida Portage, Price, Vilas, & Wood Counties					
Carpenters	9.82	.50	.60		.05
Piledrivermen	10.32	.50	.60		.05
CEMENT MASONS:					
Zone 1 - Ashland, Bayfield, Douglas & Iron Counties	10.51	.75	.45		
Zone 2 - Barron, Burnett, Chippewa, Dunn, Polk, Rusk, St. Croix, Sawyer & Washburn Counties	9.75	.65	.25		.04
Zone 3 - Adams, Clark, Forest, Langlade, Lincoln, Marathon, Menominee, Oneida, Protage, Price, Taylor, Vilas & Wood Counties	9.55	.65	.30		
Zone 4 - Buffalo, Eau Claire, Pepin & Pirece Counties	9.75	.65	.25		
Zone 5 - Brown, Calumet, Door, Florence, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Oconto, Outagamie, Shawano, & Waupaca Counties	9.45	.65	.40		
Zone 6 - Crawford, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau and Vernon Counties	9.18	.45	.25		
Zone 7 - Waushara, Winnebago, Sheboygan and Fond Du Lac Counties	9.45	.65	.40		

DECISION NO. WI78-2104

CEMENT MASONS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 8 - Dodge & Jefferson Cos.	$ 9.35	.55	.25	.55	
Zone 9 - Columbia & Sauk Cos.	9.85	.65	.40		
Zone 10 - Milwaukee, Ozaukee, Washington & Waukesha Cos.	9.83	1.00	.50	.57	
Zone 11 - Dane, Green, Iowa, Lafayette & Rock Counties	9.50	.65	.65		
Zone 12 - Grant County	9.93				
Zone 13 - Walworth County	9.96	.60	.60	.50	
Zone 14 - Racine & Kenosha Cos.	10.09	.60	.85	.50	
ELECTRICIANS:					
Zone 1 - Calumet, Outagamie, Waupaca, Waushara & Winnebago Counties	11.83	.60	3%		
Zone 2 - Barron, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk Price, Rusk & St. Croix, & Taylor Counties	11.62	5%	3%		
Zone 3 - Brown, Door, Kewaunee, & Shawano Counties	10.93	.60	3%		1/8%
Zone 4 - Florence & Forest Cos.	11.74	.50	3%		.5%
Zone 5 - Kenosha County	12.07	.51	3%	.25	3/4%
Zone 6 - Crawford, Grant, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau & Vernon Counties	11.25	.55	3%		
Zone 7 - Walworth County	11.35	.50	3%	7%	½%
Zone 8 - Columbia, Dane, Dodge, Green Lake, Iowa, Marquette, & Sauk Counties	11.13	.74	3%	8%	
Zone 9 - Sheboygan County	9.83	.92	3%+.35	10%	½%
Zone 10 - Ashland, Bayfield, Burnett, Douglas, Iron, Sawyer & Washburn Cos.	10.80	4%	3%	11%	3%

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ELECTRICIANS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 11 - Adams, Langlade, Lincoln, Marathon, Menominee, Oneida, Portage, Vilas & Wood Cos.	$10.20	.45	3%	8%	1/8%
Zone 12 - Found Du Lac County	9.83	.92	3%+.35	10%	½%
Zone 13 - Green, Jefferson, Lafayette & Rock Counties	11.35	.50	3%	7%	½%
Zone 14 - Milwaukee, Ozaukee, Washington & Waukesha Cos.	11.13	.92	3%+.35	10%	½%
Zone 15 - Racine Co.	12.27	.55	3%		
Zone 16 - Manitowoc, Marinette & Oconto Counties	10.93	.60	3%		1/8%
IRONWORKERS:					
Zone 1 - Barron, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk St. Croix & Trempealeau Counties	10.85	.75	.60		.02
Zone 2 - Ashland, Bayfield, Burnett, Douglas, Forest, Iron, Lincoln, Oneida, Price, Rusk, Sawyer, Taylor, Vilas & Washburn Counties	11.10	.40	.60	.10	
Zone 3 - Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, LaCrosse, Lafayette, Langlade, Marquette, Marathon, Menominee, Monroe, Portage, Richland, Sauk, Shawano, Waupaca, Vernon, Waushara, & Wood Counties	11.52	.65	.375		.055
Zone 4 - Brown, Calumet, Door, Florence, Fond Du Lac, Kenosha, Kewaunee, Manitowoc, Marinette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Sheboygan, Walworth, Washington & Waukesha & Winnebago Cos.	10.66	1.10	.80	1.15	.15
Zone 5 - Rock County	12.50	.65	.375		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen	$ 9.97	.45	7%		
Heavy Equipment Operator	8.97	.45	7%		
Light Equipment Operator	7.98	.45	7%		
Truck Drivers & Heavy Groundman	6.98	.45	7%		
Truck Drivers & Light Groundman	6.48	.45	7%		
Groundman	5.48	.45	7%		
PAINTERS:					
Zone 1 - Forest, Langlade, Lincoln, Marathon, Menominee, Oneida, Price & Taylor Cos.					
Brush	9.50				
Spray	10.00				
Zone 2 - Barron, Buffalo, Burnett, Chippewa, Dunn, Eau Claire, Pepin, Pierce, Polk, Rusk, St. Croix, Sawyer, Trempealeau, & Washburn Cos.					
Brush	9.05				
Spray	9.30				
Steel	9.30				
Zone 3 - Brown, Door, Kewaunee, & Oconto Counties					
Brush	9.88	.80			
Spray	9.88	.80			
Zone 4 - Florence County					
Brush	8.00			.75	
Spray	8.75			.75	
Zone 5 - Kenosha & Walworth Cos.					
Brush	9.775	.50	.60		
Spray	10.025	.50	.60		
Zone 6 - Adams, Clark, Crawford, Jackson, Juneau, La Crosse, Monroe, Portage, Vernon & Wood Counties					
Brush	8.70		.45		
Spray	9.12		.45		
Zone 7 - Columbiana, Dane, Dodge, Grant, Green, Iowa, Lafayette Richland, Rock & Sauk Cos.					
Brush	9.79	.70	.30	.30	
Spray	10.04	.70	.30	.30	

DECISION NO. WI78-2104

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Zone 8 - Calumet & Manitowoc Counties					
Brush	$ 9.10				
Spray	9.10				
Zone 9 - Marinette County					
Brush	5.45				
Spray	6.10				
Zone 10 - Jefferson, Milwaukee, Ozaukee, Washington & Waukesha Counties					
Brush	10.55	.96	.80	.50	
Spray & Steel	10.55	.96	.80	.50	
Zone 11 - Fond Du Lac, Green Lake, Marquette, Outagamie, Shawano, Waushara, Waupaca, & Winnebago Counties					
Brush & Steel	9.45	.70	.10		
Spray	9.45	.70	.10		
Zone 12 - Racine County					
Brush	9.90	.60	.80		
Spray	10.50	.60	.80		
Zone 13 - Sheboygan County					
Brush, Steel & Spray	7.25	.50	.30	.30	
Zone 15 - Ashland, Bayfield, Douglas, Iron & Vilas Counties					
Brush & Steel	10.68	.40	.40		.09
Spray	10.68	.40	.40		.09
LABORERS:					
Zone 1 - Milwaukee, Ozaukee, Washington and Waukesha Counties					
Group 1	8.61	.85	.90	.25	.02
Group 2	8.71	.85	.90	.25	.02
Group 3	8.76	.85	.90	.25	.02
Group 4	8.81	.85	.90	.25	.02
Group 5	8.86	.85	.90	.25	.02
Group 6	8.91	.85	.90	.25	.02
Group 7	9.26	.85	.90	.25	.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Zone 2 - Racine County					
Group 1	$ 8.16	.60	.85	.50	.02
Group 2	8.26	.60	.85	.50	.02
Group 3	8.31	.60	.85	.50	.02
Group 4	8.36	.60	.85	.50	.02
Group 5	8.41	.60	.85	.50	.02
Group 6	8.46	.60	.85	.50	.02
Group 7	8.81	.60	.85	.50	.02
Zone 3 - Kenosha County					
Group 1	8.16	.60	.70	.50	.02
Group 2	8.26	.60	.70	.50	.02
Group 3	8.31	.60	.70	.50	.02
Group 4	8.36	.60	.70	.50	.02
Group 5	8.41	.60	.70	.50	.02
Group 6	8.46	.60	.70	.50	.02
Group 7	8.81	.60	.70	.50	.02
Zone 4 - Dane County					
Group 1	8.51	.45	.40		.02
Group 2	8.56	.45	.40		.02
Group 3	8.61	.45	.40		.02
Group 4	8.66	.45	.40		.02
Group 5	8.71	.45	.40		.02
Zone 5 - Remainder of State					
Group 1	8.23	.45	.40		.02
Group 2	8.28	.45	.40		.02
Group 3	8.33	.45	.40		.02
Group 4	8.38	.45	.40		.02
Group 5	8.43	.45	.40		.02

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LABORERS: (Cont'd)

Classifications for Zones 1, 2 and 3 RESPECTIVELY

Group 1: Bituminous workers (shoveler, loader, utility man), Demolition and wrecking laborer, Guard rail builder, Reinforcing steel setter (pavement), Stone handler, Tree trimmer, Landscaper, Multiplate culvert sssembler, Conduit layer, Unskilled laborer

Group 2: Bituminous worker (dumper, ironer, smoother, tamper), Batch truck dumper, Cement handler, Concrete handler

Group 3: Chain Saw Operator, demolition burning torch laborer, Joint sawyer and filler (pavement), Vibrator or tamper operator (mechanical, hand operated)

Group 4: Air tool operator (hand operated)

Group 5: Form setter (curb, walk & pavement), Strike offman

Group 6: Bituminous Worker (raker and luteman)

Group 7: Powderman, blaster

LABORERS (Cont'd)

Classifications for ZONES 4 and 5 RESPECTIVELY

Group 1: Bituminous Workers (dumper, ironer, smoother, tamper, shoveler, loader, utility man), Strike off man, Joint sawer or filler (pavement), Concrete handler, demolition & wrecking laborer, Guard rail builder, Reinforcing steel setter (pavement); Stone handler, Landscaper, Multiplate culvert assembler, Conduit layer, Unskilled labor

Group 2: Form setter (curb, walk, & pavement), Tree trimmer

Group 3: Air tool operator, vibrator or tamper operator, Batch truck dumper, Cement handler

Group 4: Bituminous worker (raker, luteman), Chain saw operator, Demolition burning torch laborer

Group 5: Powderman, blaster

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$10.92	.85	.65		.10
Group 2	10.66	.85	.65		.10
Group 3	10.57	.85	.65		.10
Group 4	10.49	.85	.65		.10
Group 5	10.41	.85	.65		.10
Group 6	10.37	.85	.65		.10
Group 7	10.28	.85	.65		.10
Group 8	10.16	.85	.65		.10
TRUCK DRIVERS					
Zone 1 - Milwaukee, Ozaukee, Washington & Waukesha Counties					
Group 1	8.80	$30.50a	$31.00a	.35	
Group 2	8.95	30.50a	31.00a	.35	
Zone 2 - Kenosha & Racine Cos.					
Group 1	8.80	136.04b	31.00a	.35	
Group 2	8.95	136.04b	31.00a	.35	
Zone 3 - Remainder of State					
Group 1	8.80	132.16b	31.00a	.35	
Group 2	8.95	132.16b	31.00a	.35	

FOOTNOTE:

a. Per week peremployee on payroll 30 days or longer

b. Per month per employee on payroll 30 days or longer.

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POWER EQUIPMENT OPERATORS

CLASSIFICATIONS:

Group 1: Bituminous paver or plant, Concrete breaker (truck mounted heavy), Crane, Derrick, dragline, Dredge, Piledriver, Power shovel, Material hoist, Mixer or paver 21 cu. ft. or over, Roller over 5 ton, Self-propelled stabilizing mixer, Trenching machine, Tractor (side boom, heavy), Concrete pavement spreader (heavy duty) Rubber tires, Hydraulic back hoe, Asphalt Plane engineer; Automatic slip form concrete paver, Automatic concrete subgrader, Batch mixer, portable, Caisson rigs, Central Mixer concrete, Dredge engineer, Concrete batch plantengineer, Central mix plant concrete, Percussion or rotary drill machine, Grader or motor patrol, Loading machine (conveyor), Mechanic or welder (heavy duty equipment), Tractor (scraper, dozer, push, loader), Tugger, End Loader, Asphalt Heater and planer, Boatman, Bump cutter and grooving machine, Shoulder widener, Winches and "A" frames, Tube finisher

Group 2: Concrete mixer less than 21 cu. ft., Concrete pump, sTeel roller, 5 tons or less

Group 3: Screed (bituminous paver), Shoulderingmachine, Self-propelled chip spreader

Group 4: Concrete breaker and Tamper (light), Concrete spreader, Finishing machine, Mechanical float, Curing machine, Power subgrader, Joint sawer (multiple blade), Launch, Roller (pneumatic tired) Self-propelled tractor (mounted or towed compactors and light equipment), Light rubber tired tractor - end loader, fork-lift, Belting machine, Burlap machine, Jeep digger, Mulcher, Texturing machine

Group 5: Fireman, Evironmental burner

Group 6: Air compressor, Drilling or boring machine (mechanical heavy), Greaser (heavy equipemnt) Lead-man, Tank car heaters, Stump chipper, Curb machine, Concrete proportioning plant, Generators, Mud Jacks

Group 7: Crusher or screening plant, Automatic belt conveyor and surge bin, pneumatic tired roller farm tractor towed, Pug mill

Group 8: Oiler, Pump over 3" Surge bin, Drilling machine helper

TRUCK DRIVERS

Group 1: Truck drivers, 2 Axle - Mechanics helper, truck

Group 2: TRuck Driver, 3 or more axle trucks - euclid or Dumpster type hauling units - Mechanic, truck

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTY: Statewide
DECISION NUMBER: WI78-2108 DATE: Date of Publication
Supersedes Decision No. WI77-2126 dated August 26, 1977 in 43 FR 43364
DESCRIPTION OF WORK: Heavy, Sewer, Tunnel & Water Construction

BRICKLAYERS & STONEMASONS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - BARRON, BUFFALO, CHIPPEWA, DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, RUSK, ST. CROIX, & SAWYER COUNTIES, BURNETTE County South of Hwy. 70 including the City of Grantburgh the Northern ½ of TREMPEALEAU County, and the Southern ½ of WASHBURN County	$ 9.75	.65	.25		.04
ZONE 2 - BROWN, CALUMET, DOOR, FLORENCE, FOND DU LAC, GREEN LAKE, KEWAUNEE, MANITOWOC, MARINETTE, MARQUETTE, OCONTO, OUTAGAMIE, SHEBOYGAN, WAPAUCA, WASHARA, & WINNEBAGO Counties and all of SHAWANO County except the North West panhandle	9.40	.65	.40	.55	
ZONE 3 - GREEN, LAFAYETTE & ROCK Counties	10.13	.65	.30	.25	
ZONE 4 - CRAWFORD, JACKSON, JUNEAU, LA CROSSE & VERNON Counties and the remainder of TREMPEALEAU County	9.70	.40	.25		
ZONE 5 - WALWORTH County	11.25	.60	.60	.50	
ZONE 6 - DANE, GRANT, IOWA & RICHLAND COUNTIES	9.29	.65	.60	.50	
ZONE 7 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA COUNTIES	10.61	1.07	.90	.56	
ZONE 8 - COLUMBIA & SAUK Counties	10.10	.65	.30		
ZONE 9 - KENOSHA & RACINE Counties	11.25	.60	.60	.50	
ZONE 10 - ASHLAND, BAYFIELD, DOUGLAS & IRON Counties and the remainder of BURNETT & WASHBURN Counties	10.06	.45	.45		
ZONE 11 - DODGE & JEFFERSON COUNTIES	9.85	.55	.25	.40	
ZONE 12 - ADAMS, CLARK, FOREST, LANGLADE, LINCOLN, MARATHON, MENOMINEE, ONEIDA, PORTAGE, PRICE, TAYLOR, VILAS & WOOD Counties and the remainder of SHAWANO County	10.05	.65	.30		

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CARPENTERS & PILEDRIVERMEN	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - ASHLAND & IRON Counties and the East ½ of BAYFIELD CO.					
Carpenters	$ 9.44	.50	.35	.15	
Piledrivermen	9.64	.50	.35	.15	
ZONE 2 - BARRON, BURNETT, CHIPPEWA DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, RUSK, SAWYER & WASHBURN Counties the North ½ of BUFFALO, JACKSON & TREMPEALEAU Counties, CLARK County, West of Hwy. 73 & TAYLOR Co. West of Hwy. 73 & North of Hwy. 64 to Hwy 13 to PRICE County line					
Carpenters	10.22	.50	.60		.05
Piledrivermen	10.62	.50	.60		.05
ZONE 3 - BROWN, CALUMET, DOOR, POND DU LAC, GREEN LAKE, KEWAUNEE, MANITOWOC, MARQUETTE, MENOMINEE, OCONTO, OUTGAMIE, SHAWANO, WAUPACA, & WAUSHARA Counties & the South ½ of MARINETTE County					
Carpenters	9.92	.50	.60		.05
Piledrivermen	10.32	.50	.60		.05
ZONE 4 - GREEN & ROCK Counties & JEFFERSON County South of Hwy 30					
Carpenters	10.90	.50	.60		.05
Piledrivermen	11.05	.50	.60		.05
ZONE 5 - KENOSHA County					
Carpenters	11.00	.40	.85		.05
Piledrivermen	11.08	.40	.85		.05
ZONE 6 - LA CROSSE, MONROE & VERNON Counties, the remainder of BUFFALO, JACKSON & TREMPEALEAU Counties & in JUNEAU County, West of County tract 80 & South of Hwy. 21					
Carpenters	9.92	.50	.60		.05
Piledrivermen	10.32	.50	.60		.05

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CARPENTERS & PILEDRIVERMEN CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 7 - CRAWFORD, COLUMBIANA, DANE, DODGE, GRANT, IOWA, LAFAYETTE, RICHLAND & SAUK Counties and the remainder of ADAMS, JEFFERSON AND JUNEAU Counties					
Carpenters	$ 10.27	.50	.60		.05
Piledrivermen	10.67	.50	.60		.05
ZONE 8 - FLORENCE County & the remainder of MARINETTE County					
Carpenters	10.69	.60	.70		.01
Piledrivermen	10.69	.60	.70		.01
ZONE 9 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties					
Carpenters	10.37	.80	.80	.51	
Piledrivermen	10.91	.80	.80	.51	
ZONE 10 - RACINE County East of Highway 75					
Carpenters	10.80	.60	.85		.05
Piledrivermen	10.88	.60	.85		.05
ZONE 11 - SHEBOYGAN County					
Carpenters	10.20	.75	.30		
Piledrivermen	11.24	.75	.30		
ZONE 12 - DOUGLAS County & the West ½ of BAYFIELD County					
Carpenters	9.45	.30	.40	.50	
Piledrivermen	9.45	.30	.40	.50	
ZONE 13 - WALWORTH County and RACINE County West of Hwy. 75					
Carpenters	10.90	.50	.60		.10
Piledrivermen	11.05	.50	.60		.10
ZONE 14 - FOREST, LANGLADE, LINCOLN, MARATHON, ONEIDA, PORTAGE, PRICE, VILAS & WOOD Counties and the remainder of ADAMS, CLARK, JUNEAU & TAYLOR Counties					
Carpenters	9.92	.50	.60		.05
Piledrivermen	10.32	.50	.60		.05

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CEMENT MASONS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 -ASHLAND, BAYFIELD, DOUGLAS & IRON Counties & the North ½ of BURNETTE & WASHBURN Counties	9.69	.75	.45		
ZONE 2 - BARRON, CHIPPEWA, DUNN, POLK, RUSH, ST. CROIX, & SAWYER Counties and the remainder of BURNETTE & WASHBURN Counties	9.75	.65	.25		.04
ZONE 3 - ADAMS, CLARK, FOREST, LANGLADE, LINCOLN, MARATHON, MENOMINEE, ONEIDA, PORTAGE, PRICE, TAYLOR, VILAS & WOOD Counties and the Northwest panhandle of SHAWANO County	9.55	.65	.30		
ZONE 4 - EAU CLAIRE, PEPIN & PIERCE Counties & the North ½ of BUFFALO, JACKSON & TREMPEALEAU Counties	10.23	.75	.40		.04
ZONE 5 - BROWN, CALUMET, DOOR, FLORENCE, FOND DU LAC, GREEN LAKE, KEWAUNEE, MANITOWOC, MARINETTE, MARQUETTE, OCONTO, OUTAGAMIE, SHEBOYGAN, WAUPACA, WAUSHARA & WINNEBAGO Counties and the remainder of SHAWANO County	9.45	.65	.40		.02
ZONE 6 - CRAWFORD, JUNEAU, LA CROSSE, MONROE, RICHLAND & VERNON Counties & the Remainder of BUFFALO, JACKSON & TREMPEALEAU Counties	9.18	.45	.25		
ZONE 7 - DODGE & JEFFERSON Cos.	10.20	.75	.40		
ZONE 8 - COLUMBIA & SAUK Counties	9.85	.65	.40		
ZONE 9 - MILWAUKEE, OZAUKEE, WASHINGTON & WASKESHA Counties	10.55	1.15	.90	.51	
ZONE 10 - DANE, GREEN, IOWA, LAYFAYETTE & ROCK Counties	10.00	.80	.75		
ZONE 11 - GRANT County	9.93				
ZONE 12 - WALWORTH County	9.96	.60	.60	.50	
ZONE 13 - KENOSHA & RACINE COS.	10.09	.60	.85	.50	

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ELECTRICIANS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - OUTAGAMIE, WAUPACA, WASHARA & WINNEBAGO Counties; All of CALUMET County except the Township of New Halstein; Berlin St. Marie and Seneca Townships in GREEN LAKE County, and Crystal Lake, Neshkoro, Newton and Springfield Townships in MARQUETTE County	$11.83	.60	3%		
ZONE 2 - BARRON, CHIPPEWA, CLARK, DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, RUSK & TAYLOR Cos. in BUFFALO Co. that portion North of Glencoe, Milton & Waumandee Twps, In BURNETTE Co., that portion South of Lincoln, Meenon, Rusk, Sand Lake and West Marchland Twps., in JACKSON County that portion North of Adams, Allison & Springfield Twps., All of PIERCE County except Eisenstein, Tifield and Lake Twps, All ST. CROIX County except Hudson, St. Joseph, Somerset & Troy Twps., In SAWYER County the Twps. of Edgewater, Meadowrock, Metor & Weigor & South thereof, In TREMPEALEAU Co. the Twps of Burnside, Lincoln & Pigeon North thereof &; in WASHBURN CO. The Twps of Buck wood, Evergreen, Madge & Spooner & South thereof	11.62	5%	3%		
ZONE 3 - BROWN, DOOR AND KEWAUNEE Counties; in OCONTO County, that portion South of How, Leno, Mable Valley, Oconto & Spruce Twps.; & in Shawano County that portion South of Aniwa & Hutchins Twps. also Manitowoc County	11.73	.60	3%		½%

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 4 - FLORENCE & FOREST Cos. and that portion of MARINETTE County North of Ambest Athelstane & Silver Cliff Twps.	$11.74	.50	3%		.5%
ZONE 5 - KENOSHA County	12.07	.51	3%	.25	3/4%
ZONE 6 - CRAWFORD, GRANT, JUNEAU, LA CROSSE, MONROE, RICHLAND & VERNON Cos. & the remainder of BUFFALO, JACKSON & TREMPEALEAU Counties	11.25	.55	3%		
ZONE 7 - WALWORTH County	11.35	.50	3%	7%	½%
ZONE 8 - COLUMBIA, DANE, DODGE, IOWA & SAUK Counties & the remainder of GREEN LAKE & MARQUETTE Counties	11.13	.74	3%	8%	½%
ZONE 9 - SHEBOYGAN County the remainder of CALUMET County and Schleswig Township in MANITOWOC County	9.83	.92	3%+.35	10%	½%
ZONE 10 - ASHLAND, BAYFIELD, DOUGLAS & IRON & the remainder of BURNETT, PRICE, SAWYER & WASHBURN COUNTIES	10.80	4%	3%	11%	3%
ZONE 11 - ADAMS, LANGLADE, LINCOLN, MARATHON, ONEIDA, PORTAGE & VILAS Cos.; the remainder of SHAWANO Co. & all of MENOMINEE West of a line six miles West of Oconto County line & WOOD CO.	10.20	.45	3%	8%	1/8%
ZONE 12 - FOND DU LAC County	9.83	.92	3%+.35	10%	½%
ZONE 13 - GREEN, JEFFERSON LA FAYETEE, & ROCK Counties	11.35	.50	3%	7%	½%
ZONE 14 - RACINE County	12.27	.55	3%		
ZONE 15 - MILWAUKEE, OZAUKEE, WASHINGTON & WASKESHA Cos.	11.13	.92	3%+.35	10%	½%
ZONE 16 - The remainder of MARINETTE, MENOMINEE & OCONTO Counties	11.73	.60	3%		½%

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IRONWORKERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
ZONE 1 - BARRON, BUFFALO, CHIPPEWA, DUNN, EAU CLAIR, PEPIN PIERCE, POLK, ST. CROIX & TREMPEALEAU Counties; the South-West ¼ of BURNETT, RUSK & TAYLOR Counties; & the N. W. ¼ of CLARK & JACKSON Counties	10.85	.75	.60		.02
ZONE 2 - ASHLAND, BAYFIELD, DOUGLAS, IRON, LINCOLN, ONEIDA, PRICE, SAWYER, VILAS, WASHBURN Counties; the remainder of BURNETT, RUSK & TAYLOR COUNTIES THE N. W. ¼ of FOREST COUNTIES AND THE N. W. 1/3 of FLORENCE County	11.10	.40	.60	.10	
ZONE 3 - ADAMS, COLUMBIA, CRAWFORD, DANE, GRANT, GREEN LAKE, IOWA, JUNEAU, LA CROSSE, LAFAYETTE, LANGLADE, MARATHON, MARQUETTE, MENOMINEE, MONROE, PORTAGE, RICHLAND, SAUK, VERNON, WAUPACA, WAUSHARA, WINNEBAGO, & WOODS Counties; the remainder of CLARK FOREST, & JACKSON Counties; the West 2/3 of DODGE & SHAWANO Counties the West ½ of FOND DU LAC Co. all of GREEN County except the South-East corner; all of JEFFERSON County except the extreme Eastern portion; the West 1/3 of OUTAGAMIE County; the Townships of Edgerton, Evansville, Milton & Polesville in ROCK County & the North-West dorner of WALWORTH County including the town of Whitewater	11.52	.65	.375		.055

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IRONWORKERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 4 - BROWN, CALUMET, DOOR, KENOSHA, KEWAUNEE, MANITOWOC, MARINETTE, MILWAUKEE, OZAUKEE, RACINE, SHEBOYGAN, WASHINGTON, & WAUKESHA Counties; the remainder of DODGE, FLORENCE, FOND DU LAC, JEFFERSON, OCONTO, OUTAGAMIE & SHAWANO Cos.; & the East ½ of WALWORTH	10.66	1.10	.80	1.15	.15
ZONE 5 - The remainder of GREEN, ROCK & WALWORTH Counties	12.60	.65	.375		.10
LINE CONSTRUCTION					
Lineman	9.97	.45	7%		
Heavy Equipment Operator	8.97	.45	7%		
Light Equipment Operator	7.98	.45	7%		
Truck Drivers & Heavy Groundman	6.98	.45	7%		
Light Groundman & Truck Driver	6.48	.45	7%		
Groundman	5.48	.45	7%		
PAINTERS:					
ZONE 1 - LANGLADE, LINCOLN, MENOMINEE, ONEIDA & PRICE COUNTIES The West 3/4 of FOREST County; In MARATHON Co. West of Hwy. 97 & South to Hwy. 153 & TAYLOR County North of Hwy. 64					
Brush	9.50				
Spray	10.00				
ZONE 2 - BARRON, BUFFALO, BURNETTE, CHIPPEWA, DUNN, EAU CLAIRE, PEPIN, PRICE, POLK, RUSK, ST. CROIX, SAWYER, TREMPEALEAU & WASHBURN Counties					
Brush	9.05				
Spray	9.30				
Steel	9.30				

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 3 - BROWN, DOOR, KEWAUNEE, & OCONTO Counties					
Brush	9.88	.80			
Spray	9.88	.80			
ZONE 4 - FLORENCE Co. & the Northern ½ of MARINETTE Co.					
Brush	8.00				
Steel	8.75				
ZONE 5 - KENOSHA & WALWORTH CO.					
Brush	9.775	.50	.60		
Spray	10.025	.50	.60		
ZONE 6 - ADAMS, CLARK, CRAWFORD, JACKSON, JUNEAU, LA CROSSE, MONROE, PORTAGE, VERNON & WOOD Counties; & the remainder of MARATHON & TAYLOR COUNTIES					
Brush	8.70		.45		
Spray	9.12		.45		
ZONE 7 - COLUMBIA, DANE, DODGE, GRANT, GREEN, IOWA, LAFAYETTE RICHLAND, ROCK & SAUK Counties					
Brush	9.29	.70	.30	.30	
Spray	10.04	.70	.30	.30	
ZONE 8 - MANITOWOC County & the South ½ of Calumet County					
Brush	9.10				
Spray and Steel	9.10				
ZONE 9 - The remainder of MARINETTE & FOREST Counties					
Brush	5.45				
Spray	6.10				
ZONE 10 - JEFFERSON, MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties					
Brush	10.55	.80	.80	.50	
Steel and Spray	10.55	.80	.80	.50	

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 11 - POND DU LAC, GREEN LAKE, MARQUETTE, OUTAGAMIE, SHAWANO, WAUSHARA, WAUPACA & WINNEBAGO Counties & the remainder of CALUMET COUNTY					
Brush & Steel	9.45	.70	.10		
Spray	9.95	.70	.10		
ZONE 12 - RACINE County					
Brush	9.35	.60	.80		
Spray	9.95	.60	.80		
ZONE 13 - SHEBOYGAN County					
Brush & Steel	7.25	.40	.30	.30	
Spray	7.75	.40	.30	.30	
ZONE 14 - ASHLAND, BAYFIELD, DOUGLAS, IRON & VILAS Counties					
Brush	10.68	.40	.40		.09
Spray & Steel	10.68	.40	.40		.09
LABORERS					
ZONE 1 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties					
OPEN CUT					
GROUP 1 - Yard & landscape laborer	9.65	1.05	.90	.51	
GROUP 2 - Paving laborer	9.70	1.05	.90	.51	
GROUP 3 - General laborer on surface, pipe layer tender, top man behind machine, kettle man, top man	9.82	1.05	.90	.51	
GROUP 4 - Gunnite man on top, scaffold man, mud mixer	9.87	1.05	.90	.51	
GROUP 5 - Mucker, form stripper, bottom digger miscellanious bottom man, welder on surface	10.04	1.05	.90	.51	
GROUP 6 - Concrete manhole builder, caisson worker, miner pipelayers, caulker, joint man, pipe yarner, timber man, concrete brusher, bracer in trench behind machine, bracer in tight sheeting, concrete formsetter, shoveler, concrete buster, jack hammer on rock driller	10.43	1.05	.90	.51	

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LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 7 - Blaster	$10.59	1.05	.90	.51	
TUNNEL-FREE AIR					
GROUP 8 - Tower man, general laborer on surface	9.82	1.05	.90	.51	
GROUP 9 - Saw man, top man	9.87	1.05	.90	.51	
GROUP 10 - Form stripper, car pusher	10.04	1.05	.90	.51	
GROUP 11 - Mucker, mucking machine, dinkey, welder on surface	10.14	1.05	.90	.51	
GROUP 12 - Concrete manhole builder, concrete buster, jack hammer op., rock driller, caisson workers, caulker, joint man, pipe yarner, bracerman, on gunnite, timber man, concrete brusher	10.43	1.05	.90	.51	
GROUP 13 - Miner, mining machine welder in tunnel	10.53	1.05	.90	.51	
GROUP 14 - Blaster	10.59	1.05	.90	.51	
TUNNEL COMPRESSED AIR					
GROUP 15 - Welder on surface	10.81	1.05	.90	.51	
GROUP 16 - Lock tender on surface	10.45	1.05	.90	.51	
GROUP 17 -Form stripper, car pusher	10.54	1.05	.90	.51	
GROUP 18 - Mucker, mucking machine, dinkey	10.64	1.05	.90	.51	
GROUP 19 - Lock tender in tunnel concrete buster, jack hammer, rock driller, caisson worker, pipe layer, caulker, joint man, pipe yarner, braceman, nozzle man on gunnite, timber man, concrete brusher	10.81	1.05	.90	.51	
GROUP 20 - Miner, Mining machine welder in tunnel	10.91	1.05	.90	.51	
GROUP 21 - Blaster	10.98	1.05	.90	.51	

DECISION NO. WI78-2108

LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 2 - DANE COUNTY					
GROUP 1 - Laborer, wellpoint installation, wire mesh & reinforcement, concrete worker, form stripper, strike-off worker	$ 9.00	.40	.35		.02
GROUP 2 - Machine & equipment op. shoeing, formsetting, patch-finisher, bottomman, jointsawer, gunnite man, manhole builder, welder, torchman, blaster, caulker, bracer, bull float, conduit worker, all power driven tools, mucker, car pusher, raker, luteman	9.20	.40	.35		.02
GROUP 3 - Pilelayer, miner, laser operator	9.55	.40	.35		.02
ZONE 3 - WAUKESHA COUNTY					
GROUP 1 - Topman	8.20	.50	.70	.70	
GROUP 2 - Bracer, builder, caulker, pipelayer, bottomman, air or electric tool operator	8.55	.50	.70	.70	
GROUP 3 - Blaster, cement manhole builder	8.90	.50	.70	.70	
ZONE 4 - RACINE COUNTY					
GROUP 1 - Topman	8.15	.60	.85	.50	
GROUP 2 - Bracer Builder, caulker, pipelayer, bottomman, air or electric tool operator	8.50	.60	.85	.50	
GROUP 3 - Blaster, cement manhole builder	8.85	.60	.85	.50	

SION NO. WI78-2108

RERS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
5 - Remainder of State					
P 1 - Laborers, wellpoint tallation wire mesh & rein-cement, concrete worker, form ipper, strike-off worker	$ 8.50	.40	.35		.02
P 2 - Machine & Equipment , sheeting, form setting, ch finsiher, bottomman, nt sawer, gunnite man, man-e builder, welder, torchman, ster, caulker, bracer, bull-at, conduit worker, all er driven tools, mucker, pusher raker, luteman	8.70	.40	.35		.02
P 3 - Pipelayer, miner, laser rator	9.05	.40	.35		.02

DECISION NO. WI78-2108

POWER EQUIPMENT OPERATORS
Heavy, Tunnel & Sewer Construction

Area 1 - Kenosha, Milwaukee, Ozaukee, Racine, Washington & Waukesha Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.90		.10
GROUP II	10.42	.75	.90		.10
GROUP III	10.12	.75	.90		.10
GROUP IV	10.02	.75	.90		.10
GROUP V	9.81	.75	.90		.10
GROUP VI	9.57	.75	.90		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, skid rigs, derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p.), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, tractor, Bulldozer, End-loader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type), Assistant engineer, "A" frame and winch trucks, concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, safety Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3" Augers (vertical and horizontal), combination small equipment operator, Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

ISION NO. WI78-2108

ER EQUIPMENT OPERATORS
ry, Tunnel & sewer
struction

a 2 - Remainder of
unties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
P I	10.67	.75	.70		.10
P II	10.42	.75	.70		.10
P III	10.12	.75	.70		.10
P IV	10.02	.75	.70		.10
P V	9.81	.75	.70		.10
P VI	9.57	.75	.70		.10

P I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, sson rigs, Pile driver, skid rigs, derrick operator and traveling ne (Bridge type), Concrete paver (over 27E), Concrete spreader and tributor

P II - Material hoists, Tractor or truck mounted hydraulic backhoe ctor or truck mounted hydraulic crane (5 tons or under), Manhoist, ctor (over 40 h.p.), Bulldozer (over h.p.), Endloader (over 40 h.p.), clift (25' and over), Motor patrol, Scraper operator, Sideboom, ddle carrier, Mechanic and welder, Bituminous plant and paver rator, Roller (over 5 tons), Rotary drill operator and blaster, ncher (wheel type or chain type having over 8-inch bucket)

P III - Concrete and grout pumps, Backfiller, Concrete auto breaker ge), Concrete finishing machine (Road type), Roller (rubber tire), rete batch hopper, Concrete conveyor systems, Concrete mixers (14S wer), Screw type pumps, and gypsum pumps, tractor, Bulldozer, End- er (under 40 h.p.), Pumps (well points), Trencher (chain type having et 8-inch and under), Industrial locomotives, roller (under 5 tons) firemen (pile drivers and derricks)

IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors ng type), Assistant engineer, "A" frame and winch trucks, concrete breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), p chipper (large), Boats, safety Work, Barges and launch)

V - Shouldering machine operator, Screed operator, Farm or industrial tor mounted equipment, Post hole diggers, Stone crushers and Screening ts, Firemen (asphalt plants), air compressor (300 CFM or over)

VI - Generators over 15 KW, Pumps over 3" Augers (vertical and zontal), combination small equipment operator, Air, electric Hydraulic s (slip form), Compressors (under 300 CFM); Welding machines, Heaters hanical), Prestress machines, Bobcats, Generators (under 150 KW), stors (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' under)

SUPERSEDEAS DECISION

STATE: Wisconsin

COUNTIES: Ashland, Bayfield and Douglas

DECISION NUMBER: WI78-2110

DATE: Date of Publication

Supersedes Decision No. WI77-2105 dated July 22 1977 in 42 FR 37766

DESCRIPTION OF WORK: Building (including residential) Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.65	.40	.25		
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS	10.51	.75	.45		
CARPENTERS: Ashland County	9.44	.50	.35	.15	
Bayfield & Douglas Cos	9.45	.30	.40	.50	
(Residential) Bayfield & Douglas Cos.	5.82	.50	.40		.05
(Residential) Ashland	5.92	.50	.30		.03
CEMENT MASONS: Douglas County	9.69	.75	.45		
Ashland & Bayfield Counties	9.69	.75	.45		
ELECTRICIANS	11.47	4%	5%	11%	1%
Residential	7.00	.35	3%		1%
ELEVATOR CONSTRUCTORS:					
Constructors	9.99	.545	.35	a&b	
Helpers	6.99	.545	.35	a&b	
Helpers (Prob.)	4.995				
IRONWORKERS	11.10	.40	.60	.10	.02
LATHERS	10.55	.30	.45		
LINE CONSTRUCTION:					
Linemen	9.97	.45	7%		
Heavy Equipment Operator	8.97	.45	7%		
Light Equipment Operator	7.98	.45	7%		
Heavy Groundman - Truck Driver	6.98	.45	7%		
Light Groundman - Truck Driver	6.48	.45	7%		
Groundman	5.48	.45	7%		
MILLWRIGHTS & PILEDRIVERMEN:					
Ashland County	9.64	.50	.35	.15	
Bayfield & Douglas Counties					
Millwrights	9.45	.30	.40	.50	
Piledrivermen	9.45	.30	.40	.50	
PAINTERS:					
Brush	10.08	.40	.40		.09
Spray	10.68	.40	.40		.09
PLASTERERS	10.20	.30		.45	
PLUMBERS	10.41	.30	.75	1.00	.05
ROOFERS	10.08	.40	.25	1.00	
SHEET METAL WORKERS	10.35	.40	.44	1.00	
SOFT FLOOR LAYERS	9.44	.50	.35	.15	
SPRINKLER FITTERS	12.10	.75	1.05		.08
TERRAZZO WORKERS	10.51	.75	.45		
TILE SETTERS	10.51	.75	.45		

Welders receive rate prescribed for craft performing operation to which welding is incidental.

DECISION NO. WI78-2110

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years

c. Holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, regularly scheduled work days immdiately preceding and following the holiday.

DECISION NO. WI78-2110 WISC. 18 - LAB G

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
GENERAL LABOR:					
Handling of material for carpenters, craftsmen, cleaning forms, rough, grading, digging shallow trenching, tool checkers, general labor around building & construction work	8.50	.30	.35		
CONCRETE WORK:					
Concrete, bituminous concrete aggregates for walls, footings foundations, floors, any other const. Mixing, handling, conveying, pouring, vibrating, gunniting, etc. Operating motorized wheelbarrows, buggies or machines of similar character, the hooking on, signaling dumpling & unhooking of bucket when concrete or aggregates are conveyed by crane, derrick or similar method. Placing of concrete or aggregates, Assembly, uncoupling cleaning, etc. of equipment used in mixing or conveying concrete, aggregates or mortar, all vibrating, grinding, spreading, flowing, puddling, leveling and strike-off of concrete or aggregates by floating, rodding or screening, Loading, unloading, etc., of prestressed or pre-cast concrete, slabs, wall, etc. Mixing, handling, conveying, placing & spreading of grout, cutting of concrete or aggregate	8.50	.30	.35		
Jackhammer, concrete busters, air spades, sheeting drivers, air hammers, jumping jack tamper	8.75	.30	.35		
Vibrators, mason tenders, tile & terrazzo helpers demolition & wrecking laborers, Lanscaping	8.50	.30	.35		

DECISION NO.WI78-2110

WISC. 18 LAB G

LABORERS: CONCRETE WORK: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Steel burners & steel form setters, mixing by hand for two or more bricklayers, hod carriers & plaster laborers	8.75	.30	.35		
Mixing by hand for one bricklayer, operator of power machinery used in cleaning brick roofing helper & Kettlemen, jack men on slip forms, underpinning, lagging, bracing, propping, shoring and all basement work etc.	8.50	.30	.35		
Miners, shafts, tunnels, underground sewers, drilling & blasting & compressed air work under ground or in compression chamber	8.85	.30	.35		
SEWER WORK:					
Pipelayers, cement manhole builder	8.75	.30	.35		
Bottom man and bracrers, caulker & joint man, swamper on a pipe gang, buffing machine man	8.65	.30	.35		
Kettlemen, top man	8.50	.30	.35		
DYNAMITE MAN	8.95	.30	.35		
Handling creosoted lumber, pileing square timber & like material where covered with creosote applying bit, or creosote on wood, steel or cement	8.75	.30	.35		
Work on towers or scaffolds 25 ft. or more above gground	8.75	.30	.35		
BITUMINOUS WORKER:					
Dumper, ironer, smoother, shoveler, loader,utility man Raker, luteman	8.65	.30	.35		
STEEL WORK:					
Handling of all rods, mesh & material for use in reinforcing concrete const. hoisting rods, mesh & other materials except when a derrick or outrigger operated by other than hand is used	8.50	.30	.35		

DECISION NO. WI78-2110

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.70		.10
GROUP II	10.42	.75	.70		.10
GROUP III	10.12	.75	.70		.10
GROUP IV	10.02	.75	.70		.10
GROUP V	9.81	.75	.70		.10
GROUP VI	9.57	.75	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, Skid rigs, Derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic Backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, Tractor, Bulldozer, Endloader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type),Asssistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), Air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3", Augers (vertical and horizontal), combination small equipment operator; Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), Pumps (3" and under); Winches (small electric),Oiler and greaser, Boiler operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

SUPERSEDEAS DECISION

STATE: Wisconsin

COUNTIES: Barron, Dunn, Polk & St. Croix Counties

DECISION NUMBER: WI78-2114

DATE: Date of Publication

Supersedes Decision No. WI77-2106 dated, July 22, 1977 in 42 FR 37769

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

49-Wisconsin B

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.32	.51	.65		.02
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS	10.23	.75	.40		.04
CARPENTERS:					
Carpenters	10.22	.50	.60		.05
Millwrights & Piledrivermen	10.62	.50	.60		.05
CEMENT MASONS	10.23	.75	.40		.04
ELECTRICIANS: (Hudson, St Joseph & Troy Twps. in St. Croix Co.	10.65	5 3/4%	4%	11½%	1%
ELECTRICIANS (Remainder of Area)	11.62	5%	3%		½%
ELEVATOR CONSTRUCTORS:					
Constructors	10.87	.745	.35	a or b	.02
Helpers	7.61	.745	.35	a or b	.02
Helpers (Prob.)	50%JR				
IRONWORKERS: Structural, Ornamental and Reinforcing	10.85	.75	.60		.02
LABORERS:					
Laborers, common	8.38	.45	.40		.02
Mortar mixer & plasterer laborer air, gas & electric equipment, vibrator operator, Kettlemen, dumpmen & pittmen, Burner on wrecking, Scaffold builder & washing walls on swinging scaffold, Gunnite man & nozzle men, puddlers (when concrete pumps & when working behind paving machine, Cement dumper dumper	8.53	.45	.40		.02
Jackhammer	8.63	.45	.40		.02
LATHERS	10.00				
LINE CONSTRUCTION:					
Linemen	9.97	.45	7%		
Heavy Equipment Operator	8.97	.45	7%		
Light Equipment Operator	7.98	.45	7%		
Heavy Groundmen - Truck Driver	6.98	.45	7%		
Light Groundmen - Truck Driver	6.48	.45	7%		
Groundmen	5.48	.45	7%		

DECISION NO. WI78-2114

49 - Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush	8.80			5%	
Structural Steel	9.05			5%	
Sandblaster & Spray	9.30			5%	
Swing Stage	9.30			5%	
PLASTERERS	10.60				
PLUMBERS & STEAM FITTERS	10.07	.45	.65	1.00	
ROOFERS	10.07			3%+.10	
SHEET METAL WORKERS	10.82	.75	.55		.03
TRUCK DRIVERS:					
Two axle	8.05	c	d	.20	
3 or more axles	8.15	c	d	.20	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day;

FOOTNOTES:

A. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

b. Holidays A through F

c. $14.25 per week for each employee.

d. $13.00 per week for each employee

DECISION NO. WI78-2114

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.70		.10
GROUP II	10.42	.75	.70		.10
GROUP III	10.12	.75	.70		.10
GROUP IV	10.02	.75	.70		.10
GROUP V	9.81	.75	.70		.10
GROUP VI	9.57	.75	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, Skid rigs, Derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic Backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, Tractor, Bulldozer, End-loader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type),Asssistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), Air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3", Augers (vertical and horizontal), combination small equipment operator; Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), Pumps (3" and under); Winches (small electric),Oiler and greaser, Boiler operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

SUPERSEDEAS DECISION

STATE: Wisconsin

COUNTIES: Brown, Door, Kewaunee & Oconto

DECISION NUMBER: WI78-2115

DATE: Date of Publication

Supersedes Decision No. WI77-2109 dated, July 22, 1977, in 42 FR 37771

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

5 - Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	10.81	.70	.50	.65	.05
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS & MARBLE SETTERS & STONEMASONS	9.95	.65	.40		.02
CARPENTERS	9.92	.60	.60		.05
CEMENT MASONS	9.45	.65	.40		.02
ELECTRICIANS	11.73	.60	3%		3%
ELEVATOR CONSTRUCTORS:					
Constructors	10.765	.745	.35	a&b	.02
Helpers	7.535	.745	.35	a&b	.02
Helpers (Prob.)	50% JR				
IRONWORKERS:					
Structural, Ornamental & Reinforcing	10.66	1.10	.80	1.15	.15
LATHERS	9.69	.75		.75+.17	
MILLWRIGHTS & PILEDRIVERMEN	10.32	.50	.60		.05
PAINTERS:					
Brush	9.50	.80		.50	
Structural Steel	9.88	.80		.50	
Spray & Swing Stage	9.88	.80		.50	
PLASTERERS	9.95	.65	.40		.02
PLUMBERS & STEAMFITTERS	11.05	.75	.90		.05
ROOFERS: Composition	9.88			.50	
SHEET METAL WORKERS	9.87	.60	.44	1.10	.02
SOFT FLOOR LAYERS	9.92	.50	.60		.05
TERRAZZO WORKERS & TILE SETTERS	9.95	.65	.40		.02
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

ISION NO. WI78-2115 5 - Wisconsin

) HOLIDAYS:
>w Year's Day B-Memorial Day; D-Independence Day; D-Labor Day;
ıanksgiving Day; F-Christmas Day.

NOTES:

Holidays, a through F

Employer contributes 8% regularly hourly rate tO vacaion pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employer who has worked in businesss less than 5 years

.05 holiday pay.

DECISION NO. WI78-2115 WISCONSIN 15 - LAB

BUILDING CONSTRUCTION

LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	8.35	.45	.40		.02
CLASS II	8.40	.45	.40		.02
CLASS III	8.55	.45	.40		.02

-- CLASS I - Construction laborers, form stripper, form oiler, form cleaner, dump men, pit men, building wrecker, plumbers laborer, motorized buggy operator, concrete laborer, air spade and chipping hammer, drag tender and signal man, concrete pumps and nozzle man, bituminous worker

CLASS II - Plasterer tender, hod carrier, dry cement handler, kettlemen, vibrator operator, slacking line, tile setter helpers, core drill operator

CLASS III - Jackhammer operator,driller gunite men, burner on wrecking, air operated concrete breaker, sheeting driver, power tamper, fork lift operator, jumping jack, terrazzo grinder, mortar and plaster mixer, creosote worker, bob cat operator, sand blaster, welder, mud jack operator, precast erector bituminous raker and luteman

DECISION NO. WI78-2115

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.70		.10
GROUP II	10.42	.75	.70		.10
GROUP III	10.12	.75	.70		.10
GROUP IV	10.02	.75	.70		.10
GROUP V	9.81	.75	.70		.10
GROUP VI	9.57	.75	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, Skid rigs, Derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic Backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, Tractor, Bulldozer, End-loader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type),Asssistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), Air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3", Augers (vertical and horizontal), combination small equipment operator; Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), Pumps (3" and under); Winches (small electric),Oiler and greaser, Boiler operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

SUPERSEDEAS DECISION

STATE: Wisconsin

COUNTIES: Calumet, Fond Du Lac, Manitowoc, Outagamie & Sheboygan Cos

DECISION NUMBER: WI78-2116

DATE: Date of Publication

Supersedes Decision No. WI77-2130 dated, September 23, 1977 in 42 FR 48597

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.81	.70	.50	.65	.05
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS	9.95	.65	.40		.02
CARPENTERS:					
All Counties but SHEBOYGAN Co.	9.92	.50	.60		.05
Sheboygan Co. Only	10.20	.75	.30		
Millwrights & Piledrivermen:					
All Counties but SHEBOYGAN Co.	10.32	.50	.60		.05
SHEBOYGAN Co. Only	11.24	.75	.30		
CEMENT MASONS	9.45	.65	.40		.02
ELECTRICIANS:					
CALUMET & OUTAGAMIE Cos.	11.83	.60	3%		
MANITOWOC Co.	10.93	.60	3%		1/8%
FOND DU LAC & SHEBOYGAN Cos.	9.83	.92	3%+.35	10%	½%
ELEVATOR CONSTRUCTORS:					
OUTAGAMIE CO.					
Constructors	10.76	.745	.35	a&b	.02
Helpers	7.535	.745	.35	a&b	.02
Helpers (Prob.)	50%JR				
Remainder of Counties					
Constructors	11.715	.745	.35	a&b	.02
Helpers	8.20	.745	.35	a&b	.02
Helpers (Prob.)	50%JR				
GLAZIERS	10.44	.92	.70		
IRONWORKERS:					
Western Part of FOND DU LAC Co. and OUTGAMIE Co.	11.27	.75	.525		.055
Remainder of the Area	10.96	1.20	.90	1.19	.15
LABORERS:					
General laborer; Bldg. Wrecker; Form Stripper	8.35	.45	.40		.02
Plaster Tender, Hod Carrier, Mason Tender, Vibrator oper.	8.40	.45	.40		.02
Jackhammeroperators, driller, Gunnite men, Mortar and plaster mixer, Fork lift operator	8.55	.45	.40		.02

DECISION NO. WI78-2116

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$ 9.69	.75		.75+.17	
PAINTERS:					
FOND DU LAC, OUTAGAMIE, & Northwest Corner of CALUMET Cos.					
Brush, Paperhangers, and Structural Ateel	9.45	.70	.10		
Spray and Sandblasting	9.95	.70	.10		
MANITOTOC And the Remainder of CALUMET Cos.					
Brush	8.60				
Spray and Roller	9.10				
SHEBOYGAN County					
Brush	7.25	.40	.30	.30	
Drywall Finishing	7.35	.40	.30	.30	
Spray	7.75	.40	.30	.30	
PLASTERERS	9.95	.65	.40		.02
PLUMBERS & STEAMFITTERS:					
OUTOGAMIE Co. and the Northwestern corner of CALUMET Co.	9.94	.82	1.00	.80	.04
MANITOWOC Co. and the north eastern part of CALUMET Co.	11.05	.75	.90		.05
FOND DU LAC, SHEBOYGAN & The Remainderof CALUMET Cos.	10.68	.80	1.10	.80	.01
ROOFERS:					
CALUMET & MANITOWOC Cos.	9.80	.25	.05		
FOND DU LAC Co.	9.25	1.00	.50		
OUTAGAMIE Co.	8.03	.65	.50		
SHEBOYGAN Co.	6.75	.40			
SHEET METAL WORKERS:					
OUTAGAMIE co.	9.87	.60	.44	1.10	.02
Remainder of Counties	9.96	.55	.72	1.20	.04
TERRAZZO WORKERS & TILE SETTERS	9.95	.65	.40		.02
Welders receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. WI78-2116

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOONTOTES:

A. Six paid holidays

b. Employer contributes 8% of regular hourly rate to vacation Pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation Pay credit for employee who has worked in business less than 5 years.

DECISION NO. WI78-2116

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
GROUP I	10.02	.70	.70		.10
GROUP II	9.77	.70	.70		.10
GROUP III	9.47	.70	.70		.10
GROUP IV	9.37	.70	.70		.10
GROUP V	9.16	.70	.70		.10
GROUP VI	8.92	.70	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, skid rigs, derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p.), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, tractor, Bulldozer, Endloader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type), Assistant engineer, "A" frame and winch trucks, concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, safety Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3" Augers (vertical and horizontal), combination small equipment operator, Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM), Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

STATE: Wisconsin COUNTIES: Columbia, Dane, Iowa & Sauk
DECISION NUMBER: WI78-2121 DATE: Date of Publication
Supersedes Decision No. WI77-2110 dated July 22, 1977 in 42 FR 37773
DESCRIPTION OF WORK: Building Construction and residential construction in Dane County only.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.15	.70	.80	1.00	.04
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS	10.34	.75	.70		
BRICKLAYERS: (Columbia & Sauk Counties)	10.34	.75	.70		
CARPENTERS	10.27	.50	.60		.05
Residential	6.07	.50	.15		.05
CEMENT MASONS (Columbia & Sauk Counties)	10.50	.75	.40		
CEMENT MASONS (Dane & Iowa Cos.)	10.00	.80	.75		
ELECTRICIANS	11.04	.84	3%	8%	.75%
Residential	6.14	.84	3%	8%	.75%
ELEVATOR CONSTRUCTORS:					
Constuctors	10.69	.745	.35	a&b	.02
Helpers	7.48	.745	.35	a&b	.02
Helpers (Prob.)	50%JR				
GLAZIERS	9.85	.55	.50	.45	.01
IRONWORKERS: Structural, ornamental & reinforcing	11.27	.75	.525		.055
LATHERS	9.65	.45	.20	.50	.01
LINE CONSTRUCTION:					
Linemen	9.97	.45	7%		
Heavy Equipment Operator	8.97	.45	7%		
Light Equipment Operator	7.98	.45	7%		
Heavy Groundman - Truck Drivers	6.98	.45	7%		
Light Groundman - Truck Drivers	6.48	.45	7%		
Groundman	5.48	.45	7%		
MILLWRIGHTS & PILEDRIVERMEN	10.67	.50	.60		.05
PAINTERS:					
Brush	9.86	.70	.30	.30	
Spray	10.26	.70	.30	.30	
Structural Steel (brush)	10.01	.70	.30	.30	
Swing Stage	10.11	.70	.30	.30	
Sandblaster	9.86	.70	.30	.30	
PLASTERERS (Columbia & Sauk Cos.)	10.50	.75	.40		
PLASTERERS	10.10	.75	.80		
PLUMBERS	10.86	.60	1.00	.85	.3%
SOFT FLOOR LAYERS	10.27	.50	.60		.05
SPRINKLER FITTERS	12.10	.75	1.05		.08
SHEET METAL WORKERS	11.69	.90	.50		
TERRAZZO WORKERS	10.30	.75	.40		
TILE SETTERS	10.05	.75	.40		

TISION NO. WI78-2121

ders receive rate prescribed for craft performing operation which welding is incidental.

D HOLIDAYS:
ew Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; hanksgiving Day; F-Christmas Day

TNOTES:

Holidays: AthroughF.

Employer contributes 8% of regular hourly rate to Vaction Pay Credit for employee who has worked in business mroe than 5 years. Employer contributes 6% of regular hourly rate to Vacation Pay credit for employee who has worked in business less than 5 years.

Holidays, A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.

Wisconsin 14 - Lab A

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ILDING, SEWER, WATER, XCAVATING AND INCIDENTAL AVING					
borers, Building; neumatic tool op., air hammer, jackhammer, concrete buster, sheeting driver, air spade	9.23	.40	.35		.02
ibrator, air tamper & mortar mixer	9.13	.40	.35		.02
eneral laborer, concrete work, form stripeers, mason tenders, building wreckers	8.98	.40	.35		.02

DECISION NO. WI78-2121

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.70		.10
GROUP II	10.42	.75	.70		.10
GROUP III	10.12	.75	.70		.10
GROUP IV	10.02	.75	.70		.10
GROUP V	9.81	.75	.70		.10
GROUP VI	9.57	.75	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, Skid rigs, Derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic Backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and pavet operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, Tractor, Bulldozer, End-loader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type),Asssistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), Air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3", Augers (vertical and horizontal), combination small equipment operator; Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), Pumps (3" and under); Winches (small electric),Oiler and greaser, Boiler operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTIES: Chippowa, Eau Claire & Pepin
DECISION NUMBER: WI78-2129 DATE: Date of Publication
Supersedes Decision No. WI77-2103 dated July 15, 1977 in 42 FR 36779
DESCRIPTION OF WORK: Building Construction including Residential

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.32	.51	.65		.02
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	10.23	.75	.40		.04
CARPENTERS	10.22	.50	.60		.05
Residential	5.92	.50	.30		.05
CEMENT MASONS (Eau Claire & Pepin Counties)	10.23	.75	.40		.04
Chippewa County	10.23	.75	.40		.04
ELECTRICIANS	11.62	5%	3%		
Electricians (Residential) Twps. of Hallie, Seymour, Union Washington, Lafayette, Tilden, Wheaton, Eagle Point and Cities of Chippewa Falls, Eau Claire & Altoona. Inside these Cities or Twps	6.57	.58	3%		½of1%
Outside the above areas	5.73	.58	3%		½of1%
Electricians, wiremen					
ELEVATOR CONSTRUCTORS:					
Constructors	10.87	.745	.35	a&b	.02
Constructors' Helpers	7.61	.745	.35	a&b	.02
Constructors' Helpers (Prób.)	50%JR				
IRONWORKERS:					
Structural, Ornamental & Reinforcing	10.85	.75	.60		.02
LABORERS:					
Laborers, common	8.38	.45	.40		.02
Mason tender					.02
Mortar mixer & plaster laborer, air, gas, electric equipment, & vibrator operator, kettlemen dumpmen & pitmen, burner on wrecking, scaffold builder & washing walls on swinging Scaffold	8.53	.45	.40		.02
Gunnite man & nozzle men, puddlers (when concrete pumps & when working behind paving machine), cement dumper, scaffold builder, kettlemen, burner on wrecker, dumpman & pitman	8.53	.45	.40		.02
Jackhammer	8.63	.45	.40		.02

DECISION NO. WI78-2129

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$10.60				
LINE CONSTRUCTION:					
Linemen	9.97	.45	7%		
Heavy Equipment Operator	8.97	.45	7%		
Light Equipment Operator	7.98	.45	7%		
Heavy Groundman - Truck Drivers	6.98	.45	7%		
Light Groundman - Truck Drivers	6.48	.45	7%		
Groundman	5.48	.45	7%		
MILLWRIGHTS & PILEDRIVERMEN	10.62	.50	.60		.05
PAINTERS:					
Brush	8.80			.5%	
Structural steel & iron painting	9.05			.5%	
Spray & Sandblaster	9.30			.5%	
PLUMBERS AND STEAMFITTERS	10.07	.45	.65	1.00	
PLUMBERS (Residential)	8.87	.45	.65	1.00	
ROOFERS: Composition	10.07			3%+.10	
Kettlemen	9.68			3%+.10	
SHEET METAL WORKERS	10.82	.75	.55		.03
(Residential)	6.63	.62	.55		.03
TRUCK DRIVERS:					
Two axles	8.05	d	e		
Three or more axles	8.15	d	e		

PAID HOLIDAYS:
A-New year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 8% of regular hourly rate toVacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.
b. Holidays: A through F.
c. Holidays: A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays
d. $14.25 per week for each employee
e. $13.00 per week for each employee

PAGE 3

DECISION NO. WI78-2129

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.70		.10
GROUP II	10.42	.75	.70		.10
GROUP III	10.12	.75	.70		.10
GROUP IV	10.02	.75	.70		.10
GROUP V	9.81	.75	.70		.10
GROUP VI	9.57	.75	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, Skid rigs, Derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic Backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, Tractor, Bulldozer, Endloader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type),Asssistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), Air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3", Augers (vertical and horizontal), combination small equipment operator; Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), Pumps (3" and under); Winches (small electric),Oiler and greaser, Boiler operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

[FR Doc. 78-29349 Filed 10-19-78; 8:45 am]

Federal Register

FRIDAY, OCTOBER 20, 1978
PART III



SMALL BUSINESS ADMINISTRATION

FLOODPLAIN MANAGEMENT AND WETLANDS PROTECTION

Implementation of Executive Orders 11988 and 11990

PREVIOUSLY PUBLISHED DOCUMENTS

Listed below are other documents on implementation of Executive Orders 11988 and 11990 previously published in the FEDERAL REGISTER:

Agency	1978 Date of Issue	Vol. 43 FR, Page No.
Interior Department, Bureau of Land Management	Sept. 28	44798
Commerce Department, Office of the Secretary	Sept. 29	45284
Transportation Department, Office of the Secretary	Sept. 29	45285
Nuclear Regulatory Commission	Oct. 6	46499
Interior Department, Heritage Conservation and Recreation Service	Oct. 13	47449

[8025-01-M]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 1, Amendment 2 to Amendment 1]

PART 116—POLICIES OF GENERAL APPLICATION

Subpart D—Flood Plain Management and Wetlands Protection

AGENCY: Small Business Administration.

ACTION: Change in the effective date of the interim rule.

SUMMARY: On May 24, 1978, SBA published an interim rule on implementation of Executive Orders 11988 (Flood Plain Management) and 11990 (Wetlands Protection) with an effective date, as extended, of September 24, 1978. SBA has written a final rule based on comments received. The Council of Environmental Quality has told SBA the final rule should not be published until the CEQ has completed its review and discussed it with SBA.

DATES: The effective date of the interim rule is extended to such time as the final rule is published in approximately 90 days.

FOR FURTHER INFORMATION CONTACT:

Richard L. Wray, Financial Analyst, Small Business Administration, 202-653-6470.

SUPPLEMENTARY INFORMATION: The subject Executive Orders provided for the Water Resources Council to prepare guidelines that each agency would follow when implementing the orders. The guidelines require clearance of all rules by the Water Resource Council, Council on Environmental Quality and Federal Insurance Administration. Because this review of the final rule has not been completed it cannot be published.

Dated: September 27, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-29581 Filed 10-19-78; 8:45 am]

Federal Register

FRIDAY, OCTOBER 20, 1978
PART IV



DEPARTMENT OF LABOR

Office of Federal Contract Compliance Program

■

COMPLIANCE RESPONSIBILITY FOR EQUAL EMPLOYMENT OPPORTUNITY

Consolidation of Functions Pursuant to Executive Order 12086

[4510-27-M]

Title 41—Public Contract and Property Management

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

COMPLIANCE RESPONSIBILITY FOR EQUAL EMPLOYMENT OPPORTUNITY

Final Rule

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Final rule.

SUMMARY: On October 5, 1978, President Carter signed Executive Order 12086 (43 FR 46501), which amended Executive Order 11246, as amended. Executive Order 12086 consolidates into the Department of Labor, effective October 8, 1978, the compliance responsibility for equal employment opportunity programs previously assigned to 11 compliance agencies. This rule makes the necessary changes to the regulations to reflect the consolidated functions authorized under Executive Order 12086.

EFFECTIVE DATE: October 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Edward E. Mitchell, Director, Division of Program Policy, Office of Federal Contract Compliance Programs, Room C-3324, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-9426.

SUPPLEMENTARY INFORMATION: On October 5, 1978, President Carter signed Executive Order 12086 which consolidates the contract compliance program under Executive Order 11246, as amended, into the Department of Labor. Accordingly, certain regulations which implement the Executive order and regulations which implement section 503 of the Rehabilitation Act of 1973, and section 402 of the Vietnam Era Veterans Readjustment Assistance Act are being republished today in the FEDERAL REGISTER to reflect the consolidation. Essentially, this has been effected simply by deleting the definition of "Compliance Agency" and references to "Contract Compliance Officer" (e.g., in 41 CFR 60-1.3 and 60-1.20(b) respectively).

Because the limited changes made in the regulations to reflect the consolidation are not substantive, the regulations are not being published for public comment. The regulations involved are parts 60-1, 60-2, 60-4, 60-20, 60-30, 60-40, 60-50, 60-60, 60-250, 60-741 of Chapter 60, Title 41, Code of Federal Regulations.

An effort was made to add verbiage only where necessary. In some instances, however, it was necessary to replace deleted material with new verbiage in order to make the regulations intelligible. See, for example, 41 CFR 60-1.24(c)(4).

In addition, the Standard Compliance Review Report which is published as an attachment to revised order No. 14 (41 CFR Part 60-60) has been deleted from the regulations. The Standard Compliance Review Report is not being abolished, however. OFCCP will continue to use parts of the Standard Compliance Review Report in conducting compliance reviews until it is incorporated into the Compliance Manual or otherwise published. A number of references to regulations contained in the Standard Compliance Review Report are obsolete and it was feared that republication would be confusing. Moreover, this Report is a guide to compliance officers for conducting compliance reviews and republication in the regulations is not necessary.

The regulations are designed simply to eliminate confusion which could result if the public is not informed of new procedures and places resulting from the consolidation. Publication for comment therefore is not required. Because these amendments merely reflect technical and clarifying changes, they are not considered significant or major under Executive Order 12044, Improving Government Regulations (43 FR 12661, Mar. 24, 1978), and therefore it is not necessary for the Department to follow the procedures set forth therein, including those for public participation and regulatory analyses.

In consideration of the foregoing, 41 CFR Chapter 60 is amended by republishing parts 60-1, 60-2, 60-4, 60-30, 60-40, 60-60, 60-250, and 60-741 as set forth below.

RAY MARSHALL,
Secretary of Labor.

DONALD ELISBURG,
Assistant Secretary, Employment Standards Administration.

WELDON J. ROUGEAU,
Director, Office of Federal Contract Compliance Programs.

OCTOBER 16, 1978.

PART 60-1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

Subpart A—Preliminary Matters; Equal Opportunity Clause; Compliance Reports

Sec.

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AUTHORITY: Sec. 201, E.O. 11246 (30 FR 12319), as amended by E.O. 12086.

Subpart A—Preliminary Matters; Equal Opportunity Clause; Compliance Reports

§ 60-1.1 Purpose and application.

The purpose of the regulations in this part is to achieve the aims of parts II, III, and IV of Executive Order 11246 for the promotion and insuring of equal opportunity for all persons, without regard to race, color, religion, sex, or national origin, employed or seeking employment with Government contractors or with contractors performing under federally assisted construction contracts. The regulations in this part apply to all contracting agencies of the Government and to contractors and subcontractors who perform under Govern-

ment contracts, to the extent set forth in this part. The regulations in this part also apply to all agencies of the Government administering programs involving Federal financial assistance which may include a construction contract, and to all contractors and subcontractors performing under construction contracts which are related to any such programs. The procedures set forth in the regulations in this part govern all disputes relative to a contractor's compliance with his obligations under the equal opportunity clause regardless of whether or not his contract contains a "Disputes" clause. Failure of a contractor or applicant to comply with any provision of the regulations in this part shall be grounds for the imposition of any or all of the sanctions authorized by the order. The regulations in this part do not apply to any action taken to effect compliance with respect to employment practices subject to title VI of the Civil Rights Act of 1964. The rights and remedies of the Government hereunder are not exclusive and do not affect rights and remedies provided elsewhere by law, regulation, or contract; neither do the regulations limit the exercise by the Secretary or Government agencies of powers not herein specifically set forth, but granted to them by the order.

§ 60-1.2 Administrative responsibility.

The Director has been delegated authority and assigned responsibility for carrying out the responsibilities assigned to the Secretary under the Executive order. All correspondence regarding the order should be directed to the Director, Office of Federal Contract Compliance Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

§ 60-1.3 Definitions.

"Administering agency" means any department, agency and establishment in the executive branch of the Government, including any wholly owned Government corporation, which administers a program involving federally assisted construction contracts.

"Administrative law judge" means an administrative law judge appointed as provided in 5 U.S.C. 3105 and subpart B of part 930 of title 5 of the Code of Federal Regulations (see 37 FR 16787) and qualified to preside at hearings under 5 U.S.C. 557.

"Agency" means any contracting or any administering agency of the Government.

"Applicant" means an applicant for Federal assistance involving a construction contract, or other participant in a program involving a construction contract as determined by regulation of an administering agency. The term also includes such persons after they become recipients of such Federal assistance.

"Construction work" means the construction, rehabilitation, alteration, conversion, extension, demolition or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other onsite functions incidental to the actual construction.

"Contract" means any Government contract or any federally assisted construction contract.

"Contracting agency" means any department, agency, establishment, or instrumentality in the executive branch of the Government, including any wholly owned Government corporation, which enters into contracts.

"Contractor" means, unless otherwise indicated, a prime contractor or subcontractor.

"Director" means the Director, Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor or any person to whom he delegates authority under the regulations in this chapter.

"Equal opportunity clause" means the contract provisions set forth in § 60-1.4 (a) or (b), as appropriate.

"Federally assisted construction contract" means any agreement or modification thereof between any applicant and a person for construction work which is paid for in whole or in part with funds obtained from the Government or borrowed on the credit of the Government pursuant to any Federal program involving a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, or any application or modification thereof approved by the Government for a grant, contract, loan, insurance, or guarantee under which the applicant itself participates in the construction work.

"Government" means the government of the United States of America.

"Government contract" means any agreement or modification thereof between any contracting agency and any person for the furnishing of supplies or services or for the use of real or personal property, including lease arrangements. The term "services", as used in this section includes, but is not limited to the following services: Utility, construction, transportation, research, insurance, and fund depository. The term "Government contract" does not include (1) agreements in which the parties stand in the relationship of employer and employee, and (2) federally assisted construction contracts.

"Minority group" as used herein shall include, where appropriate, female employees and perspective female employees.

"Modification" means any alteration in the terms and conditions of a contract, including supplemental agreements, amendments, and extensions.

"Order," "Executive Order," or "Executive Order 11246" means parts II, III, and IV of the Executive Order 11246 dated September 24, 1965 (30 FR 12319), any Executive order amending such order, and any other Executive order superseding such order.

"Person" means any natural person, corporation, partnership, unincorporated association, State or local government, and any agency, instrumentality, or subdivision of such a government.

"Prime contractor" means any person holding a contract and, for the purposes of Subpart B of this part, any person who has held a contract subject to the order.

"Recruiting and training agency" means any person who refers workers to any contractor or subcontractor or who provides for employment by any contractor or subcontractor.

"Rules, regulations, and relevant orders of the Secretary of Labor" used in paragraph (4) of the equal opportunity clause means rules, regulations, and relevant orders of the Secretary of Labor or his designee issued pursuant to the order.

"Secretary" means the Secretary of Labor, U.S. Department of Labor.

"Site of construction" means the general physical location of any building, highway, or other change or improvement to real property which is undergoing construction, rehabilitation, alteration, conversion, extension, demolition, or repair and any temporary location or facility at which a contractor, subcontractor, or other participating party meets a demand or performs a function relating to the contract or subcontract.

"Subcontract" means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

(1) For the furnishing of supplies or services or for the use of real or personal property, including lease arrangements, which, in whole or in part, is necessary to the performance of any one or more contracts; or

(2) Under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed.

"Subcontractor" means any person holding a subcontract and, for the purposes of Subpart B of this part, any person who has held a subcontract subject to the order. The term "First-

tier subcontractor" refers to a subcontractor holding a subcontract with a prime contractor.

"United States" as used herein shall include the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Panama Canal Zone, and the possessions of the United States.

§ 60-1.4 Equal opportunity clause.

(a) *Government contracts.* Except as otherwise provided, each contracting agency shall include the following equal opportunity clause contained in section 202 of the order in each of its Government contracts (and modifications thereof if not included in the original contract):

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) the contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) the contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(b) *Federally assisted construction contracts.* (1) Except as otherwise provided, each administering agency shall require the inclusion of the following language as a condition of any grant, contract, loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of the equal opportunity clause:

The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contrator will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: *Provided,* That if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and rele-

vant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

(c) *Subcontracts.*

Each nonexempt prime contractor or subcontractor shall include the equal opportunity clause in each of its nonexempt subcontracts.

(d) *Incorporation by reference.* The equal opportunity clause may be incorporated by reference in all Government contracts and subcontracts, including Government bills of lading, transportation requests, contracts for deposit of Government funds, and contracts for issuing and paying U.S. savings bonds and notes, and such other contracts and subcontracts as the Director may designate.

(e) *Incorporation by operation of the Order.* By operation of the Order, the equal opportunity clause shall be considered to be a part of every contract and subcontract required by the Order and the regulations in this part to include such a clause whether or not it is physically incorporated in such contracts and whether or not the contract between the agency and the contractor is written.

(f) *Adaptation of language.* Such necessary changes in language may be made in the equal opportunity clause as shall be appropriate to identify properly the parties and their undertakings.

§ 60-1.5 Exemptions.

(a) *General*—(1) *Transactions of $10,000 or under.* Contracts and subcontracts not exceeding $10,000, other than Government bills of lading, and other than contracts and subcontracts with depositories of Federal funds in any amount and with financial institutions which are issuing and paying agents for U.S. savings bonds and savings notes, are exempt from the requirements of the equal opportunity clause. In determining the applicability of this exemption to any federally assisted construction contract, or subcontract thereunder, the amount of such contract or subcontract rather than the amount of the Federal financial assistance shall govern. No agency, contractor, or subcontractor shall procure supplies or services in a manner so as to avoid applicability of the equal opportunity clause: *Provided*, that where a contractor has contracts or subcontracts with the Government in any 12-month period which have an aggregate total value (or can reasonably be expected to have an aggregate total value) exceeding $10,000, the $10,000 or under exemption does not apply, and the contracts are subject to the order and the regulations issued pursuant thereto regardless of whether any single contract exceeds $10,000.

(2) *Contracts and subcontracts for indefinite quantities.* With respect to contracts and subcontracts for indefinite quantities (including, but not limited to, open end contracts, requirement-type contracts, Federal Supply Schedule contracts, "call-type" contracts, and purchase notice agreements, the equal opportunity clause shall be included unless the purchaser has reason to believe that the amount to be ordered in any year under such contract will not exceed $10,000. The applicability of the equal opportunity clause shall be determined by the purchaser at the time of award for the first year, and annually thereafter for succeeding years, if any. Notwithstanding the above, the equal opportunity clause shall be applied to such contract whenever the amount of a single order exceeds $10,000. Once the equal opportunity clause is determined to be applicable, the contract shall continue to be subject to such clause for its duration, regardless of the amounts ordered, or reasonably expected to be ordered in any year.

(3) *Work outside the United States.* Contracts and subcontracts are exempt from the requirements of the equal opportunity clause with regard to work performed outside the United States by employees who were not recruited within the United States.

(4) *Contracts with State or local governments.* The requirements of the equal opportunity clause in any contract or subcontract with a State or local government (or any agency, instrumentality or subdivision thereof) shall not be applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract or subcontract. In addition, any agency, instrumentality or subdivision of such government, except for educational institutions and medical facilities, are exempt from the requirements of filing the annual compliance report provided for by § 60-1.7(a)(1) and maintaining a written affirmative action compliance program prescribed by § 60-1.40 and part 60-2 of this chapter.

(5) *Contracts with certain educational institutions.* It shall not be a violation of the equal opportunity clause for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion. The primary thrust of this provision is directed at religiously oriented church-related colleges and universities and should be so interpreted.

(6) *Work on or near Indian reservations.* It shall not be a violation of the equal opportunity clause for a construction or nonconstruction contractor to extend a publicly announced preference in employment to Indians living on or near an Indian reservation in connection with employment opportunities on or near an Indian reservation. The use of the word "near" would include all that area where a person seeking employment could reasonably be expected to commute to and from in the course of a work day. Contractors or subcontractors extending such a preference shall not, however, discriminate among Indians on the basis of religion, sex, or tribal affiliation, and the use of such a preference shall not excuse a contractor from complying with the other requirements contained in this chapter.

(b) *Specific contracts and facilities*—(1) *Specific contracts.* The Director may exempt an agency or any person from requiring the inclusion of any or all of the equal opportunity clause in any specific contract or subcontract when he deems that special circumstances in the national interest so require. The Director may also exempt groups or categories of contracts or subcontracts of the same type where he finds it impracticable to act upon each request individually or where group exemptions will contribute to convenience in the administration of the order.

(2) *Facilities not connected with contracts.* The Director may exempt

from the requirements of the equal opportunity clause any of a prime contractor's or subcontractor's facilities which he finds to be in all respects separate and distinct from activities of the prime contractor or subcontractor related to the performance of the contract or subcontract, provided that he also finds that such an exemption will not interfere with or impede the effectuation of the order.

(c) *National security.* Any requirement set forth in these regulations in this part shall not apply to any contract or subcontract whenever the head of an agency determines that such contract or subcontract is essential to the national security and that its award without complying with such requirement is necessary to the national security. Upon making such a determination, the head of the agency will notify the Director in writing within 30 days.

(d) *Withdrawal of exemption.* When any contract or subcontract is of a class exempted under this section, the Director may withdraw the exemption for a specific contract or subcontract or group of contracts or subcontracts when in his judgment such action is necessary or appropriate to achieve the purposes of the order. Such withdrawal shall not apply to contracts or subcontracts awarded prior to the withdrawal, except that in procurements entered into by formal advertising, or the various forms of restricted formal advertising, such withdrawal shall not apply unless the withdrawal is made more than 10 calendar days before the date set for the opening of the bids.

§ 60–1.6 [Reserved]

§ 60–1.7 Reports and other required information.

(a) *Requirements for prime contractors and subcontractors.* (1) Each prime contractor and subcontractor shall file annually, on or before the 31st day of March, complete and accurate reports on Standard Form 100 (EEO–1) promulgated jointly by the Office of Federal Contract Compliance Programs, the Equal Employment Opportunity Commission and Plans for Progress or such form as may hereafter be promulgated in its place if such prime contractor or subcontractor (i) is not exempt from the provisions of these regulations in accordance with § 60–1.5; (ii) has 50 or more employees; (iii) is a prime contractor or first tier subcontractor; and (iv) has a contract, subcontract or purchase order amounting to $50,000 or more or serves as a depository of Government funds in any amount, or is a financial institution which is an issuing and paying agent for U.S. savings bonds and savings notes: *Provided,* That any subcontractor below the first tier which performs construction work at the site of construction shall be required to file such a report if it meets requirements of paragraphs (a)(1) (i), (ii), and (iv) of this section.

(2) Each person required by § 60–1.7(a)(1) to submit reports shall file such a report with the contracting or administering agency within 30 days after the award to him of a contract or subcontract, unless such person has submitted such a report within 12 months preceding the date of the award. Subsequent reports shall be submitted annually in accordance with § 60–1.7(a)(1), or at such other intervals as the Director may require. The Director may extend the time for filing any report.

(3) The Director or the applicant, on their own motions, may require a contractor to keep employment or other records and to furnish, in the form requested, within reasonable limits, such information as the Director or the applicant deems necessary for the administration of the order.

(4) Failure to file timely, complete and accurate reports as required constitutes noncompliance with the prime contractor's or subcontractor's obligations under the equal opportunity clause and is ground for the imposition by the Director, an applicant, prime contractor or subcontractor, of any sanctions as authorized by the order and the regulations in this part.

(b) *Requirements for bidders or prospective contractors (1) Certification of compliance with Part 60–2: Affirmative Action Programs.* Each agency shall require each bidder or prospective prime contractor and proposed subcontractor, where appropriate, to state in the bid or in writing at the outset of negotiations for the contract: (i) Whether it has developed and has on file at each establishment affirmative action programs pursuant to Part 60–2 of this chapter; (ii) whether it has participated in any previous contract or subcontract subject to the equal opportunity clause; (iii) whether it has filed with the Joint Reporting Committee, the Director or the Equal Employment Opportunity Commission all reports due under the applicable filing requirements.

(2) *Additional information.* A bidder or prospective prime contractor or proposed subcontractor shall be required to submit such information as the Director requests prior to the award of the contract or subcontract. When a determination has been made to award the contract or subcontract to a specific contractor, such contractor shall be required, prior to award, or after the award, or both, to furnish such other information as the applicant or the Director requests.

(c) *Use of reports.* Reports filed pursuant to this section shall be used only in connection with the administration of the order, the Civil Rights Act of 1964, or in furtherance of the purposes of the order and said Act.

§ 60–1.8. Segregated facilities.

(a) *General.* In order to comply with his obligations under the equal opportunity clause, a prime contractor or subcontractor must insure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, or national origin cannot result. He may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. His obligation extends further to insuring that his employees are not assigned to perform their services at any location, under his control, where the facilities are segregated. This obligation extends to all contracts containing the equal opportunity clause regardless of the amount of the contract. The term "facilities" as used in this section means waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, wash rooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees.

(b) *Certification by prime contractors and subcontractors.* Prior to the award of any nonexempt Government contract of subcontract or federally assisted construction contract or subcontract, each agency or applicant shall require the prospective prime contractor and each prime contractor and subcontractor shall require each subcontractor to submit a certification, in the form approved by the Director, that the prospective prime contractor or subcontractor does not and will not maintain any facilities he provides for his employees in a segregated manner, or permit his employees to perform their services at any location, under his control, where segregated facilities are maintained; and that he will obtain a similar certification in the form approved by the Director, prior to the award of any nonexempt subcontract.

§ 60–1.9 Compliance by labor unions and by recruiting and training agencies.

(a) Whenever compliance with the equal opportunity clause may necessitate a revision of a collective bargaining agreement the labor union or unions which are parties to such an agreement shall be given an adequate opportunity to present their views to the director.

(b) The Director shall use his best efforts, directly and through agencies,

contractors, subcontractors, applicants, State and local officials, public and private agencies, and all other available instrumentalities, to cause any labor union, recruiting and training agency or other representative of workers who are or may be engaged in work under contracts and subcontracts to cooperate with, and to comply in the implementation of, the purposes of the order.

(c) In order to effectuate the purposes of paragraph (a) of this section, the Director may hold hearings, public or private, with respect to the practices and policies of any such labor union or recruiting and training agency.

(d) The Director may notify any Federal, State, or local agency of his conclusions and recommendations with respect to any such labor organization or recruiting and training agency which in his judgment has failed to cooperate with himself, agencies, prime contractors, subcontractors, or applicants in carrying out the purposes of the order. The Director also may notify the Equal Employment Opportunity Commission, the Department of Justice, or other appropriate Federal agencies whenever he has reason to believe that the practices of any such labor organization or agency violates title VII of the Civil Rights Act of 1964 or other provisions of Federal law.

§ 60-1.10 Foreign government practices.

Contractors shall not discriminate on the basis of race, color, religion, sex, or national origin when hiring or making employee assignments for work to be performed in the United States or abroad. Contractors are exempted from this obligation only when hiring persons outside the United States for work to be performed outside the United States (see 41 CFR 60-1.5(a)(3)). Therefore, a contractor hiring workers in the United States for either Federal or nonfederally connected work shall be in violation of Executive Order 11246, as amended, by refusing to employ or assign any person because of race, color, religion, sex, or national origin regardless of the policies of the country where the work is to be performed or for whom the work will be performed. Should any contractor be unable to acquire a visa of entry for any employee or potential employee to a country in which or with which it is doing business, and which refusal it believes is due to the race, color, religion, sex, or national origin of the employee or potential employee, the contractor must immediately notify the Department of State and the Director of such refusal.

Subpart B—General Enforcement; Compliance Review and Complaint Procedure

§ 60-1.20 Compliance reviews.

(a) The purpose of a compliance review is to determine if the prime contractor or subcontractor maintains nondiscriminatory hiring and employment practices and is taking affirmative action to insure that applicants are employed and that employees are placed, trained, upgraded, promoted, and otherwise treated during employment without regard to race, color, religion, sex, or national origin. It shall consist of a comprehensive analysis and evaluation of each aspect of the aforementioned practices, policies, and conditions resulting therefrom. Where necessary, recommendations for appropriate sanctions shall be made.

(b) Where deficiencies are found to exist, reasonable efforts shall be made to secure compliance through conciliation and persuasion. Before the contractor can be found to be in compliance with the order, it must make a specific commitment, in writing, to correct any such deficiencies. The commitment must include the precise action to be taken and dates for completion. The time period allotted shall be no longer than the minimum period necessary to effect such changes. Upon approval, the contractor may be considered in compliance, on condition that the commitments are faithfully kept. The contractor shall be notified that making such commitments does not preclude future determinations of noncompliance based on a finding that the commitments are not sufficient to achieve compliance.

(c) [Reserved]

(d) Each agency shall include in the invitation for bids for each formally advertised nonconstruction contract or state at the outset of negotiations for each negotiated contract, that if the award, when let, should exceed the amount of $1 million or more, the prospective contractor and his known first-tier subcontractors with subcontracts of $1 million or more will be subject to a compliance review before the award of the contract. No such contract shall be awarded unless a preaward compliance review of the prospective contractor and his known first-tier $1 million subcontractors has been conducted by the compliance agency within 12 months prior to the award. The awarding agency will notify OFCCP and request appropriate action and findings in accordance with this subsection. OFCCP will provide awarding agencies with written reports of compliance within 30 days following the request. In order to qualify for the award of a contract, a contractor and such first-tier subcontractors must be found to be in compliance pursuant to paragraph (b) of this section, and with part 60-2 of these regulations.

§ 60-1.21 Filing complaints.

Complaints shall be filed within 180 days of the alleged violation unless the time for filing is extended by the agency or the Director for good cause shown.

§ 60-1.22 Where to file.

Complaints may be filed with the OFCCP, 200 Constitution Avenue, NW., Washington, D.C. 20210, or with any OFCCP regional or area office.

§ 60-1.23 Contents of complaint.

(a) The complaint shall include the name, address, and telephone number of the complainant, the name and address of the contractor or subcontractor committing the alleged discrimination, a description of the acts considered to be discriminatory, and any other pertinent information which will assist in the investigation and resolution of the complaint. The complaint shall be signed by the complainant or his/her authorized representative. Complaints alleging class-type violations which do not identify the alleged discriminatee or discriminatees will be accepted, provided the other requirements of this paragraph are met.

(b) If a complaint contains incomplete information, OFCCP shall seek the needed information from the complainant. In the event such information is not furnished to the Director within 60 days of the date of such request, the case may be closed.

§ 60-1.24 Processing of matters.

(a) *Complaints.* OFCCP may refer appropriate complaints to the Equal Employment Opportunity Commission (EEOC) for processing under Title VII of the Civil Rights Act of 1964, as amended, rather than processing under E.O. 11246 and the regulations in this chapter. Upon referring complaints to the EEOC, OFCCP shall promptly notify complainant(s) and the contractor of such referral.

(b) *Complaint investigations.* In conducting complaint investigations, OFCCP shall, as a minimum, conduct a thorough evaluation of the allegations of the complaint and shall be responsible for developing a complete case record. The case record should contain the name, address, and telephone number of each person interviewed, the interview statements, copies, transcripts, or summaries (where appropriate) of pertinent documents, a reference to at least one covered contract, and a narrative report of the investigation with references to exhibits and other evidence which relate to the alleged violations.

(c)(1) [Reserved]

(2) If any complaint investigation or compliance review indicates a violation of the equal opportunity clause, the matter should be resolved by informal means whenever possible. Such informal means may include the holding of a compliance conference.

(3) Where any complaint investigation or compliance review indicates a violation of the equal opportunity clause and the matter has not been resolved by informal means, the Director shall proceed in accordance with § 60-1.26.

(4) When a prime contractor or subcontractor, without a hearing, shall have complied with the recommendations or orders of the Director and believes such recommendations or orders to be erroneous, he shall, upon filing a request therefor within ten days of such compliance, be afforded an opportunity for a hearing and review of the alleged erroneous action.

(5) For reasonable cause shown, the Director may reconsider or cause to be reconsidered any matter on his/her own motion or pursuant to a request.

(d) *Reports to the Director.* (1) With the exception of complaints which have been referred to EEOC, within 60 days from receipt of a complaint or within such additional time as may be allowed by the Director for good cause shown, the complaint shall be processed and the case record developed containing the following information:

(i) Name and address of the complainant;

(ii) Brief summary of findings, including a statement regarding the contractor's compliance or noncompliance with the requirements of the equal opportunity clause;

(iii) A statement of the disposition of the case, including any corrective action taken and any sanctions or penalties imposed or, whenever appropriate, the recommended corrective action and sanctions or penalties.

(2) A written report of every preaward compliance review required by this regulation or otherwise required by the Director, shall be developed and maintained.

(3) A written report of every other compliance review or any other matter processed involving an apparent violation of the equal opportunity clause shall be made. Such report shall contain a brief summary of the findings, including a statement of conclusions regarding the contractor's compliance or noncompliance with the requirements of the order, and a statement of the disposition of the case, including any corrective action taken or recommended and any sanctions or penalties imposed or recommended.

§ 60-1.25 Assumption of jurisdiction by or referrals to the Director.

The Director may inquire into the status of any matter pending before an agency. Where he considers it necessary or appropriate to the achievement of the purposes of the order, he may assume jurisdiction over the matter and proceed as provided herein. Whenever the Director assumes jurisdiction over any matter, or an agency refers any matter he may conduct, or have conducted, such investigations, hold such hearings, make such findings, issue such recommendations and directives, order such sanctions and penalties, and take such other action as may be necessary or appropriate to achieve the purposes of the order. The Director shall promptly notify the agency of any corrective action to be taken or any sanctions to be taken or any sanction to be imposed by the agency. The agency shall take such action, and report the results thereof to the Director within the time specified.

§ 60-1.26 Enforcement proceedings.

(a) *General.* Violations of the Order, equal opportunity clause, the regulations in this chapter, or of applicable construction industry equal employment opportunity requirements, may result in the institution of administrative or judicial enforcement proceedings to enforce the Order and to seek appropriate relief. Violations may be found based upon, inter alia, any of the following: (i) The results of a complaint investigation; (ii) analysis of an affirmative action program; (iii) the results of an on-site review of the contractor's compliance with the Order and its implementing regulations; (iv) a contractor's refusal to submit an affirmative action program; (v) a contractor's refusal to allow an on-site compliance review to be conducted; (vi) a contractor's refusal to supply records or other information as required by these regulations or applicable construction industry requirements; or (vii) any substantial or material violation or the threat of a substantial or material violation of the contractual provisions of the Order, or of the rules or regulations issued pursuant thereto.

(2) If the investigation of a complaint, or a compliance review, results in a determination that the Order, equal opportunity clause or regulations issued pursuant thereto, have been violated, and the violations have not been corrected in accordance with the conciliation procedures in this chapter, OFCCP may institute an administrative enforcement proceeding to enjoin the violations, to seek appropriate relief (which may include affected class and back pay relief), and to impose appropriate sanctions, or any of the above. However, if the contractor refuses to submit an affirmative action program, or refuses to supply records or other requested information, or refuses to allow the compliance agency access to its premises for an on-site review; and if conciliation efforts under this chapter are unsuccessful, OFCCP, notwithstanding the requirements of this chapter, may go directly to administrative enforcement proceedings to enjoin the violations, to seek appropriate relief, and to impose appropriate sanctions, or any of the above. Whenever the Director has reason to believe that there is substantial or material violation or the threat of substantial or material violation of the contractual provisions of the Order or of the rules, regulations or orders issued pursuant thereto, he/she may refer the matter to the Solicitor of Labor to institute administrative enforcement proceedings as set forth in this section or refer the matter to the Department of Justice to enforce the contractual provisions of the Order, to seek injunctive relief (including relief against noncontractors, including labor unions, who seek to thwart implementation of the Order and regulations) and to seek such additional relief, including back pay, as may be appropriate. There are no procedural prerequisites to a referral to the Department of Justice by the Director, and such referrals may be accomplished without proceeding through the conciliation procedures in this chapter, and a referral may be made at any stage in the procedures under this chapter: *Provided,* That no order for debarment from further contracts or subcontracts pursuant to section 209(a)(6) of the Order shall be made without affording the contractor an opportunity for a hearing, either administrative or judicial.

(b) [Reserved]

(c) *Administrative enforcement proceedings.* Administrative enforcement proceedings shall be conducted under the control and supervision of the Solicitor of Labor and under the Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246 contained in Part 60-30 of this chapter.

(d) *Decision following administrative proceeding.* If it is determined after a hearing (or after the contractor waives a hearing) that the contractor is violating the Order or the regulations issued thereunder, the Secretary (in accordance with 41 CFR 60-30.30(a)) shall issue an Administrative Order enjoining the violations and requiring the contractor to provide whatever remedies are appropriate, and imposing whatever sanctions are appropriate, or any of the above. In any event, failure to comply with the Administrative Order shall result in

the imposition of the sanctions contained in section 209 (a)(5) or (a)(6) of the Executive Order.

(e) *Referrals to the Department of Justice* (1) Whenever a matter has been referred to the Department of Justice for consideration of judicial proceedings pursuant to § 60-1.26(a)(2) of these regulations, the Attorney General may bring a civil action in the appropriate district court of the United States requesting a temporary restraining order, preliminary or permanent injunction, and an order for such additional equitable relief, including back pay, deemed necessary or appropriate to ensure the full enjoyment of the rights secured by the Order, or any of the above.

(2) The Attorney General is authorized to conduct such investigation of the facts as he may deem necessary or appropriate to carry out his responsibilities under these regulations.

(3) Prior to the institution of any judicial proceedings, the Attorney General, on behalf of the Director, is authorized to make reasonable efforts to secure compliance with the contract provisions of the Order. He may do so by providing the contractor and any other respondent with reasonable notice of his findings, his intent to file suit, and the actions he believes necessary to obtain compliance with the contract provisions of the Order without contested litigation, and by offering the contractor and any other respondent a reasonable opportunity for conference and conciliation, in an effort to obtain such compliance without contested litigation.

(4) As defined in these regulations, the Attorney General shall mean the Attorney General, the Assistant Attorney General for Civil Rights, or any other person authorized by regulations or practice to act for the Attorney General with respect to the enforcement of equal employment opportunity laws, orders and regulations generally, or in a particular matter or case.

(5) The Director or his/her designee, and representatives of the Attorney General may consult from time to time to determine what investigations should be conducted to determine whether contractors or groups of contractors or other persons may be engaged in patterns or practices in violation of the Executive Order or these regulations, or of resistance to or interference with the full enjoyment of any of the rights secured by them, warranting judicial proceedings.

(f) *Initiation of lawsuits by the Attorney General without referral from the Director.* In addition to initiating lawsuits upon referral under 41 CFR 60-1.26, the Attorney General may, subject to approval by the Director, initiate independent investigations of contractors which he/she has reason to believe may be in violation of the Order or the rules and regulations issued pursuant thereto. If, upon completion of such an investigation, the Attorney General determines that the contractor has in fact violated the Order or the rules and regulations issued thereunder, he shall make reasonable efforts to secure compliance with the contract provisions of the Order. He may do so by providing the contractor and any other respondent with reasonable notice of the Department's findings, its intent to file suit, and the actions that the Attorney General believes are necessary to obtain compliance with the contract provisions of the Order without contested litigation, and by offering the contractor and any other respondent a reasonable opportunity for conference and conciliation in an effort to obtain such compliance without contested litigation. If these efforts are unsuccessful, the Attorney General may, upon approval by the Director, bring a civil action in the appropriate district court of the United States requesting a temporary restraining order, preliminary or permanent injunction, and an order for such additional equitable relief, including back pay, deemed necessary or appropriate to ensure the full enjoyment of the rights secured by the Order or any of the above.

(g) To the extent applicable, this section and Part 60-30 of this chapter shall govern proceedings resulting from the Director's determination under § 60-2.2(b) that there are substantial issues of law or fact as to the contractor/bidder's responsibility.

§ 60-1.27 Sanctions and penalties.

The sanctions described in subsections (1), (5), and (6) of section 209(a) of the order may be exercised only by or with the approval of the Director. Referral of any matter arising under the order to the Department of Justice or to the Equal Employment Opportunity Commission shall be made by the Director.

§ 60-1.28 Show cause notices.

When the director has reasonable cause to believe that a contractor has violated the equal opportunity clause he may issue a notice requiring the contractor to show cause, within 30 days, why monitoring, enforcement proceedings or other appropriate action to ensure compliance should not be instituted.

§ 60-1.29 Preaward notices.

(a) *Preaward compliance reviews.* Upon the request of the Director, agencies shall not enter into contracts or approve the entry into contracts or subcontracts with any bidder, prospective prime contractor, or proposed subcontractor named by the Director until a preaward compliance review has been conducted and the Director or his designee has approved a determination that the bidder, prospective prime contractor or proposed subcontractor will be able to comply with the provisions of the equal opportunity clause.

(b) *Other special preaward procedures.* Upon the request of the Director, agencies shall not enter into contracts or approve the entry into subcontracts with any bidder; prospective prime contractor or proposed subcontractor specified by the Director until the agency has complied with the directions contained in the request.

§ 60-1.30 Contract ineligibility list.

The Director shall distribute periodically a list to all executive departments and agencies giving the names of prime contractors and subcontractors who have been declared ineligible under the regulations in this part and the order.

§ 60-1.31 Reinstatement of ineligible prime contractors and subcontractors.

Any prime contractor or subcontractor declared ineligible for further contracts or subcontracts under the order may request reinstatement in a letter directed to the Director. In connection with the reinstatement proceedings, the prime contractor or subcontractor shall be required to show that it has established and will carry out employment policies and practices in compliance with the equal opportunity clause.

§ 60-1.32 Intimidation and interference.

The sanctions and penalties contained in Subpart D of the order may be exercised by the Director against any prime contractor, subcontractor or applicant who fails to take all necessary steps to ensure that no person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with the filing of a complaint, furnishing information, or assisting or participating in any manner in an investigation, compliance review, hearing, or any other activity related to the administration of the order or any other Federal, State, or local laws requiring equal employment opportunity.

Subpart C—Ancillary Matters

§ 60-1.40 Affirmative action compliance programs.

(a) *Requirements of programs.* Each contractor who has 50 or more employees and (1) has a contract of $50,000 or more; or (2) has Government bills of lading which in any 12-month period, total or can reasonably be expected to total $50,000 or more;

or (3) serves as a depository of Government funds in any amount; or (4) is a financial institution which is an issuing and paying agent for U.S. savings bonds and savings notes in any amount, and each prime contractor and subcontractor shall require each subcontractor who has 50 or more employees and (i) has a subcontract of $50,000 or more; or (ii) has Government bills of lading which in any 12-month period, total or can reasonably be expected to total $50,000 or more; or (iii) serves as a depository of Government funds in any amount; or (iv) is a financial institution which is an issuing and paying agent for U.S. savings bonds and savings notes in any amount, to develop a written affirmative action compliance program for each of its establishments. A necessary prerequisite to the development of a satisfactory affirmative action program is the identification and analysis of problem areas inherent in minority employment and an evaluation of opportunities for utilization of minority group personnel. The contractor's program shall provide in detail for specific steps to guarantee equal employment opportunity keyed to the problems and needs of members of minority groups, including, when there are deficiencies, the development of specific goals and time tables for the prompt achievement of full and equal employment opportunity. Each contractor shall include in its affirmative action compliance program a table of job classifications. This table should include but need not be limited to job titles, principal duties (and auxiliary duties, if any), rates of pay, and where more than one rate of pay applied (because of length of time in the job or other factors), the applicable rates. The affirmative action compliance program shall be signed by an executive official of the contractor.

(b) *Utilization evaluation.* The evaluation of utilization of minority group personnel shall include the following:

(1) An analysis of minority group representation in all job categories.

(2) An analysis of hiring practices for the past year, including recruitment sources and testing, to determine whether equal employment opportunity is being afforded in all job categories.

(3) An analysis of upgrading, transfer and promotion for the past year to determine whether equal employment opportunity is being afforded.

(c) *Maintenance of programs.* Within 120 days from the commencement of the contract, each contractor shall maintain a copy of separate affirmative action compliance programs for each establishment, including evaluations of utilization of minority group personnel and the job classification tables, at each local office responsible for the personnel matters of such establishment. An affirmative action compliance program shall be part of the manpower and training plans for each new establishment and shall be developed and made available prior to the staffing of such establishment. A report of the results of such program shall be compiled annually and the program shall be updated at that time. This information shall be made available to representatives of the Director upon request and the contractor's affirmative action program and the result it produces shall be evaluated as part of compliance review activities.

§ 60–1.41 Solicitations or advertisements for employees.

In solicitations or advertisements for employees placed by or on behalf of a prime contractor or subcontractor, the requirements of paragraph (2) of the equal opportunity clause shall be satisfied whenever the prime contractor or subcontractor complies with any of the following:

(a) States expressly in the solicitations or advertising that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin;

(b) Uses display or other advertising, and the advertising includes an appropriate insignia prescribed by the Director. The use of the insignia is considered subject to the provisions of 18 U.S.C. 701;

(c) Uses a single advertisement, and the advertisement is grouped with other advertisements under a caption which clearly states that all employers in the group assure all qualified applicants equal consideration for employment without regard to race, color, religion, sex, or national origin;

(d) Uses a single advertisement in which appears in clearly distinguishable type the phrase "an equal opportunity employer."

§ 60–1.42 Notices to be posted.

(a) Unless alternative notices are prescribed by the Director, the notices which prime contractors and subcontractors are required to post by paragraphs (1) and (3) of the equal opportunity clause will contain the following language and will be provided by the contracting or administering agencies:

EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW—DISCRIMINATION IS PROHIBITED BY THE CIVIL RIGHTS ACT OF 1964 AND BY EXECUTIVE ORDER NO. 11246

Title VII of the Civil Rights Act of 1964—*Administered by:*

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Prohibits discrimination because of Race, Color, Religion, Sex, or National Origin by Employers with 75 or more employees, by Labor Organizations with a hiring hall of 75 or more members, by Employment Agencies, and by Joint Labor-Management Committees for Apprenticeship or Training. After July 1, 1967, employers and labor organizations with 50 or more employees or members will be covered; after July 1, 1968, those with 25 or more will be covered.

ANY PERSON

Who believes he or she has been discriminated against

SHOULD CONTACT

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

2401 E Street NW, Washington, D.C. 20506

Executive Order No. 11246—*Administered by:*

THE OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

Prohibits discrimination because of Race, Color, Religion, Sex, or National Origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

By all Federal Government Contractors and Subcontractors, and by Contractors Performing Work Under a Federal Assisted Construction Contract, regardless of the number of employees in either case.

ANY PERSON

Who believes he or she has been discriminated against

SHOULD CONTACT

THE OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

U.S. Department of Labor Washington, D.C. 20210

(b) The requirements of paragraph (3) of the equal opportunity clause will be satisfied whenever the prime contractor or subcontractor posts copies of the notification prescribed by or pursuant to paragraph (a) of this section in conspicuous places available to employees, applicants for employment, and representatives of each labor union or other organization representing his employees with which he has a collective-bargaining agreement or other contract or understanding.

§ 60–1.43 Access to records and site of employment.

Each prime contractor and subcontractor shall permit access during normal business hours to its premises for the purpose of conducting on-site compliance reviews and inspecting and copying such books, records, accounts, and other material as may be relevant to the matter under investigation and pertinent to compliance with the Order, and the rules and regulations promulgated pursuant thereto by the agency, or the Director. Information

obtained in this manner shall be used only in connection with the administration of the Order, the administration of the Civil Rights Act of 1964 (as amended) and in furtherance of the purposes of the Order and that Act. (See 41 CFR Part 60-60, Contractor Evaluation Procedures for Nonconstruction Contractors; 41 CFR Part 60-40, Examination and Copying of OFCCP Documents.)

(Sec. 201, E.O. 11246, 30 FR 12319, and E.O. 11375, 32 FR 14303)

§ 60-1.44 Rulings and interpretations.

Rulings under or interpretations of the order or the regulations contained in this part shall be made by the Secretary or his designee.

§ 60-1.45 Existing contracts and subcontracts.

All contracts and subcontracts in effect prior to October 24, 1965, which are not subsequently modified shall be administered in accordance with the nondiscrimination provisions of any prior applicable Executive orders. Any contract or subcontract modified on or after October 24, 1965, shall be subject to Executive Order 11246. Complaints received by and violations coming to the attention of agencies regarding contracts and subcontracts which were subject to Executive Orders 10925 and 11114 shall be processed as if they were complaints regarding violations of this order.

§ 60-1.46 Delegation of authority by the Director.

The Director is authorized to redelegate the authority given to him by the regulations in this part. The authority redelegated by the Director pursuant to the regulations in this part shall be exercised under his general direction and control.

§ 60-1.47 Effective date.

The regulations contained in this part shall become effective July 1, 1968, for all contracts, the solicitations, invitations for bids, or requests for proposals which were sent by the Government or an applicant on or after said effective date, and for all negotiated contracts which have not been executed as of said effective date. Notwithstanding the foregoing, the regulations in this part shall become effective as to all contracts executed on and after the 120th day following said effective date. Subject to any prior approval of the Secretary, any agency may defer the effective date of the regulations in this part, for such period of time as the Secretary finds to be reasonably necessary. Contracts executed prior to the effective date of the regulations in this part shall be governed by the regulations promulgated by the former President's Committee on Equal Employment Opportunity which appear at 28 FR 9812, September 2, 1963, and at 28 FR 11305, October 23, 1963, the temporary regulations which appear at 30 FR 13441, October 22, 1965, and the orders at 31 FR 6881, May 10, 1966, and 32 FR 7439, May 19, 1967.

PART 60-2—AFFIRMATIVE ACTION PROGRAMS

Subpart A—General

Sec.

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Subpart B—Required Contents of Affirmative Action Programs

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Subpart C—Methods of Implementing the Requirements of Subpart B

60-2.20 Development or reaffirmation of the equal employment opportunity policy.
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Subpart D—Miscellaneous

60-2.30 Use of goals.
60-2.31 Preemption.
60-2.32 Supersedure.

AUTHORITY: 5 U.S.C. 553(a)(3)(B); 29 CFR 2.7; section 201, E.O. 11246, 30 FR 12319, and E.O. 11375, 32 FR 14303, as amended by E.O. 12086.

Subpart A—General

§ 60-2.1 Title, purpose and scope.

(a) This part shall also be known as "Revised Order No. 4," and shall cover nonconstruction contractors. Section 60-1.40 of this chapter, affirmative action compliance programs, requires that within 120 days from the commencement of a contract each prime contractor or subcontractor with 50 or more employees and (1) a contract of $50,000 or more; or (2) Government bills of lading which, in any 12-month period, total or can reasonably be expected to total $50,000 or more; or (3) who serves as a depository of Government funds in any amount; or (4) who is a financial institution which is an issuing and paying agent for U.S. savings bonds and savings notes in any amount, develop a written affirmative action compliance program for each of its establishments. A review of compliance surveys indicates that many contractors do not have affirmative action programs on file at the time an establishment is visited by a compliance investigator. This part details the review procedure and the results of a contractor's failure to develop and maintain an affirmative action program and then sets forth detailed guidelines to be used by contractors and the Government in developing and judging these programs as well as the good faith effort required to transform the programs from paper commitments to equal employment opportunity. Subparts B and C of this part are concerned with affirmative action plans only.

(b) Relief, including back pay where appropriate, for members of an affected class who by virtue of past discrimination continue to suffer the present effects of that discrimination, shall be provided in the conciliation agreement entered into pursuant to § 60-60.6 of this title. An "affected class" problem must be remedied in order for a contractor to be considered in compliance. Section 60-2.2 herein pertaining to an acceptable affirmative action program is also applicable to the failure to remedy discrimination against members of an "affected class."

§ 60-2.2 Agency action.

(a) Any contractor required by § 60-1.40 of this chapter to develop an affirmative action program at each of his establishments who has not complied fully with that section is not in compliance with Executive Order 11246, as amended (30 FR 12319). Until such programs are developed and found to be acceptable in accordance with the standards and guidelines set forth in §§ 60-2.10 through 60-2.32, the contractor is unable to comply with the employment opportunity clause. An affirmative action plan shall be deemed to have been accepted by the Government at the time the appropriate OFCCP field, area, regional, or national office has accepted such plan unless within 45 days thereafter the Director has disapproved such plan.

(b) If, in determining such contractor's responsibility for an award of a contract it comes to the contracting officer's attention, through sources within his agency or through the Office of Federal Contract Compliance Programs or other Government agencies, that the contractor has no affirmative action program at each of his establishments, or has substantially deviated from such an approved affirmative action program, or has failed to develop or implement an affirmative action program which complies with the regulations in this chapter, the

contracting officer shall declare the contractor-bidder nonresponsible and so notify the contractor, the Director, and the compliance agency unless he can otherwise affirmatively determine that the contractor is able to comply with his equal employment obligations. Any contractor-bidder which has been declared nonresponsible in accordance with the provisions of this section may request the Director to determine that the responsibility of the contractor-bidder raises substantial issues of law or fact to the extent that a hearing is required. Such request shall set forth the basis upon which the contractor-bidder seeks such a determination. If the Director, in his/her sole discretion, determines that substantial issues of law or fact exist, an administrative or judicial proceeding may be commenced in accordance with the regulations contained in § 601.26; or the Director may require the investigation or compliance review be developed further or additional conciliation be conducted: *Provided*, That during any pre-award conferences, every effort shall be made through the processes of conciliation, mediation, and persuasion to develop an acceptable affirmative action program meeting the standards and guidelines set forth in §§ 60-2.10 through 60-2.32 so that, in the performance of his contract, the contractor is able to meet his equal employment obligations in accordance with the equal opportunity clause and applicable rules, regulations, and orders.

(c)(1) Immediately upon finding that a contractor has no affirmative action program, or has deviated substantially from an approved affirmative action program, or has failed to develop or implement an affirmative action program which complies with the requirements of the regulations in this chapter, that fact shall be recorded in the investigation file. Whenever administrative enforcement is contemplated, the notice to the contractor shall be issued giving him 30 days to show cause why enforcement proceedings under section 209(a) of Executive Order 11246, as amended, should not be instituted. The notice to show cause should contain:

(i) An itemization of the sections of the Executive order and of the regulations with which the contractor has been found in apparent violation, and a summary of the conditions, practices, facts, or circumstances which give rise to each apparent violation;

(ii) The corrective actions necessary to achieve compliance or, as may be appropriate, the concepts and principles of an acceptable remedy and/or the corrective action results anticipated;

(iii) A request for a written response to the findings, including commitments to corrective action or the presentation of opposing facts and evidence; and

(iv) A suggested dated for the conciliation conference.

(2) If the contractor fails to show good cause for his failure or fails to remedy that failure by developing and implementing an acceptable affirmative action program within 30 days, the case file shall be processed for enforcement proceedings pursuant to § 60-1.26 of this chapter. If an administrative complaint is filed, the contractor shall have 20 days to request a hearing. If a request for hearing has not been received within 20 days from the filing of the administrative complaint, the matter shall proceed in accordance with Part 60-30 of this chapter.

(3) During the "show cause" period of 30 days, every effort will be made through conciliation, mediation, and persuasion to resolve the deficiencies which led to the determination of nonresponsibility. If satisfactory adjustments designed to bring the contractor into compliance are not concluded, the case shall be processed for enforcement proceedings pursuant to § 60-1.26 of this chapter.

(d) During the "show cause" period and formal proceedings, each contracting agency must continue to determine the contractor's responsibility in considering whether or not to award a new or additional contract.

Subpart B—Required Contents of Affirmative Action Programs

§ 60-2.10 Purpose of affirmative action program.

An affirmative action program is a set of specific and result-oriented procedures to which a contractor commits himself to apply every good faith effort. The objective of those procedures plus such efforts is equal employment opportunity. Procedures without effort to make them work are meaningless; and effort, undirected by specific and meaningful procedures, is inadequate. An acceptable affirmative action program must include an analysis of areas within which the contractor is deficient in the utilization of minority groups and women, and further, goals and timetables to which the contractor's good faith efforts must be directed to correct the deficiencies and, thus to achieve prompt and full utilization of minorities and women, at all levels and in all segments of his work force where deficiencies exist.

§ 60-2.11 Required utilization analysis.

Based upon the Government's experience with compliance reviews under the Executive order programs and the contractor reporting system, minority groups are most likely to be underutilized in departments and jobs within departments that fall within the following Employer's Information Report (EEO-1) designations; officials and managers, professionals, technicians, sales workers, office and clerical and craftsmen (skilled). As categorized by the EEO-1 designations, women are likely to be underutilized in departments and jobs within departments as follows: Officials and managers, professionals, technicians, sales workers (except over-the-counter sales in certain retail establishments), craftsmen (skilled and semi-skilled). Therefore, the contractor shall direct special attention to such jobs in his analysis and goal setting for minorities and women. Affirmative action programs must contain the following information:

(a) Workforce analysis which is defined as a listing of each job title as appears in applicable collective bargaining agreements or payroll records (not job group) ranked from the lowest paid to the highest paid within each department or other similar organizational unit including departmental or unit supervision. If there are separate work units or lines of progression within a department a separate list must be provided for each such work unit, or line, including unit supervisors. For lines of progression there must be indicated the order of jobs in the line through which an employee could move to the top of the line. Where there are no formal progression lines or usual promotional sequences, job titles should be listed by department, job families, or disciplines, in order of wage rates or salary ranges. For each job title, the total number of incumbents, the total number of male and female incumbents, and the total number of male and female incumbents in each of the following groups must be given: Blacks, Spanish-surnamed Americans, American Indians, and Orientals. The wage rate or salary range for each job title must be given. All job titles, including all managerial job titles, must be listed.

(b) An analysis of all major job groups at the facility, with explanation if minorities or women are currently being underutilized in any one or more job groups ("job groups" herein meaning one or a group of jobs having similar content, wage rates and opportunities). "Underutilization" is defined as having fewer minorities or women in a particular job group than would reasonably be expected by their availability. In making the utilization analysis, the contractor shall conduct such analysis separately for minorities and women.

(1) In determining whether minorities are being underutilized in any job group, the contractor will consider at least all of the following factors:

(i) The minority population of the labor area surrounding the facility;

(ii) The size of the minority unemployment force in the labor area surrounding the facility;

(iii) The percentage of the minority work force as compared with the total work force in the immediate labor area;

(iv) The general availability of minorities having requisite skills in the immediate labor area;

(v) The availability of minorities having requisite skills in an area in which the contractor can reasonably recruit;

(vi) The availability of promotable and transferable minorities within the contractor's organization;

(vii) The existence of training institutions capable of training persons in the requisite skills; and

(viii) The degree of training which the contractor is reasonably able to undertake as a means of making all job classes available to minorities.

(2) In determining whether women are being underutilized in any job group, the contractor will consider at least all of the following factors:

(i) The size of the female unemployment force in the labor area surrounding the facility;

(ii) The percentage of the female workforce as compared with the total workforce in the immediate labor area;

(iii) The general availability of women having requisite skills in the immediate labor area;

(iv) The availability of women having requisite skills in an area in which the contractor can reasonably recruit;

(v) The availability of women seeking employment in the labor or recruitment area of the contractor;

(vi) The availability of promotable and transferable female employees within the contractor's organization;

(vii) The existence of training institutions capable of training persons in the requisite skills; and

(viii) The degree of training which the contractor is reasonably able to undertake as a means of making all job classes available to women.

§ 60-2.12 Establishment of goals and timetables.

(a) The goals and timetables developed by the contractor should be attainable in terms of the contractor's analysis of his deficiencies and his entire affirmative action program. Thus, in establishing the size of his goals and the length of his timetables, the contractor should consider the results which could reasonably be expected from his putting forth every good faith effort to make his overall affirmative action program work. In determining levels of goals, the contractor should consider at least the factors listed in § 60-2.11.

(b) Involve personnel relations staff, department and division heads, and local and unit managers in the goal-setting process.

(c) Goals should be significant, measurable, and attainable.

(d) Goals should be specific for planned results, with timetables for completion.

(e) Goals may not be rigid and inflexible quotas which must be met, but must be targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire affirmative action program work.

(f) In establishing timetables to meet goals and commitments, the contractor will consider the anticipated expansion, contraction, and turnover of and in the work force.

(g) Goals, timetables, and affirmative action commitments must be designed to correct any identifiable deficiencies.

(h) Where deficiencies exist and where numbers or percentages are relevant in developing corrective action, the contractor shall establish and set forth specific goals and timetables separately for minorities and women.

(i) Such goals and timetables, with supporting data and the analysis thereof shall be a part of the contractor's written affirmative action program and shall be maintained at each establishment of the contractor.

(j) A contractor or subcontractor extending a publicly announced preference for Indians as authorized in 41 CFR 60-1.5(a)(6) may reflect in its goals and timetables the permissive employment preference for Indians living on or near an Indian reservation.

(k) Where the contractor has not established a goal, his written affirmative action program must specifically analyze each of the factors listed in § 60-2.11 and must detail his reason for a lack of a goal.

(l) In the event it comes to the attention of the compliance agency or the Office of Federal Contract Compliance Programs that there is a substantial disparity in the utilization of a particular minority group or men or women of a particular minority group, OFCCP may require separate goals and timetables for such minority group and may further require, where appropriate, such goals and timetables by sex for such group for such job classifications and organizational units specified by the OFCCP.

(m) Support data for the required analysis and program shall be compiled and maintained as part of the contractor's affirmative action program. This data will include but not be limited to progression line charts, seniority rosters, applicant flow data, and applicant rejection ratios indicating minority and sex status.

(n) Copies of affirmative action programs and/or copies of support data shall be made available to the Office of Federal Contract Compliance Programs, request, for such purposes as may be appropriate to the fulfillment of its responsibilities under Executive Order 11246, as amended.

§ 60-2.13 Additional required ingredients of affirmative action programs.

Effective affirmative action programs shall contain, but not necessarily be limited to, the following ingredients:

(a) Development or reaffirmation of the contractor's equal employment opportunity policy in all personnel actions.

(b) Formal internal and external dissemination of the contractor's policy.

(c) Establishment of responsibilities for implementation of the contractor's affirmative action program.

(d) Identification of problem areas (deficiencies) by organizational units and job group.

(e) Establishment of goals and objectives by organizational units and job groups, including timetables for completion.

(f) Development and execution of action-oriented programs designed to eliminate problems and further designed to attain established goals and objectives.

(g) Design and implementation of internal audit and reporting systems to measure effectiveness of the total program.

(h) Compliance of personnel policies and practices with the Sex Discrimination Guidelines (41 CFR Part 60-20).

(i) Active support of local and national community action programs and community service programs, designed to improve the employment opportunities of minorities and women.

(j) Consideration of minorities and women not currently in the work force having requisite skills who can be recruited through affirmative action measures.

§ 60-2.14 Compliance status.

No contractor's compliance status shall be judged alone by whether or not he reaches his goals and meets his timetables. Rather, each contractor's compliance posture shall be reviewed and determined by reviewing the contents of his program, the extent of his adherence to this program, and his good faith efforts to make his program work toward the realization of the program's goals within the timetables set for completion. There follows an outline of examples of procedures that contractors and Federal agencies should use as a guideline for establish-

ing, implementing, and judging an acceptable affirmative action program.

Subpart C—Methods of Implementing the Requirements of Subpart B

§ 60-2.20 Development or reaffirmation of the equal employment opportunity policy.

(a) The contractor's policy statement should indicate the chief executive officers' attitude on the subject matter, assign overall responsibility and provide for a reporting and monitoring procedure. Specific items to be mentioned should include, but not be limited to:

(1) Recruit, hire, train, and promote persons in all job titles, without regard to race, color, religion, sex, or national origin, except where sex is a bona fide occupational qualification. (The term "bona fide occupational qualification" has been construed very narrowly under the Civil Rights Act of 1964. Under Executive Order 11246 as amended and this part, this term will be construed in the same manner.)

(2) Base decisions on employment so as to further the principle of equal employment opportunity.

(3) Insure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities.

(4) Insure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, company sponsored training, education, tuition assistance, social and recreation programs, will be administered without regard to race, color, religion, sex, or national origin.

§ 60-2.21 Dissemination of the policy.

(a) The contractor should disseminate his policy internally as follows:

(1) Include it in contractor's policy manual.

(2) Publicize it in company newspaper, magazine, annual report, and other media.

(3) Conduct special meetings with executive, management, and supervisory personnel to explain intent of policy and individual responsibility for effective implementation, making clear the chief executive officer's attitude.

(4) Schedule special meetings with all other employees to discuss policy and explain individual employee responsibilities.

(5) Discuss the policy thoroughly in both employee orientation and management training programs.

(6) Meet with union officials to inform them of policy, and request their cooperation.

(7) Include nondiscrimination clauses in all union agreements, and review all contractual provisions to insure they are nondiscriminatory.

(8) Publish articles covering EEO programs, progress reports, promotions, etc., of minority and female employees, in company publications.

(9) Post the policy on company bulletin boards.

(10) When employees are featured in product or consumer advertising, employee handbooks or similar publications both minority and nonminority, men and women should be pictured.

(11) Communicate to employees the existence of the contractors affirmative action program and make available such elements of his program as will enable such employees to know of and avail themselves of its benefits.

(b) The contractor should disseminate his policy externally as follows:

(1) Inform all recruiting sources verbally and in writing of company policy, stipulating that these sources actively recruit and refer minorities and women for all positions listed.

(2) Incorporate the equal opportunity clause in all purchase orders, leases, contracts, etc., covered by Executive Order 11246, as amended, and its implementing regulations.

(3) Notify minority and women's organizations, community agencies, community leaders, secondary schools, and colleges, of company policy, preferably in writing.

(4) Communicate to prospective employees the existence of the contractor's affirmative action program and make available such elements of his program as will enable such prospective employees to know of and avail themselves of its benefits.

(5) When employees are pictured in consumer or help wanted advertising, both minorities and nonminority men and women should be shown.

(6) Send written notification of company policy to all subcontractors, vendors, and suppliers requesting appropriate action on their part.

§ 60-2.22 Responsibility for implementation.

(a) An executive of the contractor should be appointed as director or manager of company equal opportunity programs. Depending upon the size and geographical alinement of the company, this may be his or her sole responsibility. He or she should be given the necessary top management support and staffing to executive the assignment. His or her identity should appear on all internal and external communications on the company's equal opportunity programs. His or her responsibilities should include, but not necessarily be limited to:

(1) Developing policy statements, affirmative action programs, internal and external communication techniques.

(2) Assisting in the identification of problem areas.

(3) Assisting line management in arriving at solutions to problems.

(4) Designing and implementing audit and reporting systems that will:

(i) Measure effectiveness of the contractor's programs.

(ii) Indicate need for remedial action.

(iii) Determine the degree to which the contractor's goals and objectives have been attained.

(5) Serve as liaison between the contractor and enforcement agencies.

(6) Serve as liaison between the contractor and minority organizations, women's organizations and community action groups concerned with employment opportunities of minorities and women.

(7) Keep management informed of latest developments in the entire equal opportunity area.

(b) Line responsibilities should include, but not be limited to the following:

(1) Assistance in the identification of problem areas and establishment of local and unit goals and objectives.

(2) Active involvement with local minority organizations, women's organizations, community action groups and community service programs.

(3) Periodic audit of training programs, hiring and promotion patterns to remove impediments to the attainment of goals and objectives.

(4) Regular discussions with local managers, supervisors, and employees to be certain the contractor's policies are being followed.

(5) Review of the qualifications of all employees to insure that minorities and women are given full opportunities for transfers and promotions.

(6) Career counseling for all employees.

(7) Periodic audit to insure that each location is in compliance in area such as:

(i) Posters are properly displayed.

(ii) All facilities, including company housing, which the contractor maintains for the use and benefit of his employees, are in fact desegregated, both in policy and use. If the contractor provides facilities such as dormitories, locker rooms and rest rooms, they must be comparable for both sexes.

(iii) Minority and female employees are afforded a full opportunity and are encouraged to participate in all company sponsored educational, training, recreational, and social activities.

(8) Supervisors should be made to understand that their work performance is being evaluated on the basis of their equal employment opportunity efforts and results, as well as other criteria.

(9) It shall be a responsibility of supervisors to take actions to prevent

harassment of employees placed through affirmative action efforts.

§ 60-2.23 Identification of problem areas by organizational units and job groups.

(a) An in-depth analysis of the following should be made, paying particular attention to trainees and those categories listed in § 60-2.11(b).

(1) Composition of the work force by minority group status and sex.

(2) Composition of applicant flow by minority group status and sex.

(3) The total selection process including position descriptions, position titles, worker specifications, application forms, interview procedures, test administration, test validity, referral procedures, final selection process, and similar factors.

(4) Transfer and promotion practices.

(5) Facilities, company sponsored recreation and social events, and special programs such as educational assistance.

(6) Seniority practices and seniority provisions of union contracts.

(7) Apprenticeship programs.

(8) All company training programs, formal and informal.

(9) Work force attitude.

(10) Technical phases of compliance, such as poster and notification to labor unions, retention of applications, notification to subcontractors, etc.

(b) If any of the following items are found in the analysis, special corrective action should be appropriate.

(1) An "underutilization" of minorities or women in specific job groups.

(2) Lateral and/or vertical movement of minority or female employees occurring at a lesser rate (compared to work force mix) than that of nonminority or male employees.

(3) The selection process eliminates a significantly higher percentage of minorities or women than nonminorities or men.

(4) Application and related preemployment forms not in compliance with Federal legislation.

(5) Position descriptions inaccurate in relation to actual functions and duties.

(6) Formal or scored selection procedures not validated as required by the OFCCP Uniform Guidelines on Employee Selection Procedures.

(7) Test forms not validated by location, work performance and inclusion of minorities and women in sample.

(8) Referral ratio of minorities or women to the hiring supervisor or manager indicates a significantly higher percentage are being rejected as compared to nonminority and male applicants.

(9) Minorities or women are excluded from or are not participating in company sponsored activities or programs.

(10) De facto segregation still exists at some facilities.

(11) Seniority provisions contribute to overt or inadvertent discrimination, i.e., a disparity by minority group status or sex exists between length of service and types of job held.

(12) Nonsupport of company policy by managers, supervisors or employees.

(13) Minorities or women underutilized or significantly underrepresented in training or career improvement programs.

(14) No formal techniques established for evaluating effectiveness of EEO programs.

(15) Lack of access to suitable housing inhibits recruitment efforts and employment of qualified minorities.

(16) Lack of suitable transportation (public or private) to the work place inhibits minority employment.

(17) Labor unions and subcontractors not notified of their responsibilities.

(18) Purchase orders do not contain EEO clause.

(19) Posters not on display.

§ 60-2.24 Development and execution of programs.

(a) The contractor should conduct detailed analyses of position descriptions to insure that they accurately reflect position functions, and are consistent for the same position from one location to another.

(b) The contractor should validate worker specifications by division, department, location or other organizational unit and by job title using job performance criteria. Special attention should be given to academic, experience and skill requirements to insure that the requirements in themselves do not constitute inadvertent discrimination. Specifications should be consistent for the same job title in all locations and should be free from bias as regards to race, color, religion, sex or national origin, except were sex is a bona fide occupational qualification. Where requirements screen out a disproportionate number of minorities or women, such requirements should be professionally validated to job performance.

(c) Approved position descriptions and worker specifications, when used by the contractor, should be made available to all members of management involved in the recruiting, screening, selection, and promotion process. Copies should also be distributed to all recruiting sources.

(d) The contractor should evaluate the total selection process to insure freedom from bias and, thus, aid the attainment of goals and objectives.

(1) All personnel involved in the recruiting, screening, selection, promotion, disciplinary, and related processes should be carefully selected and trained to insure elimination of bias in all personnel actions.

(2) The contractor shall observe the requirements of the OFCCP Uniform Guidelines on Employee Selection Procedures.

(3) Selection techniques other than tests may also be improperly used so as to have the effect of discriminating against minority groups and women. Such techniques include but are not restricted to, unscored interviews, unscored or casual application forms, arrest records, credit checks, considerations of marital status or dependency or minor children. Where there exist data suggesting that such unfair discrimination or exclusion of minorities or women exists, the contractor should analyze his unscored procedures and eliminate them if they are not objectively valid.

(e) Suggested techniques to improve recruitment and increase the flow of minority or female applicants follow:

(1) Certain organizations such as the Urban League, Job Corps, Equal Opportunity Programs, Inc., Concentrated Employment programs, Neighborhood Youth Corps, Secondary Schools, Colleges, and City Colleges with high minority enrollment, the State Employment Service, specialized employment agencies, Aspira, LULAC, SER, the G.I. Forum, the Commonwealth of Puerto Rico are normally prepared to refer minority applicants. Organizations prepared to refer women with specific skills are: National Organization for Women, Welfare Rights organizations, Women's Equity Action League, Talent Bank from Business and Professional Women (including 26 women's organizations), Professional Women's Caucus, Intercollegiate Association of University Women, Negro Women's sororities and service groups such as Delta Sigma Theta, Alpha Kappa Alpha, and Zeta Phi Beta; National Council of Negro Women, American Association of University Women, YWCA, and sectarian groups such as Jewish Women's Groups, Catholic Women's Groups and Protestant Women's Groups, and women's colleges. In addition, community leaders as individuas shall be added to recruiting sources.

(2) Formal briefing sessions should be held, preferably on company premises, with representatives from these recruiting sources. Plant tours, presentations by minority and female emplyees, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of the company's selection process, and recruiting literature should be an integral part of the briefings. Formal arrangements should be made for referral of appli-

cants, followup with sources, and feedback on disposition of applicants.

(3) Minority and female employees, using procedures similar to subparagraph (2) of this paragraph, should be actively encouraged to refer applicants.

(4) A special effort should be made to include minorities and women on the Personnel Relations staff.

(5) Minority and female employees should be made available for participation in Career Days, Youth Motivation Programs, and related activities in their communities.

(6) Active participation in "Job Fairs" is desirable. Company representative so participating should be given authority to make on-the-spot commitments.

(7) Active recruiting programs should be carried out at secondary schools, junior colleges, and colleges with predominant minority or female enrollments.

(8) Recruiting efforts at all schools should incorporate special efforts to reach minorities and women.

(9) Special employment programs should be undertaken whenever possible. Some possible programs are:

(i) Technical and nontechnical co-op programs with predominately Negro and women's colleges.

(ii) "After school" and/or work-study jobs for minority youths, male and females.

(iii) Summer jobs for underprivileged youth, male and female.

(iv) Summer work-study programs for male and female faculty members of the predominantly minority schools and colleges.

(v) Motivation, training and employment programs for the hardcore unemployed, male and female.

(10) When recruiting brochures pictorially present work situations, the minority and female members of the work force should be included, especially when such brochures are used in school and career programs.

(11) Help wanted advertising should be expanded to include the minority news media and women's interest media on a regular basis.

(f) The contractor should insure that minority and female employees are given equal opportunity for promotion. Suggestions for achieving this result include:

(1) Post or otherwise announce promotional opportunities.

(2) Make an inventory of current minority and female employees to determine academic, skill and experience level of individual employees.

(3) Initiate necessary remedial, job training and workstudy programs.

(4) Develop and implement formal employee evaluation programs.

(5) Make certain "worker specifications" have been validated on job performance related criteria. (Neither minority nor female employees should be required to possess higher qualifications than those of the lowest qualified incumbent.)

(6) When apparently qualified minority or female employees are passed over for upgrading, require supervisory personnel to submit written justification.

(7) Establish formal career counseling programs to include attitude development, education aid, job rotation, buddy system and similar programs.

(8) Review seniority practices and seniority clauses in union contracts to insure such practices or clauses are nondiscriminatory and do not have a discriminatory effect.

(g) Make certain facilities and company-sponsored social and recreation activities are desegregated. Actively encourage all employees to participate.

(h) Encourage child care, housing and transportation programs appropriately designed to improve the employment opportunities for minorities and women.

§ 60-2.25 Internal audit and reporting systems.

(a) The contractor should monitor records of referrals, placements, transfers, promotions and terminations at all levels to insure nondiscriminatory policy is carried out.

(b) The contractor should require formal reports from unit managers on a schedule basis as to degree to which corporate or unit goals are attained and timetables met.

(c) The contractor should review report results with all levels of management.

(d) The contractor should advise top management of program effectiveness and submit recommendations to improve unsatisfactory performance.

§ 60-2.26 Support of action programs.

(a) The contractor should appoint key members of management to serve on merit employment councils, community relations boards and similar organizations.

(b) The contractor should encourage minority and female employees to participate actively in National Alliance of Businessmen programs for youth motivation.

(c) The contractor should support vocational guidance institutes, vestibule training programs and similar activities.

(d) The contractor should assist secondary schools and colleges in programs designed to enable minority and female graduates of these institutions to compete in the open employment market on a more equitable basis.

(e) The contractor should publicize achievements of minority and female employees in local and minority news media.

(f) The contractor should support programs developed by such organizations as National Alliance of Businessmen, the Urban Coalition and other organizations concerned with employment opportunities for minority or women.

Subpart D—Miscellaneous

§ 60-2.30 Use of goals.

The purpose of a contractor's establishment and use of goals is to insure that he meet his affirmative action obligation. It is not intended and should not be used to discriminate against any applicant or employee because of race, color, religion, sex, or national origin.

§ 60-2.31 Preemption.

To the extent that any State or local laws, regulations or ordinances, including those which grant special benefits to persons on account of sex, are in conflict with Executive Order 11246, as amended, or with the requirements of this part, we will regard them as preempted under the Executive order.

§ 60-2.32 Supersedure.

All orders, instructions, regulations, and memoranda of the Secretary of Labor, other officials of the Department of Labor and contracting agencies are hereby superseded to the extent that they are inconsistent herewith, including a previous "Order No. 4" from this office dated January 30, 1970. Nothing in this part is intended to amend 41 CFR Part 60-3 or 41 CFR 60-20.

PART 60-4—CONSTRUCTION CONTRACTORS—AFFIRMATIVE ACTION REQUIREMENTS

Sec.

60-4.1 Scope and application.
60-4.2 Solicitations.
60-4.3 Equal opportunity clauses.
60-4.4 Affirmative action requirements.
60-4.5 Hometown plans
60-4.6 Goals and timetables.
60-4.7 Effect on other regulations.
60-4.8 Show cause notice.
60-4.9 Incorporation by operation of the Order.

AUTHORITY: Secs. 201, 202, 205, 211, 301, 302, and 303 of E.O. 11246, as amended, 30 FR 12319; 32 FR 14303, as amended by E.O. 12086.

§ 60-4.1 Scope and application.

This part applies to all contractors and subcontractors which hold any Federal or federally assisted construction contract in excess of $10,000. The regulations in this part are applicable to all of a construction contractor's or subcontractor's construction employees who are engaged in on site con-

truction including those construction employees who work on a non-Federal or nonfederally assisted construction site. This part also established procedures which all Federal contracting officers and all applicants, as applicable, shall follow in soliciting for and awarding Federal or federally assisted construction contracts. Procedures also are established which administering agencies shall follow in making any grant, contract, loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of Executive Order 11246, as amended.

In addition, this part applies to construction work performed by construction contractors and subcontractors for Federal nonconstruction contractors and subcontractors if the construction work is necessary in whole or in part to the performance of a nonconstruction contract or subcontract.

§ 60–4.2 Solicitations.

(a) All Federal contracting officers and all applicants shall include the notice set forth in paragraph (d) of this section and the Standard Federal Equal Employment Opportunity Construction Contract Specifications set forth in § 60–4.3 of this part in all solicitations for offers and bids on all Federal and federally assisted construction contracts or subcontracts to be performed in geographical areas designated by the Director pursuant to § 60–4.6 of the part. Administering agencies shall require the inclusion of the notice set forth in paragraph (d) of this section and the specifications set forth in § 60–4.3 of this part as a condition of any grant, contract, subcontract, loan insurance or guarantee involving federally assisted construction covered by this part 60–4.

(b) All nonconstruction contractors covered by Executive Order 11246 and the implementing regulations shall include the notice in paragraph (d) of this section in all construction agreements which are necessary in whole or in part to the performance of the covered nonconstruction contract.

(c) Contracting officers, applicants and nonconstruction contractors shall given written notice to the Director within 10 working days of award of a contract subject to these provisions. The notification shall include the name, address and telephone number of the contractor; employer identification number; dollar amount of the contract, estimated starting and completion dates of the contract; the contract number; and geographical area in which the contract is to be performed.

(d) The following notice shall be included in, and shall be a part of, all solicitations for offers and bids on all Federal and federally assisted construction contracts or subcontracts in excess of $10,000 to be performed in geographical areas designed by the Director pursuant to § 60–4.6 of this part (see 41 CFR 60–4.2(a)):

NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE ORDER 11246)

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth herein.

2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Timetables	Goals for minority participation for each trade	Goals for female participation in each trade
	Insert goals for each year.	Insert goals for each year.

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or federally assisted) performed in the covered area.

The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60–4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60–4.3(a), and its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60–4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within 10 working days of award of any construction subcontract in excess of $10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the subcontractor; employer identification number; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the contract is to be performed.

4. As used in this Notice, and in the contract resulting from this solicitation, the "covered area" is (insert description of the geographical areas where the contract is to be performed giving the state, county and city, if any).

§ 60–4.3 Equal opportunity clauses.

(a) The equal opportunity clause published at 41 CFR 60–1.4(a) of this chapter is required to be included in, and is part of, all nonexempt Federal contracts and subcontracts, including construction contracts and subcontracts. The equal opportunity clause published at 41 CFR 60–1.4(b) is required to be included in, and is a part of, all nonexempt federally assisted construction contracts and subcontracts. In addition to the clauses described above, all Federal contracting officers, all applicants and all nonconstruction contractors, as applicable, shall include the specifications set forth in this section in all Federal and federally assisted construction contracts in excess of $10,000 to be performed in geographical areas designated by the Director pursuant to § 60–4.6 of this part and in construction subcontracts in excess of $10,000 necessary in whole or in part to the performance of nonconstruction Federal contracts and subcontracts covered under the Executive order.

STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY CONSTRUCTION CONTRACT SPECIFICATIONS (EXECUTIVE ORDER 11246)

1. As used in these specifications:

a. "Covered area" means the geographical area described in the solicitation from which this contract resulted;

b. "Director" means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority;

c. "Employer identification number" means the Federal Social Security number used on the Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941.

d. "Minority" includes:

(i) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);

(ii) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);

(iii) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and

(iv) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

2. Whenever the Contractor, or any Subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of $10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which this contract resulted.

3. If the Contractor is participating (pursuant to 41 CFR 60–4.5) in a Hometown Plan approved by the U.S. Department of Labor in the covered are either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those

trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other Contractors or Subcontractors toward a goal in an approved Plan does not excuse any covered Contractor's or Subcontractor's failure to take good faith efforts to achieve the Plan goals and timetables.

4. The Contractor shall implement the specific affirmative action standards provided in paragraphs 7a through p of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the Contractor should reasonably be able to achieve in each contruction trade in which it has employees in the covered area. The Contractor is expected to make substantially uniform progress toward its goals in each craft during the period specified.

5. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the Contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the Contractor's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.

6. In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the Contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U.S. Department of Labor.

7. The Contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The Contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:

a. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the Contractor's employees are assigned to work. The Contractor, where possible, will assign two or more women to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.

b. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Contractor or its unions have employment opportunities available, and maintain a record of the organizations' responses.

c. Maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union or, if referred, not employed by the Contractor, this shall be documented in the file with the reason therefor, along with whatever additional actions the Contractor may have taken.

d. Provide immediate written notification to the Director when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligations.

e. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the Department of Labor. The Contractor shall provide notice of these programs to the sources compiled under 7b above.

f. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newpaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.

g. Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with onsite supervisory personnel such as Superintendents, General Foremen, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.

h. Disseminate the Contractor's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.

i. Direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the Contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.

j. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a Contractor's work force.

k. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.

l. Conduct, at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.

m. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and the Contractor's obligations under these specifications are being carried out.

n. Ensure that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.

o. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.

p. Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.

8. Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations (7a through p). The efforts of a contractor association, joint contractor-union, contractor-community, or other similar group of which the contractor is a member and participant, may be asserted as fulfilling any one or more of its obligations under 7a through p of these Specifications provided that the contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the Contractor's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation to comply, however, is the Contractor's and failure of such a group to fulfill an obligation shall not be a defense for the Contractor's noncompliance.

9. A single goal for minorities and a separate single goal for women have been established. The Contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the Contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example, even though the

Contractor has achieved its goals for women generally, the Contractor may be in violation of the Executive Order if a specific minority group of women is underutilized).

10. The Contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex, or national origin.

11. The Contractor shall not enter into any Subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.

12. The Contractor shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246, as amended.

13. The Contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 7 of these specifications, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of the Executive Order, the implementing regulations, or these specifications, the Director shall proceed in accordance with 41 CFR 60-4.8.

14. The Contractor shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, contractors shall not be required to maintain separate records.

15. Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

(b) The notice set forth in 41 CFR 60-4.2 and the specifications set forth in 41 CFR 60-4.3 replace the New Form for Federal Equal Employment Opportunity Bid Conditions for Federal and Federally Assisted Construction published at 41 FR 32482 and commonly known as the Model Federal EEO Bid Conditions, and the New Form shall not be used after the regulations in 41 CFR Part 60-4 become effective.

§ 60-4.4 Affirmative action requirements.

(a) To implement the affirmative action requirements of Executive Order 11246 in the construction industry, the Office of Federal Contract Compliance Programs previously has approved affirmative action programs commonly referred to as "Hometown Plans," has promulgated affirmative action plans referred to as "Imposed Plans" and has approved "Special Bid Conditions" for high impact projects constructed in areas not covered by a Hometown or an Imposed Plan. All solicitations for construction contracts made after the effective date of the regulations in this part shall include the notice specified in § 60-4.2 of this part and the specifications in § 60-4.3 of this part in lieu of the Hometown and Imposed Plans including the Philadelphia Plan and Special Bid Conditions. Until the Director has issued an order pursuant to § 60-4.6 of this part establishing goals and timetables for minorities in the appropriate geographical areas or for a project covered by Special Bid Conditions, the goals and timetables for minorities to be inserted in the Notice required by 41 CFR 60-4.2 shall be the goals and timetables contained in the Hometown Plan, Imposed Plan or Special Bid Conditions presently covering the respective geographical area or project involved.

(b) Signatories to a Hometown Plan (including heavy highway affirmative action plans) shall have 45 days from the effective date of the regulations in this part to submit under such a Plan (for the director's approval) goals and timetables for women and to include female representation on the Hometown Plan Administrative Committee. Such goals for female representation shall be at least as high as the goals established for female representation in the notice issued pursuant to 41 CFR 60-4.6. Failure of the signatories, within the 45-day period, to include female representation and to submit goals for women or a new plan, as appropriate, shall result in an automatic termination of the Office of Federal Contract Compliance Program's approval of the Hometown Plan. At any time the Office of Federal Contract Compliance Programs terminates or withdraws its approval of a Hometown Plan, or when the plan expires and another plan is not approved, the contractors signatory to the plan shall be covered automatically by the specifications set forth in § 60-4.3 of this part and by the goals and timetables established for that geographical area pursuant to § 60-4.6 of this part.

§ 60-4.5 Hometown plans.

(a) A contractor participating, either individually or through an association, in an approved Hometown Plan (including heavy highway affirmative action plans) shall comply with its affirmative action obligations under Executive Order 11246 by complying with its obligations under the plan: *Provided*, That each contractor or subcontractor participating in an approved plan is individually required to comply with the equal opportunity clause set forth in 41 CFR 60-1.4; to make a good faith effort to achieve the goals for each trade participating in the plan in which it has employees; and that the overall good performance by other contractors or subcontractors toward a goal in an approved plan does not excuse any covered contractor's or subcontractor's failure to take good faith efforts to achieve the plan's goals and timetables. If a contractor is not participating in an approved Hometown Plan it shall comply with the specifications set forth in § 60-4.3 of this part and with the goals and timetables for the appropriate area as listed in the notice required by 41 CFR 60-4.2 with regard to that trade. For the purposes of this part 60-4, a contractor is not participating in a Hometown Plan for a particular trade if it:

(1) Ceases to be signatory to a Hometown Plan covering that trade;

(2) Is signatory to a Hometown Plan for that trade but is not party to a collective bargaining agreement for that trade;

(3) Is signatory to a Hometown Plan for that trade but is party to a collective bargaining agreement with labor organizations which are not or cease to be signatories to the same Hometown Plan for that trade;

(4) Is signatory to a Hometown Plan for that trade but is party to a collective bargaining agreement with a labor organization for that trade but the two have not jointly executed a specific commitment to minority and female goals and timetables and incorporated the commitment in the Hometown Plan for that trade;

(5) is participating in a Hometown Plan for that trade which is no longer acceptable to the Office of Federal Contract Compliance Programs;

(6) Is signatory to a Hometown Plan for that trade but is party to a collective bargaining agreement with labor a organization for that trade and the labor organization and the contractor have failed to make a good faith effort to comply with their obligations under the Hometown Plan for that trade.

(b) Contractors participating in Hometown Plans must be able to demonstrate their participation and document their compliance with the provision of the Hometown Plan.

§ 60-4.6 Goals and timetables.

The director, from time to time, shall issue goals and timetables for minority and female utilization which

shall be based on appropriate workforce, demographic or other relevant data and which shall cover construction projects, or construction contracts performed in specific geographical areas. The goals shall be applicable to each construction trade in a covered contractor's or subcontractor's entire workforce which is working in the area covered by the goals and timetables, shall be published as notices in the FEDERAL REGISTER, and shall be inserted by the contracting officers and applicants, as applicable, in the notice required by 41 CFR 60-4.2.

§ 60-4.7 Effect on other regulations.

The regulations in this part are in addition to the regulations contained in this chapter which apply to construction contractors and subcontractors generally. See particularly, 41 CFR 60-1.4 (a), (b), (c), (d), and (e); 60-1.5; 60-1.7; 60-1.8; 60-1.26; 60-1.29; 60-1.30; 60-1.32; 60-1.41; 60-1.42; 60-1.43; and 41 CFR part 60-3; part 60-20; part 60-30; part 60-40; and part 60-50.

§ 60-4.8 Show cause notice.

If an investigation or compliance review reveals that a construction contractor or subcontractor has violated the Executive order, any contract clause, specifications or the regulations in this chapter and if administrative enforcement is contemplated, the director shall issue to the contractor or subcontractor a notice to show cause which shall contain the items specified in (i)-(iv) of 41 CFR 60-2.2(c)(1). If the contractor does not show good cause within 30 days, or in the alternative, fails to enter an acceptable conciliation agreement which includes where appropriate, make up goals and timetables, back pay, and seniority relief for affected class members, the OFCCP shall follow the procedure in 41 CFR 60-1.26(b): *Provided*, That where a conciliation agreement has been violated, no show cause notice is required prior to the initiation of enforcement proceeings.

§ 60-4.9 Incorporation by operation of the order.

By operation of the order, the equal opportunity clause contained in § 60-1.4, the Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246) contained in § 60-4.2, and the Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246) contained in § 60-4.3 shall be deemed to be a part of every solicitation or of every contract and subcontract, as appropriate, required by the order and the regulations in this chapter to include such clauses whether or not they are physically incorporated in such solicitation or contract and whether or not the contract is written.

PART 60—20 SEX DISCRIMINATION GUIDELINES

Sec.
60-20.1 Title and purpose.
60-20.2 Recruitment and advertisement.
60-20.3 Job policies and practices.
60-20.4 Seniority system.
60-20.5 Discriminatory wages.
60-20.6 Affirmative actions.

AUTHORITY. Sec. 201, E.O. 11246, 30 FR 12319, and E.O. 11375, 32 FR 14303, as amended by E.O. 12086.

§ 60-20.1 Title and purpose.

The purpose of the provisions in this part is to set forth the interpretations and guidelines of the Office of Federal Contract Compliance Programs regarding the implementation of Executive Order 11246, as amended for the promotion and insuring of equal opportunities for all persons employed or seeking employment with Government contractors and subcontractors or with contractors and subcontractors performing under federally assisted construction contracts, without regard to sex. Experience has indicated that special problems related to the implementation of the Executive Order require a definitive treatment beyond the terms of the order itself. These interpretations are to be read in connection with existing regulations, set forth in Part 60-1 of this chapter.

§ 60-20.2 Recruitment and advertisement.

(a) Employers engaged in recruiting activity must recruit employees of both sexes for all jobs unless sex is a bona fide occupation qualification.

(b) Advertisement in newspapers and other media for employment must not express a sex preference unless sex is a bona fide occupational qualification for the job. The placement of an advertisement in columns headed "Male" or "Female" will be considered an expression of a preference, limitation, specification, or discrimination based on sex.

§ 60-20.3 Job policies and practices.

(a) Written personnel policies relating to this subject area must expressly indicate that there shall be no discrimination against employees on account of sex. If the employer deals with a bargaining representative for his employees and there is a written agreement on conditions of employment, such agreement shall not be inconsistent with these guidelines.

(b) Employees of both sexes shall have an equal opportunity to any available job that he or she is qualified to perform, unless sex is a bona fide occupational qualification.

NOTE: In most Government contract work there are only limited instances where valid reasons can be expected to exist which would justify the exclusion of all men or all women from any given job.

(c) The employer must not make any distinction based upon sex in employment opportunities, wages, hours, or other conditions of employment. In the area of employer contributions for insurance, pensions, welfare programs and other similar "fringe benefits" the employer will not be considered to have violated these guidelines if his contributions are the same for men and women or if the resulting benefits are equal.

(d) Any distinction between married and unmarried persons of one sex that is not made between married and unmarried persons of the opposite sex will be considered to be a distinction made on the basis of sex. Similarly, an employer must not deny employment to women with young children unless it has the same exclusionary policies for men; or terminate an employee of one sex in a particular job classification upon reaching a certain age unless the same rule is applicable to members of the opposite sex.

(e) The employer's policies and practices must assure appropriate physical facilities to both sexes. The employer may not refuse to hire men or women, or deny men or women a particular job because there are no restroom or associated facilities, unless the employer is able to show that the construction of the facilities would be unreasonable for such reasons as excessive expense or lack of space.

(f)(1) An employer must not deny a female employee the right to any job that she is qualified to perform in reliance upon a State "protective" law. For example, such laws include those which prohibit women from performing in certain types of occupations (e.g., a bartender or a core-maker); from working at jobs requiring more than a certain number of hours; and from working at jobs that require lifting or carrying more than designated weights.

(2) Such legislation was intended to be beneficial, but, instead, has been found to result in restricting employment opportunities for men and/or women. Accordingly, it cannot be used as a basis for denying employment or for establishing sex as a bona fide occupational qualification for the job.

(g)(1) Women shall not be penalized in their conditions of employment because they require time away from work on account of childbearing. When, under the employer's leave policy the female employee would qualify for leave, then childbearing must be considered by the employer to be a justification for leave of absence for female employees for a reasonable period of time. For example, if the female employee meets the equally ap-

plied minimum length of service requirements for leave time, she must be granted a reasonable leave on account of childbearing. The conditions applicable to her leave (other than the length thereof) and to her return to employment, shall be in accordance with the employer's leave policy.

(2) If the employer has no leave policy, childbearing must be considered by the employer to be a justification for a leave of absence for a female employee for a reasonable period of time. Following childbirth, and upon signifying her intent to return within a reasonable time, such female employee shall be reinstated to her original job or to a position of like status and pay, without loss of service credits.

(h) The employer must not specify any differences for male and female employees on the basis of sex in either mandatory or optional retirement age.

(i) Nothing in these guidelines shall be interpreted to mean that differences in capabilities for job assignments do not exist among individuals and that such distinctions may not be recognized by the employer in making specific assignments. The purpose of these guidelines is to insure that such distinctions are not based upon sex.

§ 60-20.4 Seniority system.

Where they exist, seniority lines and lists must not be based solely upon sex. Where such a separation has existed, the employer must eliminate this distinction.

§ 60-20.5 Discriminatory wages.

(a) The employer's wages schedules must not be related to or based on the sex of the employees.

NOTE. The more obvious cases of discrimination exist where employees of different sexes are paid different wages on jobs which require substantially equal skill, effort and responsibility and are performed under similar working conditions.

(b) The employer may not discriminatorily restrict one sex to certain job classifications. In such a situation, the employer must take steps to make jobs available to all qualified employees in all classifications without regard to sex. (Example: An electrical manufacturing company may have a production division with three functional units: One (assembly) all female; another (wiring), all male; and a third (circuit boards), also all male. The highest wage attainable in the assembly unit is considerably less than that in the circuit board and wiring units. In such a case the employer must take steps to provide qualified female employees opportunity for placement in job openings in the other two units.)

(c) To avoid overlapping and conflicting administration the Director will consult with the Administrator of the Wage and Hour Administration before issuing an opinion on any matter covered by both the Equal Pay Act and Executive Order 11246, as amended.

§ 60-20.6 Affirmative action.

(a) The employer shall take affirmative action to recruit women to apply for those jobs where they have been previously excluded.

NOTE. This can be done by various methods. Examples include: (1) Including in itineraries of recruiting trips women's colleges where graduates with skills desired by the employer can be found, and female students of coeducational institutions and (2) designing advertisements to indicate that women will be considered equally with men for jobs.

(b) Women have not been typically found in significant numbers in management. In many companies management trainee programs are one of the ladders to management positions. Traditionally, few, if any, women have been admitted into these programs. An important element of affirmative action shall be a commitment to include women candidates in such programs.

(c) Distinctions based on sex may not be made in other training programs. Both sexes should have equal access to all training programs and affirmative action programs should require a demonstration by the employer that such access has been provided.

PART 60-30—RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS TO ENFORCE EQUAL OPPORTUNITY UNDER EXECUTIVE ORDER 11246

GENERAL PROVISIONS

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60-30.1 Applicability of rules.
60-30.2 Waiver, modification.
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PREHEARING PROCEDURES

60-30.5 Administrative complaint.
60-30.6 Answer.
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60-30.14 Designation of Administrative Law Judges.
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60-30.25 Proposed findings of fact and conclusions of law.
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60-30.29 Record.
60-30.30 Final Administrative Order.

AUTHORITY: Secs. 201, 205, 208, 209, 301, 302(b) and 303(a) of the Executive Order 11246, as amended, 30 FR 12319; 32 FR 14303; § 60-1.26 of Part 60-1 of this chapter (41 CFR Part 60-1), as amended by E.O. 12086.

GENERAL PROVISIONS

§ 60-30.1 Applicability of rules.

This part provides the rules of practice for all administrative proceedings, instituted by the OFCCP including but not limited to proceedings instituted against construction contractors or subcontractors, which relate to the enforcement of equal opportunity under Executive Order 11246, as amended. In the absence of a specific provision, procedures shall be in accordance with the Federal Rules of Civil Procedure.

§ 60-30.2 Waiver modification.

Upon notice to all parties, the Administrative Law Judge may, with respect to matters pending before him modify or waive any rule herein upon a determination that no party will be prejudiced and that the ends of justice will be served thereby.

§ 60-30.3 Computation of time.

In computing any period of time under these rules or in an order issued hereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed by the Federal Government in which event it includes the next business day.

§ 60-30.4 Form, filing, service of pleadings and papers.

(a) *Form.* The original of all pleadings and papers in a proceeding conducted under the regulations in this part shall be filed with the Adminstrative Law Judge assigned to the case or with the Chief Administrative Law Judge if the case has not been assigned. Every pleading and paper filed in the proceeding shall contain a caption setting forth the name of the agency instituting the proceeding, the title of the action, the case file

number assigned by the Administrative Law Judge, and a designation of the pleading or paper (e.g., complaint, motion to dismiss, etc.). The pleading or paper's shall be signed and shall contain the address and telephone number of the person representing the party or the person on whose behalf the pleading or paper was filed. Unless otherwise ordered for good cause by the Administrative Law Judge regarding specific papers and pleadings in a specific case, all such papers and pleadings are public documents.

(b) *Service.* Service upon any party shall be made by the party filing the pleading or document by delivering a copy or mailing a copy to the party's last known address. When a party is represented by an attorney, the service shall by upon the attorney.

(c) *Proof of service.* A certificate of the person serving the pleading or other document by personal delivery or by mailing, setting forth the manner of services shall be proof of the service.

PREHEARING PROCEDURES

§ 60-30.5 Administrative complaint.

(a) *Issuance.* The Solicitor of Labor, upon referral from the Office of Federal Contract Compliance Programs, shall institute enforcement proceedings by issuing a complaint and causing the complaint to be served upon the contractor which shall be designated in the complaint as the defendant. The Department of Labor, OFCCP, shall be designated as the plaintiff.

(b) *Contents.* The complaint shall contain a concise jurisdictional statement, and a clear and concise statement sufficient to put the defendant on notice of the acts or practices it is alleged to have committed in violation of the Order, the regulations, or its contractual obligations. The complaint shall also contain a prayer regarding the relief being sought, a statement of whatever sanctions the Government will seek to impose and the name and address of the attorney who will represent the Government.

(c) *Amendment.* The complaint may be amended once as a matter of course before an answer is filed, and the defendant may amend its answer once as a matter of course not later than 10 days after the filing of the original answer. Other amendments of the complaint or of the answer to the complaint shall be made only by leave of the Administrative Law Judge or by written consent of the adverse party; and leave shall be freely given where justice so requires. An amended complaint shall be answered within 14 days of its service, or within the time for filing an answer to the original complaint, whichever period is longer. An amended answer shall be responded to within 14 days of its service.

§ 60-30.6 Answer.

(a) *Filing and service.* Within 20 days after the service of the complaint, the defendant shall file an answer with the Chief Administrative Law Judge if the case has not been assigned to an Administrative Law Judge. The answer shall be signed by the defendant or its attorney, and served on the Government in accordance with § 60-30.4(b).

(b) *Contents; failure to file.* The answer shall (1) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, explain, or deny, each of the allegations of the complaint unless the defendant is without knowledge, in which case the answer shall so state; or (2) state that the defendant admits all the allegations of the complaint. The answer may contain a waiver of hearing; and if not, a separate paragraph in the answer shall request a hearing. The answer shall contain the name and address of the defendant, or of the attorney representing the defendant. Failure to file an answer or to plead specifically to any allegation of the complaint shall constitute an admission of such allegation.

(c) *Procedure, upon admission of facts.* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. Upon such admission, the Administrative Law Judge, without further hearing, may prepare his decision in which he shall adopt as his proposed findings of fact the material facts alleged in the complaint. The parties shall be given an opportunity to file exceptions to his decision and to file briefs in support of the exceptions.

§ 60-30.7 Notice of prehearing conference.

The Administrative Law Judge shall respond to defendant's request for a hearing within 15 days and shall serve a notice of prehearing conference on the parties. The notice shall contain the time and place of the conference.

§ 60-30.8 Motions; disposition of motions.

(a) *Motions.* Motions shall state the relief sought, the authority relied upon and the facts alleged, and shall be filed with the Administrative Law Judge. If made before or after the hearing itself, the motions shall be in writing. If made at the hearing, motions may be stated orally; but the Administrative Law Judge may require that they be reduced to writing and filed and served on all parties in the same manner as a formal motion. Unless otherwise ordered by the Administrative Law Judge, written motions shall be accompanied by a supporting memorandum. Within 10 days after a written motion is served, or such other time period as may be fixed, any party may file a response to a motion.

(b) *Disposition of motions.* The Administrative Law Judge may not grant a written motion prior to expiration of the time for filing responses thereto, except upon consent of the parties or following a hearing, but may overrule or deny such motion without awaiting response: *Provided,* That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions.

§ 60-30.9 Interrogatories, and admissions as to facts and documents.

(a) *Interrogatories.* Not later than 25 days prior to the date of the hearing, except for good cause shown, or not later than 14 days prior to such earlier date as the Administrative Law Judge may order, any party may serve upon an opposing party written interrogatories. Each interrogatory shall be answered separately and fully in writing under oath, unless objected to. Answers are to be signed by the person making them and objections by the attorney or by whoever is representing the party. Answers and objections shall be filed and served within 25 days of service of the interrogatory.

(b) *Admissions.* Not later than 14 days prior to the date of the hearing, except for good cause shown, or not later than 14 days prior to such earlier date as the Administrative Law Judge may order, any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in and exhibited with the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be deemed admitted, unless within 25 days after service, the party to whom the request is directed serves upon the requesting party a sworn statement either (1) denying specifically the matter as to which an admission is requested, or (2) setting forth in detail the reasons why he cannot truthfully either admit or deny such matters.

(c) *Objections or failures to respond.* The party submitting the interrogatory or request may move for an order with respect to any objection or other failure to respond.

§ 60-30.10 Production of documents and things and entry upon land for inspection and other purposes.

(a) After commencement of the action, any party may serve on any other party a request to produce and/or permit the party, or someone acting on his behalf, to inspect and copy any

unprivileged documents, phonorecords, and other compilations, including computer tapes and printouts which contain or may lead to relevant information and which are in the possession, custody, or control of the party upon whom the request is served. If necessary, translation of data compilations shall be done by the party furnishing the information.

(b) After commencement of the action, any party may serve on any other party a request to permit entry upon designated property which may be relevant to the issues in the proceeding and, which is in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying or photographing, testing, or sampling the property or any designated object or area.

(c) Each request shall set forth with reasonable particularity the items to be inspected and shall specify a reasonable time and place for making the inspection and performing the related acts.

(d) The party upon whom the request is served shall respond within 25 days after the service of the request. The response shall state, with respect to each item, that inspection and related activities will be permitted as requested, unless there are objections, in which case the reasons for each objection shall be stated. The party submitting the request may move for an order with respect to any objection or to other failure to respond.

§ 60-30.11 Depositions upon oral examination.

(a) *Depositions; notice of examination.* After commencement of the action, any party may take the testimony of any person, including a party, having personal or expert knowledge of the matters in issue, by deposition upon oral examination. A party desiring to take a deposition shall give reasonable notice in writing to every other party to the proceeding, and may use an administrative subpoena. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. The notice shall also set forth the categories of documents the witness is to bring with him to the deposition, if any. A copy of the notice shall be furnished to the person to be examined unless his name is unknown.

(b) *Production of witnesses; obligation of parties; objections.* It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Unless the parties agree otherwise, depositions shall be held within the county in which the witness resides or works. The party or prospective witness may file with the Administrative Law Judge an objection within 5 days after notice of production of such witness is served, stating with particularity the reasons why the party cannot or ought not to produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness. All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or, with due diligence, might have been ascertained.

(c) *Before whom taken; scope of examination; failure to answer.* Depositions may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the deposition is held. At the time and place specified in the notice, each party to examine and cross-examine the witness under oath upon any matter which is relevant to the subject matter of the proceeding, or which is reasonably calculated to lead to the production of relevant and otherwise admissible evidence. All objections to questions, except as to the form thereof, and all objections to evidence are reserved until the hearing. A refusal or failure on the part of any person under the control of a party to answer a question shall operate to create a presumption that the answer, if given, would be unfavorable to the controlling party, unless the question is subsequently ruled improper by the Administrative Law Judge or the Administrative Law Judge rules that there was valid justification for the witness' failure or refusal to answer the question: *Provided,* That the examining party shall note on the record during the deposition the question which the deponent has failed, or refused to answer, and state his intention to invoke the presumption if no answer is forthcoming.

(d) *Subscription; certification; filing.* The testimony shall be reduced to typewriting, either by the officer taking the deposition or under his direction, and shall be submitted to the witness for examination and signing. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be noted in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver the original copy of the transcript, together with his certificate, in person or by mail to the Administrative Law Judge. Copies of the transcript and certificate shall be furnished to all persons desiring them, upon payment of reasonable charges, unless distribution is restricted by order of the Administrative Law Judge for good cause shown.

(e) *Rulings on admissibility; use of deposition.* Subject to the provisions of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying. Any part or all of a deposition, so far as admissible in the discretion of the Administrative Law Judge, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice, in accordance with the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

(2) The deposition of a party or of any one who at the time of taking the deposition was an officer, director, or managing agent, or was designated to testify on behalf of a public or private corporation, partnership, association, or governmental agency which is a party may be used by the adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the hearing examiner finds: (i) That the witness is dead; or (ii) that the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or (iii) that the party offering the deposition has been unable to procure the attendance of the witness by subpena; or (iv) upon application and notice, that such exceptional circumstances exist as to make it desirable to allow the deposition to be used.

(4) If only part of a deposition is introduced in evidence by a party, any party may introduce any other parts by way of rebuttal and otherwise.

(f) *Stipulations.* If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions.

§ 60-30.12 Prehearing conferences.

(a) Upon his own motion or the motion of the parties, the Administrative Law Judge may direct the parties or their counsel to meet with him for a conference to consider:

(1) Simplification of the issues;

(2) Necessity or desirability of amendments to pleadings for purposes of clarification, simplification, or limitation;

(3) Stipulations, admissions of fact and of contents and authenticity of documents;

(4) Limitation of number of witnesses;

(5) Scheduling dates for the exchange of witness lists and of proposed exhibits;

(6) Such other matters as may tend to expedite the disposition of the proceedings.

(b) The record shall show the matters disposed of by order and by agreement in such pretrial conferences. The subsequent course of the proceeding shall be controlled by such action.

§ 60-30.13 Consent findings and order.

(a) *General.* At any time after the issuance of a complaint and prior to or during the reception of evidence in any proceeding, the parties may jointly move to defer the receipt of any evidence for a reasonable time to permit negotiation of an agreement containing consent findings and an order disposing of the whole or any part of the proceeding. The allowance of such deferment and the duration thereof shall be in the discretion of the Administrative Law Judge after consideration of the nature of the proceeding, the requirments of the public interest, the representations of the parties, and the probability of an agreement being reached which will result in a just disposition of the issues involved.

(b) *Content.* Any agreement containing consent findings and an order disposing of a proceeding shall also provide:

(1) That the order shall have the same force and effect as an order made after full hearing;

(2) That the entire record on which any order may be based shall consist solely of the complaint and the agreement;

(3) That any further procedural steps are waived; and

(4) That any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement is waived.

(c) *Submission.* On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(1) Submit the proposed agreement to the Administrative Law Judge for his consideration; or that agreement cannot be reached.

(2) Inform the Administrative Law Judge that

(d) *Disposition.* In the event an agreement containing consent findings and an order is submitted within the time allowed, the Administrative Law Judge, within 30 days, shall accept such agreement by issuing his decision based upon the agreed findings, and his decision shall consititute the final Administrative order.

HEARINGS AND RELATED MATTERS

§ 60-30.14 Designation of Administrative Law Judges.

Hearings shall be held before an Administrative Law Judge of the Department of Labor who shall be designated by the Chief Administrative Law Judge of the Department of Labor. After commencement of the proceeding but prior to the designation of an Administrative Law Judge, pleadings and paper shall be filed with the Chief Administrative Law Judge.

§ 60-30.15 Authority and responsibilities of Administrative Law Judges.

The Administrative Law Judge shall propose findings and conclusions to the compliance agency or to the Secretary on the basis of the record. In order to do so, he shall have the duty to conduct a fair hearing, to take all necesssary action to avoid delay, and to maintain order. He shall have all powers necessary to those ends, including, but not limited to, the power to:

(a) Hold confernces to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding by consent of the parties or upon his own motion;

(b) Require parties to state their position with respect to the various issues in the proceeding;

(c) Require parties to produce for examination those relevant witnesses and documents under their control; and require parties to answer interrogatories and requests for admissions in full;

(d) Administer oaths;

(e) Rule on motions, and other procedural items or matters pending before him;

(f) Regulate the course of the hearing and conduct of participants therein;

(g) Examine and cross-examine witnesses, and introduce into the record documentary or other evidence;

(h) Receive, rule on, exclude, or limit evidence and limit lines of questioning or testimony which are irrelevant, immaterial, or unduly repetitious;

(i) Fix time limits for submission of written documents in matters before him and extend any time limits established by this part upon a determination that no party will be prejudiced and that the ends of justice will be served thereby;

(j) Impose appropriate sanctions against any party or person failing to obey an order under these rules which may include:

(1) Refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting it from introducing designated matters in evidence;

(2) Excluding all testimony of an unresponsive or evasive witness, or determining that the answer of such witness, if given, would be unfavorable to the party having control over him; and

(3) Expelling any party or person from further participation in the hearing;

(k) Take official notice of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice;

(l) Recommend whether the respondent is in current violation of the order, regulations, or its contractual obligations, as well as the nature of the relief necessary to insure the full enjoyment of the rights secured by the order;

(m) Issue subpenas; and

(n) Take any action authorized by these rules.

§ 60-30.16 Appearances.

(a) *Representation.* The parties or other persons or organizations participating pursuant to this part 60-30 have the right to be represented by counsel.

(b) *Failure to appear.* In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make a prima facie case before the Administrative Law Judge. Failure to appear at the hearing shall not be deemed to be a waiver of the right to be served with a copy of the Administrative Law Judge's recommended decision and to file exceptions to it.

§ 60-30.17 Appearance of witnesses.

(a) A party wishing to procure the appearance at the hearing of any person having personal or expert knowledge of the matters in issue shall serve on the prospective witness a notice, which may be accomplished by an administrative subpena, setting forth the time, date, and place at which he is to appear for the purpose of giving testimony. The notice shall also set forth the categories of documents the witness is to bring with him to the hearing, if any. A copy of the notice shall be filed with the Administrative Law Judge and additional copies shall be served upon the opposing parties.

(b) It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over

such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Due regard shall be given to the convenience of witnesses in scheduling their testimony so that they will be detained no longer than reasonably necessary.

(c) The party or prospective witness may file an objection within 5 days after notice of production of such witness is served stating with particularity the reasons why the party cannot produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness.

§ 60-30.18 Evidence; testimony.

Formal rules of evidence shall not apply, but rules or principles designed to assure production of the most probative evidence available shall be applied. Testimony shall be given orally by witnesses at the hearing. A witness shall be available for cross-examination, and, at the descretion of the Adminsitrative Law Judge, may be cross-examined without regard to the scope of direct examination as to any matter which is relevant and material to the proceeding. The Administrative Law Judge may exclude evidence which is immaterial, irrelevant, or unduly repetitious.

§ 60-30.19 Objections; exceptions; offer of proof.

(a) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, he shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. Only objections made on the record may be relied upon subsequently in the proceedings.

(b) *Exceptions.* Formal exception to an adverse ruling is not required. Rulings by the Administrative Law Judge shall not be appealed prior to the transfer of the case to the Secretary, but shall be considered by the compliance agency or the Secretary upon filing exceptions to the Administrative Law Judge's recommendations and conclusions.

(c) *Offer of proof.* An offer of proof made in connection with an objection taken to any ruling excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 60-30.20 Ex parte communications.

The Administrative Law Judge shall not consult any person, or party, on any fact in issue unless upon notice and opportunity for all parties to participate. No employee or agent of the Federal Government engaged in the investigation and prosecution of this case shall participate or advise in the rendering of the recommended or final decision in the case, except as witness or counsel in the proceeding.

§ 60-30.21 Oral argument.

Any party shall be entitled upon request to a reasonable period between the close of evidence and termination of the hearing for oral argument. Oral arguments shall be included in the official transcript of the hearing.

§ 60-30.22 Official transcript.

The official transcripts of testimony taken, together with any exhibits, briefs, or memorandums of law, shall be filed with the Administrative Law Judge. Transcripts of testimony may be obtained from the official reporter by the parties and the public as provided in section 11(a) of the Federal Advisory Committee Act (86 Stat. 770). Upon notice to all parties, the Administrative Law Judge may authorize such corrections to the transcript as are necessary to reflect accurately the testimony.

§ 60-30.23 Summary judgment.

(a) *For the Government.* At any time after the expiration of 20 days from the commencement of the action, or after service of a motion for summary judgment by the respondent, the Government may move with or without supporting affidavits for a summary judgment upon all claims or any part.

(b) *For defendant.* The defendant may, at any time after commencement of the action, move with or without supporting affidavits for summary judgment in its favor as to all claims or any part.

(c) *Other parties.* Any other party to a formal proceedings under this part may support or oppose motions for summary judgment made by the Government or respondent, in accordance with this section, but may not move for a summary judgment in his own behalf.

(d) *Statement of uncontested facts.* All motions for summary judgment shall be accompanied by a "Statement of Uncontested Facts" in which the moving party sets forth all alleged uncontested material facts which shall provide the basis for its motion. At least 5 days prior to the time fixed for hearing on the motion, any party contending that any material fact regarding the matter covered by the motion is in dispute, shall file a "Statement of Disputed Facts." Failure to file a "Statement of Disputed Facts" shall be deemed as an admission to the "Statement of Uncontested Facts."

(e) *Motion and proceedings.* The motion shall be served upon all parties at least 15 days before the time fixed for the hearing on the motion. The adverse party or parties may serve opposing affidavits prior to the day of hearing. The judgment sought shall be rendered forthwith if the complaint and answer, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. Summary judgment rendered for or against the Government or the respondent shall constitute the findings and recommendations on the issues involved. Hearings on motions made under this section shall be scheduled by the Administrative Law Judge.

(f) *Case not fully adjudicated on motion.* If on motion under this section judgment is not rendered upon the whole case or for all the relief asked and a final hearing is necessary, the Administrative Law Judge at the hearing of the motion, by examining the notice and answer and the evidence before him and by interrogating counsel, shall, if practicable, ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. He shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which relief is not in controversy, and directing such further proceedings as are just. At the hearing on the merits, the facts so specified shall be deemed established, and the final hearing shall be conducted accordingly.

§ 60-30.24 Participation by interested persons.

(a)(1) To the extent that proceedings hereunder involve employment of persons covered by a collective bargaining agreement, and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party.

(2) Other persons or organizations shall have the right to participate as parties if the final Administrative Order could adversely affect them or the class they represent, and such participation may contribute materially to the proper disposition of the proceedings.

(3) Any person or organization wishing to participate as a party under this paragraph shall file with the Administrative Law Judge and serve on all parties a petition within 25 days after the commencement of the action or at

such other time as ordered by the Administrative Law Judge, so long as it does not disrupt the proceeding. Such petition shall concisely state: (i) Petitioner's interest in the proceedings; (ii) who will appear for petitioner; (iii) the issues on which petitioner wishes to participate; and (iv) whether petitioner intends to present witnesses.

(4) The Administrative Law Judge shall determine whether each petitioner has the requisite interest in the proceedings and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interest, the Administrative Law Judge may request all such petitioners to designate a single representative to represent all such petitioners: *Provided,* That the representative of a labor organization qualifying to participate under paragraph (a)(1) of the section must be permitted to participate in the proceedings. The Administrative Law Judge shall give each petitioner written notice of the decision on his petition; and if the petition is denied, he shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae. The Administrative Law Judge shall give written notice to each party of each petition granted.

(b)(1) Any other interested person or organization wishing to participate as amicus curiae shall file a petition before the commencement of the final hearing with the Administrative Law Judge. Such petition shall concisely state: (i) The petitioner's interest in the hearing; (ii) who will represent the petitioner; and (iii) the issues on which petitioner intends to present argument. The Administrative Law Judge may grant the petition if he finds that the petitioner has a legitimate interest in the proceedings, and that such participation may contribute materially to the proper disposition of the issues. An amicus curiae is not a party but may participate as provided in this paragraph.

(2) An amicus curiae may present a brief oral statement at the hearing at the point in the proceeding specified by the Administrative Law Judge. He may submit a written statement of position to the Administrative Law Judge prior to the beginning of a hearing and shall serve a copy on each party. He may also submit a brief or written statement at such time as the parties submit briefs and exceptions, and he shall serve a copy on each party.

POST-HEARING PROCEDURES

§ 60-30.25 Proposed findings of fact and conclusions of law.

Within 20 days after receipt of the transcript of the testimony, each party and amicus may file a brief. Such briefs shall be served simultaneously on all parties and amici, and a certificate of service shall be furnished to the Administrative Law Judge. Requests for additional time in which to file a brief shall be made in writing, and copies shall be served simultaneously on the other parties. Requests for extensions shall be received not later than 3 days before the date such briefs are due. No reply brief may be filed except by special permission of the Administrative Law Judge.

§ 60-30.26 Record for recommended decision.

The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, including briefs, but excepting the correspondence section of the docket, shall constitute the record for decision.

§ 60-30.27 Recommended decision.

Within a reasonable time after the filing of briefs, the Administrative Law Judge shall recommend findings, conclusions, and a decision. These recommendations shall be certified, together with the record for recommended decision to the Secretary of Labor for a final Administrative Order. The recommended findings, conclusions, and decision shall be served on all parties and amici to the proceeding.

§ 60-30.28 Exceptions to recommended decisions.

Within 14 days after receipt of the recommended findings, conclusions, and decision, any party may submit exceptions to said recommendation. These exceptions may be responded to by other parties within 14 days of their receipt by said parties. All exceptions and responses shall be filed with the Secretary. Service of such briefs or exceptions and responses shall be made simultaneously on all parties to the proceeding. Requests to the Secretary for additional time in which to file exceptions and responses shall be in writing and copies shall be served simultaneously on other parties. Requests for extensions must be received no later than 3 days before the exceptions are due.

§ 60-30.29 Record.

After expiration of the time for filing briefs and exceptions, the Secretary shall make a final decision, which shall be the final Administrative Order, on the basis of the record. The record shall consist of the record for recommended decision, the rulings and recommended decision of the Administrative Law Judge and the exceptions and briefs filed subsequent to the Administrative Law Judge's decision.

§ 60-30.30 Final Administrative Order.

After expiration of the time for filing, the Secretary shall make a final Administrative Order which shall be served on all parties. If the Secretary concludes that the defendant has violated the Executive Order, the equal opportunity clause, or the regulations, an Administrative Order shall be issued enjoining the violations, and requiring the contractor to provide whatever remedies are appropriate, and imposing whatever sanctions are appropriate, or any of the above. In any event, failure to comply with the Administrative Order shall result in the immediate cancellation, termination and suspension of the respondent's contracts and/or debarment of the respondent from further contracts.

PART 60-40—EXAMINATION AND COPYING OF OFCCP DOCUMENTS

Subpart A—General

Sec.

60-40.1 Purpose and scope.
60-40.2 Information available on request.
60-40.3 Information exempt from compulsory disclosure and which may be withheld.
60-40.4 Information disclosure of which is prohibited by law.

Subpart B—Procedures for Disclosure

60-40.5 Applicability of procedures.
60-40.6 To whom to direct requests.
60-40.7 Partial disclosure.
60-40.8 Facilities and procedures for disclosure.

AUTHORITY: Executive Order 11246, as amended by Executive Order 11375; 5 U.S.C. 552, as amended by E.O. 12086.

Subpart A—General

§ 60-40.1 Purpose and scope.

This part contains the general rules of the OFCCP providing for public access to information from records of the OFCCP or its various compliance agencies. These regulations implement 5 U.S.C. 552, the Freedom of Information Act and supplement the policy and regulations of the Department of labor, 29 CFR Part 70. It is the policy of the OFCCP to disclose information to the public and to cooperate with other public agencies as well as private parties seeking to eliminate discrimination in employment. This part sets forth generally the categories of records accessible to the public, the types of records subject to prohibitions or restrictions on disclosure, and the places at which and the procedures whereby members of the public may obtain access to and inspect and copy information from records in the custody of the OFCCP.

§ 60-40.2 Information available on request.

(a) Upon the request of any person for identifiable records obtained or generated pursuant to Executive Order 11246 (as amended) such records shall be made available for inspection and copying, notwithstanding the applicability of the exemption from mandatory disclosure set forth in 5 U.S.C. 552 subsection (b), if it is determined that the requested inspection or copying furthers the public interest and does not impede any of the functions of the OFCCP, except in the case of records disclosure of which is prohibited by law.

(b) Consistent with the above, all contract compliance documents within the custody of the OFCCP shall be disclosed upon request unless specifically prohibited by law or as limited elsewhere herein. The types of documents which if in the custody of the OFCCP must be disclosed include, but are not limited to, the following:

(1) Affirmative action plans, whether or not reviewed and finally accepted by the OFCCP except as limited in 41 CFR 60-40.3(a)(1).

(2) Imposed plans and hometown plans, pending or approved.

(3) Text of final conciliation agreements.

(4) Validation studies of tests or other preemployment selection methods.

(5) Dates and times of scheduled compliance reviews.

§ 60-40.3 Information exempt from compulsory disclosure and which may be withheld.

(a) The following documents or parts thereof are exempt from mandatory disclosure by the OFCCP, and should be withheld if it is determined that the requested inspection or copying does not further the public interest and might impede the discharge of any of the functions of the OFCCP.

(1) Those portions of affirmative action plans such as goals and timetables which would be confidential commercial or financial information because they indicate, and only to the extent that they indicate, that a contractor plans major shifts or changes in his personnel requirements and he has not made this information available to the public. A determination to withhold this type of information should be made only after receiving verification and a satisfactory explanation from the contractor that the information should be withheld.

(2) Those portions of affirmative action plans which constitute information on staffing patterns and pay scales but only to the extent that their release would injure the business or financial position of the contractor, would constitute a release of confidential financial information of an employee or would constitute an unwarranted invasion of the privacy of an employee.

(3) The names of individual complainants.

(4) The assignments to particular contractors of named compliance officers if such disclosure would subject the named compliance officers to undue harassment or would affect the efficient enforcement of the Executive order.

(5) Compliance investigation files including the standard compliance review report and related documents, during the course of the review to which they pertain or while enforcement action against the contractor is in progress or contemplated within a reasonable time. Therefore, these reports and related files shall not be disclosed only to the extent that information contained therein constitutes trade secrets and confidential commercial or financial information, interagency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with the agency, personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, data which would be exempt from mandatory disclosure pursuant to the "informants privilege" or such information the disclosure of which is prohibited by statute.

(6) Copies of preemployment selection tests used by contractors.

(b) Other records may be withheld consistent with the Freedom of Information Act on a case-by-case basis, with the prior approval of the Director, OFCCP.

§ 60-40.4 Information disclosure of which is prohibited by law.

The Standard Form 100 (EEO-1) which is submitted by contractors to the OFCCP or a Joint Reporting Committee servicing both the OFCCP and the EEOC shall be disclosed pending further instructions from the Director. The statutory prohibition on disclosure set forth in section 709(e) of the Civil Rights Act of 1964 is limited by the terms of that section to information obtained pursuant to the authority of title VII of that Act and its disclosure by employees of the EEOC.

Subpart B—Procedures for Disclosure

§ 60-40.5 Applicability of procedures.

Requests for the inspection and copy of information from records in the custody of the OFCCP which are identifiable and available under the provisions of Subpart A of this part shall be made and acted upon as provided in the following sections of this subpart. Officers and employees of the OFCCP are authorized by the Director to continue to furnish to the public, informally and without compliance with these procedures, information and copies from its records which prior to the enactment of the Freedom of Information Act (5 U.S.C. 552) were customarily furnished in the regular performance of their duties.

§ 60-40.6 To whom to direct requests.

A request for contract compliance records or information shall be directed to the National OFCCP or appropriate OFCCP Regional or Area Office. If the person making the request does not know in which office the record is located, he may direct his request to the Director, Office of Federal Contract Compliance Programs, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, for appropriate handling.

§ 60-40.7 Partial disclosure.

If a requested record contains some materials which are protected from disclosure and other materials which are not so protected, identifying details or protected matters shall be deleted wherever analysis indicates that such deletions are feasible. Whenever such deletions are made, the remainder of the records may be disclosed.

§ 60-40.8 Facilities and procedures for disclosure.

(a) [Reserved.]

(b) Procedures relating to the avaliability of records shall be governed by the Department of Labor regulations, 29 CFR 70.35 to 29 CFR 70.64.

(c) [Reserved.]

(d) [Reserved.]

PART 60-50—GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION OR NATIONAL ORIGIN

Sec.

60-50.1 Purpose and scope.
60-50.2 Equal employment policy.
60-50.3 Accommodations to religious observance and practice.
60-50.4 Enforcement.
60-50.5 Nondiscrimination.

AUTHORITY: Sec. 201, E.O. 11246, 30 FR 12319, and E.O. 11375, 32 FR 14303.

SOURCE: 38 FR 1933, Jan. 19, 1973, unless otherwise noted.

§ 60-50.1 Purpose and scope.

(a) The purpose of the provisions in this part is to set forth the interpretations and guidelines of the Office of Federal Contract Compliance Programs regarding the implementation of Executive Order 11246, as amended, for promoting and insuring equal employment opportunities for all persons employed or seeking employment with Government contractors and subcon-

tractors or with contractors and subcontractors performing under federally assisted construction contracts, without regard to religion or national origin.

(b) Members of various religious and ethnic groups, primarily but not exclusively of Eastern, Middle, and Southern European ancestry, such as Jews, Catholics, Italians, Greeks, and Slavic groups, continue to be excluded from executive, middle-management, and other job levels because of discrimination based upon their religion and/or national origin. These guidelines are intended to remedy such unfair treatment.

(c) These guidelines are also intended to clarify the obligations of employers with respect to accommodating to the religious observances and practices of employees and prospective employees.

(d) The employment problems of blacks, Spanish-surnamed Americans, orientals, and American Indians are treated under Part 60-2 of this chapter and under other regulations and procedures implementing the requirements of Executive Order 11246, as amended. Accordingly, the remedial provisions of § 60-50.2(b) shall not be applicable to the employment problems of these groups.

(e) Nothing contained in this Part 60-50 is intended to supersede or otherwise limit the exemption set forth in § 60-1.5(a)(5) of this chapter for contracts with certain educational institutions.

[38 FR 1933, Jan. 19, 1973; 38 FR 3511, Feb. 7, 1973, as amended at 40 FR 13218, Mar. 25, 1975]

§ 60-50.2 Equal employment policy.

(a) *General requirements.* Under the equal opportunity clause contained in section 202 of Executive Order 11246, as amended, employers are prohibited from discriminating against employees or applicants for employment because of religion or national origin, and must take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their religion or national origin. Such action includes, but is not limited to the following: Employment, upgrading, demotion, or transfer: Recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(b) *Outreach and positive recruitment.* Employers shall review their employment practices to determine whether members of the various religious and/or ethnic groups are receiving fair consideration for job opportunities. Special attention shall be directed toward executive and middle-management levels, where employment problems relating to religion and national origin are most likely to occur. Based upon the findings of such reviews, employers shall undertake appropriate outreach and positive recruitment activities, such as those listed below, in order to remedy existing deficiencies. It is not contemplated that employers necessarily will undertake all of the listed activities. The scope of the employer's efforts shall depend upon all the circumstances, including the nature and extent of the employer's deficiencies and the employer's size and resources.

(1) Internal communication of the employer's obligation to provide equal employment opportunity without regard to religion or national origin in such a manner as to foster understanding, acceptance, and support among the employer's executive, management, supervisory, and all other employees and to encourage such persons to take the necessary action to aid the employer in meeting this obligation.

(2) Development of reasonable internal procedures to insure that the employer's obligation to provide equal employment opportunity without regard to religion or national origin is being fully implemented.

(3) Periodically informing all employees of the employer's commitment to equal employment opportunity for all persons, without regard to religion or national origin.

(4) Enlisting the assistance and support of all recruitment sources (including employment agencies, college placement directors, and business associates) for the employer's commitment to provide equal employment opportunity without regard to religion or national origin.

(5) Reviewing employment records to determine the availability of promotable and transferable members of various religious and ethnic groups.

(6) Establishment of meaningful contacts with religious and ethnic organizations and leaders for such purposes as advice, education, technical assistance, and referral of potential employees.

(7) Engaging in significant recruitment activities at educational institutions with substantial enrollments of students from various religious and ethnic groups.

(8) Use of the religious and ethnic media for institutional and employment advertising.

§ 60-50.3 Accommodations to religious observance and practice.

An employer must accommodate to the religious observances and practices of an employee or prospective employee unless the employer demonstrates that it is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business. As part of this obligation, an employer must make reasonable accommodations to the religious observances and practices of an employee or prospective employee who regularly observes Friday evening and Saturday, or some other day of the week, as his Sabbath and/or who observes certain religious holidays during the year and who is conscientiously opposed to performing work or engaging in similar activity on such days, when such accommodations can be made without undue hardship on the conduct of the employer's business. In determining the extent of an employer's obligations under this section, at least the following factors shall be considered: (a) Business necessity, (b) financial costs and expenses, and (c) resulting personnel problems.

§ 60-50.4 Enforcement.

The provisions of this part are subject to the general enforcement, compliance review, and complaint procedures set forth in Subpart B of Part 60-1 of this chapter.

§ 60-50.5 Nondiscrimination.

The provisions of this part are not intended and shall not be used to discriminate against any qualified employee or applicant for employment because of race, color, religion, sex, or national origin.

PART 60-60—CONTRACTOR EVALUATION PROCEDURES FOR CONTRACTORS FOR SUPPLIES AND SERVICES

Subpart A—General

Sec.
60-60.1 Purpose and scope.
60-60.2 Background.

Subpart B—Procedures for Contractor Evaluation

60-60.3 Agency actions.

Subpart C—Disclosure and Review of Contractor Data

60-60.4 Confidentiality and relevancy of information.
60-60.5 Employee interviews.
60-60.6 Exit conference.
60-60.7 Time schedule for completion.
60-60.8 Supersedure.
60-60.9 Attachments.

AUTHORITY: 5 U.S.C. 553(a)(3)(B), 29 CFR 2.7; sec. 201, E.O. 11246, 30 FR 12319, and E.O. 11375, 32 FR 14303, as amended by E.O. 12086.

Subpart A—General

§ 60-60.1 Purpose and scope.

This part shall be known as "Revised Order No. 14" and is intended to establish standardized contractor evaluation procedures for conducting compliance reviews of contractors for supplies and services subject to the Equal Employment Opportunity Requirements of 41 CFR 60-1.40 and 41 CFR Part 60-2 (Revised Order No. 4) for the development of written affirmative action programs.

§ 60-60.2 Background.

(a) Each prime contractor or subcontractor with 50 or more employees and a contract of $50,000 or more is required to develop a written affirmative action program for each of its establishments (§ 60-1.40 of this chapter). If a contractor fails to submit an affirmative action program and supporting documents, including the workforce analysis within 30 days of a request therefor, the enforcement procedures specified in OFCC Order No. 4 (§ 60-2.2(c) of this chapter) shall be applicable.

(b) Required affirmative action programs must contain a utilization analysis and goals and timetables as required in §§ 60-2.11 and 60-2.12 of this chapter.

Subpart B—Procedures for Contractor Evaluation

§ 60-60.3 Agency actions.

Basic steps. A contractor evaluation should proceed as follows: (1) A desk audit of the contractor's affirmative action program with special attention directed to the included workforce analysis, using the format set forth in the Standard Compliance Review Report, (2) an on-site review of those matters which still are not fully or satisfactorily addressed in the affirmative action program and workforce analysis, using the format set forth in the Standard Compliance Review Report and (3) where necessary, an off-site analysis of information supplied by the contractor during or pursuant to the on-site review. (The standard compliance review report will be published on or before the effective date of this part.) Contractors may reach agreement with OFCCP on nationwide AAP formats or on frequency of updating statistics.

(a) *Desk Audit.* Using its approved methods of priority selection, OFCCP shall routinely request from among the Federal contractors within their jurisdiction affirmative action programs and supporting documentation, including the workforce analysis and support data for audit. As used throughout this part, the term "Affirmative Action Program (AAP) and supporting documentation" means the Required Contents of Affirmative Action Programs, as set forth in Subpart B of 41 CFR Part 60-2 and Methods of Implementing the Requirements of Subpart B, set forth in Subpart C of 41 CFR Part 60-2. "Workforce analysis" is defined as a listing of each job title as appears in applicable collective bargaining agreements or payroll records (not job groups) ranked from the lowest paid to the highest paid within each department or other similar organizational unit including departmental or unit supervision. If there are separate work units or lines of progression within a department a separate list must be provided for each such work unit, or line, including unit supervisors. For lines of progression there must be indicated the order of jobs in the line through which an employee could move to the top of the line. Where there are no formal progression lines or usual promotional sequences, job titles should be listed by department, job families, or disciplines, in order of wage rates or salary ranges. For each job title, the total number of incumbents, the total number of male and female incumbents, and the total number of male and female incumbents in each of the following groups must be given: Blacks, Spanish-surnamed Americans, American Indians, and Orientals. The wage rate or salary range for each job title must be given. All job titles, including all managerial job titles, must be listed.

(1) *Exceptions to the desk audit requirements.* For preaward reviews and for complaint investigations, the desk audit need not be carried out or an abbreviated desk audit may be performed and an immediate on-site review performed. Special reports that meet the criteria in paragraph (b)(1) of this section may be requested from contractors, as required, for submission to the OFCCP for complaint investigations and follow-up reviews performed within 1 year of a full compliance review. The Director may approve other special compliance reviews when the circumstances require an immediate on-site review.

(b) *On-site review.* If upon selection of an AAP and included workforce analysis for desk audit, the OFCCP finds that the material submitted does not demonstrate a reasonable effort by the contractor to meet all the requirements of Subparts B and C of Order No. 4 (Part 60-2 of this chapter) the on-site review need not be carried out and the enforcement procedures specified in Order 4 shall be applicable. Otherwise following a desk audit of the affirmative action program and supporting documentation the OFCCP will schedule an on-site review of the establishment, provided, that an on-site review need not be carried out when OFCCP can determine that the contractor's affirmative action program is acceptable. This determination must be based on the current desk audit and an on-site review conducted within the preceding 24 months and also must include an affirmative determination that the circumstances of the previous on-site review have not substantially changed.

(1) OFCCP is to request from those contractors scheduled for on-site reviews that information necessary to perform the review be made available on-site. Specifically, this includes (i) information necessary to conduct an indepth analysis of apparent deficiencies in the contractors utilization of women or minorities, (ii) information required for a complete and thorough understanding of data contained in or offered as support for the affirmative action program, and (iii) information concerning matters relevant to a determination of compliance with the requirements of Executive Order 11246 (as amended), but not adequately addressed in the affirmative action program. However, the contractor should be requested to furnish only the specific items of information which the compliance officer determines are:

(*a*) Necessary for conducting the review and completing the standard compliance review report, and

(*b*) Not contained in or able to be derived from the material submitted by the contractor.

(2) In order to pursue certain issues uncovered in the compliance review, it may be necessary for the compliance officer to request certain additional information on-site even though such data have not been previously identified. Such additonal information must also meet the above criteria.

(c) *Off-site analysis.* Where necessary, the compliance officer may take information made available during the on-site review off-site for further analysis. An off-site analysis should be conducted where issues have arisen concerning deficiencies or an apparent violation which, in the judgment of the compliance officer, should be more thoroughly analyzed off-site before a determination of compliance is made.

Subpart C—Disclosure and Review of Contractor Data

§ 60-60.4 Confidentiality and relevancy of information.

(a) *Desk audit data.* If the contractor is concerned with the confidentiality of such information as lists of employees, employee names, reasons for termination and pay data then alphabetic or numeric coding or the use of an index of pay and pay ranges are acceptable for desk audit purposes.

(b) *On-site data.* The contractor must provide full access to all relevant data on-site as required by § 60-1.43 of this chapter.

(c) *Data required for off-site analysis.* The contractor must provide all data determined by the compliance officer to be necessary for off-site analysis pursuant to § 60-60.3(c) above. Such data may only be coded if the contractor makes the code available to the compliance officer. If the contractor believes that particular information which is to be taken off-site is not relevant to compliance with the Executive Order, the contractor may request a ruling by the OFCCP Area Director. The OFCCP Area Director shall issue a ruling within 10 days. The contractor may appeal that ruling to the OFCCP Assistant Regional Administrator within 10 days. The Assistant Regional Administrator shall issue a final ruling within 10 days. Pending a final ruling, the information in question must be made available to the compliance officer off-site, but shall be considered a part of the investigatory file and subject to the provisions of paragraph (d) of this section. The agency shall take all necessary precautions to safeguard all confidentiality of such information until a final determination is made. Such information may not be copied and access to the information shall be limited to the compliance officer and personnel involved in the determination of relevancy. Data determined to be not relevant to the investigation will be returned to the contractor immediately.

(d) *Public access to information.* information obtained from a contractor under Subpart B will be subject to the public inspection and copying provisions of the Freedom of Information Act, 5 U.S.C. 552. Contractors should identify any information which they believe is not subject to disclosure under 5 U.S.C. 552, and should specify the reasons why such information is not disclosable. The OFCCP Assistant Regional Administrator will consider the contractors claim and make a determination, within 10 days, as to whether the material in question is exempt from disclosure. The OFCCP Assistant Regional Administrator will inform the contractor of such a determination. The contractor may appeal that ruling to the Director of OFCC within 10 days. The Director of OFCC shall make a final determination within 10 days of the filing of the appeal. However, during the conduct of a compliance review or while enforcement action against the contractor is in progress or contemplated within a reasonable time, all information obtained from a contractor under Subpart B except information disclosable under §§ 60-40.2 and 60-40.3 of this chapter is to be considered part of an investigatory file compiled for law enforcement purposes within the meaning of 5 U.S.C. 552(b)(7), and such information obtained from a contractor under Subpart B shall be treated as exempt from mandatory disclosure under the Freedom of Information Act during the compliance review.

(e) *Examination and copying of documents.* Nothing contained herein is intended to supersede or otherwise limit the provisions contained in Part 60-40 of this chapter for public access to information from records of the OFCC or its various compliance agencies.

§ 60-60.5 Employee interviews.

The compliance officer should contact, where appropriate, a reasonable number of employees for interviews as part of the on-site review of the contractors' employment practices. The number, scope and manner of conducting such interviews should be discussed in advance with the contractor.

§ 60-60.6 Exit conference.

(a) Upon completion of the on-site review (and off-site analysis, if one is undertaken) the compliance officer should schedule an exit conference with contractor officials to review the findings of the review. This exit conference should itemize the apparent violations that lend themselves to immediate correction, and solicit the contractor's agreement to take adequate corrective action by specified dates. The contractor's commitments should be contained in a written conciliation agreement signed at the exit conference. However, in cases where the apparent deficiencies require further analysis subsequent to the on-site review, the compliance officer will advise the contractor of the areas of concern, secure the data necessary to his ultimate compliance determination, complete the review later by notifying the contractor in writing of all apparent violations found, and obtain the contractor's commitments in a written conciliation agreement to correct such deficiencies.

(b) The contractor may at any time avail himself of the provisions of § 60-1.24(c)(4) of this chapter which provides as follows:

When a prime contractor or subcontractor, without a hearing, shall have complied with the recommendations or orders of the Director and believes such recommendations or orders to be erroneous, he shall, upon filing a request therefor within 10 days of such compliance, be afforded an opportunity for a hearing and review of the alleged erroneous action.

§ 60-60.7 Time schedule for completion.

(a) With the exception of extensions of time granted by the Director of OFCC for good cause shown, within 60 days from the date the affirmative action program including the workforce analysis is received, the contractor must have been found in compliance and notified of that fact, or must have been issued a 30-day show cause notice as required under the rules and regulations pursuant to the Executive Order.

(b) During this period the compliance officer shall:

(1) Complete the desk audit.

(2) Schedule the on-site review.

(3) Complete the on-site review.

(4) Complete the off-site analysis, if conducted.

(5) Give notice of compliance or issue show cause notice.

(c) Failure to give the contractor a notice of compliance or issue a show cause notice within the time period set forth in paragraph (a) shall not be deemed a finding of compliance or acceptance of the contractor's affirmative action program.

§ 60-60.8 Supersedure.

The requirements of this part 60-60 supersede the prior version of Revised Order No. 14 published at 38 FR 13376, May 21, 1973.

§ 60-60.9 Attachments.

The following formats are set out in full as they give detailed information as to procedures and requirements of value to contractors:

PART 60-250—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

Subpart A—Preliminary Matters, Affirmative Action Clause, Compliance

Sec.

60-250.1 Purpose and application.
60-250.2 Definitions
60-250.3 Coverage and waivers.
60-250.4 Affirmative action clause.
60-250.5 Applicability of the affirmative action program requirement.
60-250.6 Affirmative action policy, practices and procedures.
60-250.7 Determination of disability.
60-250.8 [Reserved]
60-250.9 Labor unions and recruiting and training agencies.

Subpart B—General Enforcement and Complaint Procedure

60-250.20 Subcontracts.
60-250.21 Adaptation of language.
60-250.22 Incorporation by reference.
60-250.23 Incorporation by operation of the Act and agency regulations.
60-250.24 Duties of agencies.
60-250.25 Evaluations by the Director.
60-250.26 Complaint procedures.
60-250.27 Noncompliance with the affirmative action clause.

60-250.28 Actions for noncompliance.
60-250.29 Formal hearings.
60-250.30 Notification of agencies.
60-250.31 Contractor ineligibility list.
60-250.32 Disputed matters related to the affirmative action program.
60-250.33 Responsibilities of State employment services.

Subpart C—Ancillary Matters

60-250.50 Reinstatement of ineligible contractors and subcontractors.
60-250.51 Intimidation and interference.
60-250.52 Recordkeeping.
60-250.53 Access to records of employment.
60-250.54 Rulings and interpretations.

Appendix A.
Appendix B.

AUTHORITY: Sec. 503(a), Pub. L. 92-540, 86 Stat. 1097 (38 U.S.C. 2012), as amended by Sec. 402, Pub. L. 93-508, 88 Stat. 1593 (38 U.S.C. 2012), as amended by E.O. 12086.

Subpart A—Preliminary Matters, Affirmative Action Clause, Compliance

§ 60-250.1 Purpose and application.

The purpose of the regulations in this part is to assure compliance with section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, which requires government contractors and subcontractors to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era. The regulations in this part apply to all government contracts and subcontracts for the furnishing of supplies or services or for the use of real or personal property (including construction) for $10,000 or more.

§ 60-250.2 Definitions.

"Act" means the Vietnam Era Veterans Readjustment Assistance Act of 1974, Pub. L. 93-508, as it amends 38 U.S.C. 2012, the Vietnam Era Veterans Readjustment Assistance Act of 1972.

"Affirmative action clause" means the contract provisions set forth in § 60-250.4.

"Agency" means any contracting agency of the government.

"Assistant Secretary" means the Assistant Secretary of Labor for Employment Standards or his or her designee.

"Construction" means the construction, rehabilitation, alteration, conversion, extension, demolition, or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other onsite functions incidental to the actual construction.

"Contract" means any government contract.

"Contracting agency" means any department, agency, establishment or instrumentality of the United States, including any wholly owned Government corporation, which enters into contracts.

"Contractor" means, unless otherwise indicated, a prime contractor or subcontractor.

"Director" means the Director of the Office of Federal Contract Compliance Programs of the United States Department of Labor.

"Disabled veteran" means a person entitled to disability compensation under laws administered by the Veterans Administration for disability rated at 30 per centum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

"Government" means the Government of the United States of America.

"Government contract" means any agreement or modification thereof between any contracting agency and any person for the furnishing of supplies or services or for the use of real or personal property including lease arrangements. The term "services", as used in this section includes, but is not limited to the following services: Utility, construction, transportation, research, insurance, and fund depository, irrespective of whether the government is the purchaser or seller. The term "government contract" does not include (1) agreements in which the parties stand in the relationship of employer and employee, and (2) federally assisted contracts.

"Modification" means any alteration in the terms and conditions of a contract, including supplemental agreements, amendments, and extensions.

"Person" means any natural person, corporation, partnership, or joint venture, unincorporated association, State or local government, and any agency, instrumentality, or subdivision of such a government.

"Prime contractor" means any person holding a contract, and, for the purposes of subpart B of this part, includes any person who has held a contract subject to the act.

"Qualified disabled veteran" means a disabled veteran as defined in § 60-250.2 who is capable of performing a particular job, with reasonable accommodation to his or her disability.

"Recruiting and training agency" means any person who refers workers to any contractor or subcontractor, or who provides or supervises apprenticeship or training for employment by any contractor or subcontractor.

"Rules, regulations, and relevant orders of the Secretary of Labor" as used in paragraph (i) of the affirmative action clause means rules, regulations, and relevant orders of the Secretary of Labor or his or her designee issued pursuant to the act.

"Secretary" means the Secretary of Labor, U.S. Department of Labor.

"Subcontract" means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

(1) For the furnishing of supplies or services or for the use of real or personal property, including lease arrangements which, in whole or in part, is necessary to the performance of any one or more contracts; or

(2) Under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed.

"Subcontractor" means any person holding a subcontract and, for the purpose of subpart B of this part, any person who has held a subcontract subject to the act.

"United States" as used herein shall include the several States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, the Panama Canal Zone, American Samoa and the Trust Territory of the Pacific Islands.

"Veteran of the Vietnam era" means a person (1) who (i) served on active duty for a period of more than 180 days, any part of which occurred between August 5, 1964 and May 7, 1975, and was discharged or released therefrom with other than a dishonorable discharge, or (ii) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed between August 5, 1964 and May 7, 1975, and (2) who was so discharged or released within 48 months preceding the alleged violation of the act, the affirmative action clause, and/or the regulations issued pursuant to the act.

§ 60-250.3 Coverage and waivers.

(a) *General.* (1) Transactions for less than $10,000. Contracts and subcontracts for less than $10,000 are not covered by the act. No agency, contractor or subcontractor shall procure supplies or services in less than usual quantities to avoid the applicability of the affirmative action clause.

(2) Contracts and subcontracts for indefinite quantities. With respect to indefinite delivery-type contracts and subcontracts (including, but not limited to, open-end contracts, requirement-type contracts, Federal Supply Schedule contracts, "call-type" contracts, and purchase notice agreements), the affirmative action clause shall be included unless the contracting agency has reason to believe that the amount to be ordered in any year under such contract will be less than $10,000. The applicability of the affirmative action clause shall be determined at the time of award for the first year, and annually thereafter for succeeding years, if any. Notwithstanding the above, the affirmative

action clause shall be applied to such contract whenever the amount of a single order is $10,000 or more. Once the affirmative action clause is determined to be applicable, the contract shall continue to be subject to such clause for its duration, regardless of the amounts ordered, or reasonably expected to be ordered in any year.

(3) Work outside the United States. The requirements of the affirmative action clause are waived with respect to contracts and subcontracts with regard to work performed outside the United States by employees who were not recruited within the United States.

(4) Contracts with State or local governments. The requirements of the affirmative action clause in any contract or subcontract with a State or local government (or any agency, instrumentality or subdivision thereof) shall not be applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract or subcontract.

(5) Facilities not connected with contracts. The Director may waive the requirements of the affirmative action clause with respect to any of a prime contractor's or subcontractor's facilities which he or she finds to be in all respects separate and distinct from activities of the prime contractor or subcontractor related to the performance of the contract or subcontract, provided that he or she also finds that such a waiver will not interfere with or impede the effectuation of the act. Such waivers shall be considered only upon the request of the contractor or subcontractor.

(b) *Waivers.* (1) *Specific contracts and classes of contracts.* The head of an agency, with the concurrence of the Director, may waive the application to any contract or subcontract of any part of or all the affirmative action clause when he or she deems that special circumstances in the national interest so require. The agency head, with the concurrence of the Director, may also grant such waivers to groups or categories of contracts or subcontracts of the same type where it is (i) in the national interest, (ii) found impracticable to act upon each request individually, and (iii) where such waiver will substantially contribute to convenience in administration of the act.

(2) *National security.* Any requirement set forth in the regulations in this Part shall not apply to any contract or subcontract whenever, the head of the contracting agency determines that such contract or subcontract is essential to the national security and that it award without complying with such requirements is necessary to the national security. Upon making such a determination, the head of the agency will notify the Director in writing within 30 days.

(c) *Withdrawal of waiver.* When a waiver has been granted for any class of contracts or subcontracts under this section other than contracts granted waivers under paragraph (b)(2) of this section, the Director may withdraw the waiver for a specific contract or subcontract or group of contracts or subcontracts to be awarded, when in his or her judgment such action is necessary or appropriate to achieve the purposes of the act. The withdrawal shall not apply to contracts or subcontracts awarded prior to the withdrawal, except that in procurements entered into by formal advertising, or the various forms of restricted formal advertising, such withdrawal shall not apply unless the withdrawal is made more than 10 calendar days before the date set for the opening of the bids.

§ 60-250.4 Affirmative action clause.

Each agency and each contractor and subcontractor shall include the following affirmative action clause in each of its covered government contracts or subcontracts (and modifications, renewals, or extensions thereof if not included in the original contract):

AFFIRMATIVE ACTION FOR DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

(a) The contractor will not discriminate against any employee or applicant for employment because he or she is a disabled veteran or veteran of the Vietnam era in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified disabled veterans and veterans of the Vietnam era without discrimination based upon their disability or veterans status in all employment practices such as the following: Employment upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The contractor agrees that all suitable employment openings of the contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment of the contractor other than the one wherein the contract is being performed but excluding those of independently operated corporated affiliates, shall be listed at an appropriate local office of the State employment service system wherein the opening occurs. The contractor further agrees to provide such reports to such local office regarding employment openings and hires as may be required.

State and local government agencies holding Federal contracts of $10,000 or more shall also list all their suitable openings with the appropriate office of the State employment service, but are not required to provide those reports set forth in paragraphs (d) and (e).

(c) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment source or effort and shall involve the normal obligations which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and nonveterans. The listing of employment openings does not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve the contractor from any requirements in Executive Orders or regulations regarding nondiscrimination in employment.

(d) The reports required by paragraph (b) of this clause shall include, but not be limited to, periodic reports which shall be filed at least quarterly with the appropriate local office or, where the contractor has more than one hiring location in a State, with the central office of that State employment service. Such reports shall indicate for each hiring location (1) the number of individuals hired during the reporting period, (2) the number of nondisabled veterans of the Vietnam era hired, (3) the number of disabled veterans of the Vietnam era hired, and (4) the total number of disabled veterans hired. The reports should include covered veterans hired for on-the-job training under 38 U.S.C. 1787. The contractor shall submit a report within 30 days after the end of each reporting period wherein any performance is made on this contract identifying data for each hiring location. The contractor shall maintain at each hiring location copies of the reports submitted until the expiration of one year after final payment under the contract, during which time these reports and related documentation shall be made available, upon request, for examination by any authorized representatives of the contracting officer or of the Secretary of Labor. Documentation would include personnel records respecting job openings, recruitment and placement.

(e) Whenever the contractor becomes contractually bound to the listing provisions of this clause, it shall advise the employment service system in each State where it has establishments of the name and location of each hiring location in the State. As long as the contractor is contractually bound to these provisions and has so advised the State system, there is no need to advise the State system of subsequent contracts. The contractor may advise the State system when it is no longer bound by this contract clause.

(f) This clause does not apply to the listing of employment openings which occur and are filled outside of the 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(g) The provisions of paragraphs (b), (c), (d), and (e) of this clause do not apply to openings which the contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of his own organization or employer-union arrangement for that opening.

(h) As used in this clause: (1) "All suitable employment openings" includes, but is not limited to, openings which occur in the following job categories: Production and nonproduction; plant and office; laborers and

mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings as are compensated on a salary basis of less than $25,000 per year. This term includes full-time employment, temporary employment of more than 3 days' duration, and part-time employment. It does not include openings which the contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement nor openings in an educational institution which are restricted to students of that institution. Under the most compelling circumstances an employment opening may not be suitable for listing, including such situations where the needs of the Government cannot reasonably be otherwise supplied, where listing would be contrary to national security, or where the requirement of listing would otherwise not be for the best interest of the Government.

(2) "Appropriate office of the State employment service system" means the local office of the Federal-State national system of public employment offices with assigned responsibility for serving the area where the employment opening is to be filled, including the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(3) "Openings which the contractor proposes to fill from within his own organization" means employment openings for which no consideration will be given to persons outside the contractor's organization (including any affiliates, subsidiaries, and the parent companies) and includes any openings which the contractor proposes to fill from regularly established "recall" lists.

(4) "Openings which the contractor proposes to fill pursuant to a customary and traditional employer-union hiring arrangement" means employment openings which the contractor proposes to fill from union halls, which is part of the customary and traditional hiring relationship which exists between the contractor and representatives of his employees.

(i) The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the act.

(j) In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the act.

(k) The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notice shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era for employment, and the rights of applicants and employees.

(l) The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of the Vietnam Era Veterans Readjustment Assistance Act, and is committed to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam Era.

(m) The contractor will include the provisions of this clause in every subcontract or purchase order of $10,000 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to the Act, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.

§ 60-250.5 Applicability of the affirmative action program requirement.

(a) Within 120 days of the commencement of a contract every Government contractor or subcontractor holding a contract of $50,000 or more and having 50 or more employees shall prepare and maintain an affirmative action program at each establishment which shall set forth the contractor's policies, practices and procedures in accordance with § 60-250.6 of this part. This program may be integrated into or kept separate from other affirmative action programs of the contractor. Contractors presently holding Government contracts shall update their affirmative action programs within 120 days of the effective date of this part.

(b) The affirmative action program shall be reviewed and updated annually. If there are any significant changes in procedures, rights or benefits as a result of the annual updating, those changes shall be communicated to employees and applicants for employment.

(c) The full affirmative action program shall be available for inspection to any employee or applicant for employment upon request. The location and hours during which the program may be obtained shall be posted at each facility.

(d) The contractor shall invite all disabled veterans and veterans of the Vietnam era who wish to benefit under the affirmative action program to identify themselves to the contractor. The invitation shall state that the information is voluntarily provided, that it will be kept confidential, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with the Act and regulations in this part. If an applicant or employee so identifies himself or herself, the contractor should also seek the advice of the applicant or employee regarding proper placement and appropriate accommodation (an acceptable form for such an invitation is set forth in appendix A attached). Nothing in this section shall preclude an employee from informing a contractor at a future time of his or her desire to benefit from this program. Nothing in this section shall relieve a contractor from liability for discrimination under the act.

§ 60-250.6 Affirmative action policy, practices and procedures.

(a) *General requirements.* Under the affirmative action obligation imposed by the Vietnam Era Veterans Readjustment Assistance Act of 1974, contractors are required to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era at all levels of employment, including the executive level. Such action shall apply to all employment practices, including, but not limited to, the following: hiring, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship and on-the-job training programs under 38 U.S.C. 1787.

(b) *Proper consideration of qualifications.* Contractors shall reveiw their personnel processes to determine whether their present procedures assure careful, thorough and systematic consideration of the job qualifications of known disabled veteran applicants and Vietnam era veteran applicants for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available. In determining the qualifications of a covered veteran, the contractor shall consider only that portion of the military record, including discharge papers, relevant to the specific job qualifications for which the veteran is being considered. To the extent that it is necessary to modify their personnel procedures, contractors shall include the development of new procedures for this purpose in their affirmative action program required under this part. These procedures must be designed so as to facilitate a review of the implementation of this requirement by the contractor or the Government. (The appendix attached is an example of an appropriate set of procedures. The procedures in appendix B are not required and contractors may develop other procedures which are appropriate to their circumstances.)

(c) *Physical and mental qualifications.* (1) The contractor shall provide in its affirmative action program, and shall adhere to, a schedule for the review of all physical or mental job qualification requirements to insure that, to the extent qualification requirements tend to screen out qualified disabled veterans, they are job related and are consistent with business necessity and the safe performance of the job.

(2) Whenever a contractor applies physical or mental job qualification requirements in the selection of applicants or employees for employment or other change in employment status such as promotion, demotion, or tran-

ing, to the extent that qualification requirements tend to screen out qualified disabled veterans, the requirements shall be related to the specific job or jobs for which the individual is being considered and shall be consistent with business necessity and the safe performance of the job. The contractor shall have the burden to demonstrate that it has complied with the requirements of this paragraph.

(3) Nothing in this section shall prohibit a contractor from conducting a comprehensive medical examination prior to employment provided that the results of such an examination shall be used only in accordance with the requirements of this section. Whenever a contractor inquires into an applicant's or employee's physical or mental condition or conducts a medical examination prior to employment or change in employment status information obtained in response to such inquiries or examination shall be kept confidential except that:

(i) Supervisors and managers may be informed regarding restrictions on the work or duties of disabled veterans and regarding accommodations; and

(ii) First aid and safety personnel may be informed, where and to the extent appropriate, if the condition might require emergency treatment; and

(iii) Government officials investigating compliance with the act shall be informed.

(d) *Accommodation to physical and mental limitations of employees.* A contractor must make a reasonable accommodation to the physical and mental limitations of a disabled veteran unless the contractor can demonstrate that such an accommodation would impose an undue hardship on the conduct of the contractor's business. In determining the extent of a contractor's accommodation obligations, the following factors among others may be considered: (1) Business necessity and (2) financial costs and expenses.

(e) *Compensation.* In offering employment or promotions to disabled veterans, and veterans of the Vietnam era, the contractor may not reduce the amount of compensation offered because of any disability income, pension or other benefit the applicant or employee receives from another source.

(f) *Outreach, positive recruitment, and external dissemination of policy.* Contractors shall review their employment practices to determine whether their personnel programs provide the required affirmative action for employment and advancement of qualified disabled veterans and veterans of the Vietnam era. Based upon the findings of such reviews, contractors shall undertake appropriate outreach and positive recruitment activities, such as those listed below. It is not contemplated that contractors will necessarily undertake all the listed activities or that their activities will be limited to those listed. The scope of a contractor's efforts shall depend upon all the circumstances, including the contractor's size and resources and the extent to which existing employment practices are adequate.

(1) The contractor should develop internal communication of its obligation to engage in affirmative action efforts to employ qualified disabled veterans and veterans of the Vietnam era in such a manner as to foster understanding, acceptance and support among the contractor's executive, management, supervisory and all other employeess and to encourage such persons to take the necessary action to aid the contractor in meeting this obligation.

(2) The contractor should develop reasonable internal procedures to ensure that its obligation to engage in affirmative action to employ and promote qualified disabled veterans and veterans of the Vietnam era is being fully implemented.

(3) The contractor should periodically inform all employees and prospective employees of its commitment to engage in affirmative action to increase employment opportunities for qualified disabled veterans and veterans of the Vietnam era.

(4) The contractor should enlist the assistance and support of all recruiting sources including as follows:

(i) The local Veterans Employment Representative or his or her designee in the State Employment Service Office nearest each establishment where hiring takes place to recruit job ready veterans and to develop on-the-job training opportunities for covered veterans wherever feasible; (ii) The Veterans Administration Regional Office nearest each establishment to develop on-the-job training opportunities for covered veterans, and to recruit job ready veterans;

(iii) The office of the National Alliance of Businessmen nearest each establishment where hiring takes place in order to cooperate in the Jobs for Veterans' Program;

(iv) The veterans' counselors and coordinators ("Vet-Reps" and "VCIPS") on college campuses for the recruitment of covered veterans;

(v) The service officers of the national veterans groups active in the area of each establishment where hiring takes place for the recruitment of covered veterans; and

(vi) Local veterans' groups and veterans' service centers in the area of each establishment where employment services are performed near major cities, for the recruitment of covered veterans.

(5) The contractor should establish meaningful contacts with appropriate veterans' service organizations which service disabled veterans or veterans of the Vietnam era, for such purposes as advice, technical assistance and referral of potential employees. Technical assistance from the resources listed in this paragraph may consist of advice on proper placement, recruitment, training and accommodations contractors may undertake, but no such resource providng technical assistance shall have the authority to approve or disapprove the acceptability of affirmative action programs.

(6) The contractor should review employment records to determine the availability of promotable and transferrable qualified known disabled veterans and veterans of the Vietnam era presently employed, and to the determine whether their present and potential skills are being fully utilized or developed.

(7) The contractor should send written notification of company policy to all subcontractors, vendors and suppliers, requesting appropriate action on their part.

(8) The contractor should consider all qualified disabled veterans and veterans of the Vietnam era not currently in the workforce having requisite skills who can be recruited through affirmative action measures.

(g) *Internal dissemination of policy.* A strong outreach program will be ineffective without adequate internal support from supervisory and management personnel and other employees. In order to assure greater employee cooperation and participation in the contractor's efforts, the contractor should adopt, implement and disseminate this policy internally as follows:

(1) Include it in the contractor's policy manual.

(2) Publicize it in the company newspaper, magazine, annual report and other media.

(3) Conduct special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the chief executive officer's attitude.

(4) Schedule special meetings with all employees to discuss policy and explain individual employee responsibilities.

(5) Discuss the policy thoroughly in both employee orientation and management training programs.

(6) Meet with union officials to inform them of the contractor's policy, and request their cooperation.

(7) Include nondiscrimination clauses in all union agreements, and review all contractual provisions to insure they are nondiscriminatory.

(8) Include articles on accomplishments of disabled veterans and veterans of the Vietnam era in company publications.

(9) Post the policy on company bulletin boards, including a statement that employees and applicants are protected from coercion, intimidation, interference or discrimination for filing a complaint or assisting in an investigation under the Act.

(h) *Responsibility for implementation.* An executive of the contractor should be designated as director or manager of company affirmative action activities under these regulations. His or her identity should appear on all internal and external communications regarding the company's affirmative action programs. This executive should be given necessary top management support and staff to manage the implementation of this program, including the following activities:

(1) Develop policy statements, affirmative action programs, and internal and external communication techniques. The latter techniques should include regular discussions with local managers, supervisors and employees to be certain the contractor's policies are being followed. In addition, supervisors should be advised that:

(i) Their work performance is being evaluated on the basis of their affirmative action efforts and results, as well as other criteria.

(ii) The contractor is obligated to prevent harassment of employees placed through affirmative action efforts, as set forth in § 60-250.51.

(2) Identify problem areas in conjunction with line management and known disabled veterans, in the implementation of the affirmative action programs, and develop solutions. This is particularly important for the accommodations requirements.

(3) Design and implement audit and reporting systems that will:

(i) Measure effectiveness of the contractor's programs.

(ii) Indicate need for remedial action.

(iii) Determine the degree to which the contractor's objectives have been attained.

(iv) Determine whether known disabled veterans and veterans of the Vietnam era have had the opportunity to participate in all company sponsored educational, training, recreational and social activities.

(v) Insure that each location is in compliance with the Act and the regulations in this Part.

(4) Serve as liaison between the contractor and enforcement agencies.

(5) Serve as liaison between the contractor and organizations of and for disabled veterans and veterans of the Vietnam era, and arrange for the active involvement by company representatives in the community service programs of local organizations of and for disabled veterans and veterans of the Vietnam era.

(6) Keep management informed of the latest developments in the entire affirmative action area.

(7) Arrange for career counseling for known disabled veterans and veterans of the Vietnam era.

(i) *Development and execution of affirmative action programs.* (1) Job qualification requirements reviewed pursuant to paragraph (c) of this section should be made available to all members of management involved in the recruitment, screening, selection, and promotion process.

(2) The contractor should evaluate the total selection process including training and promotion to insure freedom from stereotyping disabled veterans and veterans of the Vietnam era in a manner which limits their access to all jobs for which they are qualified.

(3) All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes should be carefully selected and trained to insure that the commitments in its affirmative action program are implemented.

(4) Formal briefing sessions should be held, preferably on company premises, with representatives from recruiting sources. Plant tours, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of the company's selection process, and recruiting literature should be an integral part of the briefings. Formal arrangements should be made for referral of applicants, follow up with sources, and feedback on disposition of applicants.

(5) A special effort should be made to include qualified disabled veterans or veterans of the Vietnam era on the personnel relations staff.

(6) Active participation in veterans "job fairs" is desirable.

(7) Recruiting efforts at all educational institutions should incorporate special efforts to reach disabled veterans and veterans of the Vietnam era.

(8) An effort should be made to participate in workstudy programs with Veterans' Administration rehabilitation facilities which specialize in training or educating disabled veterans.

(9) The contractor should use all available resources to continue or establish federally-assisted apprenticeship and on-the-job training programs under 38 U.S.C. 1787.

§ 60-250.7 Determination of disability.

Any disabled veteran filing an administrative complaint with the Veterans Employment Service under this part shall submit documentation from the Veterans Administration or military service from which the person was discharged or released which indicates his or her disability. Such documentation shall be updated within 1 year prior to filing the complaint.

§ 60-250.8 [Reserved]

§ 60-250.9 Labor unions and recruiting and training agencies.

(a) Whenever performance in accordance with the affirmative action clause or any matter contained in the regulations in this Part may necessitate a revision of a collective bargaining agreement, the labor union or unions which are parties to such agreements shall be given an adequate opportunity to present their views to the Director.

(b) The Director shall use his or her best efforts, directly or through contractors, subcontractors, local officials, the Veterans Administration, veterans' organizations and all other available instrumentalities, to cause any labor union, recruiting and training agency or other representative of workers who are or may be engaged in work under contracts and subcontracts to cooperate with, and to assist in, the implementation of the purposes of the Act.

Subpart B—General Enforcement and Complaint Procedure

§ 60-250.20 Subcontracts.

Each nonexempt prime contractor and subcontractor shall include the affirmative action clause prescribed in § 60-250.4 in each of their nonexempt subcontracts. The clause may be incorporated by reference in accordance with § 60-250.22.

§ 60-250.21 Adaptation of language.

Such necessary changes in language may be made to the affirmative action clause (see § 60-250.4) as shall be appropriate to identify properly the parties and their undertakings.

§ 60-250.22 Incorporation by reference.

The affirmative action clause and the regulations contained in this part may be incorporated by reference in all contracts and subcontracts.

§ 60-250.23 Incorporation by operation of the Act and agency regulations.

By operation of the Act, the affirmative action clause shall be considered to be a part of every contract and subcontract required by the Act and the regulations in this part to include such a clause, whether or not it is physically incorporated in such contracts and whether or not there is a written contract between the agency and the contractor.

§ 60-250.24 Duties of agencies.

(a) *General responsibility.* Each agency shall cooperate with the Director in the performance of his or her responsibilities under the Act. Such cooperation shall include the responsibility to insure that contractors are fully cognizant of their obligations under the Act and this part, to provide the Director with any information which comes to its attention that the contractor is not in compliance with the Act or this part, and to take such actions for noncompliance as set forth in § 60-250.28 as may be ordered by the Director.

(b) Reserved.

§ 60-250.25 Evaluations by the Director.

The Director shall be primarily responsible for undertaking such investigations of complaints and other matters as well as evaluations of contractor and agency performance as may be necessary to assure that the purposes of the Vietnam Veteran's Readadjustment Assistance Act, as amended are being effectively carried out.

§ 60-250.26 Complaint procedures.

(a) *Place and time for filing.* Any applicant for employment with a contractor or any employee of a contractor may, personally or by an authorized representative, file a written complaint with the Veteran's Employment Service of the Department of Labor through the Local Veteran's Employment Representative (LVER) or his designee at the local State employment office, alleging a violation of the Act or the regulations in this part. Local Veteran's Employment Representatives (LVERs) will assist veterans in preparing complaints and will promptly refer such complaints to the Director. The LVERs will keep a record of all complaints received and forwarded. LVERs will be informed of the progress and results of the veterans' complaint investigations. The State employment services shall cooperate with the Director in the investigation of any complaint. Such complaint is to be filed not later than 180 days from the date of the alleged violation unless the time for filing is extended by the Director for good cause shown.

(b) *Referral to contractor.* When a complaint is filed by an employee of a contractor and the contractor has an applicable internal review procedure, the complaint shall be referred to the contractor for processing under that procedure. The complaint and all actions taken thereunder shall be kept confidential by the contractor. If there has not been a resolution of the complaint under that procedure satisfactory to the complainant within 60 days of the referral, the LVER will refer the complaint to the Department of Labor which will proceed as provided in this section.

(c) *Contents of complaints.* Complaints must be signed by the complainants or their authorized representatives and must contain the following information: (1) Name and address (including telephone number) of the complainant, (2) name and address of the contractor or subcontractor who committed the alleged violation, (3) a description of the act or acts considered to be a violation, (4) a copy of the veteran's form DD-214, and, where applicable, VAL-5 or similar VA certification indicating the percent of disability, updated within 1 year prior to the date the complaint is filed, and (5) other pertinent information available which will assist in the investigation and resolution of the complaint, including the name of any known Federal agency with which the employer has contracted.

(d) *Incomplete information.* Where a complaint contains incomplete information, the Director shall seek the needed information from the complainant. If the information is not furnished to the agency or the Director within 60 days of the date of such request, the case may be closed.

(e) *Investigations.* The Department of Labor shall institute a prompt investigation of each complaint, and shall be responsible for developing a complete case record. A complete case record consists of the following: (1) Name and address of each person interviewed, (2) a summary of his or her statement, (3) copies or summaries of pertinent documents, (4) a narrative summary of the evidence disclosed in the investigation as it related to each charge, and (5) recommended findings and resolution.

(f) [Reserved]

(g) *Resolution of matters.* (1) If the complaint investigation shows no violation of the Act or regulations in this part, or if the Director decides not to initiate administrative or legal proceedings against the contractor, the complainant shall be so notified. Within 30 days, the complainant may request review by the Director of such a finding or decision.

(2) Where an investigation indicates that the contractor has not complied with the requirements of the Act or this part, efforts shall be made to secure compliance through conciliation and persuasion within a reasonable time. Before the contractor or subcontractor can be found to be in compliance, it must make a specific commitment, in writing, to take corrective action to meet the requirements of the Act and this part. The commitment must indicate the precise action to be taken and dates for completion. The time period allowed should be no longer than the minimum period necessary to effect such changes. Upon approval of such commitment by the Director, the contractor may be considered in compliance on condition that the commitments are kept.

(3) Where the complaint investigation indicates a violation of the Act or regulations in this part (and the complaint has not been resolved by informal means), the Director shall afford the contractor an opportuinty for a hearing in accordance with § 60-250.29.

§ 60-250.27 Noncompliance with the affirmative action clause.

Noncompliance with the prime contractor's or subcontractor's obligations under the affirmative action clause is a ground for taking appropriate action for noncompliance as set forth in § 60-250.28 by the Director, prime contractor, or subcontractor.

§ 60-250.28 Actions for noncompliance.

(a) *General.* In every case where any complaint investigation indicates the existence of a violation of the affirmative action clause or these regulations, the matter should be resolved by informal means, including conciliation, and persuasion, whenever possible. This will also include establishing a corrective action program in accordance with § 60-250.26(g)(2). Where the apparent violation is not resolved by informal means, the Director shall proceed in accordance with the enforcement procedures contained in this part.

(b) *Judicial enforcement.* In addition to the administrative remedies set forth herein, the Director may, within the limitations of applicable law, seek appropriate judicial action to enforce the contractual provisions set forth in § 60-250.4 including appropriate injunctive relief.

(c) *Withholding progress payments.* With the prior approval of the Director so much of the accrued payment due on the contract or any other contract between the Government prime contractor and the Federal Government may be withheld as necessary to correct any violations of the provisions of the affirmative action clause.

(d) *Termination.* A contract or subcontract may be canceled or terminated, in whole or in part, for failure to comply with the provisions of the affirmative action clause.

(e) *Debarment.* A prime contractor or subcontractor or a prospective contractor or subcontractor may be debarred from receiving future contracts for failure to comply with the provisions of the affirmative action clause.

§ 60-250.29 Formal hearings.

(a) *Hearing opportunity.* An opportunity for a formal hearing shall be afforded to a prime contractor or a sub-

contractor or a prospective prime contractor or subcontractor by the Director in any of the following circumstances:

(1) An apparent violation of the affirmative action clause by a contractor or subcontractor, as shown by any investigation, is not resolved by informal means and a hearing is requested; or

(2) The Director proposes to cancel or terminate the contract or withhold progress payments, or cause the contract to be canceled or terminated or progress payments to be withheld, in whole or in part, on a contract or contracts, or to require cancellation or termination of a contract or subcontract or withholding of progress payments; or

(3) The Director proposes to declare a prime contractor or subcontractor ineligible for further contracts or subcontracts under the Act.

(b) *Hearing practice and procedure.* (1) All hearings conducted under section 402 of the Vieterans' Era Veternas' Readjustment Assistance Act of 1974 and the regulations in this part shall be governed by the Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246 contained in 41 CFR Part 60-30 except that complaints shall be issued by the Associate Solicitor, Division of Labor Relations and Civil Rights, Office of the Solicitor, rather than by the Solicitor of Labor.

(2) For the purposes of hearings pursuant to this Part 60-250, references in 41 CFR Part 60-30 to "Executive Order 11246" shall mean section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974; to "Equal opportunity clause" shall mean the affirmative action clause published at 41 CFR 60-250.4; and to "regulations" shall mean the regulations contained in this part 60-250.

(3) The Administrative Law Judge's recommended findings, conclusions and decision shall be certified to the Assistant Secretary, Employment Standards Administration rather than to the Secretary (see 41 CFR 60-30.27). Accordingly, exceptions to the recommended decision (41 CFR 60-30.28) shall be filed with the Assistant Secretary, Employment Standards Administration, and the final Administrative Order contemplated by 41 CFR 60-30.30 shall be issued by the Assistant Secretary Employment Standards Administration. Except for these changes in procedure, all the other provisions of the rules of practice cited in this 41 CFR 60-741.29(b) shall remain in full force and effect.

§ 60-250.30 Notification of agencies.

The Director shall notify the heads of all agencies of any action for noncompliance taken against any contractor after such actions have been taken. No agency may issue a waiver under § 60-250.3(b)(1) to any contractor subject to such action without prior approval of the Director.

§ 60-250.31 Contractor ineligibility list.

The Director shall distribute periodically a list to all executive departments and agencies giving the names of prime contractors and subcontractors who have been declared ineligible under the regulations in this part and the Act.

§ 60-250.32 Disputed matters related to the affirmative action program.

The procedures set forth in the regulations in this part govern all disputes relative to a contractor's compliance with the affirmative action clause and the requirements of this part. Any disputes relating to issues other than compliance, including contract costs arising out of the contractor's efforts to comply, shall be determined by the disputes clause of the contract.

§ 60-250.33 Responsibilities of State employment services.

(a) Any job openings listed pursuant to § 60-250.3 which requires contractors to list their job openings with State employment services offices, shall be utilized by State employment security agencies to refer qualified disabled veterans and veterans of the Vietnam era.

(b) The local offices of the Federal-State employment service shall give priority in referral to disabled veterans and veterans of the Vietnam era to such employment openings listed by contractors and subcontractors pursuant to this part.

(c) The local employment office staff will contract employers to solicit job orders. The State employment service will make available information pertinent to a determination of whether the contractor is in compliance with the mandatory listing and reporting requirements of the affirmative action clause.

Subpart C—Ancillary Matters

§ 60-250.50 Reinstatement of ineligible contractors and subcontractors.

Any prime contractor or subcontractor debarred from further contracts or subcontracts under the Act may request reinstatement in a letter directed to the Director. In connection with the reinstatement proceedings, the prime contractor or subcontractor shall be required to show that it has established and will carry out employment policies and practices in compliance with the affirmative action clause.

§60-250.51 Intimidation and interference.

The sanctions and penalties contained in this regulation may be exercised by the Director against any prime contractor or subcontractor, who fails to take all necessary steps to ensure that no person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with the filing of a complaint, furnishing information, or assisting or participating in any manner in an investigation, compliance review, hearing, or any other activity related to the administration of the Act.

§ 60-250.52 Recordkeeping.

(a) Each contractor and subcontractor shall maintain for a period not less than 1 year records regarding complaints and actions taken thereunder, and such employment or other records as required by the Director or by this part and shall furnish such information in the form required by the Director or as the Director deems necessary for the administration of the Act and regulations issued under this part.

(b) Failure to maintain complete and accurate records as required under this section or failure to update annually the affirmative action program as required by § 60-250.5(b) constitutes noncompliance with the contractor's or subcontractor's obligations under the affirmative action clause and is a ground for the imposition of appropriate sanctions.

§ 60-250.53 Access to records of employment.

Each prime contractor and subcontractor shall permit access during normal business hours to its places of business, books, records and accounts pertinent to compliance with the Act, and all rules and regulations promulgated pursuant thereto for the purposes of complaint investigations, and investigations of performance under the affirmative action clause of the contract or subcontract. Information obtained in this manner shall be used only in connection with the administration of the Act.

§ 60-250.54 Rulings and interpretations.

Rulings under or interpretations of the Act and the regulations contained in this Part 60-250 shall be made by the Secretary or his or her designee.

Appendix A

This employer is a government contractor subject to Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 which requires government contractors to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era. If you are a disabled veteran covered by this program and would like to be considered under the affirmative action program, please tell us. This information is voluntary

and refusal to provide it will not subject you to discharge or disciplinary treatment. Information obtained concerning individuals shall be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of disabled veterans, and regarding necessary accommodations, and (ii) first aid personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment. In order to assure proper placement of all employees, we do request that you answer the following question: If you have a disability which might affect your performance or create a hazard to yourself or others in connection with the job for which you are applying, please state the following: (1) The skills and procedures you use or intend to use to perform the job notwithstanding the disability and (2) the accommodations we could make which would enable you to perform the job properly and safely, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job or other accommodations.

APPENDIX B

The following is a set of procedures which contractors may use to meet the requirements of § 60-250.6(b).

(1) The application or personnel form of each known covered veteran should be annotated to identify each vacancy for which he or she was considered, and the form should be quickly retrievable for review by the agency, the Department of Labor and the contractor's personnel officials for use in investigations and internal compliance activities.

(2) The personnel or application records of each known covered veteran should include (i) the identification of each promotion for which he or she was considered, and (ii) the identification of each training program for which he or she was considered.

(3) In each case where a covered veteran is rejected for employment, promotion or training, a statement of the reasons should be appended to the personnel file or application form. This statement should include a comparison of the qualifications of the covered veteran and the person(s) selected, as well as a description of the accommodations considered. This statement should be available to the applicant or employee concerned upon request.

(4) Where applicants or employees are selected for hire, promotion or training and the contractor undertakes any accommodation which makes it possible for him or her to place a covered veteran on the job, the application form or personnel record should contain a description of that accommodation.

PART 60-741—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR HANDICAPPED WORKERS

Subpart A—Preliminary Matters, Affirmative Action Clause, Compliance

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60-741.2 Definitions
60-741.3 Coverage and waivers.
60-741.4 Affirmative action clause.
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60-741.7 Determination of handicap.
60-741.8 Listing of employment openings.
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Subpart B—General Enforcement and Complaint Procedure

60-741.20 Subcontracts.
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AUTHORITY. Sec. 503, Pub. L. 93-1112, 87 Stat. 393 (20 U.S.C. 793), as amended by sec. 111, Pub. L. 93-516, 88 Stat. 1619 (29 U.S.C. 706) and Executive Order 11758, as amended by E.O. 12086.

Subpart A—Preliminary Matters, Affirmative Action Clause, Compliance

§ 60-741.1 Purpose and application.

The purpose of the regulations in this Part is to assure compliance with section 503 of the Rehibilitation Act of 1973, which requires government contractors and subcontractors to take affirmative action to employ and advance in employment qualified handicapped individuals. The regulations in this Part apply to all government contracts and subcontracts for the furnishing of supplies or services or for the use of real or personal property (including construction) for $2,500 or more. Compliance of a contractor with the provisions of this Part will not necessarily determine its compliance with the requirements of section 504 of the Rehabilitation Act of 1973 and compliance with section 504 will not necessarily determine compliance with section 503 and the regulations in this Part.

§ 60-741.2 Definitions.

"Act" means the Rehabilitation Act of 1973, Pub. L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516.

"Affirmative action clause" means the contract provisions set forth in § 60-741.4.

"Agency" means any contracting agency of the government.

"Assistant Secretary" means the Assistant Secretary of Labor for Employment Standards or his or her designee.

"Construction" means the construction, rehabilitation, alteration, conversion, extension, demolition, or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other onsite functions incidental to the actual construction.

"Contract" means any government contract.

"Contracting agency" means any department, agency, establishment or instrumentality of the United States, including any wholly owned government corporation, which enters into contracts.

"Contractor" means, unless otherwise indicated, a prime contractor or subcontractor.

"Director" means the Director of the Office of Federal Contract Compliance Programs of the United States Department of Labor.

"Government" means the government of the United States of America.

"Government contract" means any agreement or modification thereof between any contracting agency and any person for the furnishing of supplies or services or for the use of real or personal property including lease arrangements. The term "services", as used in this section includes, but is not limited to the following services: Utility, construction, transportation, research, insurance, and fund depository, irrespective of whether the government is the purchaser or seller. The term "government contract" does not include (1) agreements in which the parties stand in the relationship of employer and employee, and (2) federally-assisted contracts.

"Handicapped individual" means any person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) has a record of such impairment, or (3) is regarded as having such an impairment. For purposes of this Part, a handicapped individual is "substantially limited" if he or she is likely to experience difficulty in securing, retaining or advancing in employment because of a handicap. (See appendix A attached for guidelines on the applications of this definition.)

"Modification" means any alteration in the terms and conditions of a contract, including supplemental agreements, amendments, and extensions.

"Person" means any natural person, corporation, partnership or joint venture, unincorporated association, State or local government, and any agency, instrumentality, or subdivision of such a government.

"Prime contractor" means any person holding a contract, and, for the purposes of subpart B of this part, includes any person who has held a contract subject to the Act.

"Qualified handicapped individual" means a handicapped individual as defined in § 60-741.2 who is capable of performing a particular job, with reasonable accommodation to his or her handicap.

"Recruiting and training agency" means any person who refers workers to any contractor or subcontractor, or who provides or supervises apprenticeship or training for employment by any contractor or subcontractor.

"Rules, regulations, and relevant orders of the Secretary of Labor" as used in paragraph (b) of the affirmative action clause means rules, regulations, and relevant orders of the Secretary of Labor or his or her designee issued pursuant to the Act.

"Secretary" means the Secretary of Labor, U.S. Department of Labor.

"Subcontract" means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

(1) For the furnishing of supplies or services or for the use of real or personal property, including lease arrangements, which, in whole or in part, is necessary to the performance of any one or more contracts; or

(2) Under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed.

"Subcontractor" means any person holding a subcontract and, for the purpose of subpart B of this part, any person who has held a subcontract subject to the Act.

"United States" as used herein shall include the several States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, the Panama Canal Zone, American Samoa and the Trust Territory of the Pacific Islands.

§ 60-741.3 Coverage and waivers.

(a) *General.* (1) Transactions for less than $2,500. Contracts and subcontracts for less than $2,500 are not covered by the Act. No agency, contractor or subcontractor shall procure supplies or services in less than usual quantities to avoid the applicability of the affirmative action clause.

(2) Contracts and subcontracts for indefinite quantities. With respect to indefinite delivery-type contracts and subcontracts (including, but not limited to, open-end contracts, requirement-type contracts, Federal Supply Schedule contracts, "call-type" contracts, and purchase notice agreements), the affirmative action clause shall be included unless the contracting agency has reason to believe that the amount to be ordered in any year under such contract will be less than $2,500. The applicability of the affirmative action clause shall be determined at the time of award for the first year, and annually thereafter for succeeding years, if any. Notwithstanding the above, the affirmative action clause shall be applied to such contract whenever the amount of a single order is $2,500 or more. Once the affirmative action clause is determined to be applicable, the contract shall continue to be subject to such clause for its duration, regardless of the amounts ordered, or reasonably expected to be ordered in any year.

(3) Work outside the United States. The requirements of the affirmative action clause are waived with respect to contracts and subcontracts with regard to work performed outside the United States by employees who were not recruited within the United States.

(4) Contracts with State or local governments. The requirements of the affirmative action clause in any contract or subcontract with a State or local government (or any agency, instrumentality or subdivision thereof) shall not be applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract or subcontract.

(5) Facilities not connected with contracts. The Director may waive the requirements of the affirmative action clause with respect to any of a prime contractor's or subcontractor's facilities which he or she finds to be in all respects separate and distinct from activities of the prime contractor or subcontractor related to the performance of the contract or subcontract, provided that he or she also finds that such a waiver will not interfere with or impede the effectuation of the Act. Such waivers shall be considered only upon the request of the contractor or subcontractor.

(b) *Waivers.* (1) Specific contracts and classes of contracts. The head of an agency, with the concurrence of the Director, may waive the application to any contract or subcontract of any part of or all the affirmative action clause when he or she deems that special circumstances in the national interest so require. The agency head, with the concurence of the Director, may also grant such waivers to groups or categories of contracts or subcontracts of the same type where it is (i) in the national interest, (ii) found impracticable to act upon each request individually, and (iii) where such waiver will substantially contribute to convenience in administration of section 503 of the Act.

(2) National security. Any requirement set forth in the regulations in this Part shall not apply to any contract or subcontract whenever the head of the contracting agency determines that such contract or subcontract is essential to the national security and that its award without complying with such requirements is necessary to the national security. Upon making such a determination the head of the agency will notify the Director in writing within 30 days.

(c) *Withdrawal of waiver.* When a waiver has been granted for any class of contracts or subcontracts under this section other than contracts granted waivers under paragraph (b)(2) of this section, the Director may withdraw the waiver for a specific contract or subcontract or group of contracts or subcontracts to be awarded, when in his or her judgment such action is necessary or appropriate to achieve the purposes of the Act. The withdrawal shall not apply to contracts or subcontracts awarded prior to the withdrawal, except that in procurements entered into by formal advertising, or the various forms of restricted formal advertising, such withdrawal shall not apply unless the withdrawal is made more than 10 calendar days before the date set for the opening of the bids.

§ 60-741.4 Affirmative action clause.

Each agency and each contractor and subcontractor shall include the following affirmative action clause in each of its covered government contracts or subcontracts (and modifications, renewals, or extensions thereof if not included in the original contract).

AFFIRMATIVE ACTION FOR HANDICAPPED WORKERS

(a) The contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: Employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(c) In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(d) The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

(e) The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of section 503 of the Rehabilitation Act of 1973, and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

(f) The contractor will include the provisions of this clause in every subcontract or purchase order of $2,500 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to section 503 of the Act, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.

§ 60-741.5 Applicability of the affirmative action program requirement.

(a) Within 120 days of the commencement of a contract every government contractor or subcontractor holding a contract of $50,000 or more and having 50 or more employees shall prepare and maintain an affirmative action program at each establishment which shall set forth the contractor's policies, practices and procedures in accordance with § 60-741.6 of this Part. This program may be integrated into or kept separate from other affirmative action programs of the contractor. Contractors presently holding government contracts shall update their affirmative action programs within 120 days of the effective date of this Part.

(b) The affirmative action program shall be reviewed and updated annually. If there are any significant changes in procedures, rights or benefits as a result of the annual updating, those changes shall be communicated to employees and applicants for employment.

(c) (1) The contractor shall invite all applicants and employees who believe themselves covered by the Act and who wish to benefit under the affirmative action program to identify themselves to the contractor. The invitation shall state that the information is voluntarily provided, that it will be kept confidential, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with the Act and the regulations in this Part. If an applicant or employee so identifies himself or herself the contractor should also seek the advice of the applicant or employee regarding proper placement and appropriate acommodation. (An acceptable form for such an invitation is set forth in Appendix B attached.)

(2) Nothing in this section shall preclude an employee from informing a contractor at any future time of his or her desire to benefit under the program.

(3) Nothing in this section shall relieve a contractor of its obligation to take affirmative action with respect to those applicants or employees of whose handicap the contractor has actual knowledge: *Provided*, That the contractor is not obligated to search the medical files of any applicant or employee to determine the existence of a handicap.

(4) Nothing in this section shall relieve a contractor from liability for discrimination under the Act.

(d) The full affirmative action program shall be available for inspection to any employee or applicant for employment upon request. The location and hours during which the program may be obtained shall be posted at each facility.

§ 60-741.6 Affirmative action policy, practices, and procedures.

(a) *General requirements.* Under the affirmative action obligation imposed by section 503 of the Rehabilitation Act of 1973, contractors are required to take affirmative action to employ and advance in employment qualified handicapped individuals at all levels of employment, including the executive level. Such action shall apply to all employment practices, including, but not limited to, the following: Hiring, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) *Proper consideration of qualifications.* Contractors shall review their personnel processes to determine whether their present procedures assure careful, thorough and systematic consideration of the job qualifications of known handicapped applicants and employees for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available. To the extent that it is necessary to modify their personnel procedures, contractors shall include the development of new procedures for this purpose in their affirmative action program required under this part. These procedures must be designed so as to facilitate a review of the implementation of this requirement by the contractor or the Government. (Appendix C attached is an example of an appropriate set of procedures. The procedures in Appendix C are not required and contractors may develop other procedures which are appropriate to their circumstances.)

(c) *Physical and mental qualifications.* (1) The contractor shall provide in its affirmative action program, and shall adhere to, a schedule for the review of all physical or mental job qualification requirements to insure that, to the extent qualification requirements tend to screen out qualified handicapped individuals, they are job related and are consistent with business necessity and the safe performance of the job.

(2) Whenever a contractor applies physical or mental job qualification requirements in the selection of applicants or employees for employment or other change in employment status such as promotion, demotion or training, to the extent that qualification requirements tend to screen out qualified handicapped individuals, the requirements shall be related to the specific job or jobs for which the individual is being considered and shall be consistent with business necessity and the safe performance of the job. The contractor shall have the burden to demonstrate that it has complied with the requirements of this paragraph.

(3) Nothing in this section shall prohibit a contractor from conducting a comprehensive medical examination prior to employment provided that the results of such an examination shall be used only in accordance with the requirements of this section. Whenever a contractor inquires into an applicant's or employee's physical or mental condition or conducts a medical examination prior to employment or change in employment status information obtained in response to such inquiries or examination shall be kept confidential except that:

(i) Supervisors and managers may be informed regarding restrictions on the work or duties of handicapped individuals and regarding accommodations; and

(ii) First aid and safety personnel may be informed, where and to the extent appropriate, if the condition might require emergency treatment; and

(iii) Government officials investigating compliance with the Act shall be informed.

(d) *Accommodation to physical and mental limitations of employees.* A contractor must make a reasonable accommodation to the physical and mental limitations of an employee or

applicant unless the contractor can demonstrate that such an accommodation would impose an undue hardship on the conduct of the contractor's business. In determining the extent of a contractor's accommodation obligations, the following factors among others may be considered: (1) business necessity and (2) financial cost and expenses.

(e) *Compensation.* In offering employment or promotions to handicapped individuals, the contractor may not reduce the amount of compensation offered because of any disability income, pension or other benefit the applicant or employee receives from another source.

(f) *Outreach, positive recruitment, and external dissemination of policy.* Contractors shall review their employment practices to determine whether their personnel programs provide the required affirmative action for employment and advancement of qualified handicapped individuals. based upon the findings of such reviews, contractor shall undertake appropriate outreach and positive recruitment activities, such as those listed below. It is not contemplated that contractors will necessarily undertake all the listed activities or that their activities will be limited to those listed. The scope of a contractor's efforts shall depend upon all the circumstances, including the contractor's size and resources and the extent to which existing employment practice are adequate.

(1) The contractor should develop internal communication of its obligation to engage in affirmative action efforts to employ qualified handicapped individuals in such a manner as to foster understanding, acceptance and support among the contractor's executive, management, supervisory and all other employees and to encourage such persons to take the necessary action to aid the contractor in meeting this obligation.

(2) The contractor should develop reasonable internal procedures to ensure that its obligation to engage in affirmative action to employ and promote qualified handicapped individuals is being fully implemented.

(3) The contractor should periodically inform all employees and prospective employees of its commitment to engage in affirmative action to increase employment opportunities for qualified handicapped individuals.

(4) The contractor should enlist the assistance and support of recruiting sources (including State employment security agencies, State vocational rehabilitation agencies or facilities, sheltered workshops, college placement officers, State education agencies, labor organizations and organizations of or for handicapped individuals) for the contractor's commitment to provide meaningful employment opportunities to qualified handicapped individuals. (A list of numerous national organizations serving the handicapped, many of which have State or local affiliates, is found in the "Directory of Organizations Interested in the Handicapped" published by the Committee for the Handicapped People-to-People Program, Washington, D.C.)

(5) The contractor should engage in recruitment activities at educational institutions which participate in training of the handicapped, such as schools for the blind, deaf, or retarded.

(6) The contractor should establish meaningful contracts with appropriate social service agencies, organizations of and for handicapped individuals, vocational rehabilitation agencies or facilities, for such purposes as advice, technical assistance and referral of potential employees. Technical assistance from the resources described in this paragraph may consist of advice on proper placement, recruitment, training and accommodations contractors may undertake, but no such resource providing technical assistance shall have the authority to approve or disapprove the acceptability of affirmative action programs.

(7) The contractor should review employment records to determine the availability of promotable and transferable qualified known handicapped individuals presently employed, and to determine whether their present and potential skills are being fully utilized or developed.

(8) The contractor should include handicapped workers when employees are pictured in consumer, promotional or help wanted advertising.

(9) The contractor should send written notification of company policy to all subcontractors, vendors and suppliers, requesting appropriate action on their part.

(10) The contractor should take positive steps to attract qualified handicapped persons not currently in the work force who have requisite skills and can be recruited through affirmative action measures. These persons may be located through the local chapters of organizations of and for handicapped individuals described in paragraph (f)(4).

(g) *Internal dissemination of policy.* A strong outreach program will be ineffective without adequate internal support from supervisory and management personnel and other employees, who may have had limited contact with handicapped persons in the past. In order to assure greater employee cooperation and participation in the contractor's efforts, the contractor should adopt, implement and disseminate this policy internally as follows:

(1) Include it in the contractor's policy manual.

(2) Publicize it in the company newspaper, magazine, annual report and other media.

(3) Conduct special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the chief executive officer's attitude.

(4) Schedule special meetings with all employees to discuss policy and explain individual employee responsibilities.

(5) Discuss the policy thoroughly in both employee orientation and management training programs.

(6) Meet with union officials to inform them of the contractor's policy, and request their cooperation.

(7) Include nondiscrimination clauses in all union agreements, and review all contractual provisions to ensure they are nondiscriminatory.

(8) Include articles on accomplishments of handicapped workers in company publications.

(9) Post the policy on company bulletin boards, including a statement that employees and applicants are protected from coercion, intimidation, interference or discrimination for filing a complaint or assisting in an investigation under the Act.

(10) When employees are featured in employee handbooks or similar publications for employees, include handicapped employees.

(h) *Responsibility for implementation.* An executive of the contractor should be designated as director or manager of company affirmative action activities under these regulations. His or her identity should appear on all internal and external communications regarding the company's affirmative action programs. This executive should be given necessary top management support and staff to manage the implementation of this program, including the following activities:

(1) Develop policy statements, affirmative action programs, and internal and external communication techniques. The latter techniques should include regular discussions with local managers, supervisors and employees to be certain the contractor's policies are being followed. In addition, supervisors should be advised that:

(i) Their work performance is being evaluated on the basis of their affirmative action efforts and results, as well as other criteria.

(ii) The contractor is obligated to prevent harassment of employees placed through affirmative action efforts, as set forth in § 60-741.51.

(2) Identify problem areas in conjunction with line management and

known handicapped employees, in the implementation of the affirmative action programs, and develop solutions. This is particularly important for the accommodations requirements.

(3) Design and implement audit and reporting systems that will:

(i) Measure effectiveness of the contractor's programs.

(ii) Indicate need for remedial action.

(iii) Determine the degree to which the contractor's objectives have been attained.

(iv) Determine whether known handicapped employees have had the opportunity to participate in all company sponsored educational training, recreational and social activities.

(v) Ensure that each location is in compliance with the Act and the regulations in this Part.

(4) Serve as liaison between the contractor and OFCCP.

(5) Serve as liaison between the contractor and organizations of and for handicapped persons, and arrange for the active involvement by company representatives in the community service programs of local organizations of and for the handicapped.

(6) Keep management informed of the latest developments in the entire affirmative action area.

(7) Arrange for career counseling for known handicapped employees.

(i) *Development and execution of affirmative action programs.* (1) Job qualification requirements reviewed pursuant to paragraph (c) of this section should be made available to all members of management involved in the recruitment, screening, selection, and promotion process.

(2) The contractor should evaluate the total selection process including training and promotion to ensure freedom from stereotyping handicapped persons in a manner which limits their access to all jobs for which they are qualified.

(3) All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes should be carefully selected and trained to ensure that the commitments in its affirmative action program are implemented.

(4) Formal briefing sessions should be held, preferably on company premises, with representatives from recruiting sources. Plant tours, clear and concise explanations of current and future job openings, position, descriptions, worker specifications, explanations of the company's selection process, and recruiting literature should be an integral part of the briefings. Formal arrangements should be made for referral of applicants, follow up with sources, and feedback on disposition of applicants.

(5) A special effort should be made to include qualified handicapped persons on the personnel relations staff.

(6) Handicapped employees should be made available for participation in career days, youth motivation programs, and related activities in their communities.

(7) Recruiting efforts at all schools should incorporate special efforts to reach handicapped students.

(8) An effort should be made to participate in workstudy programs with rehabilitation facilities and schools which specialize in training or educating handicapped individuals.

(9) The contractor should use all available resources to continue or establish on the job training programs.

(j) *Sheltered workshops.* Contracts with sheltered workshops do not constitute affirmative action in lieu of employment and advancement of qualified handicapped individuals in the contractor's own workforce. Contracts with sheltered workshops may be included within an affirmative action program if the sheltered workshop trains employees for the contractor and the contractor is obligated to hire trainees at full compensation when such trainees become qualified as "qualified handicapped individual" as defined in § 60-741.2.

§ 60-741.7 Determination of handicap.

(a) Any handicapped individual filing a complaint with the Director under this part shall submit with his or her complaint a signed statement specifying the handicapping impairment or situation (see § 60-741.2 definition of "handicapped individual"). If the Director determines that further documentation is necessary, he or she may require the complainant to provide additional information.

(b) Any contractor requiring a determination of an applicant's or employee's handicap may require the applicant or employee to provide medical documentation of the impairment or, in the alternative, may require the applicant or employee to undergo a medical examination at the contractor's expense.

(c) Any determination of handicap required pursuant to paragraph (b) of this section must meet the requirements of § 60-741.5(c) and must be for the purpose of affirmative action and proper job placement. Information obtained therefrom shall not be used to exclude or otherwise limit the employment opportunities of qualified handicapped individuals.

(d) All medical documentation required under this section shall be based upon the American Medical Association Guides to the Evaluation of Permanent Impairment, provided that the guides shall be used only to determine the existence of impairment without regard to the degree of impairment.

§ 60-741.8 Listing of employment openings.

Contractors should request State employment security agencies to refer qualified handicapped individuals for consideration under their affirmative action programs.

§ 60-741.9 Labor unions and recruiting and training agencies.

(a) Whenever performance in accordance with the affirmative action clause or any matter contained in the regulations in this part may necessitate a revision of a collective bargaining agreement, the labor union or unions which are parties to such agreements shall be given an adequate opportunity to present their views to the Director.

(b) The Director shall use his or her best efforts, directly or through contractors, subcontractors, local officials, vocational rehabilitation facilities, and all other available instrumentalities, to cause any labor union, recruiting and training agency or other representative of workers who are or may be engaged in work under contracts and subcontracts to cooperate with, and to assist in, the implementation of the purposes of the Act.

Subpart B—General Enforcement and Complaint Procedure

§ 60-741.20 Subcontracts.

Each nonexempt prime contractor and subcontractor shall include the affirmative action clause prescribed in § 60-741.4 in each of their nonexempt subcontracts. The clause may be incorporated by reference in accordance with § 60-741.22.

§ 60-741.21 Adaptation of language.

Such necessary changes in language may be made to the affirmative action clause (see § 60-741.4) as shall be appropriate to identify properly the parties and their undertakings.

§ 60-741.22 Incorporation by reference.

The affirmative action clause and the regulations contained in this part may be incorporated by reference in all contracts and subcontracts.

§ 60-741.23 Incorporation by operation of the Act and agency regulations.

By operation of the Act, the affirmative action clause shall be considered to be a part of every contract and subcontract required by the Act and the regulations in this part to include such a clause, whether or not it is physically incorporated in such contracts and whether or not there is a written contract between the agency and the contractor.

§ 60-741.24 Duties of agencies.

(a) General responsibility. Each agency shall cooperate with the Director in the performance of his or her responsibilities under the Act. Such cooperation shall include the responsibility to insure that contractors are fully cognizant of their obligations under the Act and this part, to provide the Director with any information which comes to its attention that the contractor is not in compliance with the Act or this part, and to take such actions for noncompliance as set forth in § 60-741.28 as may be ordered by the Director.

(b) Reserved.

§ 60-741.25 Evaluations by the Director.

The Director shall be primarily responsible for undertaking such investigations of complaints and other matters as well as evaluations of contractor and agency performance as may be necessary to assure that the purposes of section 503 of the Rehabilitation Act of 1973 are being effectively carried out.

§ 60-741.26 Complaint procedures.

(a) *Place and time of filing.* Any applicant for employment with a contractor or any employee of a contractor may, personally or by an authorized representative, file a written complaint with the Director alleging a violation of the Act or the regulations in this part. Such complaint must be filed within 180 days from the date of the alleged violation, unless the time for filing is extended by the Director for good cause shown.

(b) *Referral to contractor.* When a complaint if filed by an employee of a contractor and the contractor has an applicable internal review procedure, the complaint shall be referred to the contractor for processing under that procedure. The complaint and all actions taken thereunder shall be kept confidential by the contractor. If there has not been a resolution of the complaint under that procedure satisfactory to the complainant within 60 days of the referral, the Department of Labor will proceed as provided in this section.

(c) *Contents of complaints.* Complaints must be signed by the complainants or their authorized representatives and must contain the following information: (1) Name and address (including telephone number) of the complainant, (2) name and address of the contractor or subcontractor who committed the alleged violation, (3) a description of the act or acts considered to be a violation, (4) a signed statement that the individual is handicapped or has a history of a handicap or other documentation of impairment or was regarded by the contractor as having an impairment, and (5) other pertinent information available which will assist in the investigation and resolution of the complaint, including the name of any known Federal agency with which the employer has contracted.

(d) *Incomplete information.* Where a complaint contains incomplete information, the Director shall seek the needed information from the complainant. If the information is not furnished to the Director within 60 days of the date of such request, the case may be closed.

(e) *Investigations.* The Department of Labor shall institute a prompt investigation of each complaint, and shall be responsible for developing a complete case record. A complete case record consists of the following: (1) Name and address of each person interviewed, (2) a summary of his or her statement, (3) copies or summaries of pertinent documents, (4) a narrative summary of the evidence disclosed in the investigation as it related to each charge, and (5) recommended findings and resolution.

(f) Reserved

(g) *Resolution of matters.* (1) If the complaint investigation shows no violation of the Act or regulations in this part, or if the Director decides not to initiate administrative or legal proceedings against the contractor, the complainant shall be so notified. Within 30 days, the complainant may request review by the Director of such a finding or decision.

(2) Where an investigation indicates that the contractor has not complied with the requirements of the Act or this part, efforts shall be made to secure compliance through concillation and persuasion within a reasonable time. Before the contractor or subcontractor can be found to be in compliance, it must make a specific commitment, in writing, to take corrective action to meet the requirements of the Act and this part. The commitment must indicate the precise action to be taken and dates for completion. The time period allowed should be no longer than the minimum period necessary to effect such changes. Upon approval of such commitment by the Director, the contractor may be considered in compliance on condition that the commitments are kept.

(3) Where the complaint investigation indicates a violation of the Act or regulations in this part (and the complaint has not been resolved by informal means), the Director shall afford the contractor an opportunity for a hearing in accordance with § 60-741.29.

§ 60-741.27 Noncompliance with the affirmative action clause.

Noncompliance with the prime contractor's or subcontractor's obligations under the affirmative action clause is a ground for taking appropriate action for noncompliance as set forth in § 60-741.28 by the Director, prime contractor, or subcontractor.

§ 60-741.28 Actions for noncompliance.

(a) *General.* In every case where any complaint investigation indicates the existence of a violation of the affirmative action clause or these regulations, the matter should be resolved by informal means, including conciliation, and persuasion, whenever possible. This will also include establishing a corrective action program in accordance with § 60-741.26(g)(2). Where the apparent violation is not resolved by informal means, the Director shall proceed in accordance with the enforcement procedures contained in this part.

(b) *Judicial enforcement.* In addition to the administrative remedies set forth herein, the Director may, within the limitations of applicable law, seek appropriate judicial action to enforce the contractual provisions set forth in § 60-741.4 including appropriate injunctive relief.

(c) *Withholding progress payments.* With the prior approval of the Director so much of the accrued payment due on the contract or any other contract between the government prime contractor and the Federal Government may be withheld as necessary to correct any violations of the provisions of the affirmative action clause.

(d) *Termination.* A contract or subcontract may be canceled or terminated, in whole or in part, for failure to comply with the provisions of the affirmative action clause.

(e) *Debarment.* A prime contractor or subcontractor or a prospective contractor or subcontractor may be debarred from receiving future contracts for failure to comply with the provisions of the affirmative action clause.

§ 60-741.29 Formal hearings.

(a) *Hearing opportunity.* An opportunity for a formal hearing shall be afforded to a prime contractor or a subcontractor or a prospective prime contractor or subcontractor by the Director in any of the following circumstances:

(1) An apparent violation of the affirmative action clause by a contractor or subcontractor, as shown by any investigation, is not resolved by informal means and a hearing is requested; or

(2) The Director proposes to cancel or terminate the contract or withhold progress payments, or cause the contract to be canceled or terminated or progress payments to be withheld, in whole or in part, on a contract or contracts, or to require cancellation or termination of a contract or subcon-

tract or withholding of progress payments; or

(3) The Director proposes to declare a prime contractor or subcontractor ineligible for further contracts or subcontracts under the Act.

(b) *Hearing practice and procedure.* (1) All hearings conducted under section 503 of the Rehabilitation Act of 1973, as amended, and the regulations in this Part shall be governed by the Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246 contained in 41 CFR Part 60-30 except that complaints shall be issued by the Associate Solicitor, Division of Labor Relations and Civil Rights, Office of the Solicitor, rather than by the Solicitor of Labor.

(2) For the purposes of hearings pursuant to this Part 60-741, references in 41 CFR Part 60-30 to "Executive Order 11246" shall mean section 503 of the Rehabilitation Act of 1973, as amended; to "equal opportunity clause" shall mean the affirmative action clause published at 41 CFR 60-741.4; and to "regulations" shall mean the regulations contained in this Part 60-741.

(3) The Administrative Law Judge's recommended findings, conclusions and decision shall be certified to the Assistant Secretary, Employment Standards Administration rather than to the Secretary (see 41 CFR 60-30.27). Accordingly, exceptions to the recommended decision (41 CFR 60-30.28) shall be filed with the Assistant Secretary, Employment Standards Administration, and the final Administrative Order contemplated by 41 CFR 60-30.30 shall be issued by the Assistant Secretary, Employment Standards Administration. Except for these changes in procedure, all the other provisions of the rules of practice cited in this 41 CFR 60-741.29(b) shall remain in full force and effect.

§ 60-741.30 Notification of agencies.

The Director shall notify the heads of all agencies of any action for noncompliance taken against any contractor after such actions have been taken. No agency may issue a waiver under § 60-741.3(b)(1) to any contractor subject to such action without prior approval of the Director.

§ 60-741.31 Contractor ineligibility list.

The Director shall distribute periodically a list to all executive departments and agencies giving the names of prime contractors and subcontractors who have been declared ineligible under the regulations in this Part and the Act.

§ 60-741.32 Disputed matters related to the affirmative action program.

The procedures set forth in the regulations in this Part govern all disputes relative to a contractor's compliance with the affirmative action clause and the requirements of this Part. Any disputes relating to issues other than compliance, including contract costs arising out of the contractor's efforts to comply, shall be determined by the disputes clause of the contract.

Subpart C—Ancillary Matters

§ 60-741.50 Reinstatement of ineligible contractors and subcontractors.

Any prime contractor or subcontractor debarred from further contracts or subcontracts under the Act may request reinstatement in a letter directed to the Director. In connection with the reinstatement proceedings, the prime contractor or subcontractor shall be required to show that it has established and will carry out employment policies and practices in compliance with the affirmative action clause.

§ 60-741.51 Intimidation and interference.

The sanctions and penalties contained in this regulation may be exercised by the Director against any prime contractor or subcontractor, who fails to take all necessary steps to insure that no person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with the filing of a complaint, furnishing information, or assisting or participating in any manner in an investigation, compliance review, hearing, or any other activity related to the administration of the Act.

§ 60-741.52 Recordkeeping.

(a) Each contractor and subcontractor shall maintain for a period not less than 1 year records regarding complaints and actions taken thereunder, and such employment or other records as required by the Director or by this Part and shall furnish such information in the form required by the Director or as the Director deems necessary for the adminstration of the Act and regulations issued under this Part.

(b) Failure to maintain complete and accurate records as required under this section or failure to update annually the affirmative action program as required by § 60-741.5(b) constitutes noncompliance with the contractor's or subcontractor's obligatons under the affirmative action clause and is a ground for the imposition of appropriate sanctions.

§ 60-741.53 Access to records of employment.

Each prime contractor and subcontractor shall permit access during normal business hours to its places of business, books, records and accounts pertinent to compliance with the Act, and all rules and regulations promulgated pursuant thereto for the purposes of complaint investigations, and investigations of performance under the affirmative action clause of the contract or subcontract. Information obtained in this manner shall be used only in connection with the administration of the Act.

§ 60-741.54 Rulings and interpretations.

Rulings under or interpretations of the Act and the regulations contained in this Part 741 shall be made by the Secretary or his or her designee.

Appendix A—Guidelines on the Application of the Definition "Handicapped Individual"

The Rehabilitation Act of 1973, as amended, defines a handicapped individual for the purposes of the program as any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such impairment, or is regarded as having such an impairment.

"Life activities" may be considered to include communication, ambulation, selfcare, socialization, education, vocational training, employment, transportation, adapting to housing, etc. For the purpose of section 503 of the Act, primary attention is given to those life activities that affect employability.

The phrase *"substantially limits"* means the degree that the impairment affects employability. A handicapped individual who is likely to experience difficulty in securing, retaining or advancing in employment would be considered substantially limited.

"Has a record of such an impairment" means that an individual may be completely recovered from a previous physical or mental impairment. It is included because the attitude of employers, supervisors, and coworkers toward that previous impairment may result in an individual experiencing difficulty in securing, retaining, or advancing in employment. The mentally restored, those who have had heart attacks or cancer often experience such difficulty. Also, this part of the definition would include individuals who may have been erroneously classified and may experience discrimination based on this misclassification. This group may include persons such as those who have been misclassified as mentally retarded or mentally restored.

"Is regarded as having such an impairment" refers to those individuals who are perceived as having a handicap, whether an impairment exists or not, but who, because of attitudes or for any other reason, are regarded as handicapped by employers, or supervisors who have an effect on the individual securing, retaining or advancing in employment.

Appendix B

1. This employer is a government contractor subject to section 503 of the Rehabilita-

tion Act of 1973, which requires government contractors to take affirmative action to employ and advance in employment qualified handicapped individuals. If you have such a handicap and would like to be considered under the affirmative action program, please tell us. Submission of this information is voluntary and refusal to provide it will not subject you to discharge or disciplinary treatment. Information obtained concerning individuals shall be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of handicapped individuals, and regarding necessary accommodations, (ii) first aid and safety personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment, and (iii) government officials investigating compliance with the Act shall be informed.

2. If you are handicapped, we would like to include you under the affirmative action program. It would assist us if you tell us about (1) any special methods, skills and procedures which qualify you for positions that you might not otherwise be able to do because of your handicap, so that you will be considered for any positions of that kind, and (2) the accommodations which we could make which would enable you to perform the job properly and safely, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job, or other accommodations.

APPENDIX C

The following is a set of procedures which contractors may use to meet the requirements of § 60-741.6(b).

(1) The application or personnel form of each known handicapped applicant should be annotated to identify each vacancy for which the applicant was considered, and the form should be quickly retrievable for review by the agency, the Department of Labor and the contractor's personnel officials for use in investigations and internal compliance activities.

(2) The personnel or application records of each known handicapped employee should include (i) the identification of each promotion for which the handicapped employee was considered, and (ii) the identification of each training program for which the handicapped employee was considered.

(3) In each case where a handicapped employee or applicant is rejected for employment, promotion or training, a statement of the reason should be appended to the personnel file or application form. This statement should include a comparison of the qualifications of the handicapped applicant or employee and the persons selected, as well as a description of the accommodations considered. This statement should be available to the applicant or employee concerned upon request.

(4) Where applicants or employees are selected for hire, promotion or training and the contractor undertakes any accommodation which makes it possible for him or her to place a handicapped individual on the job, the application form or personnel record should contain a description of that accommodation.

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