

(2) At the permitting authority's discretion, instead of the monitoring in 40 CFR 122.11(b), compliance with the limitations for the 126 priority pollutants in paragraph (d)(1) of this section may be determined by engineering calculations which demonstrate that the regulated pollutants are not detectable in the final discharge by the analytical methods in 40 CFR Part 136.

(e) There shall be no discharge of wastewater pollutants from fly ash transport water.

#### Appendix A—126 Priority Pollutants

|                                                 |                                                        |                                                    |
|-------------------------------------------------|--------------------------------------------------------|----------------------------------------------------|
| 001 Acenaphthene                                | 042 Bis(2-chloroisopropyl) ether                       | 096 Beta-endosulfan                                |
| 002 Acrolein                                    | 043 Bis(2-chloroethoxy) methane                        | 097 Endosulfan sulfate                             |
| 003 Acrylonitrile                               | 044 Methylene chloride (dichloromethane)               | 098 Endrin                                         |
| 004 Benzene                                     | 045 Methyl chloride (dichloromethane)                  | 099 Endrin aldehyde                                |
| 005 Benzidine                                   | 046 Methyl bromide (bromomethane)                      | 100 Heptachlor                                     |
| 006 Carbon tetrachloride                        | 047 Bromoform (tribromomethane)                        | 101 Heptachlor epoxide (BHC-hexachlorocyclohexane) |
| (tetrachloromethane)                            | 048 Dichlorobromomethane                               | 102 Alpha-BHC                                      |
| 007 Chlorobenzene                               | 051 Chlorodibromomethane                               | 103 Beta-BHC                                       |
| 008 1,2,4-trichlorobenzene                      | 052 Hexachlorobutadiene                                | 104 Gamma-BHC (lindane)                            |
| 009 Hexachlorobenzene                           | 053 Hexachloromyclopentadiene                          | 105 Delta-BHC (PCB-polychlorinated biphenyls)      |
| 010 1,2-dichloroethane                          | 054 Isophorone                                         | 106 PCB-1242 (Arochlor 1242)                       |
| 011 1,1,1-trichloroethane                       | 055 Naphthalene                                        | 107 PCB-1254 (Arochlor 1254)                       |
| 012 Hexachloroethane                            | 056 Nitrobenzene                                       | 108 PCB-1221 (Arochlor 1221)                       |
| 013 1,1-dichloroethane                          | 057 2-nitrophenol                                      | 109 PCB-1232 (Arochlor 1232)                       |
| 014 1,1,2-trichloroethane                       | 058 4-nitrophenol                                      | 110 PCB-1248 (Arochlor 1248)                       |
| 015 1,1,2,2-tetrachloroethane                   | 059 2,4-dinitrophenol                                  | 111 PCB-1260 (Arochlor 1260)                       |
| 016 Chloroethane                                | 060 4,6-dinitro-o-cresol                               | 112 PCB-1016 (Arochlor 1016)                       |
| 018 Bis(2-chloroethyl) ether                    | 061 N-nitrosodimethylamine                             | 113 Toxaphene                                      |
| 019 2-chloroethyl vinyl ether (mixed)           | 062 N-nitrosodiphenylamine                             | 114 Antimony                                       |
| 020 2-chloronaphthalene                         | 063 N-nitrosodi-n-propylamine                          | 115 Arsenic                                        |
| 021 2,4,6-trichlorophenol                       | 064 Pentachlorophenol                                  | 116 Asbestos                                       |
| 022 Parachlorometa cresol                       | 065 Phenol                                             | 117 Beryllium                                      |
| 023 Chloroform (trichloromethane)               | 066 Bis(2-ethylhexyl) phthalate                        | 118 Cadmium                                        |
| 024 2-chlorophenol                              | 067 Butyl benzyl phthalate                             | 119 Chromium                                       |
| 025 1,2-dichlorobenzene                         | 068 Di-N-Butyl Phthalate                               | 120 Copper                                         |
| 026 1,3-dichlorobenzene                         | 069 Di-n-octyl phthalate                               | 121 Cyanide, Total                                 |
| 027 1,4-dichlorobenzene                         | 070 Diethyl Phthalate                                  | 122 Lead                                           |
| 028 3,3-dichlorobenzidine                       | 071 Dimethyl phthalate                                 | 123 Mercury                                        |
| 029 1,1-dichloroethylene                        | 072 1,2-benzanthracene (benzo(a)anthracene)            | 124 Nickel                                         |
| 030 1,2-trans-dichloroethylene                  | 073 Benzo(a)pyrene (3,4-benzo-pyrene)                  | 125 Selenium                                       |
| 031 2,4-dichlorophenol                          | 074 3,4-Benzofluoranthene (benzo(b)fluoranthene)       | 126 Silver                                         |
| 032 1,2-dichloropropane                         | 075 1,1,2-benzofluoranthene (benzo(b)fluoranthene)     | 127 Thallium                                       |
| 033 1,2-dichloropropylene (1,3-dichloropropene) | 076 Chrysene                                           | 128 Silver                                         |
| 034 2,4-dimethylphenol                          | 077 Acenaphthylene                                     | 129 Zinc                                           |
| 035 2,4-dinitrotoluene                          | 078 Anthracene                                         | 2,3,7,8-tetrachloro-dibenzo-p-dioxin (TCDD)        |
| 036 2,6-dinitrotoluene                          | 079 1,1,2-benzoperylene (benzo(ghi)perylene)           |                                                    |
| 037 1,2-diphenylhydrazine                       | 080 Fluorene                                           |                                                    |
| 038 Ethylbenzene                                | 081 Phenanthrene                                       |                                                    |
| 039 Fluoranthene                                | 082 1,2,5,6-dibenzanthracene (dibenzo(h)anthracene)    |                                                    |
| 040 4-chlorophenyl phenyl ether                 | 083 Indeno (1,2,3-cd) pyrene (2,3-o-pheynylene pyrene) |                                                    |
| 041 4-bromophenyl phenyl ether                  | 084 Pyrene                                             |                                                    |
|                                                 | 085 Tetrachloroethylene                                |                                                    |
|                                                 | 086 Toluene                                            |                                                    |
|                                                 | 087 Trichloroethylene                                  |                                                    |
|                                                 | 088 Vinyl chloride (chloroethylene)                    |                                                    |
|                                                 | 089 Aldrin                                             |                                                    |
|                                                 | 090 Dieldrin                                           |                                                    |
|                                                 | 091 Chlordane (technical mixture and metabolites)      |                                                    |
|                                                 | 092 4,4-DDT                                            |                                                    |
|                                                 | 093 4,4-DDE (p,p-DDX)                                  |                                                    |
|                                                 | 094 4,4-DDD (p,p-TDE)                                  |                                                    |
|                                                 | 095 Alpha-endosulfan                                   |                                                    |

#### PART 125—[AMENDED]

40 CFR 125.30(a) is amended to revise the last sentence thereof to read as follows:

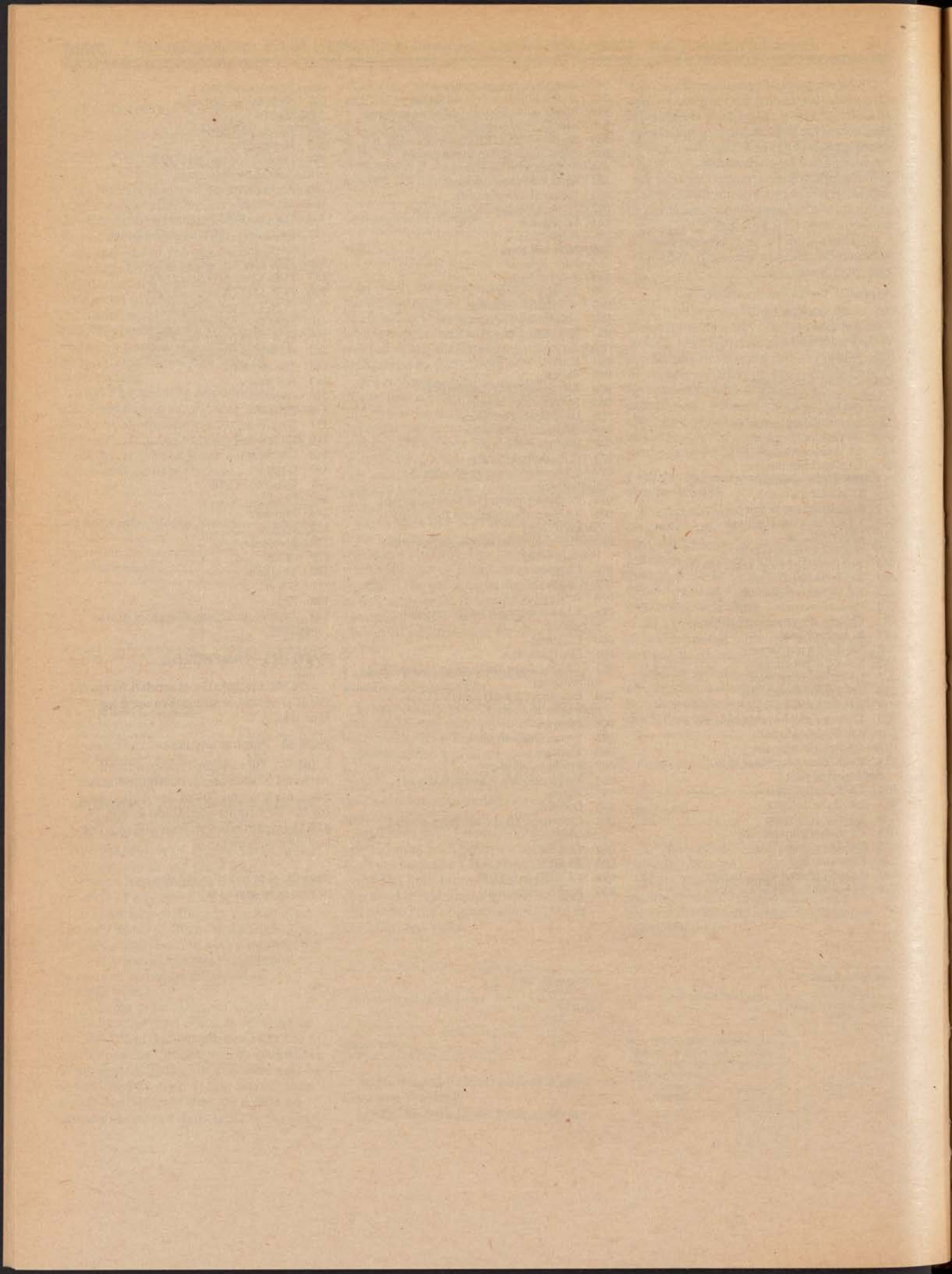
#### § 125.30 Purpose and scope.

(a) \*\*\* This subpart applies to all national limitations promulgated under Sections 301 and 304 of the Act, except for the BPT limits contained in 40 CFR 423.12 (steam electric generating point source category).

[FR Doc. 82-31271 Filed 11-18-82; 8:45 am]

BILLING CODE 6560-50-M





# Registered Great Federal Labor

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Friday  
November 19, 1982

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## Part III

## Department of Labor

Employment Standards Administration,  
Wage and Hour Division

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Minimum Wages for Federal and  
Federally Assisted Construction; General  
Wage Determination Decisions



## DEPARTMENT OF LABOR

Employment Standards  
Administration, Wage and Hour  
DivisionMinimum 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 on construction projects 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 the 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 Supersedes  
Decisions to General Wage  
Determination Decisions

Modifications and supersedes 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 supersedes 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 supersedes 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, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract 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 Determination Decision.

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.

|                                |                 |
|--------------------------------|-----------------|
| <b>Alabama:</b>                |                 |
| AL82-1047                      | Sept. 17, 1982. |
| AL82-1063                      | Oct. 15, 1982.  |
| <b>Alaska:</b> AK82-5125       |                 |
|                                | Oct. 22, 1982.  |
| <b>Hawaii:</b> HI82-5123       |                 |
|                                | Oct. 1, 1982.   |
| <b>New York:</b> NY81-3065     |                 |
|                                | Sept. 11, 1981. |
| <b>Pennsylvania:</b> PA81-3091 |                 |
|                                | Dec. 28, 1981.  |
| <b>Connecticut:</b>            |                 |
| CT81-3032                      | May 15, 1981.   |
| CT82-3001                      | Feb. 5, 1982.   |
| <b>Maryland:</b>               |                 |
| MD80-3047                      | Aug. 29, 1980.  |
| MD81-3031                      | May 15, 1981.   |
| <b>New York:</b> NY81-3022     |                 |
|                                | Apr. 3, 1981.   |
| <b>Pennsylvania:</b>           |                 |
| PA82-3010                      | Mar. 5, 1982.   |
| PA82-3028                      | Sept. 10, 1982. |
| PA82-3027                      | Oct. 8, 1982.   |
| PA81-3043                      | July 17, 1981.  |
| PA81-3047                      | July 17, 1981.  |
| <b>Colorado:</b> CO82-5127     |                 |
|                                | Nov. 5, 1982.   |



**Supersedeas Decisions to General Wage  
Determination Decisions**

The numbers of the decisions being superseded 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.

Alabama: AL82-1020(AL82-1082) ..... Apr. 2, 1982.  
Arkansas: AR79-4091(AR82-4064) ..... Oct. 12, 1979.  
Florida: FL82-1018(FL82-1083) ..... Mar. 5, 1982.  
Missouri: MO81-4057(MO82-4058) ..... July 24, 1981.  
Oklahoma:  
    OK81-4054(OK82-4059) ..... July 10, 1981.  
    OK81-4071(OK82-4060) ..... Sept. 11, 1981.  
Tennessee:  
    TN80-1063(TN82-2080) ..... Mar. 21, 1980.  
    TN79-1146(TN82-2059) ..... Nov. 16, 1979.  
    TN81-1202(TN82-2057) ..... May 1, 1981.  
    TN81-1203(TN82-2058) ..... June 19, 1981.

Signed at Washington, D.C. this 12th day of  
November 1982.

**Dorothy P. Come,**

*Assistant Administrator, Wage and Hour  
Division.*

BILLING CODE 4510-27-M



|                                                                                                                                                                                                                                                                                                                                                               |                                                                                                  |                        |                                                                                                                                                                                                                                                                                                                                    |                                                                                                         |                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|------------------------|
| <p>DECISION NO. AL82-1047 -<br/>MOD. # 1<br/>(47 FR 41249 - September 17, 1982)</p> <p>Lawrence, Limestone, &amp; Morgan Cos.</p> <p>BUILDING CONSTRUCTION</p> <p>CHANGE:<br/>Electricians</p>                                                                                                                                                                | <p>Basic Hourly Rates</p> <p>\$14.10 \$19.04<sup>4</sup></p>                                     | <p>Fringe Benefits</p> | <p>DECISION NO. HI82-5123 - Mod. #1<br/>(47 FR 43513 - October 1, 1982)</p> <p>Statewide, Hawaii</p> <p>Change:<br/>Elevator Constructors:<br/>Mechanics<br/>Helpers<br/>Probationary Helpers<br/>Poofers<br/>Soft floor Layers</p>                                                                                                | <p>Basic Hourly Rates</p> <p>\$18.20 a+2.69<br/>12.74 a+2.69<br/>9.10<br/>14.70 4.63<br/>14.70 5.00</p> | <p>Fringe Benefits</p> |
| <p>DECISION NO. AL82-1063 -<br/>MOD. # 1<br/>(47 FR 46217 - October 15, 1982)</p> <p>Calhoun, Etowah, Green, Jeff-<br/>erson, Picken, St. Clair,<br/>Shelby, Sumter, Talladega,<br/>Tuscaloosa, &amp; Walker Cos.</p> <p>HEAVY CONSTRUCTION:</p> <p>CHANGE:<br/>POWER EQUIPMENT OPERS:<br/>Class A<br/>Class B<br/>Class C<br/>Class D</p> <p>IRONWORKERS</p> | <p>\$ 11.91 \$ 1.50<br/>11.19 1.50<br/>10.65 1.50<br/>9.83 1.50</p> <p>13.67 1.91</p>            |                        | <p>DECISION NO. NY81-3065 -<br/>MOD. #1<br/>(46 FR 45520 - Sept. 11, 1981)</p> <p>CHEMUNG COUNTY, N.Y.</p> <p>ADD:<br/>Carpenters:<br/>Remainder of County:<br/>Heavy &amp; Highway</p>                                                                                                                                            | <p>\$13.60 1.295</p>                                                                                    |                        |
| <p>DECISION NO. AK82-5125 - Mod. #1<br/>(47 FR 47150 - October 22, 1982)</p> <p>Statewide, Alaska</p> <p>Change:<br/>CARPENTERS:<br/>Area 1<br/>Piledrivermen<br/>Areas 2 and 3<br/>Piledrivermen<br/>GLAZIERS:<br/>Area 1<br/>ROOFERS:<br/>Area 1<br/>Areas 2 and 3<br/>SPRINKLER FITTERS</p>                                                                | <p>\$22.25 \$4.40<br/>22.25 4.40<br/>20.50 3.80<br/>21.05 4.95<br/>20.75 4.95<br/>24.67 2.83</p> |                        | <p>DECISION NO. PA81-3091 -<br/>MOD. #5<br/>(46 FR 62761 - DECEMBER 28, 1981)</p> <p>GREENE, SOMERSET &amp; POTTER COUNTIES, PENNSYLVANIA</p> <p>CHANGE:<br/>BOILERMAKERS:<br/>GREENE &amp; SOMERSET COS.<br/>PLUMBERS:<br/>Remainder of Greene Co.<br/>SOFT FLOOR LAYERS<br/>GREENE COUNTY<br/>STEAMFITTERS<br/>GREENE COUNTY</p> | <p>15.80 1.23+5/8<br/>15.80 3.45<br/>13.66 28%<br/>16.30 3.19</p>                                       |                        |



MODIFICATION PAGE 3

| DECISION NO. #780-3047-Mtd. #7<br>(45 FR 57922-August 29, 1980)<br>Allegany & Garrett Cos. Maryland                                                                                                                                                                                              | Basic<br>Hourly<br>Rates | Pringe<br>Benefits |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------|
| CHANCE:<br>LABORERS:<br>Unskilled, landscape workers,<br>tool checkers, dumpers, hand-<br>men & truck spotters<br>Power tool operators, masons,<br>& plasterers tenders, mortar<br>mixer by hand, scaffolds builder<br>had carriers, concrete pumpers<br>pipe layers, ramers & grade<br>checkers | 10.45                    | 3.10               |
| Mortar mixer by machine                                                                                                                                                                                                                                                                          | 10.61                    | 3.10               |
| Barco tampons                                                                                                                                                                                                                                                                                    | 10.70                    | 3.10               |
| Blaster/dynamite & wagon drill<br>operator (air track)                                                                                                                                                                                                                                           | 10.78                    | 3.10               |
| Tunnel workers:<br>Calisson, driller & mucker<br>Labor-unskilled                                                                                                                                                                                                                                 | 10.83                    | 3.10               |
| POWER EQUIPMENT OPERATORS:<br>HEAVY CONSTRUCTION:<br>Group 1                                                                                                                                                                                                                                     | 11.47                    | 3.10               |
| Group 2                                                                                                                                                                                                                                                                                          | 11.03                    | 3.10               |
| Group 3                                                                                                                                                                                                                                                                                          | 14.57                    | 2.55               |
| Group 4                                                                                                                                                                                                                                                                                          | 14.07                    | 2.55               |
| Group 5                                                                                                                                                                                                                                                                                          | 13.53                    | 2.55               |
| Group 6                                                                                                                                                                                                                                                                                          | 13.11                    | 2.55               |
| Group 7                                                                                                                                                                                                                                                                                          | 12.70                    | 2.55               |
| LABORERS:<br>Chainmen-rodmn                                                                                                                                                                                                                                                                      | 12.20                    | 2.55               |
| LABORERS:<br>Chainmen-rodmn                                                                                                                                                                                                                                                                      | 14.38                    | 2.55               |
| Group 1                                                                                                                                                                                                                                                                                          | 13.84                    | 2.55               |
| Group 2                                                                                                                                                                                                                                                                                          | 13.25                    | 2.55               |
| Group 3                                                                                                                                                                                                                                                                                          | 12.87                    | 2.55               |
| Group 4                                                                                                                                                                                                                                                                                          | 12.43                    | 2.55               |
| Group 5                                                                                                                                                                                                                                                                                          | 11.99                    | 2.55               |
| Group 6                                                                                                                                                                                                                                                                                          |                          |                    |
| LABORERS:<br>Chainmen-rodmn                                                                                                                                                                                                                                                                      |                          |                    |
| DECISION NO. #7201-1031-Mtd. #4<br>(46 FR 27051-Nov 15, 1981)<br>ALLEGANY & GARRETT COUNTIES, MD                                                                                                                                                                                                 |                          |                    |
| CHANCE:<br>LABORERS:<br>Unskilled, landscape workers,<br>tool checkers, dumpers, hand-<br>men & truck spotters<br>Power tool operators, masons,<br>& plasterers tenders, mortar<br>mixer by hand, scaffolds builder<br>had carriers, concrete pumpers<br>pipe layers, ramers & grade<br>checkers | 17.675                   | 2.915              |
| Mortar mixer by machine                                                                                                                                                                                                                                                                          | 10.61                    | 3.10               |
| Barco tampons                                                                                                                                                                                                                                                                                    | 10.70                    | 3.10               |
| Blaster/dynamite & wagon drill<br>operator (air track)                                                                                                                                                                                                                                           | 10.78                    | 3.10               |
| Tunnel workers:<br>Calisson, driller & mucker<br>Labor-unskilled                                                                                                                                                                                                                                 | 10.83                    | 3.10               |
| POWER EQUIPMENT OPERATORS:<br>HEAVY CONSTRUCTION:<br>Group 1                                                                                                                                                                                                                                     | 11.47                    | 3.10               |
| Group 2                                                                                                                                                                                                                                                                                          | 11.03                    | 3.10               |
| Group 3                                                                                                                                                                                                                                                                                          | 14.57                    | 2.55               |
| Group 4                                                                                                                                                                                                                                                                                          | 14.07                    | 2.55               |
| Group 5                                                                                                                                                                                                                                                                                          | 13.53                    | 2.55               |
| Group 6                                                                                                                                                                                                                                                                                          | 13.11                    | 2.55               |
| LABORERS:<br>Chainmen-rodmn                                                                                                                                                                                                                                                                      | 12.70                    | 2.55               |
| LABORERS:<br>Chainmen-rodmn                                                                                                                                                                                                                                                                      | 12.20                    | 2.55               |
| LABORERS:<br>Chainmen-rodmn                                                                                                                                                                                                                                                                      | 14.38                    | 2.55               |
| Group 1                                                                                                                                                                                                                                                                                          | 13.84                    | 2.55               |
| Group 2                                                                                                                                                                                                                                                                                          | 13.25                    | 2.55               |
| Group 3                                                                                                                                                                                                                                                                                          | 12.87                    | 2.55               |
| Group 4                                                                                                                                                                                                                                                                                          | 12.43                    | 2.55               |
| Group 5                                                                                                                                                                                                                                                                                          | 11.99                    | 2.55               |
| Group 6                                                                                                                                                                                                                                                                                          |                          |                    |
| LABORERS:<br>Chainmen-rodmn                                                                                                                                                                                                                                                                      |                          |                    |



## MODIFICATION PAGE 5

DECISION NO. C082-5127 - Mod. #1  
(47 FR 50418 - November 5, 1982)  
Las Animas, Otero and Pueblo Counties,  
Colorado

| Change:                    | Basic<br>Hourly<br>Rates | Fringe<br>Benefits |
|----------------------------|--------------------------|--------------------|
| Bricklayers                | \$15.57                  | \$2.12             |
| Carpenters                 | 13.57                    | 3.36               |
| Elevator Constructors:     |                          |                    |
| Mechanics                  | 16.98                    | a+2.465            |
| Helpers                    | 11.89                    | a+2.465            |
| Probationary Helpers       | 8.49                     |                    |
| Ironworkers:               |                          |                    |
| Structural: Ornamental     | 15.75                    | 3.51               |
| and Reinforcing            | 18.03                    | 3a+3.26            |
| Sheet Metal Workers        |                          |                    |
| Power Equipment Operators: |                          |                    |
| (Other than for work       |                          |                    |
| in tunnels, shafts,        |                          |                    |
| and raises):               |                          |                    |
| Group 1                    | 13.40                    | 3.20               |
| Group 2                    | 13.75                    | 3.20               |
| Group 3                    | 14.10                    | 3.20               |
| Group 4                    | 14.25                    | 3.20               |
| Group 5                    | 14.50                    | 3.20               |
| Group 6                    | 14.55                    | 3.20               |
| Laborers:                  |                          |                    |
| Zone 1:                    |                          |                    |
| Group 1                    | 9.95                     | 2.59               |
| Group 2                    | 10.23                    | 2.59               |
| Group 3                    | 10.75                    | 2.59               |
| Zone 2:                    |                          |                    |
| Group 1                    | 10.45                    | 2.59               |
| Group 2                    | 10.73                    | 2.59               |
| Group 3                    | 11.25                    | 2.59               |

## SUPERSEDES DECISION

STATE: ALABAMA COUNTY: MADISON  
DECISION NUMBER: AL82-1082  
DATE: DATE OF PUBLICATION  
Supersedes Decision No.: AL82-1020 dated April 2, 1982 in 47 FR 14341.  
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including 4 stories).

|                     | Basic<br>Hourly<br>Rates | Fringe<br>Benefits |                             | Basic<br>Hourly<br>Rates | Fringe<br>Benefits |
|---------------------|--------------------------|--------------------|-----------------------------|--------------------------|--------------------|
| ASBESTOS WORKERS    | \$15.16                  | \$2.26             | PLUMBERS & PIPEFITTERS      | \$14.10                  | \$1.77             |
| BRICKLAYERS         | 13.50                    |                    | ROOFERS                     | 7.50                     |                    |
| CARPENTERS          | 10.50                    | 1.39               | SHEET METAL WORKERS         | 14.67                    | 1.96               |
| CEMENT MASONS       | 11.00                    |                    | TRUCK DRIVERS               | 5.00                     |                    |
| ELECTRICIANS        | 14.10                    | 1.90               | WELDERS-Rate for Craft      |                          |                    |
|                     |                          | + 4%               |                             |                          |                    |
| IRONWORKERS         | 12.62                    | 1.58               | POWER EQUIPMENT OPERATORS:  |                          |                    |
| LABORERS, Unskilled | 7.07                     | 1.00               | Crane                       | 13.03                    | 1.45               |
| MILLWRIGHTS         | 11.15                    | 1.39               | Front End Loader            | 13.03                    | 1.45               |
| PAINTERS            | 10.65                    | .75                | Oiler (35 Ton Crane & over) | 11.59                    | 1.45               |

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







## SUPERSEDES DECISION

STATE: Missouri

COUNTIES: Franklin, Jefferson, Lincoln, St. Charles, Warren, & City & County of St. Louis

DECISION NO. W082-4058

Supersedes Decision No. W081-4057 dated July 24, 1981 in 46 FR 38264

DESCRIPTION OF WORK: Residential Projects, consisting of single family homes and apartments up to and including 4 stories

| Basic Hourly Rates | Fringe Benefits | Basic Hourly Rates | Fringe Benefits |
|--------------------|-----------------|--------------------|-----------------|
| \$18.99            | 2.76            | \$11.175           | 1.70            |
| 13.35              | 2.76            | 11.175             | 1.70            |
| 16.27              | 2.825           | 12.85              | 1.70            |
|                    |                 | 12.025             | 1.50            |
|                    |                 | 12.80              | 1.60            |
|                    |                 | 13.30              | 1.60            |
|                    |                 | 11.50              | 1.35            |
|                    |                 | 11.70              | 1.35            |
|                    |                 | 13.00              | 1.35            |
|                    |                 | 13.20              | 1.35            |
|                    |                 | 12.525             | 1.50            |
|                    |                 | 14.11              | 2.905           |
|                    |                 | 14.65              |                 |
|                    |                 | 14.98              | 1.20            |
|                    |                 | 16.98              | 1.20            |
|                    |                 | 16.85              | 4.875           |
|                    |                 | 16.65              | 4.875           |
|                    |                 | 15.465             | 3.35            |
|                    |                 | 15.555             | 1.62            |
|                    |                 | 14.32              | 2.95            |
|                    |                 | 14.32              | 2.95            |
|                    |                 | 13.77              | 2.95            |
|                    |                 | 13.32              | 2.95            |

## POWER EQUIPMENT OPERATORS. DEFINITIONS:

Group I-Cranes, Hydraulic or derrick on structural or reinforcing iron, cranes or derrick, clam shell, dragline, piledriver operator (including auger & boring machine Oper. for drilling in piling), backhoe (including hydraulic), hydraulic crane, small, shovel, motor patrol, mechanic (heavy equipment), side boom cat & multi-drum hoist.

Group II-Bulldozer & Trenching machine, bridge crane, highlift, straddle buggy, hoist, earth hauling scraper (regardless how powered), pumpcrete & front end loader.

Group III-Minch truck, concrete/asphalt paver, forklift engineer, boring machine, well drilling machine & mobile cleaning plant.

Group IV-Tractor, well point pump & installation man, lubrication engineer, equipment greaser, air compressor, & fireman.

Group V-Motor Boat, oiler, mechanic helper, pumpman (other than wellpoint), roller (steel & rubber tires), self-propelled, conveyor, welding machine, 3 or more combustion engines & Pulver Mixer.

## FOOTNOTES:

a. Six Paid Holidays-New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.

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

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



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|                                                                                                | Basic Hourly Rates | Fringe Benefits |
|------------------------------------------------------------------------------------------------|--------------------|-----------------|
| ROOFERS:                                                                                       |                    |                 |
| Composition; Slate & Tile                                                                      | \$14.85            | 2.05            |
| Kettlemen                                                                                      | 12.65              | 2.05            |
| SHEET METAL WORKERS                                                                            | 15.16              | 3.35+           |
|                                                                                                |                    | 3%              |
| SPRINKLER FITTERS                                                                              | 18.86              | 2.87            |
| TERRAZZO WORKERS                                                                               | 17.55              | 2.905           |
| TILE SETTERS                                                                                   | 13.98              |                 |
| TILE WORKER FINISHER                                                                           | 11.70              | 1.605           |
| WELDERS—receive rate prescribed for craft performing operation to which welding is incidental. |                    |                 |

## TRUCK DRIVERS:

Group 1: Trucks or trailers of a water level capacity of 11.99 cu. yds. or less, fork lift trucks, job site ambulances & pick-up trucks and flat bed trucks

Group 2: Trucks or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace and similar equipment of same capacity.

Group 3: Trucks or trailers of a water level capacity of 22.0 cu. yds. and over including euclids, speedace and all floats, flat bed trailers, boom trucks & similar equipment of same capacity.

## CLASSIFICATION DEFINITIONS

## POWER EQUIPMENT OPERATORS

GROUP I - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or crawler mounted-16 tons & over; crane, locomotive; derrick, steam; derrick car or derrick boat; dragline; dredge; gradeall, crawler or tire mounted; locomotive gas, steam & other powers; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas electric or other powers); switch boat; & whirley.

GROUP II - Air tugger w/air compressor; anchor placing barge; asphalt spreader; atthey force feeder loader (self-propelled); back-filling machine; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bulfloat; cherry picker; combination concrete hoist & mixer such as mixer-mobile; compressors, two, not more than 50 ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pumcrete machine; concrete spreader; conveyor, large (not-self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic rough terrain, self-propelled; crane hydraulic-truck or crawler mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jack-hammers and barco equipment); elevating grader; engine man, dredge; excavator or powerbelt machine; finishing grader; self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, tower-mobile, or similar equipment); hoist, stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greenel); mixer-mobile, mucking machine, pipe cleaning machine; pipe wrapping machine; plant, asphalt; plant, concrete producing or ready-mix-job site; plant, heating-job-site; plant mixing job site; plant, power generating-job site;

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## POWER EQUIPMENT OPERATORS (Cont'd.):

## GROUP II (Cont'd)

pumps, two self-power, over 2" through 6" pumps, electric submersible, one through three, over 4" quad-track; roller, asphalt, top or subgrade; scoop tractor draw; spreader box; subgrader; the tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine, tunnel boring machine; vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine; mechanic on job site; mixer, paving; compressor (when operator run throttle); compressor-generator combination; compressor-pump combination; generator two 30 KW or over, or any number developing over 30 KW; generator pump combination; pumps, electric submersible, one through three, over 4".

GROUP III - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor, air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor, large (not-self-propelled) moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist, one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity; mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, without side loader, 2 bag capacity or more; mixer with side loader, regardless of size, not faver; oiler on dredge; oiler on truck crane, pug mill operator; pump, sump-self-powered, automatic controller over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch operating from truck; scissor lift (used for hoisting); curb finishing machine, tractor, small wheel type 50 h.p. & under with grader, blade and similar equipment.

GROUP IV - Boat-operated-outboard motor (job-site); conveyor (such as con-vay-it), regardless of how used; oiler; sweeper, floor.

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



DECISION #082-4059

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## SUPRESEDEAS DECISION

STATE: OKLAHOMA  
 COUNTY: MUSKOGEE, ADAIR, CHEROKEE & OKMULGEE  
 DECISION NO. 082-4059  
 SUPRESEDEAS DECISION #082-4054 dated July 10, 1981 in 46 FR 3588  
 DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories), and heavy construction within the City of Muskogee

## CLASSIFICATION ZONE, GROUP AND/OR AREA DEFINITIONS

## ELECTRICIANS:

- ZONE I - 30 mile radius from Post Office of the City of Muskogee  
 ZONE II - Area outside Zone I  
 ZONE III - Okmulgee County

## LABORERS:

- GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only, wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tending; and common laborers
- GROUP II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending ladders, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; highwork over 30 ft. from the ground or floors; cement finisher tenders; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe dopping treating and wrapping, including all men working with dopes, mortar and plaster mixing machine, pump-crete machine, and gunite mixing machines, including placing of concrete, handling creosoted or treated materials, liquids; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating and sand blasters, except nozzle; signal men cutting torch operators in connection with laborers' work; concrete grader
- POWER EQUIPMENT OPERATORS:
- GROUP I  
 All crane type equipment with 300' of boom or over (including jib)
- GROUP II  
 All crane type equipment with 200-300' of boom (including jib)
- GROUP III  
 All crane type equipment with 100-200' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more
- GROUP IV  
 Side boom (booms 30' and over); Guy Derrick
- GROUP V  
 Heavy duty mechanic; welder; crane-hook and overhead monorail; whirley; panel board batch plant operator; piledriver engineer; dragline; shovel; clamshell; backhoe (3/4 yd. & over); gradall; hydro crane; cherry picker; hoists while operating 2 or more drums; hoists while doing stack and chimney work (1 or 2 drums); power driven hole digger (with 30' & longer mast); motor patrol (blade); side boom (under 30')
- GROUP VI  
 Fork lift (35' and over); dozer (engine hp 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; loader operator or hi-lift (engine hp 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger with less than 30' mast; trenching machine; concrete pump-boom type; roller & compactors with dozer blade

| Basic Hourly Rates                                                    | Prinze Benefits | Basic Hourly Rates | Prinze Benefits   |
|-----------------------------------------------------------------------|-----------------|--------------------|-------------------|
| LINE CONSTRUCTION (cont'd)                                            |                 |                    |                   |
| ASBESTOS WORKERS                                                      | \$16.45         | 2.08               | 3 1/2 + .45       |
| BRICKLAYERS                                                           | 16.35           | 2.415              | 12.86 3 1/2 + .45 |
| Muskegee, Adair and Cherokee Counties                                 | 15.60           | 1.75               | 9.54 3 1/2 + .45  |
| Okmulgee County                                                       | 15.31           | 1.54               | 10.13 3 1/2 + .45 |
| CARPENTERS:                                                           |                 |                    |                   |
| Muskegee, Adair and Cherokee Counties                                 | 12.28           | 1.48               | 14.38 2.00        |
| Okmulgee County                                                       | 12.00           | 1.55               | 13.95 .90         |
| MILLWRIGHTS-PILEDRIVERS:                                              |                 |                    |                   |
| Muskegee, Adair and Cherokee Counties                                 | 12.78           | 1.48               | 14.35 .90         |
| Okmulgee County                                                       | 13.35           | 1.55               | 14.95 .90         |
| CEMENT MASONS:                                                        |                 |                    |                   |
| Cement masons                                                         | 14.94           | .76                | 15.25 .70         |
| Power tool operator                                                   | 15.34           | .76                | 11.65 .70         |
| ELECTRICIANS (ZONE I):                                                |                 |                    |                   |
| Cable splicers                                                        | 14.55           | 3 1/2 + .80        | 11.90 .70         |
| Electricians                                                          | 14.95           | 3 1/2 + .80        | 12.55 .70         |
| ELECTRICIANS (ZONE II):                                               |                 |                    |                   |
| Cable splicers                                                        | 14.95           | 3 1/2 + .80        | 17.40 2.20        |
| Electricians                                                          | 15.35           | 3 1/2 + .80        | 15.45 .01         |
| ELECTRICIANS (ZONE III):                                              |                 |                    |                   |
| Cable splicers                                                        | 14.35           | 3 1/2 + .34        | 15.75 2.18        |
| Electricians                                                          | 14.60           | 3 1/2 + .34        | 15.25 2.18        |
| ELEVATOR CONSTRUCTORS:                                                |                 |                    |                   |
| Tourneymen                                                            | 15.12           | 2.465 + A          | 14.75 2.18        |
| Helpers                                                               | 70 1/2 JR       | 2.465 + A          | 14.50 2.18        |
| GLAZIERS                                                              | 12.62           | 1.11               | 14.25 2.18        |
| IRONWORKERS                                                           | 14.60           | 2.37               | 14.00 2.18        |
| LABORERS (AREA I):                                                    |                 |                    |                   |
| Muskegee, Adair and Cherokee Counties                                 | 9.65            | 1.00               | 13.75 2.18        |
| GROUP I                                                               | 9.95            | 1.00               | 12.75 2.18        |
| GROUP II                                                              | 10.65           | 1.00               | 13.35 2.18        |
| LABORERS (AREA II):                                                   |                 |                    |                   |
| Okmulgee County                                                       | 10.95           | 1.00               | 12.90 1.39        |
| GROUP I                                                               | 14.90           | 3 1/2 + .45        | 15.88 1.47        |
| GROUP II                                                              | 16.09           | 3 1/2 + .45        | 13.47 1.93 + B    |
| LINE CONSTRUCTION:                                                    |                 |                    |                   |
| Linemen                                                               | 13.24           | 3 1/2 + .45        | 16.17 2.83        |
| Cable splicers                                                        | 10.61           | 3 1/2 + .45        | 11.98 1.40        |
| Hole digger operator and heavy equipment op. (pold or cat equivalent) |                 |                    | 12.46 1.40        |
| Jack Hammerman                                                        |                 |                    | 12.48 1.48        |



## CLASSIFICATION ZONE, GROUP AND/OR AREA DEFINITIONS

## POWER EQUIPMENT OPERATORS (cont'd):

**GROUP VII**  
Locomotive engineer; boring machine; tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist-when operating one drum; welding machine, 3 to 6; air compressor, 3 to 500 cu. ft. & under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator; all types; outside elevator or building type of personnel hoist; concrete buster/or tamper; heaters under jurisdiction of operating engineers; firmen; boiler operator; crushing plants; oiler distributor; pulverizer; farmer tractor-with or without attachments; batch plant operator (portable); conveyor operator-diesel, continuous or belt bulk handling; screed op.; concrete pump; form grader; screening plant; well point pump op.; signal man on large wharves when and if required; operator for rotary drilling machines when operated from console or machines

**GROUP VIII**  
Permanent elevator - building type (automatic); concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); pump (1 or 2); fuelman; truck crane oiler driver or crane oiler; conveyor operator-single continuous belt bulk handling; asphalt lay machine back and man.

**GROUP IX**  
Greaser and tilt top trailer operator

## TRUCK DRIVERS:

**GROUP I** - Pick-up, 1 1/2 tons or 2 1/2 yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses

**GROUP II** - 3 tons or 4 yards and up to but not including 4 tons or 6 yards

**GROUP III** - 5 tons or 6 yards and over including heavy equipment such as pole truck, winch trucks, euclids, Mississippi wagons, semi-dumps, turner pulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers

**GROUP IV** - Ready-mix concrete trucks up to but not including 3 yards

**GROUP V** - Ready-mix concrete trucks 3 yards and over

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

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

## FOOTNOTES:

A--6 mos to 5 yrs 6%; over 5 years 8% of basic hourly rate plus SEVEN PAID HOLIDAYS - A through G.

B--SIX PAID HOLIDAYS - A through E plus G.

## PAID HOLIDAYS:

A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; C-Thanksgiving Day; F-Friday after Thanksgiving Day; G-Christmas Day.

## SUPERSEDES DECISION

STATE: OKLAHOMA

DECISION NO. OK82-4060

COUNTY: MCINTOSH

DATE: Date of Publication

SUPERSEDES DECISION NO. OK81-4071 dated September 11, 1981 in 46 FR 45595  
DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories).

| Basic Hourly Rates | Prime Benefits |
|--------------------|----------------|
| \$16.45            | 2.08           |
| 16.35              | 2.415          |
| 15.31              | 1.54           |
| 12.28              | 1.48           |
| 12.78              | 1.48           |
| 12.00              | 1.55           |
| 13.35              | 1.55           |
| 14.55              | 48+.80         |
| 14.95              | 48+.80         |
| 14.95              | 48+.80         |
| 15.35              | 48+.80         |
| 14.665             | 2.465+A        |
| 70AJR              | 2.465+A        |
| 50AJR              |                |
| 12.62              | 1.11           |
| 14.60              | 2.37           |
| 9.65               | 1.00           |
| 9.95               | 1.00           |
| 14.90              | 38+.45         |
| 16.09              | 38+.45         |
| 13.21              | 38+.45         |
| 13.24              | 38+.45         |
| 11.68              | 38+.45         |
| 10.61              | 38+.45         |
| 12.86              | 38+.45         |
| 10.13              | 38+.45         |
| 9.54               | 38+.45         |
| 11.05              | .70            |
| 11.65              | .70            |
| 11.90              | .70            |
| 12.55              | .70            |
| 11.45              | .70            |

| Basic Hourly Rates | Prime Benefits |
|--------------------|----------------|
| \$15.75            | 2.18           |
| 15.25              | 2.18           |
| 14.75              | 2.18           |
| 14.50              | 2.18           |
| 14.25              | 2.18           |
| 14.00              | 2.18           |
| 13.75              | 2.18           |
| 13.50              | 2.18           |
| 13.25              | 2.18           |
| 15.45              | .01            |
| 17.40              | 2.20           |
| 12.90              | 1.39           |
| 15.88              | 1.87           |
| 16.17              | 2.83           |
| 14.38              | 2.20           |
| 11.98              | 1.40           |
| 12.16              | 1.40           |
| 12.48              | 1.40           |
| 14.38              | 2.20           |
| 10.43              |                |
| 10.53              |                |
| 10.63              |                |
| 10.58              |                |
| 10.73              |                |

POWER EQUIPMENT OP. I  
GROUP I  
GROUP II  
GROUP III  
GROUP IV  
GROUP V  
GROUP VI  
GROUP VII  
GROUP VIII  
GROUP IX  
PLASTERERS  
PLUMBERS-STEAMFITTERS  
ROOFERS  
SHEET METAL WORKERS  
SPRINKLER FITTERS  
TERRAZZO WORKERS  
TERRAZZO FINISHERS  
TERRAZZO FLOOR MACH. OP.  
TERRAZZO BASE MACH. OP.  
TILE LAYERS  
TRUCK DRIVERS:  
GROUP I  
GROUP II  
GROUP III  
GROUP IV  
GROUP V  
FOOTNOTES (ELEVATOR CONSTRUCTORS ONLY):  
A--6 mos. to 5 yrs. 6%; over 5 yrs 8% of basic hourly rate plus SEVEN PAID HOLIDAYS as follows:  
NEW YEARS DAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, THANKSGIVING DAY, DAY AFTER THANKSGIVING AND CHRISTMAS DAY.

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.  
UNLISTED classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).



## CLASSIFICATION GROUP DEFINITIONS

## LABORERS:

GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tending; and common laborers

GROUP II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending ladders, masons, cement masons and plasterers, mortar mixers, hod carriers and dry tenders; highwork over 30 ft. from the ground or floors; cement finisher tenders; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-concrete machine, and gunite mixing machines, including placing of concrete, handling creosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating and sand blasters, except nozzle; signal men cutting torch operators in connection with laborers' work; concrete grader

## POWER EQUIPMENT OPERATORS:

GROUP I - All crane type equipment with 300' of boom or over (including jib)  
GROUP II - All crane type equipment with 200-300' of boom (including jib)  
GROUP III - All crane type equipment with 100-200' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more  
GROUP IV - Side boom (booms 30' and over); Guy Derrick  
GROUP V - Heavy duty mechanic; welder; crane-hook and overhead monorail; whirley; panel board batch plant operator; piledriver engineer; dragline; shovel; clamshell; backhoe (3/4 yd. & over); gradall; hydro crane; cherry picker; hoists while operating 2 or more drums; hoists while doing stack and chimney work (1 or 2 drums); power driven hole digger (with 30' & longer mast); motor patrol (blade); side boom (under 30')

GROUP VI - Fork lift (35' and over); dozer (engine hp 65 or over; Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; loader operator or hi-lift (engine hp 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger with less than 30' mast; trenching machine; concrete pump-boom type; roller & compactors with dozer blade

## CLASSIFICATION GROUP DEFINITIONS (CONT'D)

## POWER EQUIPMENT OPERATORS (CONT'D)

## GROUP VII

Locomotive engineer; boring machine; tug; mixer, 18 cu. ft. and over; sand barge; dredging machine; tug; hoist-when operating one drum; welding machine, 3 to 6; air compressor, 3 to 500 cu. ft. & under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineers; diesel elec.; winch truck with A-frame; roller all types; outside elevator or building type of personnel hoist; concrete buster/or tamper; heaters under jurisdiction of operating engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimer; farmer tractor-with or without attachments; batch plant operator (portable); conveyor operator-dual, continuous or belt bulk handling; screed op.; concrete pump; form grader; screening plant; well point pump op.; signal man on large whirleys when and if required; operator for rotary drilling machines when operated from console or machines

## GROUP VIII

Permanent elevator - building type (automatic); concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); pump (1 or 2); fuelman; truck crane oiler driver or crane oiler; conveyor operator-single continuous belt bulk handling; asphalt lay machine back end man.

## GROUP IX

Greaser and tilt top trailer operator

## TRUCK DRIVERS:

GROUP I - Pick-up, 1 1/2 tons or 2 1/2 yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses  
GROUP II - 3 tons or 4 yards and up to but not including 4 tons or 6 yards  
GROUP III - 5 tons or 6 yards and over including heavy equipment such as pole truck, winch trucks, euclids, Mississippi wagons, semi-dumps, turner pulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers  
GROUP IV - Ready-mix concrete trucks up to but not including 3 yards  
GROUP V - Ready-mix concrete trucks 3 yards and over

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

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



## SUPERSEDES DECISION

STATE: TENNESSEE

COUNTIES: CARTER, GREENE, HARKINS,

JOHNSON, SULLIVAN, UNION, &amp; WASHINGTON.

DECISION NO.: TN82-2060

DATE: Date of Publication

Supersedes Decision Number TN80-1063, dated March 21, 1980 in 45 FR 18655

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS - (does not include

single family homes and apartments up to and including four stories).

|                            | Basic<br>Hourly<br>Rates | Fringe<br>Benefits |
|----------------------------|--------------------------|--------------------|
| BRICKLAYERS                | \$13.20                  | .01                |
| CARPENTERS                 | 7.10                     |                    |
| CEMENT MASONS              | 5.71                     |                    |
| ELECTRICIANS               | 6.94                     |                    |
| ELEVATOR CONSTRUCTORS:     |                          |                    |
| Mechanics                  | 12.06                    | 2.46               |
| GLAZIERS                   | 5.24                     |                    |
| IRONWORKERS                | 7.96                     |                    |
| LABORERS:                  |                          |                    |
| Unskilled                  | 3.72                     |                    |
| Asphalt Pavers             | 4.44                     |                    |
| LATHERS                    | 6.17                     |                    |
| PAINTERS                   | 5.00                     |                    |
| PLASTERERS                 | 6.00                     |                    |
| PLUMBERS & PIPEFITTERS     | 5.99                     |                    |
| ROOFERS                    | 5.46                     |                    |
| SHEET METAL WORKERS        | 11.60                    | 1.81               |
| SOFT FLOOR LAYERS          | 7.20                     |                    |
| TILE SETTERS               | 6.00                     |                    |
| TRUCK DRIVERS              | 4.32                     |                    |
| WELDERS - Rate for craft.  |                          |                    |
| POWER EQUIPMENT OPERATORS: |                          |                    |
| Backhoe                    | 5.00                     |                    |
| Bulldozer                  | 4.50                     |                    |
| Crane                      | 9.50                     |                    |
| Fork Lift                  | 6.00                     |                    |
| Front End Loader           | 6.55                     |                    |
| Motor grader               | 5.85                     |                    |
| Roller                     | 5.30                     |                    |
| Scraper - Pan              | 4.50                     |                    |

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

## SUPERSEDES DECISION

STATE: TENNESSEE

COUNTY: DAVIDSON

DECISION NUMBER: TN82-2059

DATE: DATE OF PUBLICATION

Supersedes Decision Number TN79-1146, dated November 16, 1979 in 44 FR 66147.

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include

single family homes and apartments up to and including 4 stories)

|                                                     | Basic<br>Hourly<br>Rates | Fringe<br>Benefits |
|-----------------------------------------------------|--------------------------|--------------------|
| ASBESTOS WORKERS                                    | \$15.10                  | 2.41               |
| BOILERMAKERS                                        | 16.20                    | 3.215              |
| BRICKLAYERS                                         | 8.40                     | .25                |
| CARPENTERS                                          | 7.09                     | .25                |
| CEMENT MASONS                                       | 13.60                    | .65+               |
| ELECTRICIANS                                        |                          | 3 1/2              |
| ELEVATOR CONSTRUCTORS:                              |                          |                    |
| Mechanics                                           | 11.48                    | 2.33               |
| Helpers                                             | 8.04                     | 2.33               |
| GLAZIERS                                            | 8.05                     | 1.02               |
| IRONWORKERS - Structural, Reinforcing, & Ornamental | 8.35                     | .90                |
| LABORERS:                                           |                          |                    |
| Unskilled                                           | 4.24                     |                    |
| Mason Tenders                                       | 5.00                     |                    |
| LATHERS                                             | 7.90                     | .61                |
| MILLWRIGHTS                                         | 13.55                    | .51                |
| PAINTERS:                                           |                          |                    |
| Brush                                               | 5.35                     |                    |
| PILED RIVERMEN                                      | 12.30                    | .40                |
| PLASTERERS                                          | 7.90                     | .61                |
| PLUMBERS & PIPEFITTERS                              | 13.70                    | 1.79               |
| ROOFERS - Composition                               | 9.95                     | 1.46               |
| SHEET METAL WORKERS                                 | 8.60                     | .77                |
| SPRINKLERFITTERS                                    | 14.57                    | 2.83               |
| TILE SETTERS                                        | 5.47                     |                    |
| TRUCK DRIVERS                                       | 4.97                     |                    |
| WELDERS - Rate for craft.                           |                          |                    |
| POWER EQUIPMENT OPERATORS:                          |                          |                    |
| Backhoe                                             | 5.92                     |                    |
| Bulldozer                                           | 5.55                     |                    |
| Crane, derrick, dragline                            | 8.30                     | .65                |
| Driller                                             | 5.65                     |                    |
| Front End Loader                                    | 5.93                     |                    |
| Mixer                                               | 5.15                     |                    |
| Oiler                                               | 6.12                     |                    |

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



## SUPERSIDEAS DECISION

STATE: Tennessee  
 COUNTY: Shelby  
 DATE: Date of Publication  
 DECISION NUMBER: TN82-2057  
 Supersides Decision Number TN81-1202, dated May 1, 1981 in 46 FR 24886  
 DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories)

|                                                       | Basic Hourly Rates | Fringe Benefits |
|-------------------------------------------------------|--------------------|-----------------|
| ASBESTOS WORKERS                                      | 15.05              | 2.44            |
| BOILERMAKERS                                          | 14.50              | 3.105           |
| BRICKLAYERS & STONE MASONS                            | 15.25              | 1.68            |
| CARPENTERS, PILEDRIVERS & SOFT FLOOR LAYERS           | 14.10              | 2.53            |
| CEMENT MASONS                                         | 12.75              | 2.30            |
| ELECTRICIANS: Wireman & electronic Technicians        | 17.48              | 1.45            |
| Cable Splicers                                        | 17.58              | 3.558           |
| ELEVATOR CONSTRUCTORS: Mechanics                      | 14.585             | 2.69            |
| Helpers                                               | 10.21              | 2.69            |
| Probationary Helpers                                  | 7.79               |                 |
| GLAZIERS                                              | 14.10              | 1.15            |
| IRONWORKERS                                           | 14.65              | 2.28            |
| LINE CONSTRUCTION: Linemen                            | 17.48              | 1.45            |
| Cable Splicers                                        | 17.58              | 3.558           |
| Special Equipment Oprs. Groundmen                     | 13.10              | 1.45            |
| MARBLE MASONS, TERRAZO WORKERS & TILE SETTERS         | 11.66              | 1.14            |
| MILLWRIGHTS                                           | 13.50              | 2.05            |
| PAINTERS: Commercial                                  | 13.775             | 1.45            |
| Industrial, spray & Sand-blasting                     | 14.225             | 1.45            |
| PIPEFITTERS & AIR CONDITIONING MECHANICS              | 17.37              | 1.05            |
| PLASTERERS                                            | 12.15              |                 |
| PLUMBERS                                              | 16.42              | 1.75            |
| ROOFERS                                               | 11.50              | 1.49            |
| SHEET METAL WORKERS                                   | 11.10              | 1.95            |
| SPRINKLER FITTERS                                     | 14.14              |                 |
| TRUCK DRIVERS: Truck - up to but not including 5 tons | 8.515              | a               |
| Trucks - 5 tons & over including special equipment    | 8.915              | a               |

## DECISION NO. TN82-2057

CLASSIFICATION DEFINITIONS  
POWER EQUIPMENT OPERATORS

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

CLASS B - Trenching machines (18" and smaller), tandem roller, pavers, mobile mixers (rubber tired, mobile, mixed on job), back filler, blade graders, dinky 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 fire (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"), dinky operators (10 tons and less), oilers on gantries, and greasers.

CLASS D - Air compressor operator, mechanic helper, locomotive firemen, welding machine operator, deck hand and elevator operators.

## FOOTNOTES:

a. Pension Fund: Employer contribution of \$11.00 per week for employees on payroll 30 days or more.

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



## SUPERSEDEAS DECISION

STATE: TENNESSEE

COUNTIES: ANDERSON, KNOX  
MONROE AND ROANE

DECISION NUMBER TN82-2058  
 Supersedes Decision Number TN81-1203 dated June 19, 1981, in 46 FR 32171  
 DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include  
 single family homes and apartments up to and including four stories)

| Basic Hourly Rates | Fringe Benefits |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Basic Hourly Rates | Fringe Benefits |
|--------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------|
| \$14.69            | 1.91            | Anderson (Remainder of County, Knox, & Monroe Counties:<br>Linemen, Heavy Equipment Opers. & Hole Diggers                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 12.26              | 1.05 +3%        |
| 14.51              | 3.015           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 9.60               | 1.05 +3%        |
| 13.92              | 1.55            | Truck drivers with winch Groundmen                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 9.20               | 1.05 +3%        |
| 12.71              | .60             | Truck Drivers w/o winch                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 12.31              | 1.28            |
| 11.40              | 1.28            | MILLWRIGHTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 11.10              | 1.27            |
| 11.11              |                 | PAINTERS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 11.65              | 1.28            |
| 13.06              | 1.20 +3%        | PILEDRIEVERMEN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 12.68              |                 |
| 13.84              | 1.20 +3%        | PLASTERERS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 13.40              | 2.07            |
| 12.26              | 1.05 +3%        | PLUMBERS AND PIPEFITTERS:<br>Knox County                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 13.70              | 2.07            |
| 12.76              | 1.05 +3%        | Anderson, Monroe & Roane Cos.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 10.32              | .25             |
| 12.06              | 2.465           | ROOFERS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 11.60              | 1.81            |
| 8.44               | 2.465           | SHEET METAL WORKERS:<br>Knox County                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 12.10              | 1.81            |
| 6.03               | .25             | Anderson, Monroe & Roane Counties                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 14.57              | 2.83            |
| 9.83               |                 | SPRINKLER FITTERS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                    |                 |
| 10.80              | 1.62            | LABORERS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                    |                 |
| 10.94              | 1.62            | GROUP I                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 7.42               | .64             |
| 11.64              | .27             | GROUP II                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 7.57               | .64             |
|                    |                 | GROUP III                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 7.60               | .64             |
|                    |                 | GROUP IV                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 7.72               | .64             |
|                    |                 | GROUP V                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 7.92               | .64             |
|                    |                 | GROUP VI                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 8.22               | .64             |
|                    |                 | TUNNEL CLASSIFICATIONS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                    |                 |
|                    |                 | GROUP I                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 7.42               | .64             |
|                    |                 | GROUP II                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 7.82               | .64             |
|                    |                 | GROUP III                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 7.97               | .64             |
|                    |                 | GROUP IV                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 8.12               | .64             |
|                    |                 | GROUP V                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 8.22               | .64             |
|                    |                 | GROUP VI                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                    |                 |
|                    |                 | POWER EQUIPMENT OPERATORS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                    |                 |
|                    |                 | GROUP A - Sackboes, cableways, ross carrier, clamshells, cranes; derricks; draglines; turnpills; 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 tractors; overhead cranes; skid rigs; piledrivers; side boom tractors; euclid loaders; derricks; hoists; dredge boats; hoist (any size handling steel or stone); engines used in connection with hoists material; mucking-machines; cherry pickers; tower cranes; skylift gradall. |                    |                 |

DECISION NO. TN82-2058

| Basic Hourly Rates | Fringe Benefits |
|--------------------|-----------------|
| 10.86              | 1.00            |
| 10.09              | 1.00            |
| 8.41               | 1.00            |
| 7.70               | 1.00            |

## POWER EQUIPMENT OPERATORS:

GROUP A  
 GROUP B  
 GROUP C  
 GROUP D

## CLASSIFICATIONS DEFINITIONS

## LABORERS

## GROUP I - Construction laborers

GROUP II Form setter and stripper, pipelayer, asphalt raker, jackhammer operator, air tool operator, vibrator, operator, chain saw operator, barco tamp operator, mortar mixer, plasterer tender, all power driven tool operators, hod carriers, power buggy, yartner, potman, snakeman, grademan,

## GROUP III - Acetylene Burner

## GROUP IB - Wagon drill operator

## GROUP V - Powderman

## GROUP VI - Caisson hole man

## TUNNEL CLASSIFICATIONS

## GROUP I - Laborers, outside:

## GROUP II - Tunnel laborers

## GROUP III - Chuck tenders

## GROUP IV - Nozzlemans; concrete gun operator

## GROUP V - Tunnel miner

## POWER EQUIPMENT OPERATORS

GROUP A - Sackboes, cableways, ross carrier, clamshells, cranes; derricks; draglines; turnpills; 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 tractors; overhead cranes; skid rigs; piledrivers; side boom tractors; euclid loaders; derricks; hoists; dredge boats; hoist (any size handling steel or stone); engines used in connection with hoists material; mucking-machines; cherry pickers; tower cranes; skylift gradall.



## DECISION NO. TN82-2058

## POWER EQUIPMENT OPERATORS (CONT'D)

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); Pumpcrete machine; concrete pumps; backfillers (other than cranes); tractors; crushing plant; elevating grader; earth augers; fork-lifts (8' lift or under); paving machine (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); surfers; screader box (bituminous); asphalt mixers; portable compressors (not more than 3); roller; sub-grader machine; tractors (farm type without attachments); cable head tower engine; dredge booster pump; boat operator or engineer (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).

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

[FR Doc. 82-31420 Filed 11-18-82 8:45 am]

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# Test Report Federal Register

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Friday  
November 19, 1982

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## Part IV

### Department of Agriculture

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Food and Nutrition Service

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Final Food Stamp Rules to Implement  
1981 Omnibus Reconciliation Act



**DEPARTMENT OF AGRICULTURE****Food and Nutrition Service****7 CFR Parts 271, 272, 273, 277, and 281****[Amdt. No. 207]****Food Stamp Program; Household Composition, Income Standards, Adjustments, Deductions, Outreach and Technical Amendments****AGENCY:** Food and Nutrition Service, USDA.**ACTION:** Final rule.

**SUMMARY:** On September 4, 1981, the Department issued interim rules to implement several Food Stamp Program provisions contained in the 1981 Omnibus Budget Reconciliation Act. As required by the law, interim final changes were made in: the definition of a household, which households are income eligible for food stamps, what benefits a household will receive when it first applies and in subsequent months, when USDA will update benefit levels and allowable deductions amounts to account for changes in the cost-of-living and other parts of the Program. Taken together, these changes were aimed at restricting eligibility and reducing the Program's cost. Comments were solicited on the interim rules through January 4, 1982. This final rulemaking addresses comments received and resolves any significant issues. This final rule also addresses a provision of the Food Stamp and Commodity Distribution Amendments of 1981, which expands on the definition of a "household" enacted by the 1981 Omnibus Budget Reconciliation Act. Additionally, this final rule addresses two provisions of the 1982 Amendments to the Food Stamp Act mandating a further delay for the next cost-of-living adjustment to the standard and excess shelter/dependent care deductions until October 1, 1983 and mandating that all future adjustment amounts for such deductions shall be rounded down to the nearest lower dollar increment.

**EFFECTIVE DATE:** The changes in existing rules required by this final action are effective November 19, 1982. They must be fully implemented no later than January 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Questions regarding this rulemaking should be addressed to Mr. Thomas O'Connor, Supervisor, Policy and Regulations Section, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Room 708, 3101 Park Center Drive, Alexandria, Virginia 22302. Phone: Area Code 703-756-3429. Copies

of the final Regulatory Impact Analysis, which is summarized in this preamble, are also available to the public from Mr. O'Connor.

**SUPPLEMENTARY INFORMATION:****Classification***Executive Order 12291*

This rule has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512-1. The Department estimates that the rule will result in a savings of about \$500 million in fiscal year 1982. It is classified as a "major" rule because the rule will have a significant annual effect on the economy, through significant Program cost savings, of more than \$100 million. However, the rule will not result in major increases in costs or prices, will not have a significant adverse effect on competition, employment, productivity, investment, or foreign trade, and will not require significant changes in the way State and local welfare agencies administer the Program. Further, this rule is unrelated to the ability of United States-based enterprises to compete with foreign-based enterprises. Moreover, pursuant to section 4(a) of Executive Order 12291, the Department has determined that this rule is within the authority delegated by law and consistent with Congressional intent. Because this is a major rule, the Department has prepared a final Regulatory Impact Analysis which is summarized below.

*Paperwork Reduction Act*

The information collection requirements contained in §§ 273.1, 273.2 and 273.9 have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0584-0064.

*Regulatory Flexibility Act*

This rule has also been reviewed with regard to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354). The Administrator of the Food and Nutrition Service, has certified that this rule does not have a significant economic impact on a substantial number of small entities. The action implements those provisions of the September 4, 1981 interim rules which changed due to comments received or problems in administration of the interim rules raised by State and local welfare agencies.

**Regulatory Impact Analysis***Need for Action*

On September 4, 1981, the Department published interim regulations (46 FR

44712) which contained those provisions of the 1981 Omnibus Budget Reconciliation Act that would save the most money while disrupting the Program's operation the least. Those provisions addressed in the interim rules were: (1) A gross income test for eligibility determinations; (2) a reduction in the earned income deduction; (3) elimination of boarders and strikers from Program participation; (4) changing the definition of a household to require parents and children living together to apply as one household, unless at least one parent is 60 years of age or older; (5) prorating benefits that a household would receive for the initial month of application; (6) changing the schedule for annual adjustments in the standard deduction, childcare and excess shelter deductions and the Thrifty Food Plan (the food plan on which benefit levels are based); and (7) eliminating a 1980 amendment to the Food Stamp Act that would have taken effect on October 1, 1981 calling for a dependent care deduction amount separate from the excess shelter deduction amount. The interim rules also contained a provision of the Food Stamp Act Amendments of 1980 (Pub. L. 96-58) authorizing a medical deduction for Puerto Rico, Guam and the Virgin Islands which had to be implemented in those areas on October 1, 1981 in accordance with Pub. L. 96-58.

The September 4 interim regulations resulted from legislative provisions aimed at achieving cost savings through specific Program changes. The regulations contained in this final action adopt most of the cost-saving provisions of the interim rules. Although the changes will result in total savings of approximately \$500 million in fiscal year 1982, the Department was granted little discretion in the implementation of the changes. As a result, the economic effects of implementing the changes are not, for the most part, caused or created by the Department's regulations. Therefore, there were no alternatives considered by the Department which would have affected the savings achieved by the rules. The two provisions of the 1982 legislation which are incorporated in this final rule are also nondiscretionary provisions. They are expected to save an estimated \$71 million. However, \$31 million of that savings will not be realized until fiscal year 1984.

*Issue Analysis*

The Department has raised one issue which generated significant public comment and for which the Omnibus Budget and Reconciliation Act of 1981



(Pub. L. 97-35, 95 Stat. 358, August 13, 1981) provides sufficient discretion to consider alternatives to the interim rule.

This issue concerns the provision of law which renders strikers and their households ineligible for food stamp benefits. However, the rule allows households which were eligible to participate immediately prior to the strike to continue to participate, provided that these households do not receive an increase in benefits due to the striker's loss of income (Pub. L. 96-35, Sec. 109, 95 Stat. 361). Under the interim rule, the income a striking household member would have received from the employment subject to the strike is added to current household income, including income from strike benefits and temporary employment for determining the level of program benefits. As a result of this policy, previously eligible households could become ineligible even though the striker's current income is less than his pre-strike wages and the income of other household members has not changed. The Department considered various alternatives to resolve this approach.

One alternative is simply to freeze the striking member's income as of the day prior to the strike. While this alternative prevents an increase in benefits, it fails to address the need to adjust the household's benefits downward if other changes occur. For example, the striking member may be receiving income from strike benefits in addition to income from nonstrike-related temporary employment, and the total of these incomes may exceed the striker's income prior to the strike. As a result, the household could conceivably receive food stamp benefits to which it would not otherwise have been entitled.

The other alternative would compare pre-strike income to income at the time of application, and attribute the higher of the two to the household when calculating current eligibility and benefits. The income comparison could be done on a household basis or could be restricted to the striking member. Doing the income comparison on a household basis could be unfair to households if nonstrike related income was terminated or reduced for reasons not related to the strike. Such a household would have the nonstriking household member's non-existent income used to compute benefits. This result is avoided by restricting the income comparison to the striker's income.

The Department has chosen to compare the striker's income before the strike and at the time of application and to use the higher of the two to add to current income of nonstriking household

members for determining eligibility and the allotment level in accordance with 7 CFR 273.10(e). This alternative effectively prevents any household containing a striking member from receiving any increase in food stamp benefits due to a decrease in income as a result of the strike, while allowing household benefits to be higher or lower due to nonstrike related changes.

#### Comment Analysis

Although the September 4, 1981 rulemaking had the effect of final regulations, and had to be placed into operation by State welfare agencies, the Department encouraged interested parties to submit comments by January 4, 1982. Subsequently, 130 letters were received which addressed various provisions of the interim rules. The provisions involved and the commenters concerns are discussed below.

#### Program Informational Activities

Section 111 of the Reconciliation Act (95 Stat. 362) and the interim rules implemented two changes concerning the Food Stamp Program's outreach activities. First, they eliminated all regulatory requirements that State agencies conduct outreach activities (7 CFR 272.6). Second, they forbade the State agencies to use Federal funds to conduct outreach activities (7 CFR 277, Appendix A, *Standards for Selected Items of Cost*, (C)(14)). The Department continues to require, and to fund State agencies' activities concerning program informational (7 CFR 272.6). Program information activities explain the Program to the public. They include information about nutrition and the rights and responsibilities of applicants and participants.

Eight commenters addressed the provisions about program informational activities. Despite the majority of comments in opposition to the change, the Department cannot change this policy because the Reconciliation Act removes the requirement for outreach and forbids Federal funding of outreach activities.

In the interim rules the Department amended 7 CFR 272.3(d)(1)(ii), the regulation about publicizing waivers and Program operations by removing the third sentence of that paragraph. The Department erred in the amendatory language; the fourth sentence should have been removed. Therefore, we are republishing 7 CFR 272.3(d)(1)(ii) as it should appear. Additionally, the interim rules amended 7 CFR 272.4(b) to delete a reference to outreach. While the intent of the amendment is still relevant, this final rule does not reflect the adoption of the change as a subsequent final rule

removed 7 CFR 272.4(b) in its entirety. Also, this final rule removes references to outreach activities contained in 7 CFR 271.4(a)(3), 272.1(g)(1)(iv)(B), (g)(1)(ix) and (g)(10), 272.8(c), 273.2(c)(3) and 281.2(b) which were overlooked when the interim rules were prepared.

#### Household Definition

Section 101 of the Reconciliation Act of 1981 (95 Stat. 358) and the interim rules redefined "household." In accordance with Pub. L. 97-35, the rules specify that parents and children living with each other must apply for Program benefits together unless at least one parent is 60 years of age or older. The Department received 15 comment letters on this provision of the interim rules. Several State welfare agencies asked that the regulations clarify what is meant by "parent or child" and "living with". The Department has revised 7 CFR 273.1 to clarify that parents living with their natural, adopted, or step-children are subject to this parent/child rule. The Department has not defined the term "living with". A regulatory definition would be no more effective than the application of a reasonable judgment based on the circumstances of a particular living arrangement. For example, parents and children living in the same apartment building are not considered to be one household simply because they live in the same building. On the other hand, parents and children sharing the same individual apartment would be considered as one household.

Some State welfare agencies asked that the final rules clarify that the parent/child rule takes precedence over other household rules. Current rules provide that live-in attendants, roomers, and ineligible students living with a household are not to be considered household members in determining eligibility and benefit levels of applicant households. Revisions have been made to 7 CFR 273.1(a)(2) to provide that parents and children living together cannot take advantage of these "nonhousehold" member rules; they must be considered as one household when living with each other.

Two commenters requested an exemption to the parent/child rule for migrant households in the work stream. The commenters stated that normally an employer provides housing for migrants and that the housing provided often results in parents and children living together who normally live in separate households at their home base. However, Pub. L. 97-35 provided an exemption to the parent/child rule only for households in which at least one parent was 60 years old or older. The



law does not provide the Department with authority to allow additional exemptions from the rule. Therefore, no change was made.

Additionally, the Department is taking this opportunity to incorporate an amendment to the parent/child rule recently enacted by Pub. L. 97-98 (the Food Stamp and Commodity Distribution Amendments of 1981) into this final rule. As mentioned earlier, Pub. L. 97-35 provided only one exemption to the parent/child rule—those households with at least one parent age 60 or older. Pub. L. 97-98 expands the exemption to include households in which at least one parent is receiving certain Supplemental Security Income, disability or blindness payments under the Social Security Act. Since these additional exemptions are mandated by law and serve to relieve a previous restriction, it is believed that further public comment is unnecessary and would serve no useful purpose. The new exemptions have been incorporated into 7 CFR 273.1(a)(2).

The Department wishes to point out that Congress recently passed more legislation which will further change the definition of a food stamp household. These 1982 legislative provisions will be addressed in an upcoming regulation.

#### Boarders

Section 102 of the Reconciliation Act of 1981 (95 Stat. 358) and the interim rules deleted provisions that would allow boarders to apply for Program benefits by claiming to be separate households. The Department received 6 comment letters on this provision mostly from State welfare agencies asking for more clarification. The following clarifying changes have been made to 7 CFR 273.1(c): (1) A statement was added to clarify that boarder status cannot be granted to parents and children living together; (2) a statement was added to clarify that boarders are either ineligible to participate independent of the household providing the board, or may participate as a member of the household with whom they reside, at such household's request; and (3) the phrase "in no event shall food stamps be paid for meals and credited toward monthly payments" was deleted as unnecessary. Also, the reference to boarders contained in 7 CFR 273.1(a)(2)(iv) has been deleted.

#### Strikers

*Determining eligibility and benefit levels.* The interim rules contain provisions which deny food stamps to households containing a striking member who is not exempt from the work registration requirements, unless

the household can show that, immediately prior to the strike, it would have been eligible for or was receiving food stamps according to the applicable food stamp rules. Households in which the member on strike is exempt from work registration requirements, other than those exempt solely on the grounds that they are employed, are not affected by the striker provisions. Any increase in benefits due to the loss of income from the strike is prohibited. Income is to be calculated by assuming that an eligible household with a striking member is receiving the same amount of income from the striking member as it received immediately prior to the strike. Added to this assumed income under the interim rules are any strike benefits or income from temporary employment. If other changes occur, e.g., a change in household size, household benefits are to be adjusted.

Forty-two comment letters were received on the striker provisions. Numerous commenters objected to adding any anticipated income (i.e., strike benefits or temporary employment) to the striking member(s) pre-strike income when calculating benefits. As discussed earlier in the *Regulatory Impact Analysis* section of this preamble, these final rules provide that the striker's pre-strike income will be compared to the striker's anticipated income at the time of application and the higher of the two will be added to the household's anticipated income at the time of application for determining eligibility and allotment levels.

*Miscellaneous Comments.* Several commenters pointed out that the work registration provisions of the interim rules contain loopholes that could result in strikers not having the striker provisions applied to them. In order to close these loopholes, the final striker regulations have been revised to require that eligibility requirements (i.e., work registration requirements and resource levels) be judged as of the day prior to the strike and with the assumption that the strike had not occurred. As discussed in the preamble of the interim rules, strikers who remain eligible must register for work but they will not be referred to work at a struck site.

Another commenter inquired as to the period of time to use for determining a household's pre-strike eligibility. The Department has determined that a household's pre-strike eligibility will be determined based on the day prior to the strike as if it were the day of application and with the assumption that the strike had not occurred. Also, a household's pre-strike eligibility will be determined for the month of application by considering the household's

circumstances for an entire calendar month or for a fiscal month.

#### Gross Income Eligibility Standard

*Using different standards.* Section 104 of the Reconciliation Act (95 Stat. 358) and the interim rules (7 CFR 273.9(a)(1)) set a gross income eligibility standard for most households. This gross income limit is 130% of the appropriate nonfarm income poverty guideline of the Office of Management and Budget (OMB). The guidelines vary by size of household and by region (contiguous States and outlying areas). Two classes of households are not subject to the gross income standard. One class contains households with one member who is at least sixty years old. The other class contains households with one member who receives Supplemental Security Income (SSI) payments under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act. These two classes have a *net* income eligibility standard (gross income minus deductions) of 100% of the poverty guideline.

Several commenters noted that there are administrative problems in having two different income standards for two different groups of households. The commenters suggested different ways to avoid these problems. However, the Department has no discretion in applying the gross and net income standards. Therefore, the Department has not changed this rule.

*Technically eligible households.* When the gross income eligibility standard is applied, a household may be eligible, but entitled to no benefits. This happens when a household with three or more members has a gross income below the gross standard but 30% of its net income equals or exceeds the value of the Thrifty Food Plan for the household's size. These households receive no food stamps. Households with only one or two members in the same situation receive an allotment of \$10, as required by Section 8(a) of the Food Stamp Act.

The interim rules (7 CFR 273.10(e)(2)(iii)) gave State agencies two options for handling households which are technically eligible, but which receive no benefits. Under the first option, the State agency denies certification for the household because its net income is too high for the household to receive benefits. Under the second option, the State agency certifies the household but suspends its participation until the household's net income falls.



One commenter suggested that the Department withdraw the second option which involves suspended participation. This commenter stated that this option is prone to error. The Department prefers to give State agencies the flexibility to efficiently process household applications. Each State agency can decide for itself if the option is prone to error and, therefore, if the option is suitable. The Department has revised the provision to clarify that the options apply only when a household is eligible but its income is too high for the household to receive food stamps.

Section 273.10(e)(2)(i)(A) of the interim rules seems to state that the net income eligibility standard does not apply to destitute households. One commenter said that the reference to destitute households is confusing and should be removed. The Department intended to note that State agencies do not calculate the net income of destitute households as they calculate the income of other households. The procedure for destitute households is contained in 7 CFR 273.10(e)(3). The Department has revised this rule to clarify the provision.

**Minimum allotments.** The preamble of the interim rules referred to the fact that eligible households with only one or two members receive a minimum allotment of \$10. Larger households do not have a minimum allotment; their calculated allotments can be as low as zero. Further, the interim rules revised 7 CFR 273.10(e)(2)(ii) to reflect the calculation of benefits for these households and households of larger sizes as it relates to proration of initial month's benefits. While paragraph (e)(2)(ii)(A) did not change from the interim final to the final rule, this final rule does not reflect adoption of the interim final language. The language of (e)(2)(ii)(A) was further revised in a subsequent final rule issued September 14, 1982.

Two commenters suggested that the Department change the minimum allotment policy. One recommended a minimum allotment of \$6, the other recommended deleting any minimum allotment. Because Section 8(a) of the Food Stamp Act sets the value of allotments, including minimum values, the Department cannot change the regulations on minimum allotments.

**Becoming sixty years old in the month of application.** Section 104 of the Reconciliation Act and the interim rules (7 CFR 273.9(a)(2)) state that the State agency will apply the net income eligibility standard if a household contains a member who is sixty years of age or older. It is possible that a household member would be fifty-nine on the date of application, but turn sixty before the end of the month of

application. The Program's current policy is to consider the individual as being sixty in the month of application and to apply the net income standard. One State agency recommended that FNS change this policy.

The Department is not making the change which the State agency requested. The intent of Congress was clearly to provide elderly and disabled persons with a special income eligibility standard. Since the household becomes entitled to this special treatment at some time during the month of application, there is good reason to give the household special treatment in that month. Under current policy, a household in the same situation receives the medical and separate shelter deductions in the month of application. These deductions and the net income standard are closely related. The same households are entitled to all three special considerations for the same reason.

This policy is also administratively more efficient in that it avoids a household having to file twice in the same month, once before a member turns sixty and again after. Therefore the Department is revising 7 CFR 273.10(e)(2)(i) to make explicit that State agencies are required to use the net income eligibility standard if a household member will be at least sixty years old by the last day in the month of application.

**Maximum gross income eligibility table.** The table contained in the interim rules (appendix A to § 273.10) which listed the Maximum Gross Monthly Income Eligibility Standards applicable in all areas is not being finalized by this rule. The income standards were recently changed to reflect a cost-of-living adjustment to become effective July 1, 1982 and the adjusted standards were published in the *Federal Register* of April 27, 1982 at 47 FR 17977. Also, the provision contained in paragraph 273.9(a)(4) of the interim rule is not being finalized by this action. That provision, which specified that the income eligibility standards applicable for all areas of Program operations can be found in the appendices of 7 CFR 273.9, was changed by rules issued October 19, 1982 (47 FR 46485). That rule deleted all appendices from 7 CFR 273.9.

**Mass changes.** The interim rules revised the provisions on mass changes at 7 CFR 273.12. The revisions took into account changes in the schedules for updating the Thrifty Food Plan in the income eligibility standards and similar aspects of the program. The Department is republishing these revisions without change.

## Earned Income Deduction

Section 106 of the Reconciliation Act (95 Stat. 360) and the interim rules (7 CFR 273.9(d)(2)) reduced the earned income deduction from 20% to 18% of a household's earned income. This provision implements the new deduction rate as fixed by statute.

## Adjusting Deductions and Rounding

Section 105 of the 1981 Reconciliation Act (95 Stat. 359) and the interim rules (7 CFR 273.9(d) (7) and (8)) froze the standard and maximum excess shelter deductions at their current levels. The law and rule also scheduled future adjustments to account for changes in the cost-of-living for July 1, 1983, October 1, 1984 and every October 1 thereafter. After the Department published the interim rules, Congress enacted the Food Stamp Act Amendments of 1982 which further delay the July 1, 1983 adjustment to the deductions (Pub. L. 97-253, Subtitle F, Sec. 148, September 8, 1982). The 1982 Amendments also change the rounding procedures for calculating the amount of future adjustments. The Department is taking this opportunity to implement the new schedule for the 1983 adjustment to the deductions and the new rounding procedure. The new schedule delays the 1983 adjustment until October 1, 1983 and is estimated to save \$40 million in fiscal year 1983. The rounding procedure as mandated by the law is to round down to the nearest lower dollar increment (Pub. L. 97-253, Sec. 143). Prior to the new legislation, adjustment calculations were rounded to the nearest \$5 increment. The Department will not realize a savings with the new rounding procedure in fiscal year 1983. However, in fiscal year 1984 the savings are estimated at \$31 million. The schedule of adjustments and the rounding procedure are fixed by statute. Since the Department has no discretion with regard to these provisions, they are being incorporated in this final rulemaking.

## Deductions in Guam and the Virgin Islands

Section 106 of Pub. L. 96-249 (the Food Stamp Act Amendments of 1980) and the interim rules (7 CFR 273.9(d)(3)) extended the medical deductions to blind and disabled residents in Guam, Puerto Rico, and the Virgin Islands. Recipients of benefits to the blind and disabled made under titles I, II, X, XIV or XVI of the Social Security Act may now deduct medical expenses which exceed \$35 monthly. The interim rules (7 CFR 273.9(d)(5)) extend the separate dependent care and shelter deductions



to these same households. No one commented on these provisions. Therefore, the provisions are adopted as final by this action. However, the language of the provisions as it appears in this rulemaking not only reflects adoption of the extension of the medical deduction and the separate dependent care and shelter deduction for households in the outlying areas, as implemented by the September 4, 1981 interim rule, but also reflects changes to the provisions made by rules issued April 30, 1982 (47 FR 63460). That rule deleted any reference to Puerto Rico from these provisions effective July 1, 1982. The language of paragraph 273.9(d)(5) also reflects further changes made to that provision by rules issued October 19, 1982 (47 FR 46485). That rule removed the reference to the actual dollar amount limit allowed for the dependent care/excess shelter deductions.

#### Adjustment to the Thrifty Food Plan

In the interim rules, the Department delayed an expected adjustment to the Thrifty Food Plan to April 1, 1982. Section 103 of the Reconciliation Act required this delay. After the Department published the interim rules Congress enacted Pub. L. 97-98 which further delayed this adjustment (Section 1304). The Department published a final rule on March 19, 1982 at 47 FR 11815 which implemented this change.

#### Benefit Levels for Initial Month of Application

Final rules to resolve issues raised by commenters on this portion of the interim rules were issued in a separate rule. The rule was published in the Federal Register of May 14, 1982 at 47 FR 20739.

#### Technical Amendments

On October 1, 1978, the Department issued final rules (43 FR 47846) after consideration of comments from the public which, among other things, defined what shelter costs are allowed in determining a shelter deduction. This definition has appeared in the Code of Federal Regulations at 7 CFR 273.9(d)(5)(i) through (d)(5)(v). The definition had been unintentionally removed from the regulations due to the issuance of a later rule. The Department is taking this opportunity to reinstate the definition of shelter costs as regulated on October 17, 1978.

The Department is also taking this opportunity to remove any reference to the State of Massachusetts contained in 7 CFR 273.20. Under this current provision of regulations, recipients of Supplemental Security Income (SSI)

payments may not participate in the Food Stamp Program if the State includes the bonus value of food stamps in any level of State SSI payments. Such States are commonly referred to as "cash-out" States. Massachusetts terminated its cash-out status and effective October 1, 1981 recipients of SSI in that State began participating in the Food Stamp Program.

The Department is also taking this opportunity to remove any reference to the State of Massachusetts contained in 7 CFR 273.20. Under this current provision of regulations, recipients of Supplemental Security Income (SSI) payments may not participate in the Food Stamp Program if the State includes the bonus value of food stamps in any level of State SSI payments. Such States are commonly referred to as "cash-out" States. Massachusetts terminated its cash-out status and effective October 1, 1981 recipients of SSI in that State began participating in the Food Stamp Program.

In accordance with the September 4, 1981 interim rules, § 273.10(e)(1)(i)(F), (G) and (H) were relettered as (e)(1)(i)(E), (F) and (G). However, these paragraphs contained regulatory references to each other that were not revised to reflect the new designated paragraphs. Therefore, 7 CFR 273.10(e)(1)(i)(E), (F) and (G) are revised by this final action to correct this oversight.

In accordance with the September 4, 1981 interim rules, paragraph (c)(1) of § 272.4 was amended to delete a reference to "outreach" as one of the ten program areas for which State agencies solicit cost projections. However, the reference of "ten" program areas within the paragraph was not changed to "nine". Therefore, § 272.4(c)(1) is revised by this final action to correct this oversight.

#### Implementation

State agencies shall implement the changes in present rules required by this final rule no later than January 1, 1983. The disabled parent provision of § 273.1 was made effective September 8, 1982, by section 193 of Pub. L. 97-253. Therefore, disabled parents who requested and were denied separate household status on or after September 8, 1982 will be entitled to benefits retroactive to the dates of their applications for separate household status.

**Note.**—The following paragraphs in 7 CFR which had been amended or revised in accordance with the September 4 interim rules have not changed and are adopted as final in the form originally set forth in the interim rules:

§ 271.7(b), (d)(1)(ii), (d)(2)(i) and (d)(3);  
§ 272.2(a)(2), (d)(1)(i) and (d)(1)(ii) which were redesignated from (d)(1)(ii) and (iii), and (e)(4) through (e)(6) which were redesignated from (e)(5) through (e)(7);

§ 272.4(c)(1) and (c)(2);

§ 272.6 in its entirety;

§ 272.8(f) through (o) which were redesignated from (g) through (p)

§ 273.1(a)(1)(i) through (a)(1)(iii), and (b)(2) through (b)(7) which were redesignated from (b)(3) through (b)(8);

§ 273.7(j);

§ 273.9(a), (a)(1), (a)(1)(ii) through (iii), (a)(2), (a)(2)(ii) through (iii), (a)(3), (a)(3)(i) through (ii), (d)(7)(ii) and (iii), (d)(8)(ii), (iii), and (iv), and Appendices B, C, and D which were redesignated from A, B, C;

§ 273.10(e)(1)(i), (e)(1)(i)(A), (e)(1)(i)(B), and (e)(1)(i)(C) and (D) which were redesignated from (e)(1)(i)(D) and (E), (e)(2)(i)(B), (e)(2)(i)(C), (e)(2)(ii) (B) and (C), and (e)(2)(vi) which was redesignated from (e)(2)(iii) and the revised (e)(2)(vi)(B), (C) and (D), the new (e)(2)(iii)(A), (e)(2)(iii)(B), (e)(2)(iv), (e)(2)(v), and (f)(3)(ii) and (iii) which were redesignated from (f)(3)(iii) and (iv);

§ 273.11(a)(2)(iii), (a)(4)(iii)(C)\*, (b)(1)(iii), and (c)(3);

§ 273.12(e) and (e)(1);

§ 273.13(b)(8) through (b)(1) which were redesignated from (b)(9) through (b)(12); and

Part 277, paragraph (C)(14) of Appendix A.

These unchanged paragraphs (except for the paragraph that set forth the implementation schedule of the interim rules, and those paragraphs that were simply relettered or renumbered due to paragraph removals called for by the September 4 rules) are set out below along with paragraphs that are being amended or revised by this final action for the convenience of the reader.

\*Please note further, that although § 273.11(a)(4)(iii)(C) was not changed from the interim rules it is republished below as paragraph (a)(4)(ii)(C) because an earlier rule redesignated it.

#### List of Subjects

##### 7 CFR Part 271

Administrative practice and procedure, Food stamps, Grant programs—social programs.

##### 7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs—social programs, Recordkeeping and reporting requirements.



## 7 CFR Part 273

Administrative practice and procedure, Aliens, Claims, Food stamps, Fraud, Grant programs—social programs, Penalties, Recordkeeping and reporting requirements, Social Security, Students.

## 7 CFR Part 277

Food stamps, Government procurements, Grant programs—social programs, Investigations, Recordkeeping and reporting requirements.

Accordingly, Parts 271, 272, 273 and 277 are amended as follows:

**PART 271—GENERAL INFORMATION AND DEFINITIONS****§ 271.4 [Amended]**

1. In § 271.4, paragraph (a)(3) is removed and paragraphs (a)(4) through (a)(8) are redesignated as (a)(3) through (a)(7), respectively.

2. In § 271.7, paragraphs (b), (d)(1)(ii), (d)(2)(i) and (d)(3) are revised to read as follows:

**§ 271.7 Allotment reduction procedures.**

(b) *Nature of reduction action.* Action to comply with Section 18 of the Food Stamp Act of 1977, as amended, may be a suspension or cancellation of allotments for one or more months, a reduction in allotment levels for one or more months or a combination of these three actions. If a reduction in allotments is deemed necessary, allotments shall be reduced by reducing Thrifty Food Plan amounts for each household size by the same percentage. This results in all households of a given size having their benefits reduced by the same dollar amount. The dollar reduction would be smallest for one-person households and greatest for the largest households. Since the dollar amount would be the same for all households of the same size, the rate of reduction would be lowest for zero net income households and greatest for the highest net income households. All one- and two-person households affected by a reduction action shall be guaranteed a minimum benefit of \$10 unless the action is a cancellation of benefits, a suspension of benefits, or a reduction of benefits of 90 percent or more of the total amount of benefits projected to be issued in the affected month.

**(d) Implementation of allotment reductions.****(1) Reductions. \* \* \***

(ii) Upon receiving notification that a reduction is to be made in an upcoming month's allotments, State agencies shall act immediately to implement the

reduction. Such action would differ from State to State depending on the nature of the issuance system in use. Where there are computerized issuance systems, the program used for calculating allotments shall be altered to reflect the appropriate percentage reduction in the Thrifty Food Plan for each household size and the computer program shall be adjusted to allow for a minimum benefit of \$10 for one- and two-person households. The computer program shall also be adjusted to provide for the rounding of benefit levels of \$1, \$3 and \$5 to \$2, \$4 and \$6, respectively. FNS will provide State agencies with revised issuance tables reflecting the percentage reductions to be made in the Thrifty Food Plan amounts and reduce Thrifty Food Plan levels. In States where manual issuance is used, State agencies shall reproduce the issuance tables provided by FNS and distribute them to issuance personnel. State agencies shall ensure that the revised issuance tables are distributed to issuance agents and personnel in time to allow benefit reductions during the month ordered by FNS. In an HIR card system State agencies have the option of enacting the reduction in benefits either by changing all HIR cards before issuance activity for the affected month begins or by adjusting allotments at the point of issuance as each household appears at the issuance office.

**(2) Suspensions and cancellations. (i)**

If a decision is made to suspend or cancel the distribution of food stamp benefits in a given month, FNS shall notify State agencies of the date the suspension or cancellation is to take effect. In the event of a suspension or cancellation of benefits, the provision for a \$10 minimum benefit level for households with one or two members only shall be disregarded and all households shall have their benefits suspended or cancelled. Upon receiving notification that an upcoming month's issuance is to be suspended or cancelled, State agencies shall take immediate action to effect the suspension or cancellation. This action would involve making necessary computer adjustments, and notifying issuance agents and personnel.

(3) *Affected allotments.* Whenever a reduction of allotments is ordered for a particular month, reduced benefits shall be calculated for all households for the designated month. However, any household with one or two members whose reduced benefits would be less than \$10 shall receive a minimum benefit of \$10 except as provided in

§ 273.10(e)(2). Allotments or portions of allotments representing restored or retroactive benefits for a prior unaffected month would not be reduced, suspended, or cancelled even though they are issued during an affected month.

**PART 272—REQUIREMENTS OF PARTICIPATING STATE AGENCIES**

3. In § 272.1, the third sentence of paragraph (g)(1)(iv)(B) is amended by removing the words "all groups listed in the State Food Stamp Outreach Action Plan." Paragraph (g)(1)(ix) is removed and paragraph (x) is redesignated as (ix). Paragraph (g)(10) is revised to read as follows:

**§ 272.1 General terms and conditions.****(g) Implementation. \* \* \***

(10) *Amendment No. 207.* State agencies shall implement the changes in the rules required by Amendment 207 no later than January 1, 1983. Disabled parents who requested and were denied separate household status on or after September 8, 1982, will be entitled to benefits retroactive to the dates of their applications for separate household status.

4. In § 272.2, paragraph (a)(2) and the first sentence of (c)(1)(i) are revised to read as follows:

**§ 272.2 Plan of operation.****(a) General Purpose and Content. \* \* \***

(2) *Content.* The basic components of the State Plan of Operation are the Federal/State Agreement, the Budget Projection Statement, and the Program Activity Statement. In addition, certain attachments to the Plan are specified in this Section and in § 272.2(c) and § 272.3. The requirements for the basic components and attachments are specified in § 272.2(c) and § 272.2(d) respectively. The Federal/State Agreement is the legal agreement between the State and the Department of Agriculture. This Agreement is the means by which the State elects to operate the Food Stamp Program and to administer the program in accordance with the Food Stamp Act of 1977, as amended, regulations issued pursuant to the Act, the FNS-approved State Plan of Operation, and any State-developed manuals approved by FNS. The Budget Projection Statement and Program Activity Statement provide information on the number of actions and amounts budgeted for various functional areas such as certification and issuance. The Plan's attachments include the Disaster Plan (currently reserved) and the



optional Nutrition Education Plan. The Corrective Action Plan is considered part of the State Plan of Operation, but is submitted separately as prescribed under § 275.22.

(c) *Budget Projection Statement and Program Activity Statement.*

(1) \*\*\*

(i) The Budget Projection Statement solicits projections of the total costs for nine areas of program operations (certification, issuance, performance reporting, fair hearings, training, ADP development, ADP operation, fraud control, and other). \*\*\*

5. In § 272.3, paragraph (d)(1)(ii) is revised to read as follows:

§ 272.3 *Operating guidelines and forms.*

(d) *Public Comment.* \*\*\*

(1) \*\*\*

(ii) Publication (in addition to the notice of the available components) of a summary of the waiver or general Program operations. Also instructions on how to obtain more information shall be included. This publication shall be in sufficient media sources to ensure general coverage in all project areas. Public comment shall be solicited for a minimum of 30 days.

6. In § 272.4, paragraph (c)(1) and the introductory sentence to paragraph (c)(2) are revised to read as follows:

§ 272.4 *Program administration and personnel requirements.* \*\*\*

(c) *Bilingual requirements.* (1) Based on the estimated total number of low-income households in a project area which speak the same non-English language (a single-language minority), the State agency shall provide bilingual program information and certification materials, and staff or interpreters as specified in paragraphs (c)(2) and (3) of this section. Single-language minority refers to households which speak the same non-English language and which do not contain adult(s) fluent in English as a second language;

(2) The State agency will provide materials used in Program informational activities in the appropriate language(s) as follows. \*\*\*

7. Section 272.6, is revised in its entirety to read as follows:

§ 272.6 *Program Informational Activities*

(a) *Definition.* "Program informational activities" are those activities that convey information about the Program, including household rights and responsibilities, to applicant and recipient households through means

such as publications, telephone hotlines, and face-to-face contacts.

(b) *Minimum requirements.* State agencies shall comply with the following minimum information requirements.

(1) *Nutrition information.* (i) FNS will supply State agencies with posters and pamphlets containing information regarding foods with substantial allowances of protein, minerals, and vitamins; menus making use of these foods; and the relationship between health and diet;

(ii) Printed materials such as posters, fliers, and pamphlets, that explain the Special Supplemental Food Program for Women, Infants and Children (WIC) and, where available, the Commodity Supplemental Food Program (CSF) shall be supplied by agencies administering the WIC and CSF programs (where available);

(iii) State agencies shall display the posters and make the pamphlets available at all food stamp and public assistance offices.

(2) *Rights and responsibilities.* State agencies shall inform participant and applicant households of their Program rights and responsibilities. This information may be provided through whatever means the State agencies deem appropriate.

(3) All Program informational material shall be available in languages other than English as required in § 272.4(c) and shall include a statement that the Program is available to all without regard to race, color, sex, age, handicap, religious creed, national origin or political belief.

§ 272.8 [Amended]

8. In § 272.8, paragraph (c) is amended by removing the words "outreach and" appearing near the end of the first sentence.

**PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS**

9. In § 273.1, paragraphs (a), (c) and (g) are revised and a new paragraph (5) is added to (g). The revisions and addition read as follows:

§ 273.1 *Household concept.*

(a) *Household definition.* (1) A household may be composed of any of the following individuals or groups of individuals:

- (i) An individual living alone;
- (ii) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others;
- (iii) A group of individuals who live together and customarily purchase food

and prepare meals together for home consumption.

(2) Such individuals or groups of individuals may not participate if they are residents of an institution, except as otherwise specified in paragraph (e) of this section, or residents of a commercial boarding house, or living with others and paying compensation to the others for meals and lodging, except as otherwise specified in paragraph (c) of this section.

(3) In no event shall nonhousehold member status (as described in the provisions of paragraph (b) of this section) or separate household status be granted to:

(i) Parents living with their natural, adopted, or step-children or such children living with such parents, unless at least one parent is 60 years of age or older or receiving Supplemental Security Income benefits under title XVI or disability or blindness benefits under titles I, II, X, XIV or XVI of the Social Security Act;

(ii) Children under 18 years of age under the parental control of an adult member of the household; or

(iii) A spouse of a member of the household (as defined in § 271.2).

(c) *Boarders.* (1) Boarders are defined as individuals or groups of individuals residing with others and paying reasonable compensation to the others for lodging and meals. Boarders are ineligible to participate in the Program independent of the household providing the board. They may participate as members of the household providing the boarder services to them, at such household's request. In no event shall boarder status be granted to those individuals or groups of individuals described in paragraph (a)(3) of this section.

(2) The household within which a boarder resides (including the household of the proprietor of a boarding house) may participate in the program if the household meets all the eligibility requirements for program participation.

(3) To determine if an individual is paying reasonable compensation for meals and lodging in making a determination of boarder status, only the amount paid for meals shall be used, provided that the amount paid for meals is distinguishable from the amount paid for lodging. A reasonable monthly payment shall be either of the following:

(i) Boarders whose board arrangement is for more than two meals a day shall pay an amount which equals or exceeds the Thrifty Food Plan for the appropriate size of the boarder household; or



(iii) Boarders whose board arrangement is for two meals or less per day shall pay an amount which equals or exceeds two-thirds of the Thrifty Food Plan for the appropriate size of the boarder household.

(4) An individual furnished both meals and lodging by a household but paying compensation of less than a reasonable amount to the household for such services shall be considered a member of the household providing the services.

(5) None of the income or resources of individuals determined to be boarders and who are not members of the household providing the boarder services (as prescribed in paragraph (3) of this section) shall be considered available to such household. However, the amount of the payment that a boarder gives to a household shall be treated as self-employment income to the household. The procedures for handling self-employment income from boarders (other than such income received by a household that owns and operates a commercial boarding house) are set forth in § 273.11(b). The procedures for handling income from boarders by a household that owns and operates a commercial boarding house are set forth in § 273.11(a). For Program purposes, a commercial boarding house is defined as an establishment licensed as an enterprise which offers meals and lodging for compensation. In project areas without licensing requirements, a commercial boarding house shall be defined as a commercial establishment which offers meals and lodging for compensation with the intent of making a profit. The number of boarders residing in a boarding house shall not be used to determine if a boarding house is a commercial enterprise.

(g) *Strikers.* (1) Households with striking members shall be ineligible to participate in the Food Stamp Program unless the household was eligible for benefits the day prior to the strike and is otherwise eligible at the time of application. However, such a household shall not receive an increased allotment as the result of a decrease in the income of the striking member(s) of the household.

(2) For food stamp purposes, a striker shall be anyone involved in a strike or concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees. Any employee affected by a lockout, however, shall not be deemed to be a

striker. Further, an individual who goes on strike who is exempt from work registration, in accordance with § 273.7(b), the day prior to the strike, other than those exempt solely on the grounds that they are employed, shall not be deemed to be a striker. Examples of non-strikers who are eligible for participation in the program include but are not limited to:

(i) Employees whose workplace is closed by an employer in order to resist demands of employees (e.g., a lockout);

(ii) Employees unable to work as a result of striking employees (e.g., truckdrivers who are not working because striking newspaper pressmen prevent newspapers from being printed); and,

(iii) Employees who are not part of the bargaining unit on strike who do not want to cross a picket line due to fear of personal injury or death.

(3) Pre-strike eligibility shall be determined by considering the day prior to the strike as the day of application and assuming the strike did not occur.

(4) Eligibility at time of application shall be determined by comparing the striking member's income before the strike (as calculated for paragraph 3 above) to the striker's current income and adding the higher of the two to the current income of nonstriking members during the month of application. To determine benefits (and eligibility for households subject to the net income eligibility standard), deduction shall be calculated for the month of application as for any other household. Whether the striker's pre-strike earnings are used or his current income is used, the earnings deduction shall be allowed if appropriate.

(5) Strikers whose households are eligible to participate under the criteria in § 273.1(g) shall be subject to the work registration requirements under § 273.7 unless exempt under § 273.7(b) the day of application.

10. In § 273.7, paragraph (j) is revised to read as follows:

#### § 273.7 Work registration requirements.

(j) *Participation of strikers.* Strikers whose households are eligible under the criteria in § 273.1(g) shall be subject to the work registration requirements unless exempt under paragraph (b) of this section at the time of application.

11. In § 273.9, paragraphs (a), (a)(1), (a)(2), (a)(3), (d)(2), introductory paragraph (d)(3), and paragraphs (d)(5), (d)(7), and (d)(8) are revised. The revisions read as follows:

#### § 273.9 Income and Deductions.

(a) *Income eligibility standards.* Participation in the program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet.

(1) Except as provided in paragraph (a)(2) of this section, eligibility shall be determined on the basis of gross income. The gross income eligibility standards for the Food Stamp Program shall be as follows:

(i) The income eligibility standards for the contiguous 48 States and the District of Columbia, Guam and the Virgin Islands shall be 130 percent of the Office of Management and Budget's (OMB) nonfarm income poverty guidelines for the 48 States and the District of Columbia.

(ii) The income eligibility standard for Alaska shall be 130 percent of the OMB nonfarm income poverty guideline prescribed for Alaska.

(iii) The income eligibility standard for Hawaii shall be 130 percent of the OMB nonfarm income poverty guideline prescribed for Hawaii.

(2) Households which contain a member who is sixty years of age or over, or a member who receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act, shall be determined eligible based on net income. The net income eligibility standards for the Food Stamp Program shall be as follows:

(i) The income eligibility standards for the contiguous 48 States and the District of Columbia, Guam and the Virgin Islands shall be the Office of Management and Budget's (OMB) nonfarm income poverty guidelines for the 48 States and the District of Columbia.

(ii) The income eligibility standards for Alaska shall be the OMB nonfarm income poverty guideline prescribed for Alaska.

(iii) The income eligibility standard for Hawaii shall be the OMB nonfarm income poverty guideline prescribed for Hawaii.

(3) The income eligibility limits, as described in this paragraph, are revised each July 1, to reflect OMB's annual adjustment to the nonfarm poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii.

(i) 130 percent of the annual income poverty guidelines shall be divided by 12 to determine the monthly gross income standards, rounding the results



upward as necessary. For households greater than eight persons, the increment in the OMB guidelines is multiplied by 130 percent, divided by 12, and the results rounded upward if necessary.

(ii) The annual income poverty guidelines shall be divided by 12 to determine the monthly net income eligibility standards, rounding the results upward as necessary. For households greater than eight persons, the increment in the OMB guidelines is divided by 12, and the results rounded upward if necessary.

\* \* \* \* \*

(d) *Income deductions.* \* \* \*

(2) *Earned income deduction.* Eighteen percent of gross earned income as defined in paragraph (b)(1) of this section. Earnings excluded in paragraph (c) of this section shall not be included in gross earned income for purposes of computing the earned income deduction.

(3) *Excess medical deduction.* That portion of medical expenses in excess of \$35 per month, excluding special diets, incurred by any household member who is 60 years of age or over or who receives Supplemental Security Income (SSI) benefits under title XVI of the Social Security Act or disability and blindness benefits under titles I, II, X, XIV, and XVI of the Social Security Act. Spouses or other persons receiving benefits as a dependent of the SSI or disability and blindness recipient are not eligible to receive this deduction but persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction. Allowable medical costs are:

\* \* \* \* \*

(5) *Shelter costs.* Monthly shelter costs in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1), (2), (3) and (4) of this section have been allowed. The shelter deduction alone, or in combination with the dependent care deduction in paragraph (d)(4) of this section shall not exceed the maximum limit established for the dependent care deduction. This is applicable unless the household contains a member who is age 60 or over, or who receives Supplemental Security Income benefits (including emergency benefits based on presumptive eligibility) under title XVI or disability and blindness payments under titles I, II, X, XIV, and XVI of the Social Security Act. Such households shall receive an excess shelter deduction for the monthly cost that exceeds 50 percent of the household's monthly income after all other applicable deductions. The shelter deduction amount applicable for use in

the 48 contiguous States and the District of Columbia, and the amounts applicable for use in Alaska, Hawaii, Guam, and the Virgin Islands are adjusted annually and will be prescribed in General notices published in the *Federal Register*. Shelter costs shall include only the following:

(i) Continuing charges for the shelter occupied by the household, including rent, mortgage, or other continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

(ii) Property taxes, State and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings.

(iii) The cost of heating and cooking fuel; cooling and electricity; water and sewerage; garbage and trash collection fees; the basic service fee for one telephone, including tax on the basic fee; and fees charged by the utility provider for initial installation of the utility. One-time deposits shall not be included as shelter costs.

(iv) The shelter costs for the home if temporarily not occupied by the household because of employment or training away from home, illness, or abandonment caused by a natural disaster or casualty loss. For costs of a home vacated by the household to be included in the household's shelter costs, the household must intend to return to the home; the current occupants of the home, if any, must not be claiming the shelter costs for food stamp purposes; and the home must not be leased or rented during the absence of the household.

(v) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood. Shelter costs shall not include charges for repair of the home that have been or will be reimbursed by private or public relief agencies, insurance companies, or from any other source.

\* \* \* \* \*

(7) *Adjustment of standard deduction.*

(i) Effective October 1, 1983, the standard deductions shall be adjusted to reflect changes in the Consumer Price Index for all urban consumers (CPI-U) for items other than food and the homeownership component of shelter costs for the fifteen months ending March 31, 1983.

(ii) Effective October 1, 1984, the standard deductions shall be adjusted to reflect changes in the CPI-U for items other than food and the homeownership

component of shelter costs for the fifteen months ending June 30, 1984.

(iii) Effective October 1, 1985, and each October 1 thereafter, the standard deductions shall be adjusted to reflect changes in the CPI-U for items other than food and the homeownership component of shelter costs for the twelve months ending the previous June 30.

(iv) These adjustments shall be based on the previous unrounded numbers, and the result rounded down to the nearest lower dollar increment.

(8) *Adjustment of shelter deduction.* (i) Effective October 1, 1983, the maximum limit for excess shelter expense deductions shall be adjusted to reflect changes in the shelter (exclusive of homeownership costs), fuel, and utilities components of the CPI-U for the fifteen months ending March 31, 1983.

(ii) Effective October 1, 1984, the maximum limit for excess shelter expense deductions shall be adjusted to reflect changes in the shelter (exclusive of homeownership costs), fuel, and utilities components of the CPI-U for the fifteen months ending June 30, 1984.

(iii) Effective October 1, 1985, and each October 1 thereafter, the maximum limit for excess shelter expense deductions shall be adjusted to reflect changes in the shelter (exclusive of homeownership costs), fuel, and utilities components of the CPI-U for the twelve months ending the preceding June 30.

(iv) These adjustments shall be based on the previous unrounded numbers, and the result rounded down to the nearest lower dollar increment.

\* \* \* \* \*

12. In §273.10:

(a) Introductory paragraph (e)(1)(i), paragraphs (e)(1)(i)(A) and (e)(1)(i)(B) are revised:

(b) Paragraph (e)(1)(i)(E) is amended by changing the reference appearing at the end of that paragraph from (e)(1)(i)(G) to (e)(1)(i)(F);

(c) Paragraph (e)(1)(i)(F) is amended by changing the reference appearing at the end of the paragraph from (e)(1)(i)(H) to (e)(1)(i)(G);

(d) Paragraph (e)(1)(i)(G) is amended by changing the reference appearing in the middle of that paragraph from (e)(1)(i)(F) to (e)(1)(i)(E);

(e) Paragraphs (e)(2)(i), (e)(2)(ii)(B), (e)(2)(ii)(C), (e)(2)(iii), (e)(2)(iv), (e)(2)(v), (e)(2)(vi)(B), (e)(2)(vi)(C), and (e)(2)(vi)(D) are revised.

The revisions read as follows:

§ 273.10 Determining household eligibility and benefit levels.

\* \* \* \* \*



(e) *Calculating net income and benefit levels.*—(1) *Net monthly income.* \* \* \*

(i) To determine a household's net monthly income, the State agency shall:

(A) Add the gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income.

(B) Multiply the total gross monthly earned income by 18 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 82 percent and add that to the total monthly unearned income, minus income exclusions.

\* \* \*

(2) *Eligibility and benefits.* (i)(A)

Households containing a member who is sixty years of age or over, or a member who receives Supplemental Security Income (SSI) benefits under title XVI of the Social Security Act or disability and blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act shall have their net income, as calculated in paragraph (e)(1) of this section (except for households considered destitute in accordance with paragraph (e)(3) of this section), compared to the monthly income eligibility standards defined in § 273.9(a)(2) for the appropriate household size to determine eligibility for the month.

(B) For all other households, the State agency shall compare a household's gross income, as calculated in accordance with paragraph (e)(1)(i)(A) of this section, to the monthly income eligibility standards defined in § 273.9(a)(1) for the appropriate household size to determine eligibility for the month.

(C) For households considered destitute in accordance with paragraph (e)(3) of this section, the State agency shall determine a household's eligibility by computing its gross and net income according to paragraph (e)(3) of this section, and comparing, as appropriate, either the gross or net income to the corresponding income eligibility standard in accordance with § 273.9(a)(1) or (2).

(D) If a household contains a member who is fifty-nine years old on the date of application, but who will become sixty before the end of the month of application, the State agency shall determine the household's eligibility in accordance with paragraph (e)(2)(i)(A) of this section.

(ii) \* \* \*

(B) All eligible one- and two-person households shall receive minimum

monthly allotments of \$10. In the initial month of application, these households shall receive a pro rata share of the \$10, depending on the day on which they applied, in accordance with paragraph (a)(1) of this section.

(C) All eligible households whose benefits are prorated to \$1, \$3, and \$5 in accordance with paragraph (a)(1) of this section, and eligible households with three or more members which are entitled to \$1, \$3, and \$5 allotments shall receive allotments, of \$2, \$4, and \$6, respectively, to correspond with current coupon book denominations.

(iii) For an eligible household with three or more members which is entitled to no benefits (except because of the proration requirements of paragraph (a)(1) of this section) the State agency shall take either of the following actions:

(A) The State agency shall deny the household's application on the grounds that its net income exceeds the level at which benefits are issued; or

(B) The State agency shall certify the household but suspend its participation, subject to the following conditions:

(1) The State agency shall inform the suspended household, in writing, of its suspended status, and of its rights and responsibilities while it is in that status.

(2) The State agency shall set the household's change reporting requirements and the manner in which those changes will be reported and processed.

(3) The State agency shall specify which changes shall entitle the household to have its status converted from suspension to issuance, and which changes shall require the household to reapply for participation.

(4) The household shall retain the right to submit a new application while it is suspended.

(5) The State agency shall convert a household from suspension to issuance status, without requiring an additional certification interview, and issue its initial allotment, within ten days of the date the household reports the change.

(6) The State agency shall prorate the household's benefits, in the first month after the suspension period, from the date the household reports a change, in accordance with paragraph (a)(1) of this section.

(7) The State agency may delay the work registration of the household's members until the household is determined to be entitled to benefits.

(8) Whether a household member registers for work at the time of application or when the household is determined to be entitled to benefits, the State agency shall submit the member's work registration form to the State Employment Security Agency (SESA)

within five days after the household is determined to be entitled to benefits.

(9) The household shall not be subject to the job search requirements of § 273.7(f) until it has been determined to be entitled to benefits.

(iv) For those eligible households which are entitled to no benefits in their initial month of application, in accordance with paragraph (a)(1) of this section, but are entitled to benefits in subsequent months, the State agency shall certify the households beginning with the month of application.

(v) When a household's circumstances change and it becomes entitled to a different income eligibility standard, the State agency shall apply the different standard at the next recertification or whenever the State agency changes the household's eligibility, benefit level or certification period, whichever occurs first.

(vi) \* \* \*

(B) Except as provided in paragraph (e)(2)(vi)(C) of this section, if the amount of benefits obtained by the calculation in paragraph (e)(2)(ii)(A) of this section is less than \$10 for one- and two-person households only, the household shall be provided a minimum benefit of \$10.

(C) In the event that the national reduction in benefits is 90 percent or more of the benefits projected to be issued for the affected month, the provision for a minimum benefit for households with one or two members only may be disregarded and all households may have their benefits lowered by reducing Thrifty Food Plan amounts by the percentage specified by the Department. The benefit reduction notice issued by the Department to effectuate a benefit reduction will specify whether minimum benefits for households with one or two members only are to be provided to households.

(D) If the action in effect is a suspension or cancellation, eligible households shall have their allotment levels calculated according to the procedures in paragraph (e)(2)(ii) of this section. However, the allotments shall not be issued for the month the suspension or cancellation is in effect. The provision for a \$10 minimum benefit for households with one or two members only shall be disregarded and all households shall have their benefits suspended or cancelled for the designated month.

13. In § 273.11, paragraphs (a)(2)(iii), (a)(4)(ii)(C), (b)(1)(iii), and (c)(3) are revised and paragraph (c)(4) is amended by removing the word "net" appearing between the words "household's" and



"monthly". The revision reads as follows:

**§ 273.11 Action on households with special circumstances.**

(a) *Self-employment income.* \* \* \*  
 (2) *Determining monthly income from self-employment.* \* \* \*  
 (iii) The monthly net self-employment income shall be added to any other earned income received by the household. The total monthly earned income, less the 18-percent earned income deduction, shall then be added to all monthly unearned income received by the household. The standard deduction, dependent care, and shelter costs shall be computed as for any other household and subtracted to determine the monthly net income of the household.

(4) *Allowable costs of producing self-employment income.* \* \* \*

(ii) \* \* \*  
 (C) Federal, State, and local income taxes, money set aside for retirement purposes, and other work-related personal expenses (such as transportation to and from work), as these expenses are accounted for by the 18-percent earned income deduction specified in § 273.9(d)(2).

(b) *Boarders.*

(1) *Households with boarders.* \* \* \*  
 (iii) *Deductible expenses.* The net income from self-employment shall be added to other earned income and the 18-percent earned income deduction shall be applied to the total. Shelter costs the household actually incurs, even if the boarder contributes to the household for part of the household's shelter expenses, shall be computed to determine if the household will receive a shelter deduction. However, the shelter costs shall not include any shelter expenses paid directly by the boarder to a third party, such as to the landlord or utility company.

(c) *Treatment of income and resources of disqualified members.*  
 \* \* \*

(3) *Deductible expenses.* The 18-percent earned income deduction shall apply to the prorated income earned by the disqualified member which is attributed to the household. That portion of the household's allowable shelter and dependent care expenses which are either paid by or billed to the disqualified member shall be divided evenly among the household members, including the disqualified member. All but the disqualified member's share is counted as a deductible shelter expense for the remaining household members.

14. In § 273.12, introductory paragraph (e) and (e)(1)(i) are revised to read as follows:

**§ 273.12 Reporting changes.**

(e) *Mass changes.* Certain changes are initiated by the State or Federal government which may affect the entire caseload or significant portions of the caseload. These changes include adjustments to the income eligibility standards, the shelter and dependent care deductions, the Thrifty Food Plan, and the standard deduction; annual and seasonal adjustments to Social Security, SSI, and other Federal benefits; periodic adjustments to AFDC or GA payments; and other changes in the eligibility criteria based on legislative or regulatory actions.

(1) *Federal adjustments to eligibility standards, allotments, and deductions, and State adjustments to utility standards.*

(i) These adjustments shall go into effect for all households at a specific point in time. State agencies may wish to consider timing the annual adjustments of their utility standards to coincide with the Federal shelter deduction adjustment, when such timing is permitted by § 273.9(d)(8).

(A) Adjustments in the Thrifty Food Plan shall be effective in accordance with § 273.10(e)(4)(ii).

(B) Adjustments in the standard deduction shall be effective in accordance with § 273.9(d)(7).

(C) Adjustments in the shelter/dependent care deduction shall be effective in accordance with § 273.9(d)(8).

(D) Adjustments in the income eligibility standards shall be effective in accordance with § 273.9(a)(3).

**PART 277—PAYMENTS OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES**

**Appendix A—[Amended]**

15. In Part 277, paragraph (C)(14) of Appendix A under the section entitled "Standards for Selected Items of Costs" is revised to read as follows:

**Appendix A**

Standards for Selected Items of Cost. \* \* \*

(C) *Unallowable costs.* \* \* \*

(14) Costs incurred as result of State agencies' outreach programs. This does not include costs associated with program information activities specified in § 272.6.

**PART 281—ADMINISTRATION OF THE FOOD STAMP PROGRAM ON INDIAN RESERVATIONS**

**§ 281.2 [Amended]**

16. In § 281.2, paragraph (b) is amended by removing the words "outreach plans" in the first sentence.

(91 Stat. 958 (7 U.S.C. 2011-2029))

(Catalog of Federal Domestic Assistance Program No. 10.551, Food Stamps)

Dated: November 15, 1982.

John R. Block,  
 Secretary.

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