

U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
WASHINGTON, D.C. 20210



January 28, 1974

ALL AGENCY MEMORANDUM #116

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

SUBJECT: Davis-Bacon Wage Determinations - Proper Use of
Additional Classifications

Part 5 of the Secretary of Labor's Regulations, 29 CFR 5.5(a)
(1)(ii), provides for the addition by the Contracting Officer
of any needed classification of laborers and mechanics which
is not listed in an applicable wage determination.

Notice of Conformance Action

The Regulations further require that such additional classi-
fications shall be conformable to the wage determination and
a report of the action taken sent to the Secretary of Labor.
Thus, the Department of Labor must be notified for a con-
formed classification and rate to be valid.

In order to avoid confusion as to whether or not such a notice
has been received, and to preclude unnecessary misunderstandings
and possibly future enforcement difficulties, the Department of
Labor will respond to all notices within thirty (30) working
days of receipt. To facilitate this response, the agency should
indicate an address on the notice form or include an addressed
envelope. All notices of conformance actions should be sent
to the following address:

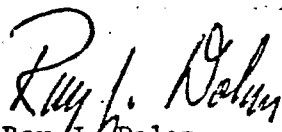
Not required
DAEN-GCL

U. S. Department of Labor
Employment Standards Administration
Division of Wage Determinations
711 -- 14th Street, N. W.
Washington, D. C. 20210

Timely Conformance Actions

The addition of classifications to wage determinations by conforming classification or reclassification procedures is intended to be prospective, as evidenced by the terms of the Regulations ". . . which is to be employed . . ." Under normal procedures such additions should be made and reported before the classifications are actually used on the job, but in any case the conformance action should be undertaken by the end of the first pay period in which the newly-recognized classification is used. Where it is determined during the performance of contract work that certain laborers and mechanics have been misclassified the responsibility of the contractor to effect the necessary corrective action is in no way diminished by this clarification of the Regulations as to the proper use of additional classifications.

Attention is also invited to this Department's All Agency Memorandum No. 68 dated July 19, 1966, dealing with the application of multiple schedules of wage rates contained in one wage determination.


Ray J. Dolan
Assistant Administrator
Wage and Hour Division