

22.1019 Additional classes of service employees.

(a) If the *contracting officer* is aware that contract performance involves classes of *service employees* not included in the *wage determination*, the *contracting officer* shall require the *contractor* to classify the unlisted classes so as to provide a reasonable relationship (*i.e.*, appropriate level of skill comparison) between the unlisted classifications and the classifications listed in the determination (see paragraph (c) of the clause at 52.222-41, *Service Contract Labor Standards*). The *contractor* shall initiate the conforming procedure before unlisted classes of employees perform contract work. The *contractor* shall submit Standard Form (SF) 1444, Request For Authorization of Additional Classification and Rate. The *contracting officer* shall review the proposed classification and rate and promptly submit the completed SF 1444 (which *must* include information regarding the agreement or disagreement of the employees' representative or the employees themselves together with the agency recommendation) and all other pertinent information to the *Wage and Hour Division*. Within 30 days of receipt of the request, the *Wage and Hour Division* will (1) approve, modify, or disapprove the request when the parties are in agreement or (2) render a final determination in the event of disagreement among the parties. If the *Wage and Hour Division* will require more than 30 days to take action, it will notify the *contracting officer* within 30 days of receipt of the request that additional time is necessary.

(b) Some *wage determinations* will list a series of classes within a job classification family, for example, Computer Operators, level I, II, and III, or Electronic Technicians, level I, II, and III, or Clerk Typist, level I and II. Generally, level I is the lowest level. It is the entry level, and establishment of a lower level through conformance is not permissible. Further, trainee classifications *may* not be conformed. Helpers in skilled maintenance trades (for example, electricians, machinists, and automobile mechanics) whose duties constitute, in fact, separate and distinct jobs *may* also be used if listed on the *wage determination*, but *may* not be conformed. Conformance *may* not be used to artificially split or subdivide classifications listed in the *wage determination*. However, conforming procedures *may* be used if the work which an employee performs under the contract is not within the scope of any classification listed on the *wage determination*, regardless of job title. (See 29 CFR 4.152.)

(c) Subminimum rates for apprentices, student learners, and disabled workers are permissible in accordance with paragraph (q) of the clause at 52.222-41, *Service Contract Labor Standards*.

Parent topic: Subpart 22.10 - Service Contract Labor Standards