

DIRECTIVES CONTROL FORM - ORO FINAL DIRECTIVE

PART A (To be completed by the Division of Primary Interest (DPI))

1. **NUMBER AND TITLE OF DIRECTIVE:** **ORO O 350, Chapter III, Change 2, FEDERAL LABOR STANDARDS**

2. **PURPOSE OF TRANSMITTAL:** New Directive Revised Directive

3. **THIS DOCUMENT MAY AFFECT THE WORK PERFORMED BY THE FOLLOWING CONTRACTORS:** (Check appropriate boxes)

No (all contractors)

Yes If yes, whom? Bechtel Jacobs Co. BWXT Y-12 ORAU UT-Battelle SURA

Other contractors (list by type) As directed by CORs.

Many ORO contractors have approved S/RIDs or WSS sets that may affect applicability of contractor requirements from this directive. Applicability of contractor requirements must take into account the approved standards set for each particular contract.

4. **SIGNIFICANT PROVISIONS:** Are there any significant changes or impact?

No Yes If yes, describe: This ORO chapter is part of the ORO sunset review process. Changes to this chapter include editorial revisions to indicate (1) addition of the Nation Nuclear Security Administration, (2) Organizational title changes, (3) addition of Form OR-635, (attachment 2), and (4) paragraph 6, listings of references.

5. **CONTACT POINT:** J. C. Hill Contractor Human Resources Group, AD-441 576-0665
Name Organization Telephone

PART B (To be completed by the Directives Management Group (DMG)):

6. **FILING INSTRUCTIONS:**

<u>Remove</u>	<u>Dated</u>	<u>Insert</u>	<u>Dated</u>
ORO Control Form	04/29/1999	ORO Control Form	04/15/2002
ORO O 350, Chapter III, Chg. 1, Pages III-1 thru III-7	04/29/1999	ORO O 350, Chapter III, Chg. 2, Pages III-1 thru III-8	04/15/2002

ORO Directives are available on the ORO Directives Management Home Page at http://www.ornl.gov/doe_oro_dmg/oro_dir.htm. The ORO Directives will no longer be mailed in printed copy unless you do not have Internet capabilities.

7. **APPROVED FOR DISTRIBUTION IN ACCORDANCE WITH THE OFFICIAL DIRECTIVES DISTRIBUTION LIST:**

Original Signed By
Wayne H. Albaugh 04/15/2002
Signature: DMG Team Leader, AD-440 Date

INSTRUCTIONS TO ADDRESSEES: THIS FORM IS TO BE FILED WITH THE DIRECTIVE AND RETAINED

Rev. 01/30/2002

U.S. Department of Energy

Oak Ridge Operations

ORO O 350 Chapter III Change 2

DATE: 04/15/2002

SUBJECT: FEDERAL LABOR STANDARDS

1. PURPOSE. This chapter correlates to DOE O 350.1, CONTRACTOR HUMAN RESOURCE MANAGEMENT PROGRAMS, Chapter II, dated September 30, 1996, by assigning responsibility and accountability and providing administrative and/or contractual guidance to Oak Ridge Operations (ORO), National Nuclear Security Administration (NNSA) Y-12 Area Office (YAO) and its contractors and subcontractors. Nothing in this issuance changes any requirements contained in any Department of Energy (DOE) directive.
2. CANCELLATION. This chapter cancels and replaces ORO O 350, Chapter III, Change 1, FEDERAL LABOR STANDARDS, dated April 29, 1999.
3. APPLICABILITY. The provisions of this chapter apply to ORO and NNSA YAO Principal Staff and all contractors, subcontractors, and lower-tier subcontractors performing work at ORO and NNSA YAO sites, to the extent set forth in their contract.
4. RESPONSIBILITIES.
 - a. Assistant Manager for Assets Utilization establishes, chairs, and ensures effective operation of the DOE Labor Standards Committee.
 - b. Director, Human Resources Division.
 - (1) Performs those tasks identified in DOE O 350.1, Chapter II, subparagraphs 4b(2), (6), and (8)-(11).
 - (2) In coordination with the Director, Procurement and Contracts Division, issues operational guidelines to appropriate ORO and NNSA YAO organizations and contractors on the requirements for compliance with Federal labor standards.
 - (3) Ensures that investigations of alleged violations of the labor standards are conducted in a timely manner and that appropriate enforcement actions are taken.
 - (4) Ensures that Service Contract Act (SCA) and Davis-Bacon Act (DBA) wage determinations are requested and obtained from the Department of Labor (DOL) for distribution to the appropriate organization(s) for inclusion in contracts/subcontracts.
 - (5) Maintains coordination with Headquarters Office of Worker and Community Transition (WT-1) on questions of labor standards coverage with DOE-wide significance, and for assistance in coordinating with DOL, as necessary.

- (6) Appraises contractor performance in carrying out labor standards administration responsibilities.
 - (7) Prepares the ORO Semiannual Enforcement Report for submission to WT-1.
- c. Director, Procurement and Contracts Division.
- (1) Ensures that contracts let by ORO and NNSA YAO contain the appropriate labor standards provisions.
 - (2) Ensures that bidders and contractors are provided with applicable labor standards information and, where necessary, that conferences or contract orientation meetings are held to review the contractors' responsibilities and those of their subcontractors.
 - (3) Performs those tasks identified in DOE O 350.1, Chapter II, subparagraphs 4b(4), (5) and (7).
- d. Team Leader, Contractor Human Resources Group (CHRG), ensures that information requested under subparagraphs 5a-d of this chapter is provided for review by the DOE Labor Standards Committee on a weekly basis.
- e. Contracting Officer's Representatives (COR).
- (1) Ensure that contractors understand their responsibilities for compliance with all Federal labor standards, rules, regulations, and laws. This includes contractor responsibility to ensure compliance by their subcontractors and lower-tier subcontractors, including construction.
 - (2) Inform contractors of the established procedures for submission of planned work projects for coverage determination under applicable Federal labor standards.
 - (3) Ensure that all contractors/subcontractors are aware of their responsibility to report the existence of noncompliance or violations of the labor standards rules, regulations, and laws in a timely manner.
 - (4) Arrange for the timely submittal of copies of contractor work authorizations and directives to the DOE Labor Standards Committee; assure that prompt written notification is provided separately to each contractor under their jurisdiction as to the Committee's or Head of Contracting Activity's (HCA) determinations affecting each such contractor; and take appropriate follow-up action to ensure that contractors under their jurisdiction comply with the Committee's or HCA's determinations.

- (5) Ensure that all contractors submit to the Director, Human Resources Division and Team Leader, CHRG, the required information for the preparation of the Semiannual Enforcement Report, in accordance with the instructions contained in 29 CFR, Part 5, Subpart A, Section 5.7(b).
- (6) Submit to CHRG for review by the DOE Labor Standards Committee:
 - (a) All work authorizations and requests for issuance of directives for work by or under operating, research and development, project management, and service contractors when the total costs of field labor and materials exceed an estimated \$2,000 in value.
 - (b) Proposals and solicitations of bids for similarly situated work proposed to be performed by laborers and mechanics at DBA or other wage rates.
 - (c) Proposed employment of laborers and mechanics on all worksites where the project is a "construction, alteration or repair" activity.
 - (d) Purchases that involve labor for installation.
 - (e) Any other work which involves, or may involve, work subject to one of the labor standards acts.

f. DOE Labor Standards Committee.

- (1) Reviews requests and makes coverage determinations based upon information supplied by the originating organization.
- (2) Provides to the HCA a recommendation and pertinent information for making decisions required by the HCA under Acquisition Guide Chapter 22.
- (3) Provides written notification of its determinations, and those of the HCA, directly to contractors, or to the appropriate COR.

5. REQUIREMENTS AND PROCEDURES.

a. Determination of Labor Standards Coverage.

- (1) Contractors will provide the following information to CHRG, as part of the submittal required by Attachment 1 of this Chapter:
 - (a) Name of submitting contractor/subcontractor, including location.

- (b) The project contract/subcontract number, work order number, or other project identification.
 - (c) Title and location of project, if other than primary location of submitting organization.
 - (d) Special areas of consideration (e.g., Identify Material Access Area located at Y-12).
 - (e) Scope of work, including a brief description of the work to be performed. The length of the description will vary with the complexity of the project but will normally be one or two short paragraphs. For large/complex projects, the submission of more complete descriptive information is encouraged.
 - (f) Proposed method of accomplishment of the work, including a complete breakdown of activities by the various organizations. In addition, for projects that include management and operating contractor mechanics and laborers, the proposed activities and estimated labor cost by craft will be presented.
 - (g) Estimated cost of the project. In this section, all labor classifications will be identified and estimates given for the labor and materials and other costs budgeted for each will be listed. A total contract dollar amount for the project will be identified on each submission.
 - (h) In the event that the requested ruling is part of a larger project or is a revision of an earlier case, a copy of the original Form OR-635 (see Attachment 2), Labor Standards Committee Case Report, should be submitted with the latest submission, as background information.
- (2) DOE Labor Standards Committee.
- (a) Except for decisions required to be made by the HCA as specified in Acquisition Guide Chapter 22, determines whether or not the work involved is within the scope of the DBA or covered by other labor standards acts.
 - (b) Provides recommendation to the Manager for those decisions that are required to be made by the HCA.
 - (c) Advises COR and contractors of coverage determinations, normally by the workday following the date of the determinations, by letter with attached copy(s) of Form OR-635 (see Attachment 2).

- (d) Includes the following members: Assistant Manager for Assets Utilization (Chairman); Team Leader, CHRG (Alternate Chairman); Team Leader, Technical Oversight and Implementation Division (member); Team Leader, Technical Oversight and Implementation Division (alternate member); Contractor Human Resources Specialist, CHRG (member); Contractor Human Resources Specialist, CHRG (alternate member); Y-12 Site Office Representative (member); and Oak Ridge National Laboratory Site Office Representative (member). The Office of Chief Counsel provides advice to the Committee upon request.
- b. Obtaining SCA Wage Determinations.
- (1) Contractors/subcontractors will prepare needed wage determination requests, Standard Form (SF) 98 and 98a. They will be submitted to CHRG or the COR at least 75 days prior to release of the Request for Proposal or contract renewal date.
 - (2) The SF 98a should contain the same identifying number as its matching SF 98. In all cases, the "authorizing signature" block should be the DOE Labor Standards Committee Secretary, and the return address should be Oak Ridge Operations, CHRG, P.O. Box 2001, Oak Ridge, TN 37831-8791.
 - (3) Job classifications to be used in performing the work should be listed on the SF 98a and should be taken from the DOL publication, "SCA Directory of Occupations" to the maximum extent possible. These should include the numerical identifier as well as the title. Where the title is not listed in the Directory, a normal descriptive industrial job title should be used on the SF 98a. Include the projected number of employees to be employed in each job category.
 - (4) The letter of transmittal should contain the name and telephone number of the person originating the SF 98 and SF 98a.
- c. Obtaining DBA Wage Determinations.
- (1) Contractors/subcontractors will prepare wage determination requests (SF 308 for special unpublished DBA wage determinations) for geographical areas not covered by regularly published wage determinations. They will be submitted to CHRG or the COR at least 75 days prior to release of the Request for Proposal or contract renewal date.
 - (2) Such requests will include a listing of job classifications to be used on the project, the total estimated cost, and the state and county in which the work will be performed.
 - (3) DBA Wage Determinations may also be obtained at <http://www.access.gpo.gov/davisbacon/>.

d. Preparing Semiannual Enforcement Report.

- (1) Title 29, Code of Federal Regulations, Part 5, Section 5.7, requires Federal agencies to submit a Semiannual Enforcement Report to the Secretary of Labor, on their administration and enforcement of the DBA and related acts.
- (2) Contractors provide, by April 15 and October 15 each year to CHRG, the information specified by the DOL (the April report will cover the previous six months, October - March; the October report will cover the previous six months, April - September).
- (3) CHRG consolidates all contractor input and submits one ORO report to Headquarters WT-1 by April 21 and October 21 each year.

6. REFERENCES.

- a. Title 29, Code of Federal Regulations, Part 5.
- b. DOE Acquisition Guide, Chapter 22, "Application of Labor Laws to Government Acquisitions."
- c. SF-98, "Notice of Intention to Make a Service Contract and Response to Notice."
- d. SF-98a, "Notice of Intention to Make a Service Contract and Response to Notice (Attachment A)."
- e. SF-308, "Request for Wage Determination and Response to Request."
- f. Service Contract Act.
- g. U.S. Department of Labor, "Service Contract Act Directory of Occupations."
- h. Davis Bacon Act.

7. DEFINITIONS. None.

8. CONTRACTOR REQUIREMENTS DOCUMENT. See Contractor Requirements Document, Attachment 1 of this chapter.

9. ATTACHMENTS.

- a. Attachment 1 - Contractor Requirements Document.
- b. Attachment 2 - Form OR-635, Labor Standards Committee Case Report.

CONTRACTOR REQUIREMENTS DOCUMENT

Contractors identified in paragraph 3 of this chapter will accomplish the following, to the extent set forth in their contract:

1. Designate a point of contact/coordinator for labor standards issues who acts as the interface with the DOE Labor Standards Committee.
2. Submit to CHRG on a timely basis, requests for DBA and SCA wage determinations.
3. Conduct:
 - a. Pre-bid and pre-start meetings with subcontractors to advise them of their labor standards obligations.
 - b. Periodic job site audits and regular reviews of certified payrolls to assure that applicable labor standards contract provisions are effectively administered and implemented.
4. Submit information for the Semiannual Enforcement Report to CHRG.
5. Request labor standards coverage determinations by submitting to the Team Leader, CHRG:
 - a. All work authorizations and requests for issuance of directives for work by or under operating, research and development, project management, and service contractors when the total costs of field labor and materials exceed an estimated \$2,000 in value.
 - b. Planned work or projects proposed to be performed by laborers and mechanics at DBA or other wage rates.
 - c. Proposed employment of laborers and mechanics on all worksites where the project is a construction, alteration, or repair activity; or is a decontamination and decommissioning, remediation, clean-up or restoration activity.
 - d. Procurements that involve on-site installation or the use of laborers and mechanics on-site for any other purpose.
 - e. Any other planned work or project which involve, or may involve, work subject to one of the labor standards acts referenced in DOE O 350.1, Chapter II.

