

DIRECTIVES CONTROL FORM - ORO O 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, Chg. 1, FEDERAL LABOR STANDARDS**
2. **PURPOSE OF TRANSMITTAL:** New Directive Revised Directive Page Change
3. **THIS DOCUMENT MAY AFFECT THE WORK PERFORMED BY THE FOLLOWING CONTRACTORS:** (Check appropriate boxes)
 No (all contractors)
 Yes If yes, whom? LMES LMER ORAU SURA
 Bechtel Jacobs Company
 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) the correct correlating DOE Order (DOE O 350.1, Chapter II), (2) the current organizational title of the Headquarters Office of Worker and Community Transition and (3) the current titles of the ORO Assistant Manager for Uranium & Engineering Services, Technical Services Division, Human Resources Division and title and structure of the Industrial Personnel Group. Responsibilities cited in subparagraphs 4b(1), 4c(3), 4d and 4e(5) have been updated, and the membership of the Committee outlined in subparagraph 5a(2) has been clarified. Because the correlating DOE Directive contains a Contractor Requirements Document, previous references in paragraph 1 of this Chapter's CRD have been deleted (resulting in the other paragraphs being renumbered).
5. **CONTACT POINT:** W. A. Truex Industrial Personnel Group, AD-441 576-0662
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 O 350, Chapter III | 05/31/1996 | ORO O Control Form | 04/29/1999 |
| Pages III-1 through III-7 | | ORO O 350, Chapter III,
Chg. 1, Pages III-1 through III-7 | 04/29/1999 |

ORO Orders are available on the ORO Directives Management Home Page [http://www.ornl.gov/doe_oro_dmg/orchklst.htm] within 5-10 working days after receipt of this Control Form. The ORO Orders 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

Jennifer Hamilton Cusick, AD-440

Signature Management Analyst, AD-440

04/29/1999

Date

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

Rev. 08/04/1998

U.S. Department of Energy

Oak Ridge Operations

ORO O 350
Chapter III
Change 1

DATE: 04/29/1999

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) and its contractors and subcontractors. Nothing in this issuance changes any requirements contained in any DOE Order.
2. CANCELLATION. This Chapter cancels and replaces ORO O 350, Chapter III, FEDERAL LABOR STANDARDS, dated May 31, 1996.
3. APPLICABILITY. The provisions of this Chapter apply to ORO Principal Staff, and all contractors, subcontractors, and lower-tier subcontractors performing work at ORO sites, to the extent set forth in their contract.
4. RESPONSIBILITIES.
 - a. Assistant Manager for Uranium & Engineering Services establishes, chairs, and ensures effective operation of the ORO 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 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 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. Director, Technical Services Division (TSD), ensures that information provided under subparagraphs 5a-d of this Chapter be prepared on Form OR-635 for review by the 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 ORO 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/Team Leader, Industrial Personnel Group (IPG), 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 TSD for review by the ORO 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. ORO 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 DEAR 970.2273(a)(2).
- (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 TSD, as part of the submittal required by Attachment 1, subparagraph 5e, 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. In the case of Oak Ridge contracts involving the Construction Manager direct-hire work force and Construction Manager subcontractor(s), each will be listed separately. 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 Labor Standards Committee Case Report, Form OR-635, should be submitted with the latest submission, as background information.
- (2) ORO Labor Standards Committee.
- (a) Except for decisions required to be made by the HCA as specified in DEAR 970.2273, 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 (Rev. 8-91).
 - (d) Includes the following members: Assistant Manager for Uranium & Engineering Services (Chairman); Team Leader, IPG (Alternate Chairman); Project Manager, Technical Services Division (member); Industrial Relations Specialist, IPG (member); and General Engineer, Project Services Division (alternate 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 IPG 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 Labor Standards Committee Secretary, and the return address should be Oak Ridge Operations, IPG, PO 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 IPG 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.

d. Preparing Semiannual Enforcement Report.

- (1) 29 CFR, 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 IPG, 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) IPG consolidates all contractor input and submits one ORO report to Headquarters WT-1 by April 21 and October 21 each year.

6. REFERENCES. None.

7. DEFINITIONS. None.
8. CONTRACTOR REQUIREMENTS DOCUMENT. See Contractor Requirements Document, Attachment 1 of this Chapter.
9. ATTACHMENTS.
Attachment 1 - Contractor Requirements Document.

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 ORO Labor Standards Committee.
2. Submit to IPG 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 IPG.
5. Request labor standards coverage determinations by submitting to the Director, Technical Services Division:
 - 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.