

## 22.406-3 Additional classifications.

(a) If any laborer or mechanic is to be employed in a classification that is not listed in the wage determination applicable to the contract, the *contracting officer*, pursuant to the clause at 52.222-6, *Construction Wage Rate Requirements*, shall require that the contractor submit to the *contracting officer*, Standard Form (SF) 1444, Request for Authorization of Additional Classification and Rate, which, along with other pertinent data, contains the proposed additional classification and minimum wage rate including any fringe benefits payments.

(b) Upon receipt of SF 1444 from the contractor, the *contracting officer* shall review the request to determine whether it meets the following criteria:

(1) The classification is appropriate and the work to be performed by the classification is not performed by any classification contained in the applicable wage determination.

(2) The classification is utilized in the area by the *construction* industry.

(3) The proposed wage rate, including any fringe benefits, bears a reasonable relationship to the wage rates in the wage determination in the contract.

(c)

(1) If the criteria in paragraph (b) of this subsection are met and the contractor and the laborers or mechanics to be employed in the additional classification (if known) or their representatives agree to the proposed additional classification, and the *contracting officer* approves, the *contracting officer* shall submit a report (including a copy of SF 1444) of that action to the *Administrator*, Wage and Hour Division, for approval, modification, or disapproval of the additional classification and wage rate (including any amount designated for fringe benefits); or

(2) If the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the *contracting officer* do not agree on the proposed additional classification, or if the criteria are not met, the *contracting officer* shall submit a report (including a copy of SF 1444) giving the views of all interested parties and the *contracting officer's* recommendation to the *Administrator*, Wage and Hour Division, for determination of appropriate classification and wage rate.

(d)

(1) Within 30 days of receipt of the report, the *Administrator*, Wage and Hour Division, will complete action and so advise the *contracting officer*, or will notify the *contracting officer* that additional time is necessary.

(2) Upon receipt of the Department of Labor's action, the *contracting officer* shall forward a copy of the action to the contractor, directing that the classification and wage rate be posted in accordance with paragraph (a) of the clause at 52.222-6 and that workers in the affected classification receive no less than the minimum rate indicated from the first *day* on which work under the contract was performed in the classification.

(e) In each *option* to extend the term of the contract, if any laborer or mechanic is to be employed

during the *option* in a classification that is not listed (or no longer listed) on the wage determination incorporated in that *option*, the *contracting officer must* require that the contractor submit a request for conformance using the procedures noted in paragraphs (a) through (d) of this section.

**Parent topic:** 22.406 Administration and enforcement.