

Exhibit 3 – Service Contract Act (SCA Determination)

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 Emergency Incident/Fire Safety Services

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 REGISTER OF WAGE DETERMINATIONS UNDER 3 U.S. DEPARTMENT OF LABOR  
 THE SERVICE CONTRACT ACT 3 EMPLOYMENT STANDARDS ADMINISTRATION  
 By direction of the Secretary of Labor 3 WAGE AND HOUR DIVISION  
 3 WASHINGTON, D.C. 20210  
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 William W. Gross Division of Wage 3 Wage Determination No: 1995-0221  
 Director Determinations 3 Revision No: 18  
 3 Date Of Revision: 06/20/2007

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 NATIONWIDE: Applicable in the continental U.S., Hawaii and Alaska.  
 Alaska: Entire state.  
 Hawaii: Entire state.  
 Midwestern Region: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota,  
 Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin  
 Northeast Region: Connecticut, Maine, Massachusetts, New Hampshire, New  
 Jersey,  
 New York, Pennsylvania, Rhode Island, Vermont  
 Southern Region: Alabama, Arkansas, Delaware, District of Columbia, Florida,  
 Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina,  
 Oklahoma,  
 South Carolina, Tennessee, Texas, Virginia, West Virginia  
 Western Region: Arizona, California, Colorado, Idaho, Montana, Nevada, New  
 Mexico, Oregon, Utah, Washington, Wyoming

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 \*\*Fringe Benefits Required Follow the Occupational Listing\*\*

Employed on contracts for Emergency Incident and Fire Safety services.

OCCUPATION CODE - TITLE	MINIMUM WAGE
RATE	
(not set) - Emergency Medical Technician	
Alaska	13.36
Hawaii	11.56
Midwestern Region	12.13
Northeast Region	13.38
Southern Region	12.31
Western Region	13.19
(not set) - Environmental Protection Specialist	
Alaska	30.84
Hawaii	28.55
Midwestern Region	25.95
Northeast Region	31.12
Southern Region	26.43

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	Western Region	27.33
(not set)	- Fire Safety Professional	
	Alaska	30.84
	Hawaii	28.53
	Midwestern Region	25.95
	Northeast Region	31.12
	Southern Region	26.43
	Western Region	27.33
05190	- Motor Vehicle Mechanic	
	Alaska	23.92
	Hawaii	15.90
	Midwestern Region	18.89
	Northeast Region	17.73
	Southern Region	16.51
	Western Region	19.10
05220	- Motor Vehicle Mechanic Helper	
	Alaska	17.31
	Hawaii	12.24
	Midwestern Region	12.25
	Northeast Region	13.80
	Southern Region	10.66
	Western Region	12.93
11300	- Refuse Collector	
	Alaska	10.42
	Hawaii	9.64
	Midwestern Region	8.92
	Northeast Region	10.18
	Southern Region	6.75
	Western Region	8.68
21071	- Forklift Operator	
	Alaska	19.87
	Hawaii	15.48
	Midwestern Region	14.28
	Northeast Region	13.96
	Southern Region	11.80
	Western Region	15.27
21150	- Stock Clerk (Shelf Stocker; Store Worker II)	
	Alaska	12.84
	Hawaii	10.12
	Midwestern Region	11.34
	Northeast Region	11.17
	Southern Region	10.86
	Western Region	11.49
23160	- Electrician, Maintenance	
	Alaska	28.44
	Hawaii	24.51
	Midwestern Region	21.35
	Northeast Region	22.89
	Southern Region	18.25
	Western Region	21.79
23440	- Heavy Equipment Operator	
	Alaska	23.26
	Hawaii	16.55
	Midwestern Region	18.89

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	Northeast Region	17.73
	Southern Region	16.51
	Western Region	19.10
23470	- Laborer	
	Alaska	14.12
	Hawaii	13.70
	Midwestern Region	11.49
	Northeast Region	11.59
	Southern Region	9.34
	Western Region	10.85
23530	- Machinery Maintenance Mechanic	
	Alaska	26.54
	Hawaii	26.19
	Midwestern Region	16.37
	Northeast Region	17.12
	Southern Region	12.96
	Western Region	16.23
23580	- Maintenance Trades Helper	
	Alaska	19.40
	Hawaii	14.97
	Midwestern Region	15.41
	Northeast Region	14.39
	Southern Region	13.03
	Western Region	13.37
27070	- Firefighter	
	Alaska	10.75
	Hawaii	8.76
	Midwestern Region	6.72
	Northeast Region	7.39
	Southern Region	6.78
	Western Region	7.39
31030	- Bus Driver	
	Alaska	19.52
	Hawaii	12.67
	Midwestern Region: 1 1/2 to 4 tons	16.08
	Midwestern Region: over 4 tons	16.81
	Midwestern Region: under 1 1/2 tons	12.04
	Northeast Region: 1 1/2 to 4 tons	16.49
	Northeast Region: over 4 tons	17.21
	Northeast Region: under 1 1/2 tons	12.79
	Southern Region: 1 1/2 to 4 tons	14.70
	Southern Region: over 4 tons	15.23
	Southern Region: under 1 1/2 tons	8.18
	Western Region: 1 1/2 to 4 tons	15.14
	Western Region: over 4 tons	15.57
	Western Region: under 1 1/2 tons	9.54
31361	- Truckdriver, Light Truck	
	Alaska	18.27
	Hawaii	9.99
	Midwestern Region	12.04
	Northeast Region	12.79
	Southern Region	8.18
	Western Region	9.54
31362	- Truckdriver, Medium Truck	

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	Alaska	19.81
	Hawaii	12.66
	Midwestern Region	16.08
	Northeast Region	16.49
	Southern Region	14.64
	Western Region	15.14
31363	- Truckdriver, Heavy Truck	
	Alaska	20.91
	Hawaii	13.82
	Midwestern Region	16.81
	Northeast Region	17.21
	Southern Region	15.23
	Western Region	16.14
31364	- Truckdriver, Tractor-Trailer	
	Alaska	22.02
	Hawaii	14.06
	Midwestern Region	20.00
	Northeast Region	17.33
	Southern Region	16.01
	Western Region	16.48

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ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:

HEALTH & WELFARE: \$3.16 per hour or \$126.40 per week or \$547.73 per month

VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 10 years, and 4 after 15 years. Length of service includes the whole span of continuous service with the present contractor or successor, wherever employed, and with the predecessor contractors in the performance of similar work at the same Federal facility. (Reg. 29 CFR 4.173)

HOLIDAYS: A minimum of ten paid holidays per year: New Year's Day, Martin Luther King Jr.'s Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. (A contractor may substitute for any of the named holidays another day off with pay in accordance with a plan communicated to the employees involved.) (See 29 CFR 4.174)

VACATION (Hawaii): 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 10 years, and 4 weeks after 15 years. Length of service includes the whole span of continuous service with the present contractor or successor, wherever employed, and with the predecessor contractors in the performance of similar work at the same Federal facility. (Reg. 29 CFR 4.173)

HEALTH & WELFARE (Hawaii): \$1.37 per hour, or \$54.80 per week, or \$237.47 per

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month hour for all employees on whose behalf the contractor provides health care benefits pursuant to the Hawaii prepaid Health Care Act. For those employees who are not receiving health care benefits mandated by the Hawaii prepaid Health Care Act, the new health and welfare benefit rate will be \$3.16 per hour.

HAZARDOUS PAY DIFFERENTIAL: An 8 percent differential is applicable to employees employed in a position that represents a high degree of hazard when working with or in close proximity to ordnance, explosives, and incendiary materials. This includes work such as screening, blending, dying, mixing, and pressing of sensitive ordnance, explosives, and pyrotechnic compositions such as lead azide, black powder and photoflash powder. All dry-house activities involving propellants or explosives. Demilitarization, modification, renovation, demolition, and maintenance operations on sensitive ordnance, explosives and incendiary materials. All operations involving regrading and cleaning of artillery ranges.

A 4 percent differential is applicable to employees employed in a position that represents a low degree of hazard when working with, or in close proximity to ordnance, (or employees possibly adjacent to) explosives and incendiary materials which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation, irritation of the skin, minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used. All operations involving, unloading, storage, and hauling of ordnance, explosive, and incendiary ordnance material other than small arms ammunition. These differentials are only applicable to work that has been specifically designated by the agency for ordnance, explosives, and incendiary material differential pay.

#### \*\* UNIFORM ALLOWANCE \*\*

If employees are required to wear uniforms in the performance of this contract (either by the terms of the Government contract, by the employer, by the state or local law, etc.), the cost of furnishing such uniforms and maintaining (by laundering or dry cleaning) such uniforms is an expense that may not be borne by an employee where such cost reduces the hourly rate below that required by the wage determination. The Department of Labor will accept payment in accordance with the following standards as compliance:

The contractor or subcontractor is required to furnish all employees with an

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adequate number of uniforms without cost or to reimburse employees for the actual cost of the uniforms. In addition, where uniform cleaning and maintenance is made the responsibility of the employee, all contractors and subcontractors subject to this wage determination shall (in the absence of a bona fide collective bargaining agreement providing for a different amount, or the furnishing of contrary affirmative proof as to the actual cost), reimburse all employees for such cleaning and maintenance at a rate of \$3.35 per week (or \$.67 cents per day). However, in those instances where the uniforms furnished are made of "wash and wear" materials, may be routinely washed and dried with other personal garments, and do not require any special treatment such as dry cleaning, daily washing, or commercial laundering in order to meet the cleanliness or appearance standards set by the terms of the Government contract, by the contractor, by law, or by the nature of the work, there is no requirement that employees be reimbursed for uniform maintenance costs.

#### \*\* NOTES APPLYING TO THIS WAGE DETERMINATION \*\*

Under the policy and guidance contained in All Agency Memorandum No. 159, the Wage and Hour Division does not recognize, for section 4(c) purposes, prospective wage rates and fringe benefit provisions that are effective only upon such contingencies as "approval of Wage and Hour, issuance of a wage determination, incorporation of the wage determination in the contract, adjusting the contract price, etc." (The relevant CBA section) in the collective bargaining agreement between (the parties) contains contingency language that Wage and Hour does not recognize as reflecting "arm's length negotiation" under section 4(c) of the Act and 29 C.F.R. 5.11(a) of the regulations. This wage determination therefore reflects the actual CBA wage rates and fringe benefits paid under the predecessor contract.

#### Source of Occupational Title and Descriptions:

The duties of employees under job titles listed are those described in the "Service Contract Act Directory of Occupations," Fourth Edition, January 1993, as amended by the Third Supplement, dated March 1997, unless otherwise indicated. This publication may be obtained from the Superintendent of Documents, at 202-783-3238, or by writing to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Copies of specific job descriptions may also be obtained from the appropriate contracting officer.

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND WAGE RATE  
{Standard

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Form 1444 (SF 1444)}

Conformance Process:

The contracting officer shall require that any class of service employee which is not listed herein and which is to be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination), be classified by the contractor so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed classes of employees shall be paid the monetary wages and furnished the fringe benefits as are determined. Such conforming process shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees. The conformed classification, wage rate, and/or fringe benefits shall be retroactive to the commencement date of the contract. {See Section 4.6 (C)(vi)} When multiple wage determinations are included in a contract, a separate SF 1444 should be prepared for each wage determination to which a class(es) is to be conformed.

The process for preparing a conformance request is as follows:

- 1) When preparing the bid, the contractor identifies the need for a conformed occupation(s) and computes a proposed rate(s).
- 2) After contract award, the contractor prepares a written report listing in order proposed classification title(s), a Federal grade equivalency (FGE) for each proposed classification(s), job description(s), and rationale for proposed wage rate(s), including information regarding the agreement or disagreement of the authorized representative of the employees involved, or where there is no authorized representative, the employees themselves. This report should be submitted to the contracting officer no later than 30 days after such unlisted class(es) of employees performs any contract work.
- 3) The contracting officer reviews the proposed action and promptly submits a report of the action, together with the agency's recommendations and pertinent information including the position of the contractor and the employees, to the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, for review. (See section 4.6(b)(2) of Regulations 29 CFR Part 4).

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4) Within 30 days of receipt, the Wage and Hour Division approves, modifies, or disapproves the action via transmittal to the agency contracting officer, or notifies the contracting officer that additional time will be required to process the request.

5) The contracting officer transmits the Wage and Hour decision to the contractor.

6) The contractor informs the affected employees.

Information required by the Regulations must be submitted on SF 1444 or bond paper.

When preparing a conformance request, the "Service Contract Act Directory of Occupations" (the Directory) should be used to compare job definitions to insure that duties requested are not performed by a classification already listed in the wage determination. Remember, it is not the job title, but the required tasks that determine whether a class is included in an established wage determination. Conformances may not be used to artificially split, combine, or subdivide classifications listed in the wage determination.

**\*\* OCCUPATIONS NOT INCLUDED IN THE SCA DIRECTORY OF OCCUPATIONS \*\***

**Emergency Medical Technician**

Provides para-professional medical services activities, including medical, minor

surgical, evacuation and related administrative task under supervision of the physician in charge.

**Environmental Protection Specialist**

(Occupation Description Not Available)

**Fire Safety Professional**

(Occupation Description Not Available)

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