

EXHIBIT E

STATE BUILDING SERVICE CONTRACTS ACT

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STATE WEBSITE

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State Building Service Contracts Act

The following is an act establishing prevailing wage standards for State building service contracts and supplementing chapter 11 of Title 34 of the Revised Statutes.

STATE BUILDING SERVICE CONTRACTS

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N.J.S.A 34:11-56.58 et seq.

34:11-56.58 Prevailing wage levels for certain employees.

1. a. It is declared to be the public policy of this State to establish prevailing wage levels for the employees of contractors and subcontractors furnishing building services for any property or premises owned or leased by the State in order to safeguard the efficiency and general well-being of those employees and to protect them and their employers from the effects of serious and unfair competition based on low wage levels which are detrimental to efficiency and well-being.

b. It is further declared that:

In 2018, over 30 million passengers traveled through Newark Liberty International Airport, making this airport, combined with the Newark Liberty International Airport Train Station, one of the busiest transit hubs in the country.

The workers at the airport and train station often cannot afford employer-provided healthcare plans, and unaffordable healthcare expenses is one of the sources of the high rates of turnover for the workers in the airport and train station.

Improved retention rates of workers in the airport and train station is an investment in service and safety for all who pass through the airport and train station and compensating these workers so that they can afford healthcare and receive a prevailing wage is a way to increase retention.

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34:11-56.59 Definitions relative to prevailing wage levels for certain employees.

2. As used in this act:

"Commissioner" means the Commissioner of Labor and Workforce Development or the commissioner's duly authorized representatives.

"Building services" means any cleaning or building maintenance work, including but not limited to sweeping, vacuuming, floor cleaning, cleaning of rest rooms, collecting refuse or trash, window cleaning, engineering, securing, patrolling, or other work in connection with the care, securing, or maintenance of an existing building, except that "building services" shall not include any maintenance work or other public work for which a contractor is required to pay the "prevailing wage" as defined in section 2 of P.L.1963, c.150 (C.34:11-56.26).

"Leased by the State" means that not less than 55% of the property or premises is leased by the State, provided that the portion of the property or premises that is leased by the State measures more than 20,000 square feet.

"Prevailing wage for building services and covered airport or related location workers" means the wage and benefit rates designated by the commissioner based on the determinations made by the General Services Administration pursuant to the federal McNamara-O'Hara Service Contract Act of 1965 (41 U.S.C. s.6701 et seq.), for the appropriate localities and classifications of building service employees; provided, however, that in no event shall the prevailing wage rate applicable to a covered airport or related location worker on and after September 1, 2021 and every year thereafter be less than the following:

(1) any otherwise applicable minimum wage rate established through a policy of the Port Authority of New York and New Jersey; and

(2) an amount of wages or supplements equal to the rate for health and welfare for all occupations, designated by the commissioner based on the determinations made by the federal department of labor pursuant to the McNamara-O'Hara Service Contract Act of 1965 (41 U.S.C. s.6701 et seq.) for the geographic region in which the covered airport location is located and in effect on the date of the designation by the commissioner; and

(3) paid leave equal to the paid leave requirements designated by the Commissioner the immediately preceding August 1, based on the determinations made by the General Services Administration pursuant to the McNamara-O'Hara Service Contract Act of 1965 (41 U.S.C. s.6701 et seq.).

"The State" means the State of New Jersey and all of its departments, bureaus, boards, commissions, agencies and instrumentalities, including any State institutions of higher education, but does not include political subdivisions.

"State institutions of higher education," means Rutgers, The State University of New Jersey, Rowan University, the New Jersey Institute of Technology, and Montclair State University, and any of the State colleges or universities established pursuant to chapter 64 of Title 18A of the New Jersey Statutes, but does not include any county college established pursuant to chapter 64A of Title 18A of the New Jersey Statutes.

"Covered airport or related location" means the Newark Liberty International Airport and the Newark Liberty International Airport Train Station.

"Covered airport or related location employer" means:

(1) any person, corporation, limited liability company, or association employing any covered airport or related location worker in an occupation, industry, trade, business or service; or

(2) any person who contracts with a person to perform work related to the preparation or delivery of food for consumption on airplanes departing from a covered airport or related location.

"Covered airport or related location employer" shall not include a public agency.

"Covered airport or related location worker" means:

(1) any person employed to perform work at a covered airport or related location, provided at least half of the employee's time during any workweek is performed at a covered airport and related location; or

(2) any person who performs work related to the preparation or delivery of food for consumption on airplanes departing from a covered airport or related location.

"Covered airport or related location worker" shall not include persons employed in an executive, administrative, or professional capacity as defined in subparagraph 1 of paragraph (a) of section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. s.213 et seq.), persons employed by a public agency.

"Public agency" means:

(1) any department or agency of the State of New Jersey and any political subdivision thereof;

(2) the New Jersey Transit Corporation; and

(3) the Port Authority of New York and New Jersey.

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34:11-56.60 Contract to contain provision for prevailing wage, building services rates.

3. Every contract to furnish building services for any property or premises owned or leased by the State shall contain a provision stating the prevailing wage for building services rates that are applicable to the workers employed in the performance of the contract and shall contain a stipulation that those workers shall be paid not less than the indicated prevailing wage for building services rates. The contract shall provide for annual adjustments of the prevailing wage for building services during the term of the contract, and shall provide that if it is found that any worker employed by the contractor or any subcontractor covered by the contract, has been paid less than the required prevailing wage, the State Treasurer may terminate the contractor or subcontractor's right to proceed with the work, and the contractor and his sureties shall be liable to the State for any excess costs occasioned by the termination.

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34:11-56.61 Record of employee wages, benefits.

4. Each contractor and subcontractor shall keep an accurate record showing the name, classification, and actual hourly rate of wages and any benefits paid to each worker employed by him to perform building services pursuant to a State contract or subcontract, and shall preserve those records for two years after the date of payment. Each covered airport or related location employer shall keep an accurate record showing the name, classification, and actual hourly rate of wages and any benefits paid to each covered airport or related location employee, and shall preserve those records for two years after the date of payment. Such records shall be open at all reasonable hours to inspection by the Director of the Division of Purchase and Property and the commissioner.

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34:11-56.62 Civil action to recover prevailing wage.

5. Any worker paid less than the prevailing wage for building services and covered airport or related location workers to which the worker is entitled by the provisions of this act may recover in a civil action the full amount of the prevailing wage for building services and covered airport or related location workers less any amount actually paid to the worker by the employer together with any costs and reasonable attorney's fees allowed by the court, and an agreement between the worker and the employer to work for less than the prevailing wage for building services and covered airport or related location workers shall not be a defense to the action. The worker shall be entitled to maintain an action for and on behalf of the worker or other workers similarly situated and the worker or workers may designate an agent or representative to maintain such actions for and on behalf of all workers similarly situated. At the request of any worker paid less than the prevailing wage for building services and covered airport or related location workers required under the provisions of this act, the commissioner may take an assignment of the wage claim in trust for the assigning worker or workers and may bring any legal action necessary to collect the claim, and the employer shall be required to pay any costs and such reasonable attorney's fee as are allowed by the court.

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34:11-56.63 Authority of commissioner.

6. The commissioner shall have the authority to:

a. investigate and ascertain the wages of any employees of a contractor or subcontractor furnishing building services for any property or premises owned or leased by the State, or of any covered airport or related location workers;

b. enter and inspect the place of business or employment of any contractor or subcontractor furnishing building services for any property or premises owned or leased by the State, or of any covered airport or related location employer for the purpose of examining and inspecting any or all books, registers, payrolls, and other records of any such contractor or subcontractor, or of any covered airport or related location employer that in any way relate to or have a bearing upon the question of wages, hours, and other conditions of employment of any employees of such contractor or subcontractor, or of any covered airport or related location workers; copy any or all of such books, registers, payrolls, and other records as the commissioner may deem necessary or appropriate; and question the employees of such contractor or subcontractor or any covered airport or related location workers for the purpose of ascertaining whether the provisions of this act have been and are being complied with;

c. require from such contractor or subcontractor, or covered airport or related location employer, full and correct statements in writing, including sworn statements, with respect to wages, hours, names, addresses, and other information pertaining to the contractor or subcontractor's workers, or covered airport or related location workers, and their employment as the commissioner may deem necessary or appropriate; and

d. require any contractor or subcontractor, or covered airport or related location employer, to file, within 10 days of receipt of a request, any records enumerated in subsections b. and c. of this section, sworn as to their validity and accuracy. If the contractor or subcontractor fails to provide the requested records within 10 days, the State Treasurer may immediately withhold from payment to the employer up to 25% of the amount, not to exceed \$100,000, to be paid to the employer under the terms of the contract pursuant to which the building services work is being performed. The amount withheld shall be immediately released upon receipt by the State Treasurer of a notice from the commissioner indicating that the request for records has been satisfied.

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34:11-56.64 Violations; fines, penalties.

7. Any contractor or subcontractor, or covered airport or related location employer, who willfully hinders or delays the commissioner in the performance of the commissioner's duties in the enforcement of this act, or fails to make, keep, and preserve any records as required under the provisions of this act, or falsifies any such record, or refuses to make any such record accessible to the commissioner upon demand, or refuses to furnish a sworn statement of such record or any other information required for the proper enforcement of this act to the commissioner upon demand, or pays or agrees to pay wages at a rate less than the rate applicable under this act or otherwise violates any provision of this act or of any regulation or order issued under this act shall be guilty of a disorderly persons offense and shall, upon conviction therefor, be fined not less than \$100.00 nor more than \$1,000 or be imprisoned for not less than 10 nor more than 90 days, or by both such fine and imprisonment. Each week, in any day of which a worker is paid less than the rate applicable to that worker under this act and each worker so paid, shall constitute a separate offense.

As an alternative to or in addition to any other sanctions provided by law for violations of any provision of this act, if the commissioner finds that a contractor or subcontractor, or covered airport or related location employer, has violated the act, the commissioner is authorized to assess and collect administrative penalties, up to a maximum of \$250 for a first violation and up to a maximum of \$500 for each subsequent violation, specified in a schedule of penalties to be promulgated as a rule or regulation by the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C. 52:14B-1 et seq.). When determining the amount of the penalty imposed because of a violation, the commissioner shall consider factors which include the history of previous violations by the contractor or subcontractor, or covered airport or related location employer, the seriousness of the violation, the good faith of the contractor or subcontractor, or covered airport or related location employer, and the size of the contractor's or subcontractor's, or covered airport or related location employer's, business. No administrative penalty shall be levied pursuant to this section unless the commissioner provides the alleged violator with notification of the violation and of the amount of the penalty by certified mail and an opportunity to request a hearing before the commissioner or the commissioner's designee within 15 days following the receipt of the notice. If a hearing is requested, the commissioner shall issue a final order upon such hearing and a finding that a

violation has occurred. If no hearing is requested, the notice shall become a final order upon expiration of the 15-day period. Payment of the penalty shall be due when a final order is issued or when the notice becomes a final order. Any penalty imposed pursuant to this section may be recovered with costs in a summary proceeding commenced by the commissioner pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Any sum collected as a fine or penalty pursuant to this section shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor and Workforce Development.

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34:11-56.65 Alternative, additional sanctions, penalties.

8. As an alternative to any other sanctions or in addition thereto, herein or otherwise provided by law for violation of this act, the commissioner is authorized to supervise the payment of amounts due to workers under this act, and the contractor or subcontractor, or covered airport or related location employer, may be required to make these payments to the commissioner to be held in a special account in trust for the workers, and paid on order of the commissioner directly to the worker or workers affected. The contractor or subcontractor, or covered airport or related location employer shall also pay the commissioner an administrative fee equal to not less than 10% or more than 25% of any payment made to the commissioner pursuant to this section. The amount of the administrative fee shall be specified in a schedule of fees to be promulgated by rule or regulation of the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The fee shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor and Workforce Development.

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34:11-56.66 Retaliation against complaining worker; offense, other sanctions, fines, penalties.

9. Any contractor or subcontractor, or covered airport or related location employer, who discharges or in any other manner discriminates against any worker because the worker has made any complaint to the worker's employer, to the State Treasurer or to the commissioner that the worker has not been paid wages in accordance with the provisions of this act, or because the worker has caused to be instituted or is about to cause to be instituted any proceeding under or related to this act, or because the worker has testified or is about to testify in any such proceeding shall be guilty of a disorderly persons offense and shall, upon conviction therefor, be fined not less than \$100 nor more than \$1,000.

As an alternative to or in addition to any other sanctions provided by law for violations of any provision of this act, if the commissioner finds that a contractor or subcontractor, or a covered airport or related location employer, has violated the act, the commissioner is authorized to assess and collect administrative penalties, up to a maximum of \$250 for a first violation and up to a maximum of \$500 for each subsequent violation, specified in a schedule of penalties to be promulgated as a rule or regulation by the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1 et seq.). When determining the amount of the penalty imposed because of a violation, the commissioner shall consider factors which include the history of previous violations by the contractor or subcontractor, or covered airport or related location employer, the seriousness of the violation, the good faith of the contractor or subcontractor, or covered airport or related location employer, and the size of the contractor's or subcontractor's, or covered airport or related location employer's, business. No administrative penalty shall be levied pursuant to this section unless the commissioner provides the alleged violator with notification of the violation and of the amount of the penalty by certified mail and an opportunity to request a hearing before the commissioner or the commissioner's designee within 15 days following the receipt of the notice. If a hearing is requested, the commissioner shall issue a final order upon such hearing and a finding that a violation has occurred. If no hearing is requested, the notice shall become a final order upon expiration of the 15-day period. Payment of the penalty shall be due when a final order is issued or when the notice becomes a final order. Any penalty imposed pursuant to this section may be recovered with costs in a summary proceeding commenced by the commissioner pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Any

sum collected as a fine or penalty pursuant to this section shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor and Workforce Development.

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34:11-56.67 Collective bargaining rights unaffected.

10. Nothing in this act shall be deemed to interfere with, impede, or in any way diminish the right of workers to bargain collectively through representatives of their own choosing in order to establish wages in excess of any applicable minimum under this act.

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34:11-56.68 Severability.

11. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act and the application thereof, to other persons or circumstances shall not be affected thereby.

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34:11-56.69 Rules, regulations.

12. The commissioner is hereby authorized and empowered to prescribe, adopt, promulgate, rescind and enforce rules and regulations as may be required for the administration and enforcement of the provisions of this act.

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34:11-56.70 Special license authorizing employment at less than prevailing wage for building service rates.

13. For any occupation for which prevailing wage for building services rates are established by or pursuant to this act, the commissioner or the Director of Wage and Hour Compliance in the Department of Labor and Workforce Development may cause to be issued to any employee, including a learner, apprentice, or student, whose earning capacity is impaired by age or physical or developmental disability or injury, a special license authorizing employment at wages less than the prevailing wage for building services for a period of time as shall be fixed by the commissioner or the Director of Wage and Hour Compliance and stated in the license. Nothing in this section is intended to undermine the purposes of this act.

14. This act shall take effect on the 60th day following enactment and apply to contracts entered or renewed on or after that date.

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34:11-56.70a Covered airport, related location workers paid prevailing rate.

9. Not earlier than September 1, 2021, every covered airport or related location employer shall pay a covered airport or related location worker a wage of not less than the prevailing wage rate applicable to that covered airport or related location worker. Nothing in this article shall alter or limit any employer's obligation to pay any otherwise applicable prevailing wage under the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.) or the prevailing wage levels for the employees of contractors and subcontractors furnishing building services established under P.L.2005, c.379 (C.34:11-56.58 et seq.).

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34:11-56.70b Designation of supplemental benefits rate, paid leave requirements.

10. On August 1, 2021 and each August 1 thereafter, the commissioner shall designate the supplemental benefits rate and paid leave requirements required under the determinations made by the General Services Administration pursuant to the federal McNamara-O'Hara Service Contract Act of 1965 (41 U.S.C. s.6701 et seq.). The commissioner shall publicly post the designated supplemental benefits rates and paid leave requirements.

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34:11-56.70c Rules, regulations.

11. The commissioner, in consultation with the Department of Transportation and the Attorney General, shall promulgate rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), within six months of the date of enactment of this act, to implement the provisions of this act.

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TITLE 12. DEPARTMENT OF LABOR

CHAPTER 64. PREVAILING WAGES FOR BUILDING SERVICES

SUBCHAPTER 1. GENERAL PROVISIONS

12:64-1.1 Purpose

The purpose of this chapter is to establish prevailing wage levels for workers employed or engaged by contractors furnishing building services for any property or premises owned or leased by the State in order to safeguard the efficiency and general well-being of those workers and to protect them and the contractors for whom they work from the effects of serious and unfair competition, which is based on low wage levels that are detrimental to efficiency and well-being.

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12:64-1.2 Scope

(a) This chapter shall apply to contractors who have contracted with the State to furnish building services for any property or premises owned or leased by the State.

(b) This chapter shall apply to building services workers who are employed or engaged by contractors who have contracted with the State to furnish building services for any property or premises owned or leased by the State.

(c) This chapter shall apply to contracts to furnish building services for any property or premises owned or leased by the State that are entered into or renewed by the State on or after March 13, 2006.

(d) This chapter shall not apply to contracts to furnish building services for any property or premises owned or leased by the State that were entered into prior to March 13, 2006 and extended on or after March 13, 2006.

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12:64-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means the State Building Service Contracts Act, P.L. 2005, c. 379, N.J.S.A. 34:11-56.58 et seq., and the rules promulgated in accordance therewith, this chapter.

"Building" includes everything within the outer walls of the building structure, as well as the exterior of those walls, and any front, rear or side portico attached to the building itself.

"Building services" means any cleaning or building maintenance work, including, but not limited to, sweeping, vacuuming, floor cleaning, cleaning of rest rooms, collecting refuse or trash, window cleaning, engineering, securing, patrolling, or other work in connection with the care, securing or maintenance of an existing building. "Building services" shall not include any maintenance work or other public work for which a contractor is required under the New Jersey Prevailing Wage Act, N.J.S.A. 34:11-56.25 et seq., to pay the "prevailing wage," as that term is defined in N.J.S.A. 34:11-56.26.

"Building services worker" or "worker" means any individual employed or engaged by a contractor to perform building services, pursuant to a State contract, for any property or premises owned or leased by the State.

1. "Building services worker" or "worker" shall include full-time workers, part-time workers, temporary workers and independent contractors.
2. "Building services worker" or "worker" shall not include any employee, including a learner, apprentice, or student, whose earning capacity is impaired by age or physical or developmental disability or injury, to whom the Commissioner has issued a special license authorizing employment at wages less than the prevailing wage for building services for a period of time as shall be fixed by the Commissioner or the Director of Wage and Hour Compliance and stated in the license.

"Certified payroll record" means a payroll record that is attested to by the contractor or the owner of the company doing business as the contractor, or a corporate officer of such company, or an authorized agent of the contractor.

"Commissioner" means the Commissioner of Labor and Workforce Development or his or her duly authorized designee.

"Contract" means those agreements entered into by the State for the principal purpose of furnishing building services. Where building space is leased by the State and the building owner furnishes general janitorial or other building services, the Act does not apply.

"Contracting State agency" means the particular State department, bureau, board, commission, agency or instrumentality, including a State institution of higher education, which enters into a contract with a contractor for the furnishing of building services for any property or premises owned or leased by the State.

"Contractor" means a person, partnership, association, joint stock company, trust, corporation, or other legal business entity or successor thereof, that enters into a contract for the furnishing of building services for any property or premises owned or leased by the State and includes any subcontractor or lower-tier subcontractor of a contractor, as defined in this section.

"Department" means the Department of Labor and Workforce Development.

"Engineering" means the functions ordinarily performed by a "janitor" as that term is defined within the United States Department of Labor's Service Contract Act Directory of Occupations, namely, one who cleans and keeps in an orderly condition factory working areas and washrooms, or premises of an office, apartment house, or commercial or other establishment. Duties involve a combination of the following: sweeping, mopping or scrubbing, and polishing floors; removing chips, trash, and other refuse; dusting equipment, furniture, or fixtures; polishing metal fixtures or trimmings; providing supplies and minor maintenance services; and cleaning lavatories, showers, and restrooms. Excluded from the definition of the term "engineering" are workers who specialize in window washing, housekeeping staff who make beds and change linens as a primary responsibility, workers required to disassemble and assemble equipment in order to clean machinery, and workers who receive additional compensation to maintain sterile facilities or equipment. Also excluded from the definition of the term "engineering" are workers who maintain building infrastructure equipment and machinery, such as, but not limited to, heating, ventilation and air conditioning (HVAC), elevators, boilers, plumbing and electrical systems.

"Extended" means prolonging the duration of an existing contract as provided for and in

accordance with the terms of that contract.

"Fringe benefit" means "fringe benefit" as that term is defined and used within the Federal Service Contract Act of 1965, 41 U.S.C. §§ 351 et seq., incorporated herein by reference, as amended and supplemented, and the regulations promulgated by the Secretary of Labor in accordance therewith, 29 CFR Part 4, incorporated herein by reference, as amended and supplemented.

"Leased by the State" means that not less than 55 percent of the property or premises is leased by the State, provided that the portion of the property or premises that is leased by the State measures more than 20,000 square feet.

"Monetary wage" means "monetary wage" as that term is defined and used within the Federal Service Contract Act of 1965, 41 U.S.C. §§ 351 et seq., incorporated herein by reference, as amended and supplemented, and the regulations promulgated by the Secretary of Labor in accordance therewith, 29 CFR Part 4, incorporated herein by reference, as amended and supplemented.

"Renewed" means a new contract entered into by the parties upon expiration or termination of an existing contract.

"Payroll record" means a form satisfactory to the Commissioner, wherein is shown worker information, such as name, address, social security number, and job classification, together with actual hourly rate of pay, actual daily, overtime and weekly hours worked in each job classification, gross pay, itemized deductions, and net pay paid to the worker; such record shall also include:

1. Any fringe benefits paid to approved plans, funds or programs on behalf of the worker; and
2. Fringe benefits paid in cash to the worker.

"Prevailing wage for building services" means the monetary wage and fringe benefit rates designated by the Commissioner based on the determinations made by the United States General Services Administration pursuant to the Federal Service Contract Act of 1965, 41 U.S.C. §§ 351 et seq., for the appropriate localities and classifications of building services workers.

"State" means the State of New Jersey and all of its departments, bureaus, boards, commissions, agencies and instrumentalities, including any State institutions of higher education, but does not include political subdivisions of the State.

"State institutions of higher education" means Rutgers, the State University of New Jersey, the University of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology, and any of the State colleges or universities established pursuant to Chapter 64 of Title 18A of the New Jersey Statutes, but does not include any county college established pursuant to Chapter 64A of Title 18A of the New Jersey Statutes.

"Subcontractor" means any subcontractor or lower-tier subcontractor of a contractor.

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SUBCHAPTER 2. CONTRACTOR AND CONTRACTING STATE AGENCY RESPONSIBILITIES

12:64-2.1 Contract provisions

(a) The contractor and the contracting State agency shall ensure that each contract entered into between a contractor and a contracting State agency to furnish building services for any property or premises owned or leased by the State shall contain the following provisions:

1. A provision setting forth the prevailing wages for building services that are applicable to the workers employed or engaged in the performance of the contract;

2. A provision stating that the workers employed or engaged in the performance of the contract shall be paid not less than the applicable prevailing wages for building services, as set forth in the contract;
3. A provision requiring annual adjustments to the prevailing wages for building services set forth in the contract; and
4. A provision stating that if any worker employed or engaged by the contractor to furnish building services under the contract has been paid less than the prevailing wages for building services set forth in the contract, the State Treasurer may terminate the contractor's right to proceed with the work and the contractor and its sureties shall be liable to the State for any excess costs occasioned by the termination.

(b) For the purpose of requiring annual adjustments to the prevailing wages for building services in a contract under (a)3 above, the contract shall require that those adjustments be made on the anniversary date of the effective date of the contract.

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12:64-2.2 Multiple classes of work

(a) Where, during a given workweek, a worker performs work in multiple job classifications and two or more "prevailing wages for building services" are applicable to the separate classes of work performed, the contractor must pay the worker the highest of such "prevailing wages for building services" for all hours worked in the workweek, unless the contractor's records clearly delineate which hours of work for the given worker in the given workweek were spent engaged in each separate class of work.

(b) Where a worker is employed or engaged for a portion of a given workweek in work not subject to the Act, which work would otherwise be compensated at a rate lower than the "prevailing wage for building services" to which a worker is entitled for covered work performed during the workweek, the contractor must pay the worker the higher "prevailing wage for building services" for all work performed during the workweek, including work not subject to the Act, unless the contractor's records clearly delineate which hours of work for the given worker in the given workweek were spent engaged in covered work and which hours were spent engaged in work not subject to the Act.

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12:64-2.3 Collective bargaining rights

Where a collective bargaining agreement has established a higher rate of compensation than the applicable "prevailing wage for building services," the affected worker or workers shall receive the higher rate of compensation set forth in the collective bargaining agreement.

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12:64-2.4 Records

(a) Each contractor shall keep an accurate payroll record for each worker performing building services pursuant to a State contract.

(b) Each contractor shall preserve the records maintained under (a) above for a period of two years from the date of payment of the monetary wages or fringe benefits.

(c) The records maintained under (a) above shall be open at all reasonable hours to inspection by the Commissioner and the Director of the Division of Purchase and Property within the Department of the Treasury.

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12:64-3.1 Right to enter and inspect

(a) The Commissioner shall have the authority to:

1. Inspect and copy books, registers, payrolls or other records that relate to or affect monetary wages, fringe benefits, hours and other conditions of work for building services workers;
2. Question, privately, any employee or managerial executive of the contractor, including building services workers, to determine whether they are aware of violations of the Act; and
3. Require contractors to submit written statements, including sworn statements, concerning monetary wages, fringe benefits, hours, names, addresses, and other information pertaining to the contractor's workers and their work as the Commissioner may deem necessary or appropriate.

(b) If, within 10 days of a request by the Commissioner, a contractor fails to file the material listed in (a)1 or 3 above, sworn as to its validity and accuracy, the Commissioner may direct the State Treasurer to withhold from the contractor up to 25 percent of the amount, not to exceed \$ 100,000, to be paid to the contractor under the terms of the contract pursuant to which the building services work is being performed.

1. When the contractor complies with the request for records, the Commissioner shall notify the State Treasurer, who shall immediately release the withheld funds.

(c) The contractor shall submit to the contracting State agency, in a form satisfactory to the Commissioner, a certified payroll record on each building services contract.

1. Such record shall be submitted each payroll period within 10 days of the payment of monetary wages or fringe benefits.
2. The contracting State agency shall receive, file, store and make available for inspection by the Commissioner during normal business hours the certified payroll records.

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SUBCHAPTER 4. VIOLATIONS, PENALTIES AND FEES

12:64-4.1 Violations of the Act

(a) Violations of the Act shall occur when a contractor:

1. Willfully hinders or delays the Commissioner in the performance of the duties of the Commissioner in the enforcement of the Act;
2. Fails to make, keep and preserve any records as required under the provisions of the Act;
3. Falsifies any such record;
4. Refuses to make any such record accessible to the Commissioner upon demand;
5. Refuses to furnish a sworn statement of such record or any other information required for the proper enforcement of the Act to the Commissioner on demand;
6. Pays or agrees to pay monetary wages or fringe benefits at a rate less than the prevailing wage for building services applicable under the Act;
7. Requests, demands, or receives, either for himself or herself or any other person, either before or after a worker is employed or engaged in the performance of building services at a specified rate of wages, the following:
 - i. That such worker forego, pay back, return, donate, contribute or give any part, or all, of his or her monetary wages, fringe benefits, or thing of value, to any person upon the statement, representation or understanding that failure to comply with such request or demand will prevent such worker from procuring or retaining engagement or employment; or
8. Otherwise violates any provision of the Act or of any order issued under the Act.

(b) A contractor who violates any provision of the Act shall be guilty of a disorderly persons offense and shall, upon conviction therefor:

1. Be fined not less than \$ 100.00, nor more than \$ 1,000;
2. Be imprisoned for not less than 10, nor more than 90 days; or

3. Be subject to both the fine and imprisonment.

(c) Each week, in any day of which a worker is paid less than the rate applicable to that worker under the Act and each worker so paid, shall constitute a separate offense.

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12:64-4.2 Administrative penalties

(a) As an alternative to or in addition to any other sanctions provided for in N.J.A.C. 12:64-4.1, when the Commissioner finds that a contractor has violated the Act, the Commissioner may assess and collect administrative penalties in the amounts that follow:

1. First violation – not more than \$ 250.00.
2. Second and subsequent violations – not more than \$ 500.00.

(b) No administrative penalty shall be levied pursuant to this subchapter unless the Commissioner provides the alleged violator with notification by certified mail of the violation and the amount of the penalty and an opportunity to request a formal hearing. A request for a formal hearing must be received within 15 working days following the receipt of the notice.

1. If a hearing is not requested, the notice shall become a final order upon the expiration of the 15-working day period following receipt of the notice.
2. If a hearing is requested, the Commissioner shall issue a final order upon such hearing and a finding that a violation has occurred.
3. All penalties and fees, along with monetary wages and/or fringe benefits due, shall be paid within 30 days of the date of the final order. Failure to pay such monetary wages and/or fringe benefits, fees and/or penalties shall result in a judgment being obtained in a court of competent jurisdiction.
4. All payments shall be made payable to the "Commissioner of Labor and Workforce Development." All payments shall be made by certified check or money order, or payable in a form suitable to the Commissioner.

(c) In assessing an administrative penalty pursuant to this chapter, the Commissioner shall consider the following factors, where applicable, in determining what constitutes an appropriate penalty for the particular violation(s).

1. The seriousness of the violation;
2. The past history of previous violations by the contractor;
3. The good faith of the contractor;
4. The size of the contractor's business; and
5. Any other factors which the Commissioner deems to be appropriate in determining the penalty to be assessed.

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12:64-4.3 Administrative fees

(a) The Commissioner may supervise the payment of amounts due to workers under the Act, and the contractor may be required to make these payments to the Commissioner to be held in a special account in trust for the worker, and paid on order of the Commissioner directly to the worker or workers affected.

(b) The contractor shall pay the Commissioner an administrative fee on all payments due to workers pursuant to N.J.S.A. 34:11-56.65.

(c) A schedule of the administrative fees is set forth in Table 4.3(c) below:

Table 4.3(c)

Schedule of Administrative Fees

1. First violation – 10 percent of the amount of any payment made to the Commissioner pursuant to the Act.
2. Second violation – 18 percent of the amount of any payment made to the Commissioner pursuant to the Act.

3. Third and subsequent violations – 25 percent of the amount of any payment made to the Commissioner pursuant to the Act.

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12:64-4.4 Interest

(a) When the Commissioner makes an award of back pay, he or she may also award interest in the following situations:

1. When a contractor has unreasonably delayed compliance with an order of the Commissioner to pay monetary wages or fringe benefits owed to a worker;
2. Where an equitable remedy is required in order to recover the loss of the present value of money retained by the contractor over an extensive period of time; or
3. Where the Commissioner finds sufficient cause based on the particular case.

(b) Where applicable, interest deemed owed to a worker shall be calculated at the annual rate as set forth in New Jersey Court Rules, R.4:42-11.

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12:64-4.5 Hearings

(a) No assessment of monetary wages, fringe benefits, fees or penalties shall be levied pursuant to this subchapter unless the Commissioner provides the alleged violator with written notification of the violation and the amount of the monetary wages, fringe benefits, fees and/or penalties, and an opportunity to request a formal hearing. A request for a formal hearing must be received within 15 business days following the receipt of the notice of assessment. All contested cases shall be heard pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The filing of a request for a hearing regarding monetary wages, fringe benefits, fees or penalties shall not preclude the Commissioner from pursuing other remedies under the Act.

(b) All requests for a hearing shall be reviewed by the Office of Wage and Hour Compliance to determine if the dispute can be resolved at an informal settlement conference. If the review indicates that an informal settlement conference is warranted, such conference shall be scheduled. If a settlement cannot be reached or if the review indicates that no settlement conference is warranted, the case shall be forwarded to the Office of Administrative Law for a formal hearing.

(c) The Commissioner shall make the final decision of the Department.

(d) Appeals of the final decision of the Commissioner shall be made to the Appellate Division of the New Jersey Superior Court.

(e) If the contractor, or a designated representative thereof, fails to appear at a requested hearing, the Commissioner may, for good cause shown, reschedule a hearing.

(f) If the Commissioner does not authorize such a rescheduled hearing, then the Commissioner shall issue a final agency determination.

(g) Payment of the monetary wages, fringe benefits, fees and/or penalties is due when a final agency determination is issued.

(h) Upon final determination, the monetary wages, fringe benefits, fees and penalties may be recovered with costs in a summary proceeding commenced by the Commissioner.

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12:64-4.6 Discharge or discrimination against worker making complaint

(a) A contractor who discharges or in any other manner discriminates against any worker because such worker has made any complaint to the contractor, to the contracting State agency, the State Treasurer, or to the Commissioner that the worker has not been paid monetary wages or fringe benefits in accordance with the provisions of the Act, or because such worker has caused to be instituted, or is about to cause to be instituted, any proceeding under or related to the Act, or because such worker has testified or is about to testify in any such proceeding, shall be guilty of a disorderly persons offense and shall, upon conviction therefore, be fined not less than \$100.00, nor more than \$1,000.

(b) As an alternative to, or in addition to, any sanctions imposed under (a) above, the Commissioner may under N.J.S.A. 34:11-56.66 assess and collect administrative penalties as provided for in N.J.A.C. 12:64-4.2.

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EXHIBIT E

STATE BUILDING SERVICE CONTRACTS ACT

FREQUENTLY ASKED QUESTIONS

(FAQs)

Effective January 1, 2022, the New Jersey minimum wage is \$13.00 per hour for most workers.

[Learn more about the increase.](#)

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State Building Services FAQs



The following are frequently asked questions regarding state building services.

Related topics

-  [Prevailing Wage Rates for State Building Service Workers](#)
-  [The State Building Service Contracts Act](#)
-  [NJ State Prevailing Wage Act and Regulations](#)
-  [Contact Us](#)

What is the State Building Service Contracts Act?

The [State Building Service Contracts Act](#) establishes prevailing wage levels for the employees of contractors and subcontractors furnishing building services for any property or premises owned or leased by the State.

What are "building services"?

The term "building services" is defined within the Act as, "any cleaning or building maintenance work, including but not limited to sweeping, vacuuming, floor cleaning, cleaning of rest rooms, collecting refuse or trash, window cleaning, engineering, securing, patrolling, or other work in connection with the care, securing or maintenance of an existing building, except that "building services" shall not include any maintenance work or other public work for which a contractor is required to pay the "prevailing wage" as defined within the [New Jersey Prevailing Wage Act](#) [N.J.S.A. 34:11-56.25, et seq.]."

How does the State Building Service Contracts Act differ from the Prevailing Wage Act?

The [State Building Service Contracts Act](#) establishes prevailing wage levels only for building service workers and only when such services are performed under a contract with the State (not municipalities or counties) for the performance of same for a property or premises owned or leased by the State.

[The Prevailing Wage Act](#) (N.J.S.A. 34:11-56.25 et seq.) establishes prevailing wage levels for workers engaged in "public works", which is defined under the Prevailing Wage Act to include construction, reconstruction, demolition, alteration, custom fabrication or repair work or maintenance work, including painting and decorating, done under contract and paid for in whole or in part out of the funds of a public body, except work performed under a rehabilitation program.

How is the term "building" defined, for the purpose of compliance with the State Building Service Contracts Act?

The Department considers the term, "building" to include everything within the outer

walls of the building structure, including the exterior of those walls, and any front, rear, or side portico attached to the building itself. Consequently, washing the exterior windows of the building would be covered under the [State Building Service Contracts Act](#), as would maintenance of the portico immediately outside of the building.

What is meant by the term "engineering" for purposes of complying with the State Building Service Contracts Act?

For the purposes of compliance with the Act, the Department considers the term "engineering" to mean the daily, routine maintenance of the physical plant of a building including, but not limited to, boilers, heating, ventilation, and air-conditioning (HVAC) systems, electrical service, and plumbing. Some of the "engineering" occupations that are covered by the Act are listed in the [wage rate determinations](#) and [job title descriptions](#).

Excluded from the definition of "engineering" under the State Building Contracts Act are the following:

- Workers under any contract for construction, reconstruction, demolition, alteration, or repair of public buildings or public works, including painting and decorating. These are covered by the [Prevailing Wage Act](#), N.J.S.A. 34:11-56.25 et seq.

Under the State Building Service Contracts Act, how does the Commissioner of Labor and Workforce Development designate the prevailing wage levels for covered employment?

[The State Building Service Contracts Act](#) requires that the Commissioner of Labor and Workforce Development base his or her prevailing wage for building services designations on the wage determinations made by the General Services Administration, pursuant to the federal "Service Contract Act of 1965" (41 U.S.C. s.351, et seq.) for the appropriate localities and classifications of building service employees. These federal wage determinations are available on the federal Wage Determinations website at [beta.SAM.gov](#).

Where can I find a listing of the wage determinations for the appropriate localities and classifications of building service employees?

Instructions for obtaining wage determinations are available [here](#) or you may go directly to [beta.SAM.gov](#).

Where can I locate more answers to my questions about the federal Service Contract Act?

You may visit the federal website, which has its own list of FAQs at [beta.SAM.gov](#).

Which occupations are included in the performance of "building services"?

The most common occupations involved in the performance of "building services" include, but are not limited to, the occupations listed below. If you do not see the occupation you are searching for, please check the "Service Contract Directory of Occupations" for the appropriate occupation. The complete Directory is available [here](#) (Topics > Government Contracts > McNamara-O'Hara Service Contract Act) and at [beta.SAM.gov](#) (Reference Library).

- [Boiler Tender](#)
- [Guard I](#)
- [Guard II](#)
- [Janitor](#)
- [Laborer](#)
- [Pest Controller](#)
- [Stationary Engineer](#)
- [Swimming Pool Operator](#)
- [Ventilation Equipment Tender](#)
- [Window Cleaner](#)

What are some examples of the types of service activities, which would be excluded under the State Building Service Contracts Act?

Activities that do not provide services related to the building structure itself, such as snow removal and outside lawn/landscaping maintenance, are excluded.

If terms of a collective bargaining agreement specify a higher wage rate than the wage standard currently designated by the Commissioner, can the worker be paid the lower of the two rates?

No, the worker may not be paid the lower of the two rates. Provisions of the [State Building Service Contracts Act](#) do not interfere with, impede, or in any way diminish the right of workers to establish and receive wages in excess of any applicable minimum under the Act. If a collective bargaining agreement has established a higher rate, the covered workers must receive the higher rates.

Does the State Building Service Contracts Act require payment of overtime rates?

Yes. State wage and hour laws require the overtime rate of one and ½ times the hourly wage rate be paid for work over 40 hours in any workweek. Under the [State Building Services Contracts Act](#), the regular or basic hourly rate of the employee shall not include any fringe benefit payments computed. Additionally, the federal Service Contract Act, upon which the wage and benefit rates are based, makes no distinction between temporary, part-time, and full-time employees. The wage and fringe benefit determinations apply equally to all such service employees engaged in work subject to the Act's provisions. A sample for calculating the payment of wages and the benefit rate when overtime is due follows:

- The "A" company pays a service employee \$12.16 an hour in cash under a wage determination, which requires a monetary rate of not less than \$9 and a fringe benefit contribution of \$3.16. The contractor pays the \$3.16 in cash because he made no contributions for fringe benefits specified in the determination and the contract. Overtime compensation in this case would be computed on a regular or basic rate of \$9 an hour. At the above rates, the worker would be entitled to \$16.66 (1 ½ times \$9.00 = \$13.50, plus the \$3.16 in cash totals \$16.66).

How must the contractor or subcontractor calculate the pay for a worker who performs at multiple classes of work requiring different wage rates under the same contract?

If an employee during a workweek works in multiple classes of work in the performance of the contract and two or more rates of compensation under the federal Service Contract Act are applicable to the separate classes of work, which he or she performs, the employee must be paid the highest of such rates for all hours worked in the workweek unless it appears from the employer's records or other affirmative proof which

of such hours were included in the periods spent in each class of work. The rule is the same where such an employee is employed for a portion of the workweek in work not subject to the Act, for which compensation at a lower rate would be proper if the employer by his records or other affirmative proof, segregated the work time thus spent.

How must the contractor or subcontractor calculate the overtime pay for a worker who performs at multiple classes of work requiring different wage rates under differing contracts?

Overtime rates paid to an employee, as described above, are paid in accordance with State law. No benefits rate is required on the overtime rate, by State law. The contractor or subcontractor is required to pay overtime to the employee, as described in the question above, using a "weighted averaged method", as shown in the following example. The total gross wage is divided by the total number of hours worked to obtain the average hourly rate. The average hourly rate is then divided in half to determine the additional premium (half-time) rate due the employee.

Example:

An employee performs one building-service contract job for \$10.00 per hour and performs another job not covered by the contract for \$7.75 per hour. The employee works 30 hours at \$10.00 per hour and 16 hours at \$7.75 per hour for a total of 46 hours during the week. The overtime rate due the employee is calculated as follows:

30 hours x \$10.00 per hour = \$300.00
16 hours x \$7.75 per hour = \$124.00
Total gross = \$424.00

The total gross (\$424.00) is divided by the total hours (46) to obtain the average hourly rate. The average hourly rate is \$9.22 per hour.

The employee is still due the additional premium pay (half-time) for the 6 overtime hours. The average hourly rate (\$9.22) is divided in half. The half-time rate is \$4.61.

Six overtime hours x \$4.61 = \$27.66

The \$27.66 (premium pay) is added to the original gross amount of \$424.00. The new gross amount is \$451.66. This is the amount that must be paid to the employee for the week.

Does the State Building Service Contracts Act apply to every worker?

No, the [State Building Service Contracts Act](#) does not apply to every worker. The State Building Service Contracts Act provides that for occupations to which the new wage standards apply; the Commissioner or Director of the Division of Wage and Hour Compliance may issue a special license authorizing employment at wages less than the wage standard established for building services for a fixed period of time for those whose earning capacity is impaired by age or physical or developmental disability or injury.

What records must a contractor or subcontractor who furnishes building services to covered premises keep?

Each contractor and subcontractor shall keep an accurate record showing the name, classification, and actual hourly rate of wages, daily and weekly hours worked and any hourly cost of benefits paid to each worker employed by him or her to perform building services pursuant to a State contract or subcontract, and shall preserve those records for two years after the date of payment, for work performed under the contract. The

contractor shall also maintain certified payrolls covering the corresponding two-year period. However, general payroll records must be kept for six years. A sample of the payroll certification is form [MW-562](#).

What happens if the wage rates change after a contractor has submitted a bid or started work?

The [State Building Service Contracts Act](#) requires that a contract shall provide for "annual adjustments" to the prevailing wage rate during the term of the service contract.

What date should be used to implement any "annual adjustments"?

The anniversary date of the contract shall determine the date of any "annual adjustments."

What should workers do if they believe they may have not been paid properly?

You can file a Wage Complaint for monies due. You may [file a wage complaint online or by mail](#).

If you file your complaint online, you will be asked if you provided building services for a property owned or leased by the state of New Jersey.

If you choose to file your complaint by mail or fax, send your completed Wage Complaint ([form MW-31B](#)) to:

Division of Wage and Hour Compliance
PO Box 389
Trenton, NJ 08625-0389
F: (609) 695-1174

What are the penalties for not complying with the provisions of the State Building Service Contracts Act?

A violator of the Act will be charged with a disorderly persons offense and, upon conviction, could be fined not less than \$100 and up to \$1,000, or be imprisoned for not less than 10 nor more than 90 days, or be subject to both the fine and imprisonment. The Act also provides that the NJDOL Commissioner can assess a violator with administrative penalties up to a maximum of \$250 for a first violation and up to a maximum of \$500 for each subsequent violation.

Additionally, for violations of the Act, when the commissioner supervises the payment of amounts of wages due to workers, contractors, or subcontractors will be required to pay the commissioner an administrative fee equal to not less than 10% or more than 25% of any gross unpaid wages.

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Department of Labor
1 John Fitch Plz,
Trenton, NJ 08611

EXHIBIT E

STATE BUILDING SERVICE CONTRACTS ACT

WAGE RATES

MIDDLESEX COUNTY



STATE OF NEW JERSEY
 Department of Labor and Workforce Development
 Division of Wage and Hour Compliance – General Enforcement Section
 PO Box 389
 Trenton, NJ 08625-0389

**PREVAILING WAGE RATE DETERMINATIONS
 STATE BUILDING SERVICES**

The New Jersey State Building Service Contracts Act (N.J.S.A. 34:11-56.58 et seq.) establishes prevailing wage levels for the employees of contractors and subcontractors furnishing building services in State-owned and State-leased buildings. Below is a list of classifications for building service employees and the corresponding wage rate. The required health and welfare fringe benefits follow the occupational listing and must be provided in addition to the wage rate. The wage and benefit rates listed are based on the determinations made by the U.S. General Services Administration pursuant to the federal "Service Contract Act" and are available on the federal Wage Determinations Online website at www.wdol.gov.

The duties of employees under job titles listed are those described in the "Service Contract Directory of Occupations." The complete Directory is available on the U.S. Department of Labor, Wage and Hour Division's website at www.wdol.gov/whd (Topics → Government Contracts → McNamara-O'Hara Service Contract Act). If you do not see the job title/occupation that you are searching for in the list below, please check the Directory for the appropriate occupation and the federal Wage Determinations Online for the wage and benefit rates.

Counties: Middlesex

Date of Revision: 6/15/2017

WD 15-4193 (Rev.2) was first posted on www.wdol.gov on 6/20/2017

* * Fringe Benefits Required Follow the Occupational Listing * *		
Occupation Code	Job Title / Occupation	Wage Rate
11150	Janitor	\$15.70
11360	Window Cleaner	\$16.95
23470	Laborer	\$14.74
25010	Boiler Tender	\$35.12
25070	Stationary Engineer	\$35.12
25190	Ventilation Equipment Tender	\$28.69
27101	Guard I	\$17.98
27102	Guard II	\$19.18
28690	Swimming Pool Operator	\$14.93
99410	Pest Controller	\$17.74

Counties: Middlesex

All occupations listed above receive the following benefits:

Health & Welfare: \$4.27 per hour, or \$170.80 per week, or \$740.13 per month.

NOTE: The cost of paid vacation and holidays cannot be included in the minimum health & welfare amount.

Vacation: 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 5 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 State facility.

Holidays: A minimum of eleven paid holidays per year: New Year's Day, Martin Luther King Jr's Birthday, Washington's Birthday, Good Friday, 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.)

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 New Jersey Department of Labor and Workforce Development will accept payment in accordance with the following standards as compliance:

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

EXHIBIT E

STATE BUILDING SERVICE CONTRACTS ACT

WAGE RATES

MERCER COUNTY



STATE OF NEW JERSEY
 Department of Labor and Workforce Development
 Division of Wage and Hour Compliance – General Enforcement Section
 PO Box 389
 Trenton, NJ 08625-0389

**PREVAILING WAGE RATE DETERMINATIONS
 STATE BUILDING SERVICES**

The New Jersey State Building Service Contracts Act (N.J.S.A. 34:11-56.58 et seq.) establishes prevailing wage levels for the employees of contractors and subcontractors furnishing building services in State-owned and State-leased buildings. Below is a list of classifications for building service employees and the corresponding wage rate. The required health and welfare fringe benefits follow the occupational listing and must be provided in addition to the wage rate. The wage and benefit rates listed are based on the determinations made by the U.S. General Services Administration pursuant to the federal "Service Contract Act" and are available on the federal Wage Determinations Online website at www.wdol.gov.

The duties of employees under job titles listed are those described in the "Service Contract Directory of Occupations." The complete Directory is available on the U.S. Department of Labor, Wage and Hour Division's website at www.wdol.gov/whd (Topics → Government Contracts → McNamara-O'Hara Service Contract Act). If you do not see the job title/occupation that you are searching for in the list below, please check the Directory for the appropriate occupation and the federal Wage Determinations Online for the wage and benefit rates.

Counties: Mercer

Date of Revision: 1/25/2017

WD 15-4201 (Rev.1) was first posted on www.wdol.gov on 1/31/2017

** Fringe Benefits Required Follow the Occupational Listing **		
Occupation Code	Job Title / Occupation	Wage Rate
11150	Janitor	\$15.70
11360	Window Cleaner	\$16.80
23470	Laborer	\$13.99
25010	Boiler Tender	\$29.03
25070	Stationary Engineer	\$29.03
25190	Ventilation Equipment Tender	\$24.54
27101	Guard I	\$17.98
27102	Guard II	\$20.36
28690	Swimming Pool Operator	\$18.46
99410	Pest Controller	\$18.14

Counties: Mercer

All occupations listed above receive the following benefits:

Health & Welfare: \$4.27 per hour, or \$170.80 per week, or \$740.13 per month.

NOTE: The cost of paid vacation and holidays cannot be included in the minimum health & welfare amount.

Vacation: 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 5 years; 4 weeks after 15 years; and 5 weeks after 25 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 State facility.

Holidays: A minimum of eleven paid holidays per year: New Year's Day, Martin Luther King Jr's Birthday, Washington's Birthday, Good Friday, 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.)

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 New Jersey Department of Labor and Workforce Development will accept payment in accordance with the following standards as compliance:

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

EXHIBIT E

GENERAL MAINTENANCE WORKER OCCUPATION CODE 23370

MERCER COUNTY

Prevailing Wage Rates - Mercer
 WD 15-4202 (Rev.-3) was first posted on www.wdol.gov on 07/18/2017

REGISTER OF WAGE DETERMINATIONS UNDER
 THE SERVICE CONTRACT ACT
 By direction of the Secretary of Labor

U.S. DEPARTMENT OF LABOR
 EMPLOYMENT STANDARDS ADMINISTRATION
 WAGE AND HOUR DIVISION
 WASHINGTON D.C. 20210

Daniel W. Simms Division of
 Director Wage Determinations

Wage Determination No.: 2015-4202
 Revision No.: 3
 Date Of Revision: 07/13/2017

Note: Under Executive Order (EO) 13658, an hourly minimum wage of \$10.20 for calendar year 2017 applies to all contracts subject to the Service Contract Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2015. If this contract is covered by the EO, the contractor must pay all workers in any classification listed on this wage determination at least \$10.20 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in calendar year 2017. The EO minimum wage rate will be adjusted annually. Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

State: New Jersey

Area: New Jersey County of Mercer

Fringe Benefits Required Follow the Occupational Listing		
OCCUPATION CODE - TITLE	FOOTNOTE	RATE
01000 - Administrative Support And Clerical Occupations		
01011 - Accounting Clerk I		17.73
01012 - Accounting Clerk II		19.90
01013 - Accounting Clerk III		22.27
01020 - Administrative Assistant		30.93
01035 - Court Reporter		23.80
01041 - Customer Service Representative I		14.33
01042 - Customer Service Representative II		16.12
01043 - Customer Service Representative III		17.58
01051 - Data Entry Operator I		17.44
01052 - Data Entry Operator II		19.02
01060 - Dispatcher, Motor Vehicle		25.79
01070 - Document Preparation Clerk		15.56
01090 - Duplicating Machine Operator		15.56
01111 - General Clerk I		15.25
01112 - General Clerk II		17.49
01113 - General Clerk III		18.82
01120 - Housing Referral Assistant		26.92
01141 - Messenger Courier		15.08
01191 - Order Clerk I		17.36
01192 - Order Clerk II		18.98
01261 - Personnel Assistant (Employment) I		18.96
01262 - Personnel Assistant (Employment) II		21.22
01263 - Personnel Assistant (Employment) III		23.66
01270 - Production Control Clerk		26.15
01290 - Rental Clerk		18.04
01300 - Scheduler, Maintenance		21.57
01311 - Secretary I		21.57
01312 - Secretary II		24.82
01313 - Secretary III		26.92
01320 - Service Order Dispatcher		21.31
01410 - Supply Technician		30.93
01420 - Survey Worker		21.64

Prevailing Wage Rates - Mercer

01460 - Switchboard Operator/Receptionist	15.67
01531 - Travel Clerk I	14.85
01532 - Travel Clerk II	15.59
01533 - Travel Clerk III	16.61
01611 - Word Processor I	17.62
01612 - Word Processor II	19.79
01613 - Word Processor III	22.13
05000 - Automotive Service Occupations	
05005 - Automobile Body Repairer, Fiberglass	24.21
05010 - Automotive Electrician	28.50
05040 - Automotive Glass Installer	27.61
05070 - Automotive Worker	27.61
05110 - Mobile Equipment Servicer	25.23
05130 - Motor Equipment Metal Mechanic	29.68
05160 - Motor Equipment Metal Worker	27.61
05190 - Motor Vehicle Mechanic	29.68
05220 - Motor Vehicle Mechanic Helper	24.05
05250 - Motor Vehicle Upholstery Worker	26.42
05280 - Motor Vehicle Wrecker	27.61
05310 - Painter, Automotive	28.80
05340 - Radiator Repair Specialist	27.61
05370 - Tire Repairer	14.60
05400 - Transmission Repair Specialist	29.68
07000 - Food Preparation And Service Occupations	
07010 - Baker	16.41
07041 - Cook I	15.63
07042 - Cook II	16.90
07070 - Dishwasher	10.48
07130 - Food Service Worker	12.77
07210 - Meat Cutter	21.96
07260 - Waiter/Waitress	12.67
09000 - Furniture Maintenance And Repair Occupations	
09010 - Electrostatic Spray Painter	22.65
09040 - Furniture Handler	18.47
09080 - Furniture Refinisher	21.33
09090 - Furniture Refinisher Helper	20.09
09110 - Furniture Repairer, Minor	21.77
09130 - Upholsterer	19.28
11000 - General Services And Support Occupations	
11030 - Cleaner, Vehicles	12.94
11060 - Elevator Operator	15.65
11090 - Gardener	18.71
11122 - Housekeeping Aide	15.70
11150 - Janitor	15.70
11210 - Laborer, Grounds Maintenance	15.89
11240 - Maid or Houseman	13.34
11260 - Pruner	14.89
11270 - Tractor Operator	17.68
11330 - Trail Maintenance Worker	15.89
11360 - Window Cleaner	16.80
12000 - Health Occupations	
12010 - Ambulance Driver	25.29
12011 - Breath Alcohol Technician	25.29
12012 - Certified Occupational Therapist Assistant	27.36
12015 - Certified Physical Therapist Assistant	28.29
12020 - Dental Assistant	24.51
12025 - Dental Hygienist	18.43
12030 - EKG Technician	35.75
12035 - Electroneurodiagnostic Technologist	32.78
12040 - Emergency Medical Technician	25.29
12071 - Licensed Practical Nurse I	21.76
12072 - Licensed Practical Nurse II	24.34
12073 - Licensed Practical Nurse III	26.31

Prevailing Wage Rates - Mercer

12100 - Medical Assistant	16.66
12130 - Medical Laboratory Technician	24.96
12160 - Medical Record Clerk	22.64
12190 - Medical Record Technician	24.87
12195 - Medical Transcriptionist	19.01
12210 - Nuclear Medicine Technologist	44.38
12221 - Nursing Assistant I	12.37
12222 - Nursing Assistant II	13.91
12223 - Nursing Assistant III	15.82
12224 - Nursing Assistant IV	16.79
12235 - Optical Dispenser	27.10
12236 - Optical Technician	20.13
12250 - Pharmacy Technician	14.58
12280 - Phlebotomist	18.38
12305 - Radiologic Technologist	32.72
12311 - Registered Nurse I	32.76
12312 - Registered Nurse II	38.41
12313 - Registered Nurse II, Specialist	38.41
12314 - Registered Nurse III	49.39
12315 - Registered Nurse III, Anesthetist	49.39
12316 - Registered Nurse IV	59.22
12317 - Scheduler (Drug and Alcohol Testing)	29.23
12320 - Substance Abuse Treatment Counselor	24.25
13000 - Information And Arts Occupations	
13011 - Exhibits Specialist I	27.03
13012 - Exhibits Specialist II	33.49
13013 - Exhibits Specialist III	40.95
13041 - Illustrator I	26.51
13042 - Illustrator II	33.23
13043 - Illustrator III	40.66
13047 - Librarian	36.27
13050 - Library Aide/Clerk	17.16
13054 - Library Information Technology Systems Administrator	32.75
13058 - Library Technician	25.05
13061 - Media Specialist I	23.64
13062 - Media Specialist II	26.45
13063 - Media Specialist III	29.47
13071 - Photographer I	21.29
13072 - Photographer II	24.10
13073 - Photographer III	32.88
13074 - Photographer IV	41.76
13075 - Photographer V	45.54
13090 - Technical Order Library Clerk	19.56
13110 - Video Teleconference Technician	29.44
14000 - Information Technology Occupations	
14041 - Computer Operator I	19.00
14042 - Computer Operator II	21.26
14043 - Computer Operator III	23.71
14044 - Computer Operator IV	26.35
14045 - Computer Operator V	29.17
14071 - Computer Programmer I	(see 1)
14072 - Computer Programmer II	(see 1)
14073 - Computer Programmer III	(see 1)
14074 - Computer Programmer IV	(see 1)
14101 - Computer Systems Analyst I	(see 1)
14102 - Computer Systems Analyst II	(see 1)
14103 - Computer Systems Analyst III	(see 1)
14150 - Peripheral Equipment Operator	19.00
14160 - Personal Computer Support Technician	28.75
14170 - System Support Specialist	43.52
15000 - Instructional Occupations	
15010 - Aircrew Training Devices Instructor (Non-Rated)	39.54

Prevailing Wage Rates - Mercer

15020 - Aircrew Training Devices Instructor (Rated)	43.75
15030 - Air Crew Training Devices Instructor (Pilot)	52.46
15050 - Computer Based Training Specialist / Instructor	39.54
15060 - Educational Technologist	41.83
15070 - Flight Instructor (Pilot)	52.46
15080 - Graphic Artist	35.27
15085 - Maintenance Test Pilot, Fixed, Jet/Prop	44.55
15086 - Maintenance Test Pilot, Rotary Wing	44.55
15088 - Non-Maintenance Test/Co-Pilot	44.55
15090 - Technical Instructor	31.04
15095 - Technical Instructor/Course Developer	37.97
15110 - Test Proctor	25.07
15120 - Tutor	25.07
16000 - Laundry, Dry-Cleaning, Pressing And Related Occupations	
16010 - Assembler	10.83
16030 - Counter Attendant	10.83
16040 - Dry Cleaner	13.69
16070 - Finisher, Flatwork, Machine	10.83
16090 - Presser, Hand	10.83
16110 - Presser, Machine, Drycleaning	10.83
16130 - Presser, Machine, Shirts	10.83
16160 - Presser, Machine, Wearing Apparel, Laundry	10.83
16190 - Sewing Machine Operator	14.63
16220 - Tailor	15.59
16250 - Washer, Machine	11.78
19000 - Machine Tool Operation And Repair Occupations	
19010 - Machine-Tool Operator (Tool Room)	27.17
19040 - Tool And Die Maker	30.97
21000 - Materials Handling And Packing Occupations	
21020 - Forklift Operator	19.96
21030 - Material Coordinator	26.15
21040 - Material Expediter	26.15
21050 - Material Handling Laborer	14.07
21071 - Order Filler	15.41
21080 - Production Line Worker (Food Processing)	19.96
21110 - Shipping Packer	18.49
21130 - Shipping/Receiving Clerk	18.49
21140 - Store Worker I	17.27
21150 - Stock Clerk	20.83
21210 - Tools And Parts Attendant	19.96
21410 - Warehouse Specialist	19.96
23000 - Mechanics And Maintenance And Repair Occupations	
23010 - Aerospace Structural welder	32.82
23019 - Aircraft Logs and Records Technician	26.25
23021 - Aircraft Mechanic I	29.82
23022 - Aircraft Mechanic II	32.82
23023 - Aircraft Mechanic III	33.78
23040 - Aircraft Mechanic Helper	24.16
23050 - Aircraft, Painter	25.66
23060 - Aircraft Servicer	26.25
23070 - Aircraft Survival Flight Equipment Technician	25.66
23080 - Aircraft Worker	27.42
23091 - Aircrew Life Support Equipment (ALSE) Mechanic I	27.42
23092 - Aircrew Life Support Equipment (ALSE) Mechanic II	29.82
23110 - Appliance Mechanic	25.81
23120 - Bicycle Repairer	17.67
23125 - Cable Splicer	31.92
23130 - Carpenter, Maintenance	29.55
23140 - Carpet Layer	27.05
23160 - Electrician, Maintenance	36.84
23181 - Electronics Technician Maintenance I	26.00

Prevailing Wage Rates - Mercer

23182 - Electronics Technician Maintenance II	26.96
23183 - Electronics Technician Maintenance III	27.88
23260 - Fabric Worker	28.00
23290 - Fire Alarm System Mechanic	26.38
23310 - Fire Extinguisher Repairer	24.60
23311 - Fuel Distribution System Mechanic	29.02
23312 - Fuel Distribution System Operator	27.37
23370 - General Maintenance Worker	22.57
23380 - Ground Support Equipment Mechanic	29.82
23381 - Ground Support Equipment Servicer	26.25
23382 - Ground Support Equipment Worker	27.42
23391 - Gunsmith I	24.60
23392 - Gunsmith II	26.59
23393 - Gunsmith III	28.51
23410 - Heating, Ventilation And Air-Conditioning Mechanic	26.97
23411 - Heating, Ventilation And Air Contditioning Mechanic (Research Facility)	28.93
23430 - Heavy Equipment Mechanic	26.10
23440 - Heavy Equipment Operator	34.30
23460 - Instrument Mechanic	30.86
23465 - Laboratory/Shelter Mechanic	27.58
23470 - Laborer	13.99
23510 - Locksmith	22.77
23530 - Machinery Maintenance Mechanic	28.99
23550 - Machinist, Maintenance	23.88
23580 - Maintenance Trades Helper	15.98
23591 - Metrology Technician I	30.86
23592 - Metrology Technician II	33.37
23593 - Metrology Technician III	34.09
23640 - Millwright	29.72
23710 - Office Appliance Repairer	21.80
23760 - Painter, Maintenance	23.17
23790 - Pipefitter, Maintenance	38.42
23810 - Plumber, Maintenance	36.26
23820 - Pneudraulic Systems Mechanic	29.98
23850 - Rigger	28.37
23870 - Scale Mechanic	26.59
23890 - Sheet-Metal Worker, Maintenance	32.41
23910 - Small Engine Mechanic	22.35
23931 - Telecommunications Mechanic I	30.03
23932 - Telecommunications Mechanic II	31.10
23950 - Telephone Lineman	33.03
23960 - Welder, Combination, Maintenance	22.28
23965 - Well Driller	27.47
23970 - Woodcraft Worker	28.51
23980 - Woodworker	24.48
24000 - Personal Needs Occupations	
24550 - Case Manager	19.16
24570 - Child Care Attendant	13.05
24580 - Child Care Center Clerk	16.27
24610 - Chore Aide	11.33
24620 - Family Readiness And Support Services Coordinator	19.16
24630 - Homemaker	19.16
25000 - Plant And System Operations Occupations	
25010 - Boiler Tender	29.03
25040 - Sewage Plant Operator	27.43
25070 - Stationary Engineer	29.03
25190 - Ventilation Equipment Tender	24.54
25210 - Water Treatment Plant Operator	27.43
27000 - Protective Service Occupations	
27004 - Alarm Monitor	23.13

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27007 - Baggage Inspector	17.98
27008 - Corrections Officer	34.07
27010 - Court Security Officer	33.73
27030 - Detection Dog Handler	20.36
27040 - Detention Officer	34.07
27070 - Firefighter	38.02
27101 - Guard I	17.98
27102 - Guard II	20.36
27131 - Police Officer I	36.76
27132 - Police Officer II	40.84
28000 - Recreation Occupations	
28041 - Carnival Equipment Operator	12.91
28042 - Carnival Equipment Repairer	13.49
28043 - Carnival Worker	10.96
28210 - Gate Attendant/Gate Tender	16.49
28310 - Lifeguard	13.00
28350 - Park Attendant (Aide)	18.46
28510 - Recreation Aide/Health Facility Attendant	14.69
28515 - Recreation Specialist	21.91
28630 - Sports Official	14.69
28690 - Swimming Pool Operator	18.46
29000 - Stevedoring/Longshoremen Occupational Services	
29010 - Blocker And Bracer	27.55
29020 - Hatch Tender	27.55
29030 - Line Handler	27.55
29041 - Stevedore I	26.15
29042 - Stevedore II	28.31
30000 - Technical Occupations	
30010 - Air Traffic Control Specialist, Center (HFO) (see 2)	42.79
30011 - Air Traffic Control Specialist, Station (HFO) (see 2)	29.51
30012 - Air Traffic Control Specialist, Terminal (HFO) (see 2)	32.50
30021 - Archeological Technician I	20.00
30022 - Archeological Technician II	22.02
30023 - Archeological Technician III	27.27
30030 - Cartographic Technician	27.27
30040 - Civil Engineering Technician	25.21
30051 - Cryogenic Technician I	27.30
30052 - Cryogenic Technician II	30.15
30061 - Drafter/CAD Operator I	19.69
30062 - Drafter/CAD Operator II	22.02
30063 - Drafter/CAD Operator III	24.55
30064 - Drafter/CAD Operator IV	30.20
30081 - Engineering Technician I	19.98
30082 - Engineering Technician II	22.47
30083 - Engineering Technician III	25.28
30084 - Engineering Technician IV	31.22
30085 - Engineering Technician V	38.08
30086 - Engineering Technician VI	46.20
30090 - Environmental Technician	22.74
30095 - Evidence Control Specialist	24.65
30210 - Laboratory Technician	25.86
30221 - Latent Fingerprint Technician I	27.30
30222 - Latent Fingerprint Technician II	30.15
30240 - Mathematical Technician	26.78
30361 - Paralegal/Legal Assistant I	23.36
30362 - Paralegal/Legal Assistant II	28.94
30363 - Paralegal/Legal Assistant III	35.39
30364 - Paralegal/Legal Assistant IV	42.84
30375 - Petroleum Supply Specialist	30.15
30390 - Photo-Optics Technician	27.27
30395 - Radiation Control Technician	30.15
30461 - Technical Writer I	27.48
30462 - Technical Writer II	33.61

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30463 - Technical Writer III	40.67
30491 - Unexploded Ordnance (UXO) Technician I	27.19
30492 - Unexploded Ordnance (UXO) Technician II	32.90
30493 - Unexploded Ordnance (UXO) Technician III	39.44
30494 - Unexploded (UXO) Safety Escort	27.19
30495 - Unexploded (UXO) Sweep Personnel	27.19
30501 - Weather Forecaster I	27.30
30502 - Weather Forecaster II	33.20
30620 - Weather Observer, Combined Upper Air Or	(see 2) 24.55
Surface Programs	
30621 - Weather Observer, Senior	(see 2) 27.27
31000 - Transportation/Mobile Equipment Operation Occupations	
31010 - Airplane Pilot	32.90
31020 - Bus Aide	17.67
31030 - Bus Driver	20.87
31043 - Driver Courier	17.02
31260 - Parking and Lot Attendant	10.74
31290 - Shuttle Bus Driver	17.80
31310 - Taxi Driver	18.60
31361 - Truckdriver, Light	17.80
31362 - Truckdriver, Medium	18.62
31363 - Truckdriver, Heavy	24.52
31364 - Truckdriver, Tractor-Trailer	24.52
99000 - Miscellaneous Occupations	
99020 - Cabin Safety Specialist	16.04
99030 - Cashier	10.53
99050 - Desk Clerk	13.34
99095 - Embalmer	34.44
99130 - Flight Follower	27.19
99251 - Laboratory Animal Caretaker I	13.38
99252 - Laboratory Animal Caretaker II	14.00
99260 - Marketing Analyst	34.90
99310 - Mortician	34.44
99410 - Pest Controller	18.14
99510 - Photofinishing Worker	16.23
99710 - Recycling Laborer	22.97
99711 - Recycling Specialist	25.77
99730 - Refuse Collector	21.57
99810 - Sales Clerk	14.70
99820 - School Crossing Guard	15.37
99830 - Survey Party Chief	23.67
99831 - Surveying Aide	15.50
99832 - Surveying Technician	20.42
99840 - Vending Machine Attendant	22.03
99841 - Vending Machine Repairer	24.60
99842 - Vending Machine Repairer Helper	22.03

Note: Executive Order (EO) 13706, Establishing Paid Sick Leave for Federal Contractors, applies to all contracts subject to the Service Contract Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2017. If this contract is covered by the EO, the contractor must provide employees with 1 hour of paid sick leave for every 30 hours they work, up to 56 hours of paid sick leave each year. Employees must be permitted to use paid sick leave for their own illness, injury or other health-related needs, including preventive care; to assist a family member (or person who is like family to the employee) who is ill, injured, or has other health-related needs, including preventive care; or for reasons resulting from, or to assist a family member (or person who is like family to the employee) who is the victim of, domestic violence, sexual assault, or stalking. Additional information on contractor requirements and worker protections

Prevailing Wage Rates - Mercer
under the EO is available at www.dol.gov/whd/govcontracts.

ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:

HEALTH & WELFARE: Life, accident, and health insurance plans, sick leave, pension plans, civic and personal leave, severance pay, and savings and thrift plans. Minimum employer contributions costing an average of \$4.27 per hour computed on the basis of all hours worked by service employees employed on the contract.

VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 5 years, 4 weeks after 15 years, and 5 weeks after 25 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 eleven paid holidays per year: New Year's Day, Martin Luther King Jr's Birthday, Washington's Birthday, Good Friday, 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)

THE OCCUPATIONS WHICH HAVE NUMBERED FOOTNOTES IN PARENTHESES RECEIVE THE FOLLOWING:

1) COMPUTER EMPLOYEES: Under the SCA at section 8(b), this wage determination does not apply to any employee who individually qualifies as a bona fide executive, administrative, or professional employee as defined in 29 C.F.R. Part 541. Because most Computer System Analysts and Computer Programmers who are compensated at a rate not less than \$27.63 (or on a salary or fee basis at a rate not less than \$455 per week) an hour would likely qualify as exempt computer professionals, (29 C.F.R. 541.400) wage rates may not be listed on this wage determination for all occupations within those job families. In addition, because this wage determination may not list a wage rate for some or all occupations within those job families if the survey data indicates that the prevailing wage rate for the occupation equals or exceeds \$27.63 per hour conformances may be necessary for certain nonexempt employees. For example, if an individual employee is nonexempt but nevertheless performs duties within the scope of one of the Computer Systems Analyst or Computer Programmer occupations for which this wage determination does not specify an SCA wage rate, then the wage rate for that employee must be conformed in accordance with the conformance procedures described in the conformance note included on this wage determination.

Additionally, because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the application of the computer professional exemption. Therefore, the exemption applies only to computer employees who satisfy the compensation requirements and whose primary duty consists of:

(1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;

(2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

(3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or

(4) A combination of the aforementioned duties, the performance of which requires the same level of skills. (29 C.F.R. 541.400).

2) AIR TRAFFIC CONTROLLERS AND WEATHER OBSERVERS - NIGHT PAY & SUNDAY PAY: If you work at night as part of a regular tour of duty, you will earn a night differential and receive an additional 10% of basic pay for any hours worked between 6pm and 6am.

Prevailing Wage Rates - Mercer

If you are a full-time employee (40 hours a week) and Sunday is part of your regularly scheduled workweek, you are paid at your rate of basic pay plus a Sunday premium of 25% of your basic rate for each hour of Sunday work which is not overtime (i.e. occasional work on Sunday outside the normal tour of duty is considered overtime work).

** 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 re-grading 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 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.

** SERVICE CONTRACT ACT DIRECTORY OF OCCUPATIONS **

The duties of employees under job titles listed are those described in the "Service Contract Act Directory of Occupations", Fifth Edition (Revision 1), dated September 2015, unless otherwise indicated.

** REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND WAGE RATE, Standard Form 1444 (SF-1444) **

Prevailing Wage Rates - Mercer

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 (See 29 CFR 4.6(b)(2)(i)). Such conforming procedures shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees (See 29 CFR 4.6(b)(2)(ii)). The Wage and Hour Division shall make a final determination of conformed classification, wage rate, and/or fringe benefits which shall be paid to all employees performing in the classification from the first day of work on which contract work is performed by them in the classification. Failure to pay such unlisted employees the compensation agreed upon by the interested parties and/or fully determined by the Wage and Hour Division retroactive to the date such class of employees commenced contract work shall be a violation of the Act and this contract. (See 29 CFR 4.6(b)(2)(v)). 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 the 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 U.S. Department of Labor, Wage and Hour Division, for review (See 29 CFR 4.6(b)(2)(ii)).
- 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 Division's decision to the contractor.
- 6) Each affected employee shall be furnished by the contractor with a written copy of such determination or it shall be posted as a part of the wage determination (See 29 CFR 4.6(b)(2)(iii)).

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" should be used to compare job definitions to ensure 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 (See 29 CFR 4.152(c)(1)).

EXHIBIT J

GENERAL MAINTENANCE WORKER CODE 23370

MIDDLESEX COUNTY

Prevailing Wage Rates - Middlesex
 WD 15-4194 (Rev.-2) was first posted on www.wdol.gov on 06/20/2017

REGISTER OF WAGE DETERMINATIONS UNDER
 THE SERVICE CONTRACT ACT
 By direction of the Secretary of Labor

U.S. DEPARTMENT OF LABOR
 EMPLOYMENT STANDARDS ADMINISTRATION
 WAGE AND HOUR DIVISION
 WASHINGTON D.C. 20210

Daniel W. Simms Division of
 Director Wage Determinations

Wage Determination No.: 2015-4194
 Revision No.: 2
 Date Of Revision: 06/15/2017

Note: Under Executive Order (EO) 13658, an hourly minimum wage of \$10.20 for calendar year 2017 applies to all contracts subject to the Service Contract Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2015. If this contract is covered by the EO, the contractor must pay all workers in any classification listed on this wage determination at least \$10.20 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in calendar year 2017. The EO minimum wage rate will be adjusted annually. Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

State: New Jersey

Area: New Jersey County of Middlesex

Fringe Benefits Required Follow the Occupational Listing		
OCCUPATION CODE - TITLE	FOOTNOTE	RATE
01000 - Administrative Support And Clerical Occupations		
01011 - Accounting Clerk I		17.25
01012 - Accounting Clerk II		19.61
01013 - Accounting Clerk III		21.89
01020 - Administrative Assistant		34.63
01035 - Court Reporter		26.18
01041 - Customer Service Representative I		15.03
01042 - Customer Service Representative II		16.90
01043 - Customer Service Representative III		18.43
01051 - Data Entry Operator I		15.40
01052 - Data Entry Operator II		16.80
01060 - Dispatcher, Motor Vehicle		25.79
01070 - Document Preparation Clerk		15.56
01090 - Duplicating Machine Operator		15.56
01111 - General Clerk I		14.82
01112 - General Clerk II		17.49
01113 - General Clerk III		18.82
01120 - Housing Referral Assistant		26.92
01141 - Messenger Courier		14.93
01191 - Order Clerk I		17.35
01192 - Order Clerk II		21.37
01261 - Personnel Assistant (Employment) I		18.96
01262 - Personnel Assistant (Employment) II		21.22
01263 - Personnel Assistant (Employment) III		23.66
01270 - Production Control Clerk		25.27
01290 - Rental Clerk		18.04
01300 - Scheduler, Maintenance		21.57
01311 - Secretary I		21.57
01312 - Secretary II		24.82
01313 - Secretary III		26.92
01320 - Service Order Dispatcher		18.55
01410 - Supply Technician		34.63
01420 - Survey Worker		21.64

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01460 - Switchboard Operator/Receptionist	15.67
01531 - Travel Clerk I	16.32
01532 - Travel Clerk II	17.68
01533 - Travel Clerk III	19.19
01611 - Word Processor I	17.62
01612 - Word Processor II	19.79
01613 - Word Processor III	22.13
05000 - Automotive Service Occupations	
05005 - Automobile Body Repairer, Fiberglass	29.36
05010 - Automotive Electrician	28.50
05040 - Automotive Glass Installer	27.31
05070 - Automotive Worker	27.31
05110 - Mobile Equipment Servicer	24.42
05130 - Motor Equipment Metal Mechanic	29.68
05160 - Motor Equipment Metal Worker	27.31
05190 - Motor Vehicle Mechanic	29.68
05220 - Motor Vehicle Mechanic Helper	23.15
05250 - Motor Vehicle Upholstery Worker	26.12
05280 - Motor Vehicle Wrecker	27.31
05310 - Painter, Automotive	28.50
05340 - Radiator Repair Specialist	27.31
05370 - Tire Repairer	17.20
05400 - Transmission Repair Specialist	29.68
07000 - Food Preparation And Service Occupations	
07010 - Baker	18.00
07041 - Cook I	16.22
07042 - Cook II	18.11
07070 - Dishwasher	10.20
07130 - Food Service Worker	12.02
07210 - Meat Cutter	19.20
07260 - Waiter/Waitress	12.67
09000 - Furniture Maintenance And Repair Occupations	
09010 - Electrostatic Spray Painter	21.17
09040 - Furniture Handler	16.74
09080 - Furniture Refinisher	21.17
09090 - Furniture Refinisher Helper	17.77
09110 - Furniture Repairer, Minor	19.47
09130 - Upholsterer	21.17
11000 - General Services And Support Occupations	
11030 - Cleaner, Vehicles	12.94
11060 - Elevator Operator	14.95
11090 - Gardener	19.34
11122 - Housekeeping Aide	15.70
11150 - Janitor	15.70
11210 - Laborer, Grounds Maintenance	15.89
11240 - Maid or Houseman	15.30
11260 - Pruner	14.75
11270 - Tractor Operator	18.12
11330 - Trail Maintenance Worker	15.89
11360 - Window Cleaner	16.95
12000 - Health Occupations	
12010 - Ambulance Driver	22.50
12011 - Breath Alcohol Technician	23.58
12012 - Certified Occupational Therapist Assistant	29.18
12015 - Certified Physical Therapist Assistant	26.96
12020 - Dental Assistant	17.18
12025 - Dental Hygienist	42.72
12030 - EKG Technician	31.67
12035 - Electroneurodiagnostic Technologist	31.67
12040 - Emergency Medical Technician	22.50
12071 - Licensed Practical Nurse I	21.76
12072 - Licensed Practical Nurse II	24.34
12073 - Licensed Practical Nurse III	26.29

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12100 - Medical Assistant	16.91
12130 - Medical Laboratory Technician	24.79
12160 - Medical Record Clerk	20.28
12190 - Medical Record Technician	22.70
12195 - Medical Transcriptionist	20.16
12210 - Nuclear Medicine Technologist	42.16
12221 - Nursing Assistant I	12.37
12222 - Nursing Assistant II	14.03
12223 - Nursing Assistant III	16.63
12224 - Nursing Assistant IV	16.89
12235 - Optical Dispenser	27.86
12236 - Optical Technician	17.45
12250 - Pharmacy Technician	15.36
12280 - Phlebotomist	18.69
12305 - Radiologic Technologist	33.73
12311 - Registered Nurse I	32.76
12312 - Registered Nurse II	38.41
12313 - Registered Nurse II, Specialist	38.41
12314 - Registered Nurse III	49.39
12315 - Registered Nurse III, Anesthetist	49.39
12316 - Registered Nurse IV	59.22
12317 - Scheduler (Drug and Alcohol Testing)	29.21
12320 - Substance Abuse Treatment Counselor	25.04
13000 - Information And Arts Occupations	
13011 - Exhibits Specialist I	27.03
13012 - Exhibits Specialist II	33.19
13013 - Exhibits Specialist III	35.62
13041 - Illustrator I	25.89
13042 - Illustrator II	32.08
13043 - Illustrator III	35.62
13047 - Librarian	36.42
13050 - Library Aide/Clerk	15.79
13054 - Library Information Technology Systems Administrator	32.65
13058 - Library Technician	24.10
13061 - Media Specialist I	20.90
13062 - Media Specialist II	23.19
13063 - Media Specialist III	25.85
13071 - Photographer I	21.29
13072 - Photographer II	24.10
13073 - Photographer III	29.53
13074 - Photographer IV	36.11
13075 - Photographer V	43.69
13090 - Technical Order Library Clerk	17.95
13110 - Video Teleconference Technician	26.76
14000 - Information Technology Occupations	
14041 - Computer Operator I	19.00
14042 - Computer Operator II	21.26
14043 - Computer Operator III	23.71
14044 - Computer Operator IV	26.35
14045 - Computer Operator V	29.17
14071 - Computer Programmer I	(see 1) 27.56
14072 - Computer Programmer II	(see 1)
14073 - Computer Programmer III	(see 1)
14074 - Computer Programmer IV	(see 1)
14101 - Computer Systems Analyst I	(see 1)
14102 - Computer Systems Analyst II	(see 1)
14103 - Computer Systems Analyst III	(see 1)
14150 - Peripheral Equipment Operator	19.00
14160 - Personal Computer Support Technician	26.35
14170 - System Support Specialist	39.46
15000 - Instructional Occupations	
15010 - Aircrew Training Devices Instructor (Non-Rated)	39.54

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15020 - Aircrew Training Devices Instructor (Rated)	43.75
15030 - Air Crew Training Devices Instructor (Pilot)	52.46
15050 - Computer Based Training Specialist / Instructor	39.54
15060 - Educational Technologist	33.25
15070 - Flight Instructor (Pilot)	52.46
15080 - Graphic Artist	33.72
15085 - Maintenance Test Pilot, Fixed, Jet/Prop	48.47
15086 - Maintenance Test Pilot, Rotary Wing	48.47
15088 - Non-Maintenance Test/Co-Pilot	48.47
15090 - Technical Instructor	31.19
15095 - Technical Instructor/Course Developer	38.04
15110 - Test Proctor	25.11
15120 - Tutor	25.11
16000 - Laundry, Dry-Cleaning, Pressing And Related Occupations	
16010 - Assembler	12.60
16030 - Counter Attendant	12.60
16040 - Dry Cleaner	15.52
16070 - Finisher, Flatwork, Machine	12.60
16090 - Presser, Hand	12.60
16110 - Presser, Machine, Drycleaning	12.60
16130 - Presser, Machine, Shirts	12.60
16160 - Presser, Machine, Wearing Apparel, Laundry	12.60
16190 - Sewing Machine Operator	16.47
16220 - Tailor	17.40
16250 - Washer, Machine	13.67
19000 - Machine Tool Operation And Repair Occupations	
19010 - Machine-Tool Operator (Tool Room)	22.86
19040 - Tool And Die Maker	26.50
21000 - Materials Handling And Packing Occupations	
21020 - Forklift Operator	16.96
21030 - Material Coordinator	25.27
21040 - Material Expediter	25.27
21050 - Material Handling Laborer	14.24
21071 - Order Filler	13.99
21080 - Production Line Worker (Food Processing)	16.96
21110 - Shipping Packer	15.82
21130 - Shipping/Receiving Clerk	15.82
21140 - Store Worker I	16.34
21150 - Stock Clerk	20.48
21210 - Tools And Parts Attendant	16.96
21410 - Warehouse Specialist	16.96
23000 - Mechanics And Maintenance And Repair Occupations	
23010 - Aerospace Structural Welder	33.88
23019 - Aircraft Logs and Records Technician	28.56
23021 - Aircraft Mechanic I	32.61
23022 - Aircraft Mechanic II	33.88
23023 - Aircraft Mechanic III	35.14
23040 - Aircraft Mechanic Helper	25.36
23050 - Aircraft, Painter	31.38
23060 - Aircraft Servicer	28.56
23070 - Aircraft Survival Flight Equipment Technician	31.38
23080 - Aircraft Worker	30.09
23091 - Aircrew Life Support Equipment (ALSE) Mechanic I	30.09
23092 - Aircrew Life Support Equipment (ALSE) Mechanic II	32.61
23110 - Appliance Mechanic	23.29
23120 - Bicycle Repairer	17.14
23125 - Cable Splicer	38.29
23130 - Carpenter, Maintenance	29.89
23140 - Carpet Layer	27.98
23160 - Electrician, Maintenance	36.84
23181 - Electronics Technician Maintenance I	27.36

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23182 - Electronics Technician Maintenance II	28.53
23183 - Electronics Technician Maintenance III	29.65
23260 - Fabric Worker	30.80
23290 - Fire Alarm System Mechanic	22.72
23310 - Fire Extinguisher Repairer	25.69
23311 - Fuel Distribution System Mechanic	35.16
23312 - Fuel Distribution System Operator	32.31
23370 - General Maintenance Worker	24.67
23380 - Ground Support Equipment Mechanic	32.61
23381 - Ground Support Equipment Servicer	28.56
23382 - Ground Support Equipment Worker	30.09
23391 - Gunsmith I	25.69
23392 - Gunsmith II	28.68
23393 - Gunsmith III	31.08
23410 - Heating, Ventilation And Air-Conditioning Mechanic	28.19
23411 - Heating, Ventilation And Air Contditioning Mechanic (Research Facility)	29.28
23430 - Heavy Equipment Mechanic	27.61
23440 - Heavy Equipment Operator	38.59
23460 - Instrument Mechanic	31.98
23465 - Laboratory/Shelter Mechanic	29.91
23470 - Laborer	14.74
23510 - Locksmith	20.70
23530 - Machinery Maintenance Mechanic	26.72
23550 - Machinist, Maintenance	23.10
23580 - Maintenance Trades Helper	15.12
23591 - Metrology Technician I	31.98
23592 - Metrology Technician II	33.22
23593 - Metrology Technician III	34.46
23640 - Millwright	34.81
23710 - Office Appliance Repairer	22.16
23760 - Painter, Maintenance	26.69
23790 - Pipefitter, Maintenance	33.20
23810 - Plumber, Maintenance	32.93
23820 - Pneudraulic Systems Mechanic	31.08
23850 - Rigger	28.42
23870 - Scale Mechanic	28.68
23890 - Sheet-Metal Worker, Maintenance	32.41
23910 - Small Engine Mechanic	20.48
23931 - Telecommunications Mechanic I	33.21
23932 - Telecommunications Mechanic II	34.50
23950 - Telephone Lineman	39.61
23960 - Welder, Combination, Maintenance	23.01
23965 - Well Driller	26.81
23970 - Woodcraft Worker	31.08
23980 - Woodworker	25.69
24000 - Personal Needs Occupations	
24550 - Case Manager	17.01
24570 - Child Care Attendant	13.60
24580 - Child Care Center Clerk	16.97
24610 - Chore Aide	11.53
24620 - Family Readiness And Support Services Coordinator	17.01
24630 - Homemaker	19.66
25000 - Plant And System Operations Occupations	
25010 - Boiler Tender	35.12
25040 - Sewage Plant Operator	30.48
25070 - Stationary Engineer	35.12
25190 - Ventilation Equipment Tender	28.69
25210 - Water Treatment Plant Operator	31.98
27000 - Protective Service Occupations	
27004 - Alarm Monitor	20.59

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27007 - Baggage Inspector	17.98
27008 - Corrections Officer	33.75
27010 - Court Security Officer	34.73
27030 - Detection Dog Handler	19.18
27040 - Detention Officer	33.75
27070 - Firefighter	34.56
27101 - Guard I	17.98
27102 - Guard II	19.18
27131 - Police Officer I	32.37
27132 - Police Officer II	35.94
28000 - Recreation Occupations	
28041 - Carnival Equipment Operator	13.28
28042 - Carnival Equipment Repairer	13.84
28043 - Carnival worker	10.96
28210 - Gate Attendant/Gate Tender	16.49
28310 - Lifeguard	13.00
28350 - Park Attendant (Aide)	18.46
28510 - Recreation Aide/Health Facility Attendant	13.48
28515 - Recreation Specialist	22.64
28630 - Sports Official	14.69
28690 - Swimming Pool Operator	14.93
29000 - Stevedoring/Longshoremen Occupational Services	
29010 - Blocker And Bracer	33.44
29020 - Hatch Tender	33.44
29030 - Line Handler	33.44
29041 - Stevedore I	31.72
29042 - Stevedore II	36.69
30000 - Technical Occupations	
30010 - Air Traffic Control Specialist, Center (HFO) (see 2)	42.79
30011 - Air Traffic Control Specialist, Station (HFO) (see 2)	29.51
30012 - Air Traffic Control Specialist, Terminal (HFO) (see 2)	32.50
30021 - Archeological Technician I	19.73
30022 - Archeological Technician II	22.02
30023 - Archeological Technician III	27.27
30030 - Cartographic Technician	27.27
30040 - Civil Engineering Technician	29.28
30051 - Cryogenic Technician I	27.21
30052 - Cryogenic Technician II	30.05
30061 - Drafter/CAD Operator I	19.69
30062 - Drafter/CAD Operator II	22.02
30063 - Drafter/CAD Operator III	24.55
30064 - Drafter/CAD Operator IV	30.20
30081 - Engineering Technician I	19.16
30082 - Engineering Technician II	22.24
30083 - Engineering Technician III	25.28
30084 - Engineering Technician IV	31.22
30085 - Engineering Technician V	38.08
30086 - Engineering Technician VI	46.20
30090 - Environmental Technician	24.87
30095 - Evidence Control Specialist	24.57
30210 - Laboratory Technician	23.52
30221 - Latent Fingerprint Technician I	29.12
30222 - Latent Fingerprint Technician II	32.16
30240 - Mathematical Technician	26.78
30361 - Paralegal/Legal Assistant I	23.36
30362 - Paralegal/Legal Assistant II	28.94
30363 - Paralegal/Legal Assistant III	35.39
30364 - Paralegal/Legal Assistant IV	42.84
30375 - Petroleum Supply Specialist	30.05
30390 - Photo-Optics Technician	27.27
30395 - Radiation Control Technician	30.05
30461 - Technical writer I	28.45
30462 - Technical writer II	34.80

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30463 - Technical Writer III	42.11
30491 - Unexploded Ordnance (UXO) Technician I	27.19
30492 - Unexploded Ordnance (UXO) Technician II	32.90
30493 - Unexploded Ordnance (UXO) Technician III	39.44
30494 - Unexploded (UXO) Safety Escort	27.19
30495 - Unexploded (UXO) Sweep Personnel	27.19
30501 - Weather Forecaster I	30.20
30502 - Weather Forecaster II	36.74
30620 - Weather Observer, Combined Upper Air Or	(see 2) 24.55
Surface Programs	
30621 - Weather Observer, Senior	(see 2) 27.27
31000 - Transportation/Mobile Equipment Operation Occupations	
31010 - Airplane Pilot	32.90
31020 - Bus Aide	19.84
31030 - Bus Driver	24.07
31043 - Driver Courier	16.75
31260 - Parking and Lot Attendant	10.55
31290 - Shuttle Bus Driver	17.80
31310 - Taxi Driver	14.22
31361 - Truckdriver, Light	17.80
31362 - Truckdriver, Medium	18.87
31363 - Truckdriver, Heavy	24.52
31364 - Truckdriver, Tractor-Trailer	24.52
99000 - Miscellaneous Occupations	
99020 - Cabin Safety Specialist	16.04
99030 - Cashier	10.53
99050 - Desk Clerk	14.67
99095 - Embalmer	33.68
99130 - Flight Follower	27.19
99251 - Laboratory Animal Caretaker I	14.30
99252 - Laboratory Animal Caretaker II	15.20
99260 - Marketing Analyst	35.50
99310 - Mortician	34.44
99410 - Pest Controller	17.74
99510 - Photofinishing Worker	16.23
99710 - Recycling Laborer	23.94
99711 - Recycling Specialist	27.37
99730 - Refuse Collector	22.22
99810 - Sales Clerk	14.70
99820 - School Crossing Guard	16.24
99830 - Survey Party Chief	27.07
99831 - Surveying Aide	16.41
99832 - Surveying Technician	21.65
99840 - Vending Machine Attendant	16.01
99841 - Vending Machine Repairer	19.18
99842 - Vending Machine Repairer Helper	16.19

Note: Executive Order (EO) 13706, Establishing Paid Sick Leave for Federal Contractors, applies to all contracts subject to the Service Contract Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2017. If this contract is covered by the EO, the contractor must provide employees with 1 hour of paid sick leave for every 30 hours they work, up to 56 hours of paid sick leave each year. Employees must be permitted to use paid sick leave for their own illness, injury or other health-related needs, including preventive care; to assist a family member (or person who is like family to the employee) who is ill, injured, or has other health-related needs, including preventive care; or for reasons resulting from, or to assist a family member (or person who is like family to the employee) who is the victim of, domestic violence, sexual assault, or stalking. Additional information on contractor requirements and worker protections

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under the EO is available at www.dol.gov/whd/govcontracts.

ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:

HEALTH & WELFARE: Life, accident, and health insurance plans, sick leave, pension plans, civic and personal leave, severance pay, and savings and thrift plans. Minimum employer contributions costing an average of \$4.27 per hour computed on the basis of all hours worked by service employees employed on the contract.

VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor, 3 weeks after 5 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)

HOLIDAYS: A minimum of eleven paid holidays per year: New Year's Day, Martin Luther King Jr's Birthday, Washington's Birthday, Good Friday, 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)

THE OCCUPATIONS WHICH HAVE NUMBERED FOOTNOTES IN PARENTHESES RECEIVE THE FOLLOWING:

1) COMPUTER EMPLOYEES: Under the SCA at section 8(b), this wage determination does not apply to any employee who individually qualifies as a bona fide executive, administrative, or professional employee as defined in 29 C.F.R. Part 541. Because most Computer System Analysts and Computer Programmers who are compensated at a rate not less than \$27.63 (or on a salary or fee basis at a rate not less than \$455 per week) an hour would likely qualify as exempt computer professionals, (29 C.F.R. 541.400) wage rates may not be listed on this wage determination for all occupations within those job families. In addition, because this wage determination may not list a wage rate for some or all occupations within those job families if the survey data indicates that the prevailing wage rate for the occupation equals or exceeds \$27.63 per hour conformances may be necessary for certain nonexempt employees. For example, if an individual employee is nonexempt but nevertheless performs duties within the scope of one of the Computer Systems Analyst or Computer Programmer occupations for which this wage determination does not specify an SCA wage rate, then the wage rate for that employee must be conformed in accordance with the conformance procedures described in the conformance note included on this wage determination.

Additionally, because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the application of the computer professional exemption. Therefore, the exemption applies only to computer employees who satisfy the compensation requirements and whose primary duty consists of:

(1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;

(2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

(3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or

(4) A combination of the aforementioned duties, the performance of which requires the same level of skills. (29 C.F.R. 541.400).

2) AIR TRAFFIC CONTROLLERS AND WEATHER OBSERVERS - NIGHT PAY & SUNDAY PAY: If you work at night as part of a regular tour of duty, you will earn a night differential and receive an additional 10% of basic pay for any hours worked between 6pm and 6am. If you are a full-time employed (40 hours a week) and Sunday is part of your

Prevailing Wage Rates - Middlesex

regularly scheduled workweek, you are paid at your rate of basic pay plus a Sunday premium of 25% of your basic rate for each hour of Sunday work which is not overtime (i.e. occasional work on Sunday outside the normal tour of duty is considered overtime work).

** 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 re-grading 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 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.

** SERVICE CONTRACT ACT DIRECTORY OF OCCUPATIONS **

The duties of employees under job titles listed are those described in the "Service Contract Act Directory of Occupations", Fifth Edition (Revision 1), dated September 2015, unless otherwise indicated.

** REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND WAGE RATE, Standard Form 1444 (SF-1444) **

Prevailing Wage Rates - Middlesex

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 (See 29 CFR 4.6(b)(2)(i)). Such conforming procedures shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees (See 29 CFR 4.6(b)(2)(ii)). The Wage and Hour Division shall make a final determination of conformed classification, wage rate, and/or fringe benefits which shall be paid to all employees performing in the classification from the first day of work on which contract work is performed by them in the classification. Failure to pay such unlisted employees the compensation agreed upon by the interested parties and/or fully determined by the Wage and Hour Division retroactive to the date such class of employees commenced contract work shall be a violation of the Act and this contract. (See 29 CFR 4.6(b)(2)(v)). 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 the 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 U.S. Department of Labor, Wage and Hour Division, for review (See 29 CFR 4.6(b)(2)(ii)).
- 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 Division's decision to the contractor.
- 6) Each affected employee shall be furnished by the contractor with a written copy of such determination or it shall be posted as a part of the wage determination (See 29 CFR 4.6(b)(2)(iii)).

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" should be used to compare job definitions to ensure 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 (See 29 CFR 4.152(c)(1)).