In the Matter of:

AAA STRIPIING SERVICE CO. ARB Case No. 99-073

In re: Application of Wage Determination
Nos. MN960005 and MN960017 to Minnesota Department of Transportation Contract No. 3608-0044/NH011(052)/S96241, T.H. 53, St. Louis and Koochiching Counties, Minnesota

and

AAA STRIPIING SERVICE CO. ARB Case No. 99-074

In re: Application of Wage Determination No. MN960005 to Minnesota Department of Transportation Contract No. 7318-0030/NH004-2(061)/L96208, T.H. 71, Stearns County, Minnesota

and

AAA STRIPIING SERVICE CO. ARB Case No. 99-075

In re: Application of Wage Determination No. MN950005 to Minnesota Department of Transportation Contract No. 1920-0029/STP 1996(144)/S96056, T.H. 3, Dakota County, Minnesota

and

AAA STRIPIING SERVICE CO. ARB Case No. 99-076

DATE: August 31, 1999
In re: Application of Wage Determination No. MN960005 to Minnesota Department of Transportation Contract No. 62-630-42/STPF 6297(082)/C97025, Larpenteur Avenue, Ramsey County, Minnesota

and

AAA STRIPING SERVICE CO. ARB Case No. 99-077

In re: Application of Wage Determination No. MN950005 to Minnesota Department of Transportation Contract No. 164-235-09/BRSTP-D-TEA6295(278)/96011, Wabasha Street Bridge, Dakota County, Minnesota

and

AAA STRIPING SERVICE CO. ARB Case No. 99-078

In re: Application of Wage Determination No. MN960047 to Minnesota Department of Transportation Contract No. 4811-0062/NH0181(081)/S97045, T.H. 169, Mille Lacs County, Minnesota

and

AAA STRIPING SERVICE CO. ARB Case No. 99-079

In re: Application of Wage Determination No. MN960047 to Minnesota Department of Transportation Contract No. 4812-0069/NH018-1(079)/S96092, T.H. 169, Mille Lacs County, Minnesota

and

AAA STRIPING SERVICE CO. ARB Case No. 99-080

In re: Application of Wage Determination No. MN960012 to Minnesota Department of Transportation Contract No. 5501-0096/AIP96-1-3-27-0084-12-96/74624,
Rochester, Olmsted County, Minnesota

and

AAA STRIPING SERVICE CO. ARB Case No. 99-081

In re: Application of Wage Determination No. MN950012 to Minnesota Department of Transportation Contract No. 2313-0013/STP056-1(069)/S95352, T.H. 63, Fillmore County, Minnesota

and

AAA STRIPING SERVICE CO. ARB Case No. 99-082

In re: Application of Wage Determination No. MN960012 to Minnesota Department of Transportation Contract No. 2514-0099/NH003-3(139)/S97014, T.H. 61, Goodhue County, Minnesota

and

AAA STRIPING SERVICE CO. ARB Case No. 99-083

In re: Application of Wage Determination No. MN970002 to Minnesota Department of Transportation Contract No. 6404-0032/STP-BRSTP6496(169)/S97082, T.H. 19, Redwood and Renville Counties, Minnesota

and

AAA STRIPING SERVICE CO. ARB Case No. 99-084

In re: Application of Wage Determination Nos. MN970005 and MN970050 to Minnesota Department of Transportation Contract No. 0208-0094/STPF029(118)/S97213, T.H. 65, Anoka and Isanti Counties, Minnesota

and
AAA STRIPING SERVICE CO. ARB Case No. 99-085

In re: Application of Wage Determination No. MN950005 to Minnesota Department of Transportation Contract No. 6917-0105/DPI0128(002)/S95373, T.H. 53, St. Louis County, Minnesota

and

AAA STRIPING SERVICE CO. ARB Case No. 99-086

In re: Application of Wage Determination No. MN950005 to Minnesota Department of Transportation Contract No. 2724-0103/IDF022-1(136)/S96070, T.H. 55, Hennepin County, Minnesota

and

AAA STRIPING SERVICE CO. ARB Case No. 99-087

In re: Application of Wage Determination No. MN960005 to Minnesota Department of Transportation Contract No. 7306-0084/NH023-2(055)/S96207, T.H. 23 and 33rd Ave., Stearns County, Minnesota

and

AAA STRIPING SERVICE CO. ARB Case No. 99-088

In re: Application of Wage Determination No. MN960005 to Minnesota Department of Transportation Contract No. 0209-0019/BRNH003-3(129)/S96350, T.H. 169, Anoka and Hennepin Counties, Minnesota
REMAND ORDER

AAA Striping petitioned the Administrative Review Board, pursuant to 29 C.F.R. Part 7, to review sixteen ruling letters issued by the National Office Program Administrator of the Department of Labor’s Wage and Hour Division pursuant to the Davis-Bacon Act, 40 U.S.C. §276a et seq. (1994). These letters denied AAA Striping’s requests to add the classifications of “Striper” and “Striping Tender” to wage determinations applicable to sixteen contracts with the Minnesota Department of Transportation, using the Davis–Bacon conformance procedures at 29 C.F.R. §5.5(a)(1)(v).

The Administrator has moved the Board for an order remanding the matters to the Wage and Hour Division for reconsideration. The Administrator contends that AAA’s submissions contain varied descriptions of the duties performed by the two classifications AAA has sought to add to the wage determinations. Because of these perceived discrepancies and the Wage and Hour Division’s desire to review its position with regard to these conformance matters, the Administrator states that a remand is necessary. Upon remand, the Wage and Hour Division will request that AAA answer a number of questions and provide documentary evidence regarding the nature of the proposed classifications.

By letter dated August 23, 1999, AAA informed the Board that it did not oppose the Administrator’s Motion for Remand. Accordingly, we GRANT the Administrator’s Motion and remand the conformance rulings to the Wage and Hour Administrator for further review.

SO ORDERED.

PAUL GREENBERG
Chair

E. COOPER BROWN
Member

CYNTHIA L. ATTWOOD
Member