



In the Matter of:

AAA STRIPING SERVICE CO.

ARB Case No. 99-098

**In re: Application of Wage Determination
No. MN970011 to Minnesota Department of
Transportation Contract No. 2206-0010/
STPF2297(061)/S97384, T.H. 109, Faribault
and Freeborn Counties, Minnesota**

DATE: August 31, 1999

and

AAA STRIPING SERVICE CO.

ARB Case No. 99-099

**In re: Application of Wage Determination
No. MN970005 to Minnesota Department of
Transportation Contract No. 7106-0060/
TBO8697(170)/M97201, T.H. 169 and 94,
Sherburne and Wright Counties, Minnesota**

and

AAA STRIPING SERVICE CO.

ARB Case No. 99-100

**In re: Application of Wage Determination
No. MN970061 to Department of the Army
Contract No. DACW37-97-C-0008, Houston
Stage 2B, Flood Control Project, Houston
County, Minnesota**

and

AAA STRIPING SERVICE CO.

ARB Case No. 99-101

**In re: Application of Wage Determination
No. MN970005 to Minnesota Department of
Transportation Contract No. 8580-0143/
IM090-3(173)/S98287, T.H. 90, Winona
County, Minnesota**

and

AAA STRIPING SERVICE CO.

ARB Case No. 99-102

**In re: Application of Wage Determination
No. MN980054 to Minnesota Department of
Transportation Contract No. 5211-0045/NH005-
(079)/S98322, T.H. 169 and 295, Nicollet County,
Minnesota**

and

AAA STRIPING SERVICE CO.

ARB Case No. 99-103

**In re: Application of Wage Determination
Nos. MN970005 and MN970055 to Minnesota
Department of Transportation Contract No.
1920-0026/STP1997(355)/S97383, T.H. 3,
Dakota and Rice Counties,
Minnesota**

REMAND ORDER

AAA Striping petitioned the Administrative Review Board, pursuant to 29 C.F.R. Part 7, to review six 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" or solely the "Striper" classification to wage determinations applicable to five contracts with the Minnesota Department of Transportation and one contract with the Department of the Army 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