

Question: I received a prevailing wage determination using a McNamara-O'Hara Service Contract Act wage rate. However, I am not an employer engaged in government contract work. Why did the National Prevailing Wage Center (NPWC) issue me such a prevailing wage determination?

Answer: The prevailing wage methodology described in the *H-2B Wage Methodology for the Temporary Non-agricultural Employment H-2B Program; Final Rule*, 76 FR 3452 Jan. 19, 2011 (the Wage Final Rule) will apply to all work performed on or after September 30, 2011. Under the new methodology, the prevailing wage is the highest of: (1) The wage rate in a Collective Bargaining Agreement (CBA), if the job opportunity is covered by a CBA; (2) The wage rate established under the Davis-Bacon Act (DBA) or McNamara-O'Hara Service Contract Act (SCA), if there is a DBA or SCA wage rate for the occupation in the area of intended employment; or (3) The arithmetic mean of the wages of similarly employed workers as determined by the Occupational Employment Statistics (OES) wage survey.

It has always been the Department's intention under the Wage Final Rule that SCA wage rates would not be limited to work on projects subject to the SCA but rather to occupations in the area of intended employment where there is an SCA wage. As stated in the preamble to the Wage Final Rule, the allegation that an SCA wage is a "government wage" is unfounded, since SCA calculations incorporate workers and projects outside of government contracts. Accordingly, these rates are an appropriate source of prevailing wages for both job opportunities engaged in government contract work and those not engaged in government contract work. Therefore, when appropriate, the NPWC will issue a prevailing wage determination based upon the wage component of the SCA wage rate for the area of intended employment even where the employer is not engaged in government contract work. SCA wage rates can be found at <http://www.wdol.gov>.

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