



ADMINISTRATIVE RULES OF MONTANA

24.17.124 DEPARTMENT ASSISTANCE AND NEW JOB CLASSIFICATION RATES

- (1) Assistance in determining the nature of public works projects and whether heavy, highway or building construction prevailing wage rates apply, can be obtained through the office of the commissioner of labor and industry. Any determination or assistance provided by the commissioner's office is based solely on the facts as presented to the commissioner in the specific request for assistance.
- (2) If the commissioner receives a written request for a rate that does not exist for a particular craft, trade, or occupation, the commissioner may set an interim advisory rate that may be used by the public contracting agency or public contractor until the rate is published in accordance with ARM 24.17.127 . Such rates will not be established more frequently than once every three months.
- (3) At least 30 days prior to advertising for bids or letting a contract for a public works project, a public contracting agency may request that a new job classification and commensurate rate of wages and fringe benefits be established for a particular craft, classification or type of worker needed for a project. The commissioner will establish a standard prevailing rate of wages for any craft, classification or type of worker for which no rate has been previously determined.
- (4) A request for a new project job classification and commensurate rate of wages and benefits does not relieve a contractor from the obligation to classify and pay workers in accordance with annually established standard prevailing wage rates pending the establishment of a new job classification and wage rates.
- (5) A request for a new job classification and rate of wages shall include:
 - (a) identification of the project by name, number or description and location;
 - (b) the name and address of the public contracting agency and the successful public contractor if a contract for work on the project has been awarded;
 - (c) the name, address and signature of the requesting party, and the name, address and signature of a requesting party's representative;
 - (d) each proposed job classification and rate of wages requested;
 - (e) a brief description of the project and the character of the work to be performed;
 - (f) a detailed description of the job requirements, work to be performed and skills involved in each proposed job classification;
 - (g) an explanation as to why none of the classifications established for the standard prevailing rate of wages is applicable;

- (h) any written items of information or documents the requesting party desires to be considered;
 - (i) the names and addresses of all parties entitled to notice and a signed and dated certificate showing that a copy of the request was mailed to each.
- (6) A request for a new job classification and rate of wages must establish:
- (a) that the project is of such an unusual character that its performance requires unique skills not traditionally performed by any craft classification or type of worker for which there has been established a standard prevailing rate of wages;
 - (b) that there exists a classification of workers who commonly perform work involving such unique skills at the proposed rate of wages.

Authorizing statute(s): 18-2-431, 39-3-202, MCA

Implementing statute(s): 18-2-402, 18-2-422, MCA

History: NEW, 1985 MAR p. 1859, Eff. 11/30/85; AMD, 1998 MAR p. 2585, Eff. 9/25/98; AMD, 2002 MAR p. 2446, Eff. 9/13/02; TRANS, from ARM 24.16.9004, Eff. 9/13/02.