

# MEMORANDUM

# State of Alaska

Department of Transportation & Public Facilities  
Statewide Design & Engineering Services Division

TO: DISTRIBUTION

DATE: Feb. 14, 2005

TELEPHONE NO: 465-6958

FAX NUMBER: 465-2460

TEXT TELEPHONE: 465-3652

FROM: Gary Hogins, P.E. *GH*  
Chief Engineer

SUBJECT: Specification Transmittal for  
Worker Meals and Lodging,  
or Per Diem 05-01

Incorporate the attached specifications for Worker Meals and Lodging or Per Diem, and the Department of Labor letter, on projects advertised after March 13, 2005. Please note this is required regardless of the source of funding.

For 2004 Highway Specifications:

Add Standard Modification E 21, to Section 640 Mobilization and Demobilization  
Include Department of Labor Letter WHPL #197 in the Contract.

Delete Highways Special Provisions S 67, S 94, and S 95 for Camp Facilities

For Airport Specifications:

Add new Section G-115 Worker Meals and Lodging, or Per Diem  
Include Department of Labor Letter WHPL #197 in the Contract.

Attachments

DISTRIBUTION:

David Miller, Division Administrator, Federal Highway Administration  
Mark O'Brien, Chief Contracts Officer, Office of the Commissioner, MS 2500  
Debbie Roth, Manager, Safety and Standards, Airports Division, AK Region, FAA  
Mark Neidhold, P.E., Chief Design and Construction Standards, SD&ES, MS 2500  
Jim Green, P.E., Standard Specifications Engineer, SD&ES, MS 2500  
Tom Moses, P.E., Chief Construction Engineer, Central Region, MS 2525  
Sharon Smith, P.E., Chief, Contracts Section, Central Region, MS 2525  
Rob Campbell, P.E., Preconstruction Engineer, Central Region, MS 2525  
Jim Bennett, P.E., Contracts Engineer, Northern Region, MS 2550  
Lon Krol, P.E., Construction Chief, Northern Region, MS 2550  
Dave Bloom, P.E., Preconstruction Engineer, Northern Region, MS 2550  
Chuck Correa, P.E., Construction Chief, Southeast Region, MS 2506  
Pat Kemp, P.E., Preconstruction Engineer, Southeast Region, MS 2506  
Bob Saviers, P.E., Regional Contracts Engineer, Southeast Region, MS 2506

STANDARD MODIFICATION  
E 21

3/13/05

**SECTION 640**

**MOBILIZATION AND DEMOBILIZATION**

**640-1.01 DESCRIPTION** *Add the following:*

6. Comply with the Alaska Department of Labor and Workforce Development (DOLWD) requirements for Worker Meals and Lodging, or Per Diem; as described in their October 15, 2004 memo WHPL #197 (Amended) and the State Laborer's and Mechanic's Minimum Rates of Pay (current issue).

Ensure subcontractors comply with the DOLWD requirements.

Ensure facilities meet the Alaska Administrative Code 8 AAC 61.1010 and 8 AAC 61.1040 *Occupational Safety and Health Standards*, 18 AAC 31 *Alaska Food Code*, and U. S. Code of Federal Regulations 29 CFR Section 1910.142 *Temporary Labor Camps*.

Do not consider the cost of Meals and Lodging, or Per Diem in setting wages for the worker or in meeting wage requirements under AS 23.10.065 or AS 36.05.

**640-4.01 METHOD OF MEASUREMENT.** *Delete the numbered paragraph 3 and substitute the following:*

3. The remaining balance of the amount bid for Mobilization and Demobilization will be paid after all submittals required under the Contract are received and approved.

*Add the following:*

4. Progress payments for Worker Meals and Lodging, or Per Diem will be computed as equivalent to the percentage, rounded to the nearest whole percent, of the original contract amount earned.

**640-5.01 BASIS OF PAYMENT.** *Add the following pay item:*

Pay Item	Pay Unit
640(4) Worker Meals and Lodging, or Per Diem	Lump Sum

## ITEM G-115 WORKER MEALS AND LODGING, OR PER DIEM

### DESCRIPTION

**115-1.1** This item consists of complying with the Alaska Department of Labor and Workforce Development (DOLWD) requirements for Worker Meals and Lodging, or Per Diem; as described in their October 15, 2004 memo WHPL #197 (Amended) and the State Laborer's and Mechanic's Minimum Rates of Pay (current issue).

Ensure subcontractors comply with the DOLWD requirements.

Ensure facilities meet the Alaska Administrative Code 8 AAC 61.1010 and 8 AAC 61.1040 *Occupational Safety and Health Standards*, 18 AAC 31 *Alaska Food Code*, and U. S. Code of Federal Regulations 29 CFR Section 1910.142 *Temporary Labor Camps*.

Do not consider the cost of Meals and Lodging or Per Diem in setting wages for the worker or in meeting wage requirements under AS 23.10.065 or AS 36.05.

### METHOD OF MEASUREMENT

**115-2.1** Progress payments for Worker Meals and Lodging, or Per Diem will be computed as equivalent to the percentage, rounded to the nearest whole percent, of the original contract amount earned.

### BASIS OF PAYMENT

**115-3.1** Payment will be made at the contract lump sum price for Worker Meals and Lodging, or Per Diem. This price and payment shall be full compensation for all costs associated with this item.

Payment will be made under:

Item G-115a Worker Meals and Lodging, or Per Diem - per lump sum

**MEMORANDUM**  
**DEPARTMENT OF LABOR**  
**AND WORKFORCE DEVELOPMENT**

**STATE OF ALASKA**  
**Labor Standards & Safety Division**

TO: Wage and Hour Staff

DATE: October 15, 2004

FILE NO: WHPL #197(Amended)

PHONE: 465-4855

FROM: Grey Mitchell, Director

SUBJECT: Per Diem Requirements

Various questions have resulted in this revised policy. Any previously issued versions of this policy are void. The *Laborers' and Mechanics' Minimum Rates of Pay*, effective September 1, 2004, (Pamphlet 600) contains a new per diem rate for certain crafts. This per diem rate creates an allowable alternative to existing room and board guidelines, but only under the following conditions:

**Employer Provided Camp or Suitable Accommodations.**

Unless otherwise approved by the Commissioner, the employer shall ensure that a worker who is employed on a project that is 65 road miles or more from the U.S. Post Office in either Fairbanks, Juneau or Anchorage or is inaccessible by road in a 2-wheel drive vehicle and who is not a domiciled resident of the locality of the project shall receive meals and lodging. Lodging shall be in accordance with all applicable state and federal laws.

The term "domiciled resident" means a person living within 65 road miles of the project, or in the case of a highway project, the mid-point of the project, for at least 12 consecutive months prior to the award of the project.

Where the employer provides or furnishes board, lodging or any other facility, the cost or amount thereof shall not be considered or included as part of the required prevailing wage basic hourly rate and cannot be applied to meet other fringe benefit requirements. The taxability of employer provided board and lodging shall be determined by the appropriate taxation enforcement authority.

**Per Diem.**

Employers are encouraged to use commercial facilities and lodges, however, when such facilities are not available, per diem in lieu of meals and lodging must be paid at the basic rate of \$75.00 per day, or part thereof, the worker is employed on the project. Per diem shall not be allowed on highway projects West of Livengood on the Elliot Highway, at Mile 0 of the Dalton Highway to the North Slope of Alaska, North of Mile 20 on the Taylor Highway, East of Chicken, Alaska on the Top of the World Highway and South of Tetlin Junction to the Alaska-Canada border.

The above listed standards for room and board and per diem only apply to the crafts as identified in pamphlet 600, *Laborers' and Mechanics' Minimum Rates of Pay*. Other crafts working on public construction projects shall be provided room and board at remote sites based on existing policy guidelines.