

*Frequency:* On occasion.

*Affected Public:* Individuals or households; business or other for-profit.

*Number of Respondents:* 1.

*Estimated Time Per Respondent:* 1 hour.

*Total Burden Hours:* 1.

*Total Annualized capital/startup costs:* 0.

*Total annual costs (operating/maintaining systems or purchasing services):* 0.

*Description:* This class exemption exempts from the prohibited transaction provisions of ERISA certain transactions between a bank collective investment fund and persons who are parties in interest with respect to a plan as long as the plan's participation in the collective investment funds does not exceed a specified percentage of the total assets in the collective investment fund.

*Agency:* Pension Welfare Benefits Administration.

*Title:* Prohibited Transaction Exemption 90-1.

*OMB Number:* 1210-0083.

*Frequency:* On occasion.

*Affected Public:* Individuals or households; business or other for-profit.

*Number of Respondents:* 1.

*Estimated Time Per Respondent:* 1 hour.

*Total Burden Hours:* 1.

*Total Annualized capital/startup costs:* 0.

*Total annual costs (operating/maintaining systems or purchasing services):* 0.

*Description:* This class exemption allows parties in interest of an employee benefit plan that invests in an insured pool separate account to engage in transactions with the separate account if the plan's participation in the separate account does not exceed certain limits.

*Agency:* Occupational Safety and Health Administration.

*Title:* Personal Protective Equipment for Shipyard Employment (29 CFR 1915, Subpart 1).

*OMB Number:* 1218-0 new.

*Frequency:* As needed.

*Affected Public:* Business or other for-profit; Federal Government; State, Local or Tribal Government.

*Number of Respondents:* 500.

*Estimated Time Per Respondent:* varies (1 hour to 17.8 hours).

*Total Burden Hours:* 1,540.

*Total Annualized capital/startup costs:* 0.

*Total annual costs (operating/maintaining systems or purchasing services):* 0.

*Description:* These requirements are intended to reduce hazards to employees through the use of personal

protective equipment (PPE). They establish procedures for assessing the workplace to identify where PPE is needed, provide for training in PPE, and set minimum requirements for PPE.

Theresa M. O'Malley,

Departmental Clearance Officer.

[FR Doc. 97-5004 Filed 2-27-97; 8:45 am]

BILLING CODE 4510-23-M

## Employment and Training Administration

### Federal-State Unemployment Compensation Program: Unemployment Insurance Program Letters Interpreting Federal Unemployment Insurance Law

The Employment and Training Administration interprets Federal law requirements pertaining to unemployment compensation as part of its role in the administration of the Federal-State unemployment compensation program. These interpretations are issued in Unemployment Insurance Program Letters (UIPLs) to the State Employment Security Agencies (SESAs). The UIPLs described below are published in the Federal Register in order to inform the public.

#### UIPL 05-97

The Department's interpretation of several Federal requirements in a remote claimstaking environment was issued in UIPL 35-95, dated June 28, 1995 (published at 60 FR 55604, 11/1/96). Additional questions have been raised about the impact of remote initial claimstaking procedures on claims filed under the Interstate Arrangement for Combining Employment and Wages, the Unemployment Compensation for Ex-Servicemembers program, and the Extended Benefits program. Questions have also been raised regarding how States can comply with the requirement that non-citizen claimants present documentation of a satisfactory immigration status in a remote claimstaking environment. This UIPL contains information on each of these areas.

#### UIPL 16-97

This UIPL is being issued to correct several technical errors which the Department of Labor has identified in UIPLs 45-92, 17-95, 30-96, and 37-96. None of the changes make any change to the Department's interpretation of Federal law.

Dated: February 21, 1997.

Timothy M. Barnicle,  
Assistant Secretary of Labor.

U.S. Department of Labor

Employment and Training Administration  
Washington, D.C. 20210

Classification UI

Correspondence Symbol TEUPDI

Date: December 2, 1996.

Directive: Unemployment Insurance Program Letter No. 05-97

To: All State Employment Security Agencies  
From: Mary Ann Wyrsh, Director,

Unemployment Insurance Service  
Subject: The Department of Labor's Position on Issues and Concerns Associated With the Utilization of Telephone and Other Electronic Methods of Claimstaking in the Unemployment Insurance (UI) Program.

1. *Purpose.* To advise State Employment Security Agencies (SESAs) of the Department's interpretation of Federal statutes and regulations relating to telephone and other electronic methods of claimstaking.

2. *References.* Section 1137, Social Security Act (SSA); Federal-State Extended Unemployment Compensation Act; ETA Handbooks Nos. 384, 392, and 399; 20 CFR 614; 20 CFR 616; and Unemployment Insurance Program Letter (UIPL) No. 35-95.

3. *Background.* The Department's interpretation of several Federal requirements in a remote claimstaking environment was issued in UIPL No. 35-95, dated June 28, 1995. However, additional questions have been raised about the impact of remote initial claimstaking procedures on claims filed under the Interstate Arrangement for Combining Employment and Wages (Combined Wage Claims), the Unemployment Compensation for Ex-Servicemembers (UCX) program and the Extended Benefits program. Questions also have been raised regarding how States can comply with the requirement that non-citizen claimants present documentation of a satisfactory immigration status in a remote claimstaking environment. This directive includes information on each of these areas.

4. *Presentation of Alien Documentation.* Section 1137(d)(2), SSA, provides the following:

If such an individual is not a citizen or national of the United States, there must be presented either—

(A) Alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number \* \* \*, or

(B) such other documents as the State determines constitutes reasonable evidence indicating a satisfactory immigration status.

UIPL No. 35-95, Section 3.A.(5) stated that "neither sections 1137(d)(2)(A) or (B), SSA, may be satisfied by information obtained by telephone (orally or IVR/VRS) or entry via a computer keyboard or touchscreen."

Upon reconsideration, the Department concludes that the requirement to present documentation from the Immigration and

Naturalization Service (INS), under Section 1137(d)(2)(A), SSA, can be satisfied by having the claimant "present" the documentation over the telephone by either using the keypad to enter data, or by reading the admission or file number from the document. This conclusion was made because it is unnecessary for a claims taker/examiner to personally inspect the INS documentation in order to obtain from the document the alien admission or file number for verification through the INS.

This change only affects how the claimant is allowed to present INS alien documentation in accordance with Section 1137(d)(2)(A), SSA. It does not otherwise affect the requirement that the SESA must require that each claimant, who has indicated noncitizenship status, establish a satisfactory immigration status in accordance with Section 1137(d)(2)(A), SSA. This change does not affect the Department's interpretation of Section 1137(d)(2)(A), SSA, as permitting a State to allow a claimant to submit a photostatic copy of the INS document(s) (containing the alien admission or file number) by mail or facsimile (FAX) transmission in lieu of viewing the original INS document(s). A photocopy or FAX of documentation *not* containing the alien admission or file number will *not* satisfy the requirements of Section 1137(d)(2)(b), SSA, because such documents cannot be verified through the INS. Such documents must be presented in person. Thus, there are three ways for a non-citizen claimant to "present" alien documentation: (1) by personally bringing to the claims office the original of the INS document containing the alien or admission number or other documents that the State determines constitutes reasonable evidence of a satisfactory immigration status; (2) by mailing a photocopy of, or FAXING, the INS document containing the admission or file number to the claims office; or (3) by telephoning the claims office and using the keypad to enter (or reading) the admission or file number from the INS document.

5. *Combined Wage Claim (CWC) Paying State/ UCX Wage Assignment.* Under 20 CFR 616.6(e), the paying State for a CWC is required to be the State "in which" the claim is filed, unless the claimant is ineligible on the basis of combining, in which case the paying State is the State in which the claimant was last employed in covered employment and qualifies for benefits. This provision was promulgated in 1974, 39 Federal Register 45214 (December 31, 1974), in order to change the definition of the paying State to require that most CWC claims be filed under the intrastate program. Among other reasons, this change was intended to result in greater promptness in the payment of benefits, and cost savings (because it costs more to file through the Interstate Benefit Payment Plan (IBPP) rather than intrastate), while not adversely affecting the amount of benefits for which combined wage claimants qualify.

Under 20 CFR 614.8(b)(1), UCX wages are required to be assigned to the State "in which" a first claim is filed. Thus UCX requirement is derived from 5 U.S.C. Section 8522, and, as noted in the legislative history to Public Law No. 85-848 (H.R. Rep. No.

1887, 85th Congress, 2nd Session 7; S. Rep. No. 2375, 85th Congress, 2nd Session 15), is designed to keep interstate claims to a minimum. This assures that such claims are filed as intrastate claims under the law of the State in which the claimant is filing. This prevents claimants, in an attempt to qualify for greater benefit amounts or avoid potential disqualifications, from filing their claims under the IBPP and having wages assigned or transferred to any State of their choice.

In developing remote claimstaking procedures, States have requested an interpretation of the phrase "in which", for purposes of establishing the "paying State" for CWC claims and in determining the State of UCX wage assignment, when intrastate initial claims are allowed to be filed remotely by commuters from locations outside the State. (An intrastate claim is a claim filed in a State under the law of that State.) The issue, with regard to remote intrastate claims, is whether a remote CWC or UCX claim filed by a commuter is filed in the State "in which" the claimant is physically present or the State "in which" the claims office is located.

Historically, intrastate CWC and UCX claims have been only those claims filed by individuals filing in-person in a facility in the liable/paying State. Generally, these claims are filed by individuals who reside, and have worked, in the State, and by individuals who, while residing in another State, have established a pattern of regularly commuting to work in the State. This latter category of individuals is precluded from filing against the liable State under the IBPP, except in cases where the State of residence finds that requiring such claimants to file intrastate claims in the State to which they normally commute to work would cause an undue hardship. (The use of remote claimstaking removes the hardship and allows all commuters to file directly with the State to which they normally commute.) Additionally, there are cases where some intrastate CWC and UCX claims are filed by individuals who neither reside, nor have worked, in the liable/paying State, but file their claims in-person in a facility in that State.

It is the Department's position that the procedural change from in-person to remote claimstaking should have no effect on the historical treatment of intrastate claims in the determination of benefit eligibility or for reporting purposes. Thus, where intrastate claimstaking procedures require or permit a commuter to remotely file a CWC claim, and/or a "first claim" for UCX wage assignment purposes, with a State to which (s)he commuted, that State is the State "in which" the claim is filed. Further, an intrastate CWC, or intrastate "first claim," that causes UCX wages to be assigned to the liable/paying State, may only be filed remotely from another State by individuals who have established a pattern of commuting to work in the liable/paying State.

Additionally, to ensure that remote claimstaking procedures do not adversely affect other non-resident claimants who may wish to file a claim while in another State, UCX wages are to be assigned in accordance with 20 CFR 614.8(b)(1) for UCX, and the

paying State determined in accordance with 20 CFR 616.6(e) for CWC, for any claimant who is physically present in the filing State at the time the claim is filed, without regard to the claimant's State of residence or mailing address. States are not authorized to impose a residency requirement in the application of the above-referenced regulations.

6. *Application of Extended Benefits (EB) Two-Week Denial Provision.* Except for the first two weeks for which benefits are otherwise payable, 20 CFR 615.9(c) prohibits the payment of benefits pursuant to a claim filed under the IBPP from a State that is not in an EB period. Since this provision applies to interstate claims filed by individuals who reside outside the liable State, a question has been raised about whether or not the prohibition also applies to intrastate claims filed under remote claimstaking procedures by individuals residing outside the liable State.

This prohibition is specific to interstate claims filed under the IBPP. It does not apply to any intrastate claims whether the claimant is a resident or non-resident of the State. Thus, a claimant who remotely files an intrastate claim in a State that is in an EB period, regardless of whether he or she resides in that State, is not limited to two weeks of EB under 20 CFR 615.9(c).

7. *Action Required.* SESA administrators should inform appropriate staff of the Department's position as set forth in this program letter and ensure that the handling of claims filed under remote claimstaking procedures is consistent with this position.

8. *Inquiries.* Questions should be directed to the appropriate Regional Office.

U.S. Department of Labor

Employment and Training Administration  
Washington, D.C. 20210

Classification UI

Correspondence Symbol TEUL

Date: February 10, 1997.

Directive: Unemployment Insurance Program  
Letter No. 16-97

To: All State Employment Security Agencies  
From: Grace A. Kilbane, Director,

Unemployment Insurance Service  
Subject: Technical Changes to  
Unemployment Insurance Program  
Letters (UIPLs).

1. *Purpose.* To provide several technical changes to previously issued UIPLs.

2. *References.* UIPL 45-92, dated August 20, 1992; UIPL 17-95, dated February 28, 1995; UIPL 30-96, dated August 8, 1996; and UIPL 37-96, dated August 8, 1996.

3. *Background.* The Department of Labor interprets Federal law requirements pertaining to UI as part of its role in the administration of the Federal-State UI program. These interpretations are issued in UIPLs. This UIPL is issued to correct several technical errors which the Department has identified in four UIPLs. No Departmental interpretation of Federal law is changed by this UIPL.

4. *Technical Changes.*

a. *UIPL 45-92.* On page 23 of the Attachment I to the UIPL, in the first sentence of the third full paragraph, "new

subsection (t) of Section 3306, FUTA" is changed to "Section 401(d)(1) of P.L. 102-318".

b. *UIPL 17-95*. In Item 4.b. on page 2 of the UIPL, the word "voluntarily" is substituted for "voluntary" in the quote of Section 3304(a)(18), FUTA.

In item 4.g. on page 7, first paragraph, the phrase "must be permitting the withholding Federal income tax" is changed to read "and the States must be permitting the withholding of Federal income tax". Also in item 4.g., the words "voluntary holding" in the second sentence of the third paragraph are changed to "voluntary withholding" and the words "as for payments" are changed to "for payments".

c. *UIPL 30-96*. In the second sentence of the footnote on page 2 of the UIPL, "two cases involving UC" is changed to "two cases involving UC law." This change is made because characterizing the court cases in question as "involving UC" may imply that they addressed the payment of UC. Instead, they addressed the taxing provisions of Federal UC law. These taxing provisions are, however, entwined with the issue of coverage which *UIPL 30-96* addresses.

d. *UIPL 37-96*. Two changes are made to the draft language on page 13 of the UIPL relating to the intercept of food stamp overissuances. In Section 1(a) the words "child support obligations" are changed to "an uncollected overissuance of food stamps". In Section 1(c), the word "of" is changed to "to". Also, on page 14, in the last sentence of item 10 of the UIPL, the first of the two appearances of the word "is" is deleted.

5. *Action Required*. Please alert appropriate staff of these technical changes. Pen and ink changes should be made to the above referenced UIPLs as indicated.

6. *Inquiries*. Please direct inquiries to the appropriate Regional Office.

[FR Doc. 97-5002 Filed 2-27-97; 8:45 am]

BILLING CODE 4510-30-M

## Employment Standards Administration Wage and Hour Division

### Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29

CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by

writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3014, Washington, DC 20210.

### New general Wage Determination Decisions

The number of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and related Acts" are listed by Volume and States:

#### Volume III

South Carolina  
SC970035 (Feb. 28, 1997)  
SC970036 (Feb. 28, 1997)

### Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publications in the Federal Register are in parentheses following the decisions being modified.

#### Volume I

New Jersey  
NJ970002 (Feb. 14, 1997)  
NJ970003 (Feb. 14, 1997)  
NJ970004 (Feb. 14, 1997)  
NJ970005 (Feb. 14, 1997)  
NJ970007 (Feb. 14, 1997)  
NJ970011 (Feb. 14, 1997)  
NJ970013 (Feb. 14, 1997)  
NJ970015 (Feb. 14, 1997)

#### Volume II

None

#### Volume III

Alabama  
AL970007 (Feb. 14, 1997)  
AL970008 (Feb. 14, 1997)  
AL970052 (Feb. 14, 1997)

#### Volume IV

Illinois  
IL970001 (Feb. 14, 1997)  
IL970002 (Feb. 14, 1997)  
IL970003 (Feb. 14, 1997)  
IL970006 (Feb. 14, 1997)  
IL970008 (Feb. 14, 1997)  
IL970009 (Feb. 14, 1997)  
IL970010 (Feb. 14, 1997)  
IL970012 (Feb. 14, 1997)  
IL970016 (Feb. 14, 1997)  
IL970023 (Feb. 14, 1997)  
IL970026 (Feb. 14, 1997)  
IL970053 (Feb. 14, 1997)  
IL970055 (Feb. 14, 1997)  
IL970065 (Feb. 14, 1997)

#### Indiana

IN970001 (Feb. 14, 1997)  
IN970002 (Feb. 14, 1997)  
IN970003 (Feb. 14, 1997)  
IN970004 (Feb. 14, 1997)