

a. Key personnel—For each country for which an application is submitted, the applicant must designate the key personnel listed below. If key personnel are not designated, the application will not be considered.

i. A Project Director (Key Personnel) to oversee the project and be responsible for implementation of the requirements of the grant. The Program Director must have a minimum of three years of professional experience in a leadership role in implementation of complex basic education programs in developing countries in areas such as education policy; improving educational quality and access; educational assessment of disadvantaged students; development of community participation in the improvement of basic education for disadvantaged children, and monitoring and evaluation of basic education projects. Points will be given for candidates with additional years of experience including experience working with officials of ministries of education and/or labor. Preferred candidates will also have knowledge of child labor issues, and experience in the development of transitional, formal, and vocational education of children removed from child labor and/or victims of the worst forms of child labor. Fluency in English is required and working knowledge of the official language(s) spoken in the target countries is preferred.

ii. An Education Specialist (Key Personnel) who will provide leadership in developing the technical aspects of this project in collaboration with the Project Director. This person must have at least three years experience in basic education projects in developing countries in areas including student assessment, teacher training, educational materials development, educational management, and educational monitoring and information systems. This person must have experience in working successfully with ministries of education, networks of educators, employers' organizations and trade union representatives or comparable entities. Additional experience with child labor/education policy and monitoring and evaluation is an asset. Working knowledge of English preferred, as is a similar knowledge of official language(s) spoken in the target country.

b. Other Personnel—The applicant must identify other program personnel proposed to carry out the requirements of this solicitation.

c. Management Plan—The management plan must include the following:

i. A description of the functional relationship between elements of the project's management structure;

ii. The identity of the individual responsible for project management and the lines of authority between this individual and other elements of the project.

d. Staff Loading Plan—The staff loading plan must identify all key tasks and the person-days required to complete each task. Labor estimated for each task must be broken down by individuals assigned to the task, including sub-contractors and consultants. All key tasks should be charted to show time required to perform them by months or weeks.

e. Roles and Responsibilities—The applicant must include a resume and description of the roles and responsibilities of all personnel proposed. Resumes must be attached in an appendix. At a minimum, each resume must include: the individual's current employment status and previous work experience, including position title, duties, dates in position, employing organizations, and educational background. Duties must be clearly defined in terms of role performed, e.g., manager, team leader, consultant, etc. Indicate whether the individual is currently employed by the applicant, and (if so) for how long.

4. Leverage of Grant Funding (5 points)

The Department will give up to five (5) additional rating points to applications that include non-Federal resources that significantly expand the dollar amount, size and scope of the application. These programs will not be financed by the project, but can complement and enhance project objectives. Applicants are also encouraged to leverage activities such as micro-credit or income generation projects for adults that are not directly allowable under the grant. To be eligible for the additional points, the applicant must list the source(s) of funds, the nature, and possible activities anticipated with these funds under this grant and any partnerships, linkages or coordination of activities, cooperative funding, etc.

Signed at Washington, DC, this 21st day of March, 2003.

Lawrence J. Kuss,
Grant Officer.

Appendix A: Project Document Format

Executive Summary

1. Background and Justification
2. Target Groups
3. Program Approach and Strategy
 - 3.1 Narrative of Approach and Strategy (and linked to Logical Framework matrix)
 - 3.2 Project Implementation Timeline (Gantt Chart of Activities linked to Logical Framework)
 - 3.3 Budget (with cost of Activities linked to Outputs for Budget Performance Integration)
4. Project Monitoring and Evaluation
 - 4.1 Indicators and Means of Verification *
 - 4.2 Baseline Data Collection Plan
5. Institutional and Management Framework
 - 5.1 Institutional Arrangements for Implementation
 - 5.2 Collaborating and Implementing Institutions (Partners) and Responsibilities
 - 5.3 Other Donor or International Organization Activity and Coordination
 - 5.4 Project Management Organizational Chart
6. Inputs
 - 6.1 Inputs provided by the DOL
 - 6.2 Inputs provided by the Grantee
 - 6.3 National and/or Other Contributions
7. Sustainability

Annex A: Full presentation of the Applicant's Logical Framework matrix (A worked example of a Logical Framework matrix and other background documentation for this SGA are available from the ILAB Web site at <http://www.dol.gov/ILAB/grants/education/SGA0301/bkgrdSGA0301.htm>.)

[FR Doc. 03-7482 Filed 3-27-03; 8:45 am]

BILLING CODE 4510-28-U

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Security Programs: Unemployment Insurance Program Letter Interpreting Federal Law

The Employment and Training Administration interprets federal law requirements pertaining to unemployment compensation (UC) and public employment services (ES). These interpretations are issued in Unemployment Insurance Program Letters (UIPLs) to the State Workforce Agencies. The UIPL described below is

* Initial choice of and justification of indicators and means of verification can be refined and/or adapted after baseline collection and development of Monitoring and Evaluation Plan.

published in the **Federal Register** in order to inform the public.

UIPL 22-87, Change 2

UIPL 22-87, change 2, using a Q and A format, advises states of the Department of Labor's interpretation of federal law relating to the treatment of retirement pay for unemployment compensation (UC) purposes. Specific information regarding the effect of employee contributions to retirement plans and receipt of Social Security is also addressed.

Dated: March 20, 2003.

Emily Stover DeRocco,

Assistant Secretary of Labor.

Employment and Training Administration Advisory System U.S. Department of Labor Washington, D.C. 20210

Classification—Retirement Pay
Correspondence Symbol—OWS/DL
DATE—February 3, 2003

Advisory: Unemployment Insurance
Program Letter No. 22-87 Change 2.

To: All State Workforce Agencies.

From: Cheryl Atkinson /s/ Administrator,
Office of Workforce Security.

Subject: Treatment of Retirement Pay—
Employee Contributions.

1. *Purpose.* To answer questions related to the treatment of retirement pay for unemployment compensation (UC) purposes, particularly regarding the effect of employee contributions to retirement plans.

2. *References.* The Internal Revenue Code of 1986 (IRC), including Section 3304(a)(15) of the Federal Unemployment Tax Act (FUTA); and Unemployment Insurance Program Letter (UIPL) No. 22-87 (52 *Fed. Reg.* 22,546 (1987)), and Change 1 (60 *Fed. Reg.* 55,604, 55,606 (1995)).

3. *Background.* Section 3304(a)(15), FUTA, requires, as a condition for employers in a state to receive credit against the federal unemployment tax, that the amount of UC payable to an individual be reduced for any week "which begins in a period with respect to which such individual is receiving a governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment which is based on the previous work of such individual * * * ." Two subparagraphs go on to provide the following qualifications to this requirement:

- Under subparagraph (A), states must reduce UC due to receipt of retirement payments only when (i) a base period or chargeable employer maintained or contributed to the plan and (ii) the services performed for that employer affected eligibility for, or increased the amount of, the retirement payment. Subparagraph (A)(ii) does not apply to payments "made under the Social Security Act or the Railroad Retirement Act * * *."

Rescissions—None

Expiration Date—Continuing

- Under subparagraph (B), states may "take into account" contributions made "by the individual for the pension, retirement or retired pay, annuity, or other similar periodic

payment" to provide limits on any such reduction. This exception applies to all retirement plans to which the employee has made contributions.

The entire text of Section 3304(a)(15), FUTA, is provided in the Attachment. UIPL 22-87 provides the Department's interpretation of this Section. This Change 2 is issued to respond to questions from states, particularly those related to Subparagraph B.

4. Questions and Answers:

Question 1: How much latitude does a state have in "taking into account" an employee's contributions to set limits on the amount of any reduction in UC?

Answer: Since subparagraph (B) does not specify the degree of offset, states have broad latitude in how an employee's contributions are "taken into account." As a result, a state may disregard part or all of a retirement payment in determining the amount of UC payable "regardless of the relative proportions of employee and employer contributions." Therefore, a state may disregard up to 100 percent of a retirement payment as long as the employee contributed some amount to the retirement plan, and any reduction in the amount of UC payable need not be proportionate to the amount of the employee contribution.

If an employee at one time paid contributions to a plan that was later converted to one in which the employer paid 100% of the contributions, then the employee has made contributions to the plan. Therefore, the state has the option of "taking into account" the employee's contributions before the conversion.

Question 2: Must Social Security retirement benefits be deducted from UC?

Answer: No. As explained in the preceding Question and Answer, states may "take into account" contributions made "by an individual for the pension, retirement or retired pay, annuity, or other similar periodic payment." Since employees make contributions to Social Security, the state may "take into account" the employee's contributions to Social Security.

Confusion apparently exists concerning the treatment of Social Security payments because, as noted in the *Background* section, the qualification found in subparagraph (A)(ii) does not apply to Social Security. However, there is no similar limitation in the "take into account" provision in subparagraph (B).

Question 3: UIPL 22-87 says that, if a state chooses to exercise the "take into account" option, the state's UC law must clearly indicate that the retirement payments are not deducted from UC because of the employee's contribution. (Page 6 of UIPL 22-87.) If a state chooses to exercise the "take into account" option solely for Social Security payments, must the state's law explicitly state that it is "taking into account" the employee's contributions?

Answer: No. The Social Security contribution scheme is governed entirely by federal law, which by its terms provides for employee contributions to the Social Security trust fund based on the employee's work. Because it is clear from a reading of the relevant provisions of the federal law, that a state may exclude these payments from

pension offset, there is no need for the state law to explain how it is doing so.

There also is no need for the state law to explain that it is "taking into account" the employee's contribution with regard to other retirement plans with employee contributions that are governed entirely by federal law, such as Railroad Retirement or Civil Service retirement payments. For retirement plans that the state law singles out that are not governed entirely by federal law, the state's law must, to guarantee conformity with federal law, explicitly state that it is "taking into account" the employee's contribution.

Question 4: During a collective bargaining process, employees may give up pay raises or cost of living adjustments in return for an increased employer contribution to the pension plan. May states consider these employer payments to be "contributions made by the individual?"

Answer: No. The controlling factor is whether the individual actually made any direct contributions to the plan. A direct contribution is one made by payroll deduction or otherwise from an employee's personal funds. A wage agreement that results in increased employer contributions to a retirement plan in exchange for a surrender in wages does not constitute a direct contribution to the pension plan by the employees.

This is consistent with other provisions of federal law. The Department of Labor's Pension, Welfare and Benefits Administration (PWBA) considers contributions made by an employer to a pension fund in these cases to be employer contributions for purposes of laws administered by PWBA. (Indeed, the Form 5500, Annual Return/Report of Employment Benefit Plan, filed by the employer, should reflect this.) Also, payments made by an employer to a retirement plan are not considered part of an employee's wages for federal income tax purposes under Section 3401 *et seq.*, of the Internal Revenue Code (IRC). It would be inconsistent to attribute these contributions to employees for purposes of Section 3304(a)(15), FUTA (which is itself part of the IRC), when other provisions of the IRC do not consider them employee contributions.

Question 5: The federal legislative language is very complex. Could you give a simple statement of what retirement payments must cause a reduction in UC?

Answer: UC must be reduced only due to receipt of retirement pay that is—

- For a week of unemployment beginning during a period for which the individual is receiving retirement pay;
- Reasonably attributable to such week;
- Based on the previous work of the individual;
- 100% financed by a base period or chargeable employer; AND
- Based on work affecting eligibility for, or increasing the amount of, the retirement payment.

See UIPL 22-87, page 4, for a discussion of the various types of payments that fall under the term "retirement pay" and a more detailed discussion of these criteria.

5. *Action.* State administrators should distribute this advisory to appropriate staff.

6. *Inquiries.* Questions should be addressed to your Regional Office.

7. *Attachment.* ¹

[FR Doc. 03-7450 Filed 3-27-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

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 decision 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 supersedeas 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.

Modification to General Wage Determination Decisions

The number of the decisions listed to 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 publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

New Jersey

NJ020003 (Mar. 1, 2002)
NJ020005 (Mar. 1, 2002)
VT020008 (Mar. 1, 2002)
VT020009 (Mar. 1, 2002)

Volume II

Pennsylvania

PA020005 (Mar. 1, 2002)
PA020006 (Mar. 1, 2002)
PA0200026 (Mar. 1, 2002)

West Virginia

WV020001 (Mar. 1, 2002)

WV020002 (Mar. 1, 2002)
WV020003 (Mar. 1, 2002)
WV020010 (Mar. 1, 2002)

Volume III

None

Volume IV

Michigan

MI020001 (Mar. 1, 2002)
MI020002 (Mar. 1, 2002)
MI020003 (Mar. 1, 2002)
MI020004 (Mar. 1, 2002)
MI020005 (Mar. 1, 2002)
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MI020099 (Mar. 1, 2002)
MI020100 (Mar. 1, 2002)
MI020101 (Mar. 1, 2002)
MI020105 (Mar. 1, 2002)

Volume V

Missouri

¹ ATTACHMENT I is available in the www.ows.doleta.gov Web site under Laws.