

APPENDIX A

Compliance with Federal Regulations

The Work will be funded by one or more federal agencies. As such, all bidders must agree to comply with applicable federal laws and regulations, including, but not limited to (i) Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor Regulations (41 CFR chapter 60); (ii) the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR part 3); (iii) the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR part 5); (iv) Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR part 5); and (v) applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency Regulations (40 CFR part 15).

Use of Small and Minority Firms, Women's Business Enterprise & Labor Surplus Area Firms

All bidders must commit to taking affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps include:

- Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
- Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises; and

Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce.

EMPLOYEE RIGHTS

UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE IN AMERICAN SAMOA

BY INDUSTRY

FISH CANNING AND PROCESSING AND CAN MANUFACTURING

\$5.56 beginning September 30, 2018 | \$5.96 beginning September 30, 2021

SHIPPING AND TRANSPORTATION

CLASSIFICATION A:

STEVEDORING, LIGHTERAGE, AND MARITIME SHIPPING AGENCY ACTIVITIES

\$6.39 beginning September 30, 2018 | \$6.79 beginning September 30, 2021

CLASSIFICATION B:

UNLOADING OF FISH

\$6.22 beginning September 30, 2018 | \$6.62 beginning September 30, 2021

CLASSIFICATION C:

ALL OTHER ACTIVITIES

\$6.18 beginning September 30, 2018 | \$6.58 beginning September 30, 2021

TOUR AND TRAVEL SERVICES

\$5.78 beginning September 30, 2018 | \$6.18 beginning September 30, 2021

PETROLEUM MARKETING

\$6.15 beginning September 30, 2018 | \$6.55 beginning September 30, 2021

CONSTRUCTION

\$5.90 beginning September 30, 2018 | \$6.30 beginning September 30, 2021

HOTEL

\$5.30 beginning September 30, 2018 | \$5.70 beginning September 30, 2021

RETAILING, WHOLESALING, AND WAREHOUSING

\$5.40 beginning September 30, 2018 | \$5.80 beginning September 30, 2021

SHIP MAINTENANCE

\$5.81 beginning September 30, 2018 | \$6.21 beginning September 30, 2021

BOTTLING, BREWING, AND DAIRY PRODUCTS

\$5.49 beginning September 30, 2018 | \$5.89 beginning September 30, 2021

PRINTING

\$5.80 beginning September 30, 2018 | \$6.20 beginning September 30, 2021

FINANCE AND INSURANCE

\$6.29 beginning September 30, 2018 | \$6.69 beginning September 30, 2021

PRIVATE HOSPITALS AND EDUCATIONAL INSTITUTIONS

\$5.63 beginning September 30, 2018 | \$6.03 beginning September 30, 2021

GOVERNMENT EMPLOYEES INDUSTRY

\$5.21 beginning September 30, 2018 | \$5.61 beginning September 30, 2021

MISCELLANEOUS ACTIVITIES (INCLUDES DOMESTIC WORK)

\$5.00 beginning September 30, 2018 | \$5.40 beginning September 30, 2021

GARMENT MANUFACTURING

\$4.98 beginning September 30, 2018 | \$5.38 beginning September 30, 2021

PUBLISHING

\$5.93 beginning September 30, 2018 | \$6.33 beginning September 30, 2021

The Fair Minimum Wage Act of 2007 (Public Law 110-28), as amended, applies the minimum wage rates shown above to industries in American Samoa. This law also provides for additional increases in the minimum wage of \$0.40 per hour to occur every three (3) years (e.g. 2021, 2024, 2027, etc.) on September 30, until reaching the minimum wage generally applicable in the U.S.

The law requires employers to display this poster where employees can readily see it.



VAEGA O TOTOGI MA ITULA
UNAITE SETETE I LE MATAGALUEGA MO TAGATA FAIGALUEGA

1-808-541-1361
TTY: 1-877-889-5627
www.dol.gov/agencies/whd



OVERTIME PAY

At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

TIP CREDIT

Employers of “tipped employees” who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee’s tips combined with the employer’s cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

NURSING MOTHERS

The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA’s overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child’s birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

ENFORCEMENT

The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA’s child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

ADDITIONAL INFORMATION

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employers incorrectly classify workers as “independent contractors” when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA’s minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.