



# National Society of Professional Surveyors

5119 Pegasus Court, Suite Q, Frederick, MD 21704

Phone: 240-439-4615 \* Fax: 240-439-4952

[www.nsps.us.com](http://www.nsps.us.com)

May 30, 2013

Seth D. Harris  
Acting Secretary  
U.S. Department of Labor  
Frances Perkins Building  
200 Constitution Ave., NW  
Washington, DC 20210

Dear Secretary Harris:

The National Society of Professional Surveyors (NSPS), the successor to the American Congress on Surveying and Mapping, is the national voice of the surveying profession in the United States.

We strongly object to All Agency Memorandum (AAM) 212, issued by the Wage and Hour Division on March 23, 2013, regarding the applicability of Davis-Bacon Act labor standards to members of survey crews.

We object not only to the substance of this memorandum, but also to the process utilized by the Department of Labor.

AAM 212 reverses more than 50 years of established and accepted federal policy. The memorandum provides no rationale for the change in policy, cites no recent legislation, and references no court case to explain the basis of this new policy.

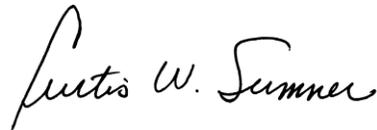
The policy in AAM 212 is an affront to the surveying profession. As an organization founded in 1941 to advance the sciences and disciplines within the surveying profession, NSPS believes the classification of members of survey crews as “laborers and mechanics” is detrimental to our profession and an inappropriate demotion of valued and skilled employees.

NSPS administers a “Certified Survey Technician” (CST) program for employees of surveying firms, including those who perform field survey functions. The classification of members of survey crews as “laborers and mechanics” is inconsistent with the CST program and the standard in the surveying community. Moreover, AAM 212 is in direct contrast with the classification of such workers promulgated elsewhere in the Department of Labor and other federal agencies, including the Occupational Employment Statistics (17-3031 Surveying and Mapping Technicians), the Occupational Outlook Handbook (Surveying and Mapping Technicians), the Occupational Information Network, successor to the Dictionary of Occupational Titles, (Code 22521A Surveying Technicians), and the Office of Personnel Management (OPM) General Schedule Qualification Standard (GS 817 Survey Technical Series) for surveying technicians employed by the federal government. None of these federal classifications categorize members of survey crews as “laborers and mechanics”.

We also strongly object to the process utilized by the Department of Labor to consider and promulgate this change in policy. Apparently, a request for this change was filed by the International Union of Operating Engineers on August 4, 2011. During 19 months of consideration of that request, the Department of Labor never contacted, informed, nor consulted with NSPS, or any other organization of professional surveyors or employers of survey crews. Moreover, upon the issuance of AAM 212 on March 23, 2013, no notification was provided to NSPS or other employer organizations. There was no public notice, no public hearings, and no other attempt to change longstanding policy in a fair and open manner. This lack of transparency gives the appearance of a closed-door, back-room deal that is inconsistent with every reasonable standard of openness, fairness, or consideration of the point of view of all affected stakeholders. We believe the spirit, if not the letter, of the Administrative Procedures Act, Regulatory Flexibility Act, and Paperwork Reduction Act was not honored.

We urge the immediate rescission of AAM 212. Moreover, we hereby request a meeting with you to discuss this very important matter.

Respectfully,

A handwritten signature in black ink that reads "Curtis W. Sumner". The signature is written in a cursive style with a large initial 'C'.

Curtis W. Sumner, PLS  
Executive Director