

Subpart 22.11 - Professional Employee Compensation

Parent topic: [Part 22 - Application of Labor Laws to Government Acquisitions](#)

22.1101 Applicability.

The *Service Contract* Act of 1965, now codified at [41 U.S.C. chapter 67](#), *Service Contract Labor Standards*, was enacted to ensure that Government contractors compensate their blue-collar service workers and some white-collar service workers fairly, but it does not cover bona fide executive, administrative, or *professional employees*.

22.1102 Definition.

Professional employee, as used in this subpart, means any person meeting the definition of "employee employed in a bona fide . . . professional capacity" given in 29 CFR541. The term embraces members of those professions having a recognized status based upon acquiring professional knowledge through prolonged study. Examples of these professions include accountancy, actuarial computation, architecture, dentistry, engineering, law, medicine, nursing, pharmacy, the sciences (such as biology, chemistry, and physics, and teaching). To be a *professional employee*, a person *must* not only be a professional but *must* be involved essentially in discharging professional duties.

22.1103 Policy, procedures, and solicitation provision.

All *professional employees* shall be compensated fairly and properly. Accordingly, the *contracting officer* shall insert the provision at [52.222-46](#), Evaluation of Compensation for *Professional Employees*, in *solicitations* for negotiated contracts when the contract amount is expected to exceed \$900,000 and services are to be provided which will require meaningful numbers of *professional employees*. This provision requires that *offerors* submit for evaluation a total compensation plan setting forth proposed salaries and fringe benefits for *professional employees* working on the contract. Supporting information will include data, such as recognized national and regional compensation surveys and studies of professional, public and private organizations, used in establishing the total compensation structure. Plans indicating unrealistically low *professional employee* compensation *may* be assessed adversely as one of the factors considered in making an award.