



**Federal
Labor
Standards**

**RESTRICTED
— AREA —**

**CONSTRUCTION
WORK IN
PROGRESS**

Key Regulations & Statutes

Copeland Act (Anti-kickback Act)

- Prohibits kickback of pay
- Requires certified weekly payrolls
- Regulates payroll deductions

Contract Work Hours & Safety Act

- Overtime pay for working over 40 hours
- Applies to contracts over \$100,000
- Requires liquidated damages of \$10 per day/per violation

Davis-Bacon Act

- Outlines labor standards for federal projects
- Applicable to all contracts over \$2,000 involving federal funds
- Provides minimum wages by position
- Ensures minimum pay & other labor standards are enforced at work site
- Applies to all laborers and mechanics
- Applies to entire project, not just CDBG funded portion



Steps to Complying with Davis-Bacon & Related Acts

1. Request for Wage Rates (DCA Recipients Manual Appendix 1)
2. Request for Contractor Clearance (DCA Recipients Manual Appendix 1)
3. Provide Notice of Contract Action (DCA Recipients Manual Appendix 1)
4. Hold a Preconstruction Conference
5. Review Submitted Payrolls
6. Conduct Job Site Interviews

Forms can be emailed to
CDBG.Biz@dca.ga.gov



Wage Decisions

- Identifies worker classifications, hourly wage, and fringe benefits
- **Four Categories**
 - Heavy
 - Highway
 - Buildings
 - Residential



Request for Wage Determination

- ✓ **Submit request to DCA**
(cdbg.biz@dca.ga.gov)
 - 30 days prior to advertising for contract bids
- ✓ **Check 10 days before bid opening**
 - 10- day wage check form (DCA Recipients Manual Appendix 1)
- Wage rates must be a part of the bid package and must be included in contracts

Wage Decision Lock-in

Competitively Bid

- Lock in at bid opening if contract is executed within 90 days of bid opening
- If contract is not executed within 90 days, resubmit 10-day wage check form 10 days prior to contract execution

Negotiated Contracts

- Lock in at contract execution

Wage Decision & Posters

- Must be posted on the Job Site
- Employees must be able to view
- Protect from the weather

EMPLOYEE RIGHTS
UNDER THE DAVIS-BACON ACT

**FOR LABORERS AND MECHANICS
EMPLOYED ON FEDERAL OR
FEDERALLY ASSISTED
CONSTRUCTION PROJECTS**

PREVAILING WAGES You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.



OVERTIME You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.

ENFORCEMENT Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for up to three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.


APPRENTICES Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.

PROPER PAY If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:

or contact the U.S. Department of Labor's Wage and Hour Division.

  **WAGE AND HOUR DIVISION**
UNITED STATES DEPARTMENT OF LABOR

1-866-487-6243
TTY: 1-877-889-5627
www.dol.gov/whd



WH0321 REV 06/17

Additional Classification Request

- Written Request:
 1. Local government
 2. Contractor – specify hourly rate and fringe benefits
- DOL has 30 days to respond
- Determination is based on wage decision issued

Request for Contractor Clearance

- Form can be e-mailed to DCA (cdbbg.biz@dca.ga.gov)
- Ensures contractor is not on Federal Debarred list
- Must be cleared before entering into a contract

Notice of Contract Action

- Must be submitted to DCA
- **Include certified and itemized bid tabulation with form**
- Construction drawdowns will be withheld if not submitted
- Field Reps will schedule formal labor review after submission of NOCA

Pre-construction Conference

Mandatory

- Attended by the architect/engineer, grant administrator, the contractor and representatives of the local government.
- Held prior to the start of construction
- Outlines contractor & subcontractor responsibilities, project timelines, logistics, etc.
- Explains Davis-Bacon, other applicable laws & contract provisions, Section 3
- Include your CDBG Field Rep when determining place and time



CDBG Rep Contact Information

- Cindy Alligood: (478) 290-1074, Cindy.Alligood@dca.ga.gov
 - Robert Compton: (229) 733-7021, Robert.Compton@dca.ga.gov
 - Cheryl Magby: (470) 783-4729, Cheryl.Magby@dca.ga.gov
 - Malisa Thompson: (404) 326-1048,
Malisa.Thompson@dca.ga.gov
 - Pam Truitt: (404) 977-3326, Pam.Truitt@dca.ga.gov
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Payrolls

- Contractors must submit all payrolls to grant recipient
- Must include the name and identifying number of each worker the first time they appear
 - Contractor must provide address and social security number upon request
- Every payroll must
 - list the worker's classification, which must match the Wage Decision document
 - include the hourly rate of pay and the number of hours worked
 - indicate permissible deductions (see 29 CFR Part 3.5)
 - be numbered, with the last payroll labeled "Final Payroll"
 - be certified by the owner, officer or designee of the construction company

PAYROLL

(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.



U.S. Wage and Hour Division

Rev. Dec. 2008

NAME OF CONTRACTOR OR SUBCONTRACTOR ADDRESS OMB No.: 1235-0008 Expires: 04/30/2021

PAYROLL NO. FOR WEEK ENDING PROJECT AND LOCATION PROJECT OR CONTRACT NO.

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT OR ST.	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK
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Date

I,
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by on the (Contractor or Subcontractor)

; that during the payroll period commencing on the (Building or Work) day of , , and ending the day of ,

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

from the full (Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

— in addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

— Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE <input type="text"/>	SIGNATURE <input type="text"/>
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THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.

Payrolls (Cont'd)

Sole proprietors, self-employed mechanics

- Cannot self-certify to wages without a crew
- Must be reported on “responsible employer” payroll
- Can certify to hours when working with a crew
- (Only report hours worked and list owner as classification)

Exemptions

- **Volunteers**

- Does not receive compensation for services performed
- Cannot be employed at any other time on the jobsite

- **Prison Labor**

- Must have a letter from the Department of Corrections
- Must be utilized directly by the grantee

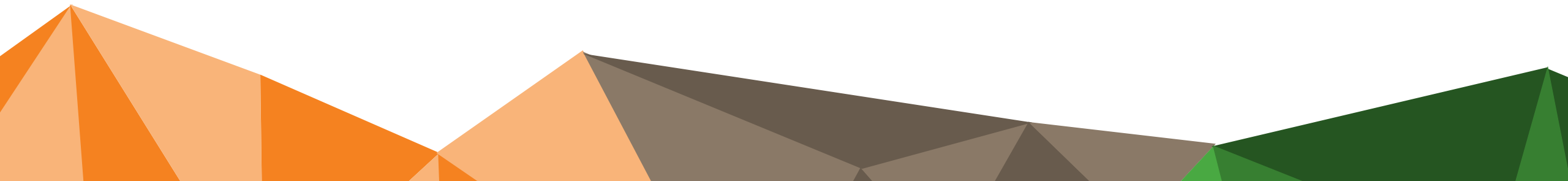
Payroll Review

- Review for all trades
- Compare payrolls to wage decisions and interviews
- Follow up on discrepancies



Job Site Interviews

- Have to be conducted on representative # of workers in each classification
- Interview responses should be checked against Wage Decision and payrolls
- Confidential – should not be overheard by contractors
- CONDUCT INTERVIEWS EARLY & OFTEN





Recipient Responsibilities

- Request wage rates
- Request contractor clearance
- Ensure submission of weekly payrolls
- Conduct on-site interviews
- Review payrolls/compare to interviews
- Ensure correction of underpayments
- Maintain records



Sub-contractor responsibilities

- Prepare and submit certified weekly payrolls
- Review wage rates and request additional classifications, if necessary
- Ensure access to employees for on-site interviews

Resources

- Making Davis-Bacon Work: A Contractor's Guide to Prevailing Wage Requirements for Federally-Assisted Construction Projects, <https://www.hudexchange.info/resource/2541/making-davis-bacon-work-contractors-guide-prevailing-wage-requirements/>

- Making Davis-Bacon Work: A Practical Guide for States, Indian Tribes and Local Agencies

<https://www.hudexchange.info/resource/2542/making-davis-bacon-work-guide-states-indian-tribes-local-agencies/>

- Department of Labor, Davis-Bacon & Related Acts, <https://www.dol.gov/whd/govcontracts/dbra.htm>