Implementing Davis-Bacon Wage Rate Requirements *in the SRF Programs*

DRAFT

An EPA Guide for Subrecipients
Issued 2017

Does this handbook apply to your project?

IMPORTANT: Davis-Bacon requirements apply to Clean Water and Drinking Water State Revolving Fund assistance agreements signed on or after October 30, 2009. Recipients of SRF funds with assistance agreements signed prior to October 30, 2009 are not required to comply with Davis-Bacon.

This document is intended as a reference source for sponsors of Clean Water and Drinking Water State Revolving Fund projects. The information in this document does not supercede law, regulation, guidance or Department of Labor interpretations regarding Davis-Bacon compliance. Deparment of Labor guidance on Davis-Bacon compliance may be found online at www.dol.gov/whd/contracts/dbra.htm

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1. INTRODUCTION
to Prevailing Wage Requirements

Federal legislation requiring employees on public works projects to be paid at locally prevailing wages was introduced during the Great Depression, when the Davis-Bacon Act was passed. Signed by President Herbert Hoover in 1931, the Act was an effort to protect local wage rates from plummeting due to the availability of low-cost, unemployed laborers who were traveling throughout the country in search of work. The Davis-Bacon Act was amended in 1935 to ensure that contractors bidding on public works projects would not lower wage rates in order to achieve the low bid. This meant government agencies, required by law to accept the lowest bid, could employ contractors who provided a fair wage to their employees.

DAVIS-BACON TERMINOLOGY

The legislation requiring federal prevailing wages in the Clean Water and Drinking Water State Revolving Fund programs for certain fiscal years is technically a "related act" to the Davis-Bacon Act; not the Davis-Bacon Act itself. While the Davis-Bacon Act applies only to direct Federal contracts, "related acts" extend the requirements to subrecipient grants and loans. Because prevailing wage laws were first established according to the Davis-Bacon Act, the U.S. Department of Labor commonly refers to federally prevailing wages as Davis-Bacon wages. In addition, since prevailing wage laws are commonly referred to in practice as "Davis-Bacon", this handbook will use that terminology as well to simplify the discussion.

APPLICABILITY TO THE SRF PROGRAMS

The Clean Water and Drinking Water State Revolving Fund (SRF) programs are capitalized by the U.S. Environmental Protection Agency and managed by state program offices in all fifty states and Puerto Rico. State program offices provide low-interest loans and subsidies to subrecipients (typically municipalities and communities) for water quality projects.

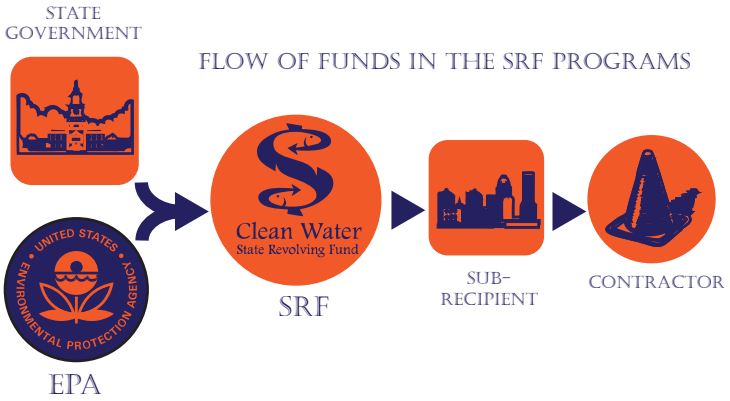
Beneficiaries of SRF assistance agreements signed on or after October 30, 2009 must implement Davis-Bacon requirements for projects receiving SRF funding.[1] In order to be compliant with Davis-Bacon, an entire project must abide by Davis-Bacon requirements, even if the project is only partially funded by the SRF or other federal funding sources.

Def:

A subrecipient is a municipality, community, nonprofit organization, private enterprise, or other entity that enters into an assistance agreement with a state program office to receive SRF funding for a wastewater or water quality project. Individuals receiving SRF assistance (such as homeowners) are not considered subrecipients and are not subject to Davis-Bacon requirements.

Davis-Bacon requires contractors and subcontractors on certain projects receiving SRF funding to pay all laborers and mechanics at prevailing wage rates for similar job types in the same county. **Laborers and mechanics must be paid weekly and without unauthorized deductions, and must be compensated at an overtime rate of pay for hours worked in excess of forty hours in a work week.** Subrecipients are required to monitor Davis-Bacon compliance by reviewing payroll records and conducting employee interviews.

Because of the unique pass-through structure of the SRF programs, Davis-Bacon requirements are applied slightly differently for the SRF than they are in other federal funding programs. Most other federal funding agencies provide funds to a state agency, such as a state department of transportation, which then enters into a contract with a construction contractor to construct a project. In this case, the state agency is directly responsible for oversight of the construction contractor. **In the SRF programs, however, the local subrecipient, rather than the state agency, has direct oversight of the construction contractor.**



Therefore, SRF subrecipients must perform oversight duties that are performed by state agencies in other federal funding programs. **This means it is very important for subrecipients to follow EPA guidance for Davis-Bacon implementation, rather than guidance from other federal agencies such as the Department of Transportation (DOT) or Department of Housing and Urban Development (HUD).** EPA's guidance has been written specifically for recipients of SRF funds, and describes the particular roles and responsibilities that apply for the SRF programs.

HANDBOOK STRUCTURE

This handbook provides a detailed description of the activities that subrecipients and contractors must perform to meet Davis-Bacon compliance. The primary source for these requirements is the EPA Davis-Bacon Grant Terms and Conditions (grant condition); a document negotiated between the U.S. Department of Labor and U.S. Environmental Protection Agency that describes the activities necessary for SRF subrecipients to comply with federal Davis-Bacon requirements. These activities include:

- Locating the correct wage determinations for the project type and location
- Incorporating wage determinations into bids, contracts and subcontracts
- Calculating payment of overtime wages
- Collecting and reviewing payroll records
- Verifying fringe benefit contributions
- Understanding the unique rules that apply to apprentices and trainees
- Displaying required posters at the job site
- Interviewing employees to confirm that they are paid the correct wages
- Submitting required forms and certifications

This handbook describes the process for fulfilling these requirements, and outlines the roles and responsibilities expected from subrecipients, contractors, and state SRF program offices. It is best viewed as a reference guide to accompany EPA guidance and regulations, and is not in itself a regulation. The handbook does not impose legally binding requirements on state program offices, subrecipients, or contractors, nor is it a substitute for the law. Subrecipients and state program offices should defer to EPA and Department of Labor guidance as the controlling authorities on matters related to Davis-Bacon compliance. Subrecipients should contact their local Department of Labor representative with specific questions not addressed in this handbook. A list of Department of Labor Wage and Hour Division local offices is included in **Appendix A**.

2. APPLICABILITY *to SRF Projects*

2.1 WHO: EMPLOYEES COVERED BY DAVIS-BACON

Davis-Bacon requirements apply to all prime contract and subcontract laborers and mechanics performing construction, alteration or repair work. Laborers and mechanics are generally those employees who work with their hands, have manual or physical duties, or are in specific trades. Examples of professions covered by Davis-Bacon include:[1]

- Carpenters
- General Laborers
- Flaggers
- Electricians
- Equipment Operators
- Truck Drivers (excluding owner-operator truck drivers)
- Owner-Operators (all equipment types besides trucks)
- Welders
- Apprentices, trainees and helpers to the trades
- Supervisors who spend more than 20% of their time performing manual work

Davis-Bacon wage requirements do not apply to most professionals working on the project. Examples of work not covered by Davis-Bacon include work generally done by:

- Architects
- Engineers
- Inspectors
- Concrete testers
- Consultants
- Force Account laborers and mechanics employed by a governmental agency or political subdivision
- Watchmen and guards
- Clerical Staff
- Timekeepers
- Surveyors
- Supervisors who spend less than 20% of their time performing manual work

NOTE!
Davis-Bacon applicability depends on the actual work an individual performs, not his or her title.

TRUCK DRIVERS AND OWNER-OPERATORS

Most equipment owner-operators are covered by Davis-Bacon, except for owner-operator **truck drivers** who own and drive their own trucks.

To verify truck driver owner-operator status, a subrecipient should ask the following questions:

- Is the vehicle registered in his name?
- Does he have a business license (if required by the state)?
- Is the insurance or surety in his name?
- Has he secured any other legal or fiduciary responsibility required by owner-operators in the state?

Employees of owner-operator truck drivers and non-owner-operator truck drivers are covered by Davis-Bacon for time spent:

- Working on the site(s) of work
- Transporting materials or supplies between a facility deemed part of the site of work and the actual construction site
- Transporting portions of a building or work between a site where a significant portion of the project is being constructed and the physical place where the building or work will remain
- Loading/unloading materials on the site of work if more than de minimis [2]

...MORE ON OWNER OPERATORS

The use of owner-operators on a Davis-Bacon-covered project can raise some tricky questions, particularly when it comes to completing certified payroll records. Completing payroll records correctly depends on the type of owner-operator working on the project:

- DOL **does not** enforce Davis-Bacon compliance for **OWNER-OPERATOR TRUCK DRIVERS**. Therefore, payroll records for owner-operator truck drivers **do not** need to include the rates of wages paid or hours worked, only the notation "OWNER OPERATOR" in the Work Classification column.

- DOL **does** enforce Davis-Bacon compliance for owner-operators of all other equipment types, such as excavators, cranes or welding machines. Therefore, payroll records for equipment owner-operators **do** need to include the hours worked and the rates of wages paid (i.e., the billing rate).

Some State SRF programs have raised the question of whether owner-operators may self-certify (that is, complete and sign their own payroll records) or whether they must be on the contractor's payroll for purposes of Davis-Bacon compliance. The answer depends on whether the owner-operator is a **bona fide subcontractor** on the project.

- if the owner-operator is a **bona fide subcontractor**, he may complete and sign his own payroll records. The subcontractor's payroll records should be submitted weekly to the prime contractor, who should review them prior to submitting them (along with all other payroll records) to the subrecipient.

  A **bona fide subcontractor** is any person (other than an employee) or firm who has agreed, either verbally or in writing, to perform any of the work required under the contract.[3] The contractor must include the Davis-Bacon contract clauses (29 CFR 5.5(a)(1) through (10)), any other clauses required by the EPA Davis-Bacon grant condition, and the applicable wage determinations in all subcontracts.

- If the owner-operator is **not** a bona-fide subcontractor, and instead is hired as an employee by the contractor or a subcontractor and carried on their payroll, the owner-operator **may not** complete and sign his own payroll records. The contractor or subcontractor for whom the owner-operator is working should prepare the payroll

2.2 WHAT: PROJECTS COVERED BY DAVIS-BACON

Davis-Bacon applicability differs slightly depending on whether a project receives DWSRF or CWSRF funding.

FUNDING SOURCE	CWSRF	DWSRF
ASSISTANCE AGREEMENTS SIGNED ON OR AFTER OCTOBER 30, 2009	CONSTRUCTION OF TREATMENT WORKS	ANY CONSTRUCTION PROJECT

PROJECTS FUNDED BY THE CWSRF

Beginning in 2010, Appropriations Acts passed by Congress have applied Davis-Bacon requirements to the construction, alteration (including painting and decorating), and repair of treatment works carried out in whole or in part with assistance made available by a state CWSRF program. Any project that meets the definition of a "treatment work" as defined in the Federal Water Pollution Control Act section 212(A) and (B) must comply with Davis-Bacon requirements, including: [4]

- Wastewater treatment plant construction, repair, replacement or upgrades
- Municipal stormwater control projects, including pipes, storage, treatment and reuse systems
- Sewer system construction, replacement or repair
- Stormwater control projects that are not regulated by a National Pollution Discharge Elimination System (NPDES) permit, such as green infrastructure

Many types of CWSRF-eligible projects do not meet the definition of treatment works and therefore are **not** subject to Davis-Bacon requirements. The following examples are project types that may be exempt from Davis-Bacon depending on the project specifics. State SRF programs should use professional judgement to determine whether a project meets the definition of "treatment work" in section 212 and is subject to Davis-Bacon.

- Agricultural Best Management Practices
- Water conservation equipment
- Source water protection
- Stream restoration, planting trees and shrubs
- Remediation of contaminated sites
- Septic systems
- Water meter installation
- Public education programs

In addition, **individuals** are not subject to Davis-Bacon requirements when they are the final recipients of SRF funding. Individual subrecipients are exempt from Davis-Bacon as long as that person: a) does not have a corporation or other business entity, and b) selects their own contractor (although municipalities or other loan recipients may be allowed to provide a list of approved vendors). For example, if a municipality receives SRF funding to provide loans or grants to homeowners to repair septic systems or install laterals, the homeowners do not need to comply with Davis-Bacon. Similarly, an individual receiving a direct loan from the SRF program would not be required to comply with Davis-Bacon as long as that person met the criteria in a) and b) above. Generally, the individual should pay the contractor directly. If this is not feasible (such as in a pass-through structure where an intermediary recieves the SRF loan and provides sub-loans to individuals), the agreement between the individual and the intermediary lender should clearly state that the intermediary entity will pay the contractor on the individual's behalf. [5]

PROJECTS FUNDED BY THE DWSRF

Beginning in 2010, Appropriations Acts passed by Congress have applied Davis-Bacon requirements to any construction project carried out in whole or in part with assistance made available by a state DWSRF program. The authorizing statute defines "construction" as the following:

> "ALL TYPES OF WORK DONE ON A PARTICULAR BUILDING OR WORK AT THE SITE THEREOF (INCLUDING WORK AT A FACILITY DEEMED PART OF THE SITE OF THE WORK) BY LABORERS AND MECHANICS OF A CONSTRUCTION CONTRACTOR OR CONSTRUCTION SUBCONTRACTOR INCLUDING WITHOUT LIMITATION:
>
> (A) ALTERING, REMODELING, AND INSTALLATION (WHERE APPROPRIATE) ON THE SITE OF THE WORK OF ITEMS FABRICATED OFF-SITE.
> (B) PAINTING AND DECORATING.
> (C) THE MANUFACTURING OR FURNISHING OF MATERIAL, ARTICLES, SUPPLIES OR EQUIPMENT ON THE SITE OF THE BUILDING OR WORK.
> (D) TRANSPORTATION BETWEEN THE SITE OF THE WORK (WITHIN THE MEANING OF 29 CFR 5.2 (L)) AND A FACILITY WHICH IS DEDICATED TO THE CONSTRUCTION OF THE BUILDING OR WORK AND DEEMED A PART OF THE SITE OF THE WORK (WITHIN THE MEANING OF 29 CFR 5.2(L)).
>
> - 29 CFR 5.2(j)"

Note that for certain types of projects, Davis-Bacon may or may not apply depending on whether the project is funded by the CWSRF or DWSRF program. For instance, the installation of water meters may not be subject to Davis-Bacon if funded by the CWSRF program, but may be subject to Davis-Bacon if funded by the DWSRF program. If a project is jointly funded by the CWSRF and DWSRF programs, then the DWSRF threshold applies, meaning that any construction project would be subject to Davis-Bacon requirements.

NOTE! Davis-Bacon requirements apply to construction contracts in excess of $2,000. All subcontracts on prime contracts in excess of $2,000 must comply with Davis-Bacon, regardless of the amount of the subcontract. The prime contractor must ensure that Davis-Bacon requirements are incorporated into contracts with subcontractors.

2.3 Where: Locations Covered by Davis-Bacon

Davis-Bacon only applies to laborers and mechanics employed directly upon the site of the work. The "site of work" is defined as:[6]

- The physical place(s) where the construction is called for in the contract and where the constructed facility will remain after work has been completed; and,
- Any other site where a significant portion of the building or work is constructed, provided that such a site is established specifically in the contract

The site of work may also include job headquarters, tool yards, batch plants, borrow pits, and similar facilities if they are located adjacent (or nearly so) to the site of work and dedicated exclusively (or nearly so) to the performance of the contract or project. As a general rule of thumb, if the facility was in operation before the opening of the project bid and will continue to operate after the project is complete, it is considered a pre-existing facility.[7] A pre-existing facility is not included in the site of work for Davis-Bacon purposes, even if operations will be dedicated exclusively to the contract covered by Davis-Bacon for a period of time. Determining the site of work is one of the most complex aspects of Davis-Bacon compliance, so it is advisable to contact Department of Labor for guidance on any unclear situations.

2.4 When: Time Covered by Davis-Bacon

Prevailing wage requirements only apply to the hours an employee spends working on the site of the SRF project that is covered by Davis-Bacon. Subcontract employees must only be paid at the Davis-Bacon wage rate for the time they spend executing the subcontracted work on the SRF project site. A subcontractor who works for one week on the Davis-Bacon covered project, then returns several months later to complete an additional week of work, must only submit payroll records for the two weeks spent working on the Davis-Bacon covered project; not for the months in between. Likewise, the EPA Davis-Bacon terms and conditions require contractors to submit payroll records to the SRF subrecipient only for the weeks that contract work was performed on the SRF project.

The $1.00 Rule: Even if a project only receives $1.00 of SRF funding and is otherwise fully funded by other sources, Davis-Bacon requirements apply to the entire project. For the purposes of Davis-Bacon, a "project" consists of all construction necessary to complete the building or work so long as all contracts awarded are closely related in time, purpose and place.[8] As a rule of thumb in the SRF programs, a project consists of all elements in the project plans and specifications associated with the SRF assistance agreement.

Frequently Asked Questions

Q. If the project is covered by state prevailing wage laws, are SRF subrecipients still required to comply with federal Davis-Bacon requirements?

A. Yes. State prevailing wage laws and federal prevailing wage laws both apply, meaning that all of the requirements must be completed for both laws. In cases where the state and federal wage rates differ, the contractor must pay the higher of the two rates (or a third rate, such as a union-negotiated rate, as long as it is higher than the state and federal rates). The federal payroll records form (WH-347) and federal interview form (SF-1445) may be replaced by state forms if they contain all of the same information. However, the federal wage determinations and Davis-Bacon contract provisions must be included in bids and contracts, the federal wage determinations and Davis-Bacon poster (WH-1321) must be posted at the job site, and required federal compliance forms (reverse side of WH-347 and state compliance form) must be submitted.

Q. Are volunteer workers subject to Davis-Bacon requirements?

A. Volunteers that are considered laborers and mechanics performing construction work must be paid in accordance with Davis-Bacon wage rules (which means they are no longer volunteers). However, if the work is not considered construction, and the volunteers are not laborers or mechanics, then they are not subject to Davis-Bacon requirements. For example, volunteers who conduct water quality testing for an SRF project are not viewed as laborers and mechanics performing construction work.[9] Recall that some types of CWSRF projects that involve volunteer labor, such as planting trees and shrubs, may not be considered "treatment works" projects and are not subject to Davis-Bacon .

Q. Is leak detection work subject to Davis-Bacon?

A. Davis-Bacon applies to the internal inspection of sewer lines for leakage and damage through the use of closed circuit television **if** the sealing of leaks or damage in the lines takes place simultaneously as the machine inspects the line. If the contract is only for line inspection and does not cover repair, Davis-Bacon would not apply.

Q. Are service and installation contracts subject to Davis-Bacon?

A. Service and installation contracts are subject to Davis-Bacon when they involve more than an incidental amount of construction activity. This distinction is relevant for DWSRF-funded meter installation projects. In some cases, such as when the installation involves cutting of pipes, the Department of Labor has determined that Davis-Bacon rules do apply to the project. No fixed rules have been established for this decision, so it is best to contact the regional Department of Labor office (**Appendix A**) to discuss the specific circumstances.

3. Wage Determinations *and Prevailing Wages*

Roles and Responsibilities: Wage Determinations (WD)

Subrecipient

- ☐ Find the correct WD and Include in bid or ordering instrument
- ☐ Submit the WD to the state SRF office for approval (nongovernmental entities only)
- ☐ Monitor www.wdol.gov during the bid period for changes to the WD
- ☐ Award the contract within 90 days of bid opening to "lock in" the WD
- ☐ Include EPA Davis-Bacon contract language in contracts and bid specifications (Appendix C)
- ☐ Check www.sam.gov to ensure that the winning bidder is not excluded from receiving Federal contracts (debarred)

Contractor

- ☐ Use WD in bid specs to develop bid proposal
- ☐ Initiate the conformance process for missing WD (if necessary)
- ☐ Require all subcontractors to follow the WD included in the prime contract
- ☐ Include EPA Davis-Bacon contract language in all subcontracts
- ☐ Check www.sam.gov to ensure that subcontractors are not excluded from working on Federal contracts (debarred)

State SRF Office

- ☐ Confirm that the correct WD is included in the bid specifications
- ☐ Approve WD for nongovernmental entities
- ☐ Provide EPA Davis-Bacon contract language to subrecipients for inclusion in bids

3.1 Wage Rates and Wage Determinations

The Department of Labor (DOL) establishes a prevailing wage rate for all classifications of laborers and mechanics on a county-by-county basis in each of four construction types. The four construction types are:

- **Building:** Sheltered enclosures that house persons, machinery, equipment, and apartment buildings over four stories. Examples applicable to SRF projects include constructing a treatment plant administration building or a pump house.
- **Residential:** Single family houses, townhomes, and apartment buildings up to four stories. This category may apply to DWSRF meter installation projects involving more than an incidental amount of construction activity.
- **Highway:** Roads, highways, sidewalks, parking areas, and other paving work not incidental to other construction. In the SRF, an example could include an SRF-funded project to install a pervious pavement parking lot (if not incidental to a larger project).
- **Heavy:** Projects that can't be classified as Building, Residential or Highway. Examples applicable to SRF projects include constructing a treatment plant or installing pipeline. In many areas, wage determinations have been issued specifically for water and sewer line construction.

3.2 Rules of Wage Determinations

- Each wage determination includes wage rates for several work classifications based on location and construction type. If an employee performs more than one job function, works in more than one location, or works on more than one type of project, he must be paid the correct wages for the hours worked under each set of conditions.

- Davis-Bacon wage determinations are the minimum amount that a laborer or mechanic must be paid per hour. Employers may pay higher wages if they choose.

- Employees should be paid the correct wage for the work actually performed, regardless of skill level or job title. If a general laborer operates a bulldozer for one hour, he should receive one hour's worth of equipment operator wages.

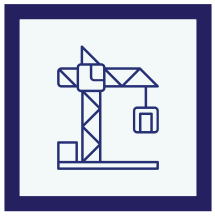
Figure 1 below illustrates how wage determinations are paid for an employee who splits his time between more than one job function, works in more than one location, or works on more than one type of construction.

Figure 1

Construction Type

If a second construction type makes up 20% of the project or $1M, multiple wage determinations apply

Building Wage: $20/hour

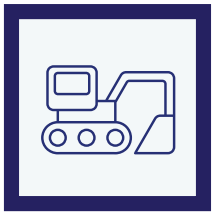


Heavy Wage: $30/hour

SRF Project Example: Wastewater treatment plant with administration building

Job Classification

General Laborer Wage: $20/hour



Equipment Operator Wage: $30/hour

Project Location

Location A Wage: $20/hour

Location B Wage: $30/hour

SRF Project Example: Pipeline project that spans multiple counties

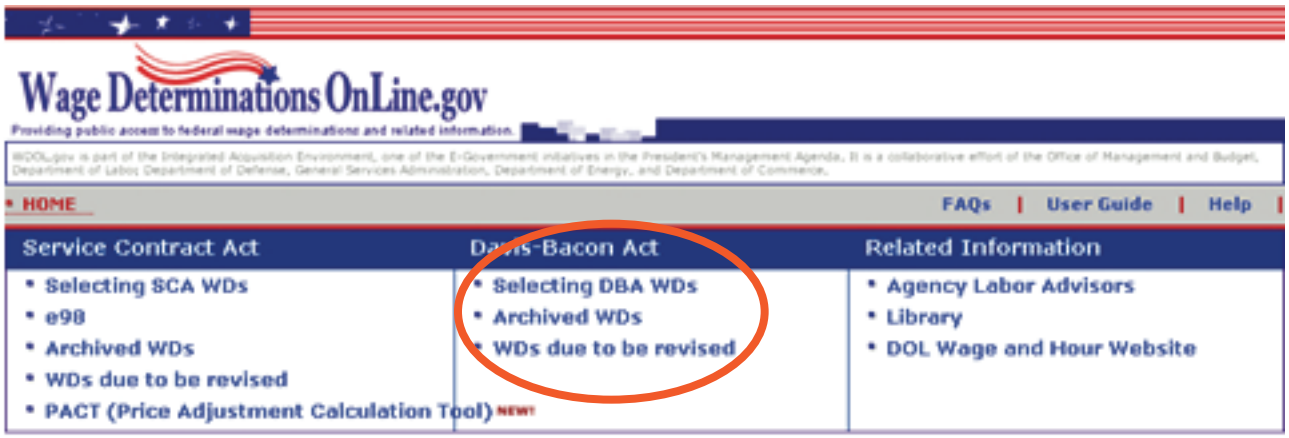
In all three of these examples, the employee would earn $1,000 for the week (20 hours at $20.00 per hour plus 20 hours at $30.00 per hour). For construction type, Department of Labor does not require multiple wage determinations to be used if one construction type is incidental to the other, making up less than 20% of the project cost and/or 1 million dollars.[1]

If an employee performs several different job functions on several different types of projects in multiple locations, the employer may prefer to pay the employee the highest wage rate for all work performed, rather than calculating several different rates. However, payroll records must still list the actual job classification applicable for each hour the employee works.

3.3 Finding Wage Determinations

SRF subrecipients are responsible for locating the correct wage determination(s) and including them in the bid specifications and construction contract.

The Department of Labor's wage determination database is available online at www.wdol.gov. Immediately prior to publishing the advertisement for bids, subrecipients should access the database by clicking "Selecting DBA WDs" at the top of the www.wdol.gov homepage.



This link will open a search page where project-specific information can be selected. Subrecipients should begin by selecting the state and county where the project described in the bid specifications will be constructed and remain. Next, use the guidelines in Section 3.1 of this handbook to select the applicable construction type. Clicking the "Search" button will generate the wage determination that subrecipients must include in bid specifications and construction contracts.

If the project will be constructed in more than one county (such as a pipeline), or will involve more than one construction type (such as a treatment plant with administration building) repeat this process for each county and construction type. All applicable wage determinations should be included in bid specifications and contracts.

3.4 Requesting Additional Wage Determinations

If the wage determinations found on www.wdol.gov are missing a wage rate needed for the specific job classification, construction type and/or project location, it will be necessary to seek a conformance from DOL. A conformance is a customized wage rate negotiated by the contractor and his or her employee(s) and approved by Department of Labor, and is only valid for the particular project for which it is granted.

Ideally, the conformance process should be initiated after the bid is awarded, but before work has started on the project. Once the bid is awarded, the subrecipient should ask the winning bidder to review the wage determination to assess whether any job classifications necessary for the completion of the project are missing from the wage determination.

The contractor for the SRF construction contract initiates the conformance request by completing a

Standard Form 1444, which can be downloaded at http://www.wdol.gov/docs/sf1444.pdf or found in **Appendix B**. The following is the process that should be used by SRF subrecipients to request a conformance from Department of Labor:

SRF CONFORMANCE PROCESS

- Contractor completes Standard Form 1444 (**Appendix B**) and submits it to the subrecipient
- Subrecipient submits the request to the state SRF office
- State SRF office submits the request to DOL and the EPA Regional Davis-Bacon coordinator (or Regional SRF Project Officer in Regions without a Davis-Bacon coordinator)
  The 1444 form may be submitted to DOL via email to:
  WHD-CBACONFORMANCE_INCOMING@dol.gov
- DOL responds to the state SRF office within 30 days of the request
- State SRF office informs the subrecipient of DOL's decision to approve, modify or deny the request
- If necessary, additional SF 1444 requests are submitted until DOL approval is granted
- Subrecipient incorporates the approved conformance wage determination into the construction contract and awards the contract within 180 days of the conformance issuance date

On the SF 1444, the contractor will list the work classification required for the project, as well as a proposed wage rate for that work classification. The contractor, and the employee that the conformance is sought for, are required to sign the SF 1444. Alternately, the SF 1444 may be signed by a representative of the employee(s), such as a union. The employee (or his representative) must also indicate whether he agrees with the proposed wage rate, and a statement recommending a different rate if he does not agree with the proposed rate. The contractor or subrecipient should submit the SF 1444 to the state SRF program office, which will direct the form to the appropriate DOL representative. DOL will typically respond to a conformance request within 30 days either accepting the proposed wage rate, or suggesting an alternate wage rate. If an alternate wage rate is proposed by DOL, the contractor should resubmit the SRF 1444 using the proposed wage rate in order to reach concurrence. The SRF subrecipient should incorporate the final conformance rate into the bid specifications and construction contract, and copies of the conformance letter should be maintained with Davis-Bacon records. Additional information on the conformance process may be found in EPA's Davis-Bacon grant terms and conditions, located in **Appendix C**.

Tip: Some SRF subrecipients have found that DOL often recommends a conformance rate equivalent to the lowest skilled (not general) wage rate for the county and construction type

3.5 UNDERSTANDING WAGE DETERMINATIONS

Each wage determination includes two pieces of information for each job classification it applies to: rate and fringe. Rate is generally given in a dollar value. Fringe can be given in a dollar value, as a percentage of the value of the rate, or may be blank (indicating a value of zero).

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General Decision Number:       AL100121      3/21/2010      AL121
State:   Alabama
Construction Type:    Heavy
Including Water and Sewer Line Construction
County:   Baldwin County

                                    Rates           Fringes

ELECTRICIAN                         $10.00          $1.00
```

Figure 2

The prevailing wage that must be paid is the sum of the rate and the fringe, and can be paid in any combination of cash and benefits.

For the prevailing wage shown in Figure 2, the following are examples of combinations that meet prevailing wage requirements: [3]

- $11.00 Cash Wages + $0.00 Fringe Benefits
- $10.00 Cash Wages + $1.00 Fringe Benefits
- $8.00 Cash Wages + $3.00 Fringe Benefits
- $12.00 Cash Wages + $2.00 Fringe Benefits (totaling higher than prevailing wage)

Portions of the prevailing wage not paid in cash can be paid through contribution to a bona fide fringe benefits plan. Acceptable types of fringe benefits plans include:

- Health insurance
- Life insurance
- Disability insurance
- Dental insurance
- Tuition assistance
- Retirement plans
- Apprenticeship costs
- Sick leave
- Paid vacation days or holidays

NOTE! In order for fringe benefit contributions to count toward Davis-Bacon requirements, the funds must be paid **irrevocably** to a third-party trust

The following examples do not qualify as fringe benefits:

- Deductions required by law, such as FICA, worker's compensation, and unemployment benefits
- Uniforms
- Travel time

If fringe benefits are paid in cash wages, they must be paid weekly. If paid in the form of a benefits plan, fringe contributions can be deposited into the plan as rarely as quarterly. The hourly value of the fringe benefit contribution is calculated by dividing the amount of the contribution by the number of hours the employee worked during the same period on all Davis-Bacon and non-Davis-Bacon projects. For instance, if fringe contributions are made quarterly, the amount of the contribution should be divided by the number of hours worked by the employee during the quarter. The following scenario illustrates this calculation:

In Quarter 1, John Smith works 500 hours for Construction Firm A, including:

- 100 hours for Project Y, which received SRF funding and therefore requires Davis-Bacon wage rates be paid.
- 400 hours for Project Z, which has not received federal funding and Davis-Bacon does not apply.

In Quarter 1, Construction Firm A pays $1,500 in health insurance premiums on behalf of John Smith.

The hourly bona fide fringe benefit value of this health insurance premium is $3/hour. This is calculated by dividing the total value of the benefit contribution ($1,500) by the total number of hours worked in the period of time covered by the contribution (500). The divisor must include all hours worked for Construction Firm A, regardless of whether those hours were on projects where Davis-Bacon applies.[4]

Contractors should keep documentation on file verifying that fringe contributions were deposited on behalf of employees, such as a statement from the plan administrator. SRF subrecipients will be responsible for verifying the contractor's fringe benefit contributions, a process described in the Compliance Oversight chapter of this handbook.

3.6 Incorporating Wage Determinations into Bids and Contracts

The Department of Labor may change a wage determination (called a "modification") any week, and those changes are released each Friday. Constantly changing wage rates could cause major headaches for subrecipients and contractors trying to stick to a project budget, so DOL developed policies that allow contractors to "lock in" a wage determination for bid specifications and contracts. These are sometimes referred to as the 10-Day Rule and the 90-Day Rule.

The 10-Day Rule

During development of the bid specifications, the subrecipient should use www.wdol.gov to find all applicable wage determinations for the county and construction type of the proposed project. These wage determinations should be printed and included in the bid specifications. Recall that each wage determination will list several types of job classifications for the location and construction type; it is advisable to include all job classifications available in the specifications so that bidding contractors will have a large pool to use in selecting the types of jobs they expect to use on the project. During the bid advertisement period, the subrecipient must monitor www.dol.gov for modifications. If DOL modifies the wage determination more than 10 days before the end of the bid period (bid opening), the bid specifications must be amended with the new wage determination. If DOL modifies the bid less than 10 days before bid opening, the subrecipient can retain the original wage determination, so long as the state SRF program office provides approval to do so. In this case, the bid specifications do not need to be amended.

THE 90-DAY RULE

Once the bids have been opened, the wage determinations included in the bid specifications remain valid for the project as long as the contract is awarded within 90 days. If the contract is not awarded within 90 days, any DOL modifications to the wage determination become effective unless the subrecipient obtains an extension from DOL. If the contract is awarded within 90 days, the wage determinations from the bid specifications are "locked in" for the life of the contract, and do not need to be changed if DOL issues a modification unless the contracting officer chooses to extend the life of the contract, in which case the additional contract time is subject to the most current modification.

Contracts must also include specific Davis-Bacon compliance language that applies to projects receiving funds from EPA through the State Revolving Fund programs. This language can be found in **Appendix C**. Although the language may look similar to contract provisions issued by other federal agencies such as HUD or DOT, **it is important that the EPA language be used** due to significant differences in EPA's SRF program as compared to direct federal contracting programs.

DEBARMENT/SUSPENSION

During the bid period, there is one more website that subrecipients need to know: www.sam.gov.

This website contains a record of all businesses that have been excluded (debarred) from doing business with the federal government. Subrecipients are responsible for checking the winning bidder against the System for Award Management (SAM) listings, and for requiring the prime contractor to do the same for all subcontractors.

Nongovernmental Subrecipients

Recipients of SRF funding that are not governmental entities have an extra step under the EPA Davis-Bacon requirements. Prior to advertising bids, nongovernmental subrecipients must submit their proposed wage determinations to the state SRF program office for approval.

Frequently Asked Questions

Q. If the state prevailing wage rate is higher than the federal prevailing wage rate, is it still necessary to include the federal wage determination in the contract?

A. Yes, including the federal wage rates in the contract is a requirement of the EPA grant terms and conditions. It is also a good practice. The state wage rates may currently be higher than the federal rates, but DOL can modify wage determinations at any time, meaning that the federal wage rate may surpass the state wage rate. The contractor (and subrecipient) would be required to pay the increased federal rate if the initial federal wage rate was not "locked in."

Q. What if the bid or contract includes the wrong (or no) wage determination?

A. The subrecipient must either re-bid the project or issue a change order that includes the correct wage determination. If work has already begun, the correct wage determination must be applied retroactively to the beginning of the contract and laborers and mechanics must be paid back wages if applicable. The subrecipient is responsible for any resulting cost increases.[5]

Q. Do fringe benefit contributions need to be the same for all employees?

A. The amount of the fringe benefit is based on the individual, and does not need to be standardized across the company. As long as the employee is paid at least the prevailing wage rate, it is up to the employer to decide how much fringe benefit to provide each employee.[6]

4. APPRENTICES *and Trainees*

ROLES AND RESPONSIBILITIES: APPRENTICES AND TRAINEES

SUBRECIPIENT

- ☐ Review apprentice and trainee registrations for each contractor and subcontractor
- ☐ Review apprentice and trainee ratios for each contractor and subcontractor

CONTRACTOR

- ☐ Ensure that all apprentices and trainees are registered in an approved apprenticeship or trainee plan
- ☐ Provide documentation of registrations and ratios to subrecipient upon request

STATE SRF OFFICE

- ☐ During inspections, ask the subrecipient whether apprentice and trainee registrations and ratios have been verified

Apprentices and trainees are the only categories of laborers and mechanics that may be paid less than full Davis-Bacon wages under the EPA grant conditions. Apprentices may be paid less than the full Davis-Bacon wages for the work they perform if they are: a) individually registered in an apprenticeship program registered with the Department of Labor, Office of Apprenticeship Training, Employer and Labor Services, b) registered with a state apprenticeship agency recognized by the Department of Labor, or c) employed in the first 90 days of probationary employement and certified by the Office of Apprenticeship Training, Employer and Labor Services as eligible for probationary employment as an apprentice. Trainees must be registered in a program recognized by DOL's Employment and Training Administration.

4.1 APPRENTICES

Figure 3 contains a list of all state apprenticeship agencies and indicates whether or not they are recognized by the U.S. Department of Labor. The list of DOL-approved state agencies may also be found at http://www.doleta.gov/OA/stateagencies.cfm. Registration in an apprenticeship program from a state listed in the "Not Recognized" column is **not** sufficient to meet federal Davis-Bacon requirements. Apprentices in these states must either be registered with a plan approved by the U.S. Department of Labor or paid full Davis-Bacon wages.

STATE APPRENTICESHIP AGENCIES: DOL RECOGNITION STATUS

RECOGNIZED:

- ARIZONA
- CONNECTICUT
- DELAWARE
- DC
- FLORIDA
- HAWAII
- KANSAS
- KENTUCKY
- LOUISIANA
- MAINE
- MARYLAND
- MASSACHUSETTS
- MINNESOTA
- MONTANA
- NEVADA
- NEW MEXICO
- NEW YORK
- NORTH CAROLINA
- OHIO
- OREGON
- PENNSYLVANIA
- PUERTO RICO
- RHODE ISLAND
- VERMONT
- VIRGINIA
- WASHINGTON
- WISCONSIN

NOT RECOGNIZED:

- ALABAMA
- ALASKA
- ARKANSAS
- CALIFORNIA
- COLORADO
- GEORGIA
- IDAHO
- ILLINOIS
- INDIANA
- IOWA
- MICHIGAN
- MISSISSIPPI
- MISSOURI
- NEBRASKA
- NEW HAMPSHIRE
- NEW JERSEY
- NORTH DAKOTA
- OKLAHOMA
- SOUTH CAROLINA
- SOUTH DAKOTA
- TENNESSEE
- TEXAS
- UTAH
- WEST VIRGINIA
- WYOMING

Figure 3

Every apprentice employed under a bona fide apprenticeship program (except for those in the first 90 days of probationary employment) should be individually listed on an apprenticeship plan for that program. A fictional example of an apprenticeship plan is shown in Figure 4. The apprenticeship plan sets the wages that the apprentices must be paid, generally as a percentage of the prevailing wage for that category of work commensurate with experience. The apprenticeship plan also establishes the maximum number of apprentices that may be employed on the project by setting a prescribed ratio of apprentices to journeymen.

The following conditions apply to all ratios:[1]

- Ratios are specific to work classification. For example, a journeyman plumber may not fulfill the ratio for apprentice carpenters.
- The journeyman and apprentice(s) must be working at the same time. There must be a journeyman working the same hours on the same days as the apprentice(s).
- A working foreman, supervisor or owner may be counted as a journeyman as long as he spends the majority of his time at the job site.
- If the number of apprentices exceeds the allowed ratio, the extra apprentices must be elevated to full Davis-Bacon wages. These apprentices cannot then be counted as journeyman for the purposes of the ratio. The first apprentice on the job is the one who should keep apprentice status.
- If a contractor has both an apprentice and a trainee program, the trainees and apprentices must be counted together in determining the ratio (ie., the journeymen may not be counted twice).

4.2 TRAINEES

Trainees must be registered in a program certified by the Department of Labor's Employment and Training Administration; state apprenticeship agencies have no jurisdiction over trainee programs. Trainee programs will specify the percentage of full journeyman rate that must be paid to trainees, as well as the amount of fringe benefits. If the program does not mention fringe benefits, the full amount listed on the wage determination for the job classification must be paid. Trainees working on the job site in excess of the ratio prescribed in the certified program must be paid full prevailing wages for their job classification. For more information on apprentice and trainee rules, refer to the EPA Davis-Bacon Contract Provisions in **Appendix C.**

4.3 SUBRECIPIENT RESPONSIBILITIES

The EPA grant condition requires SRF subrecipients to verify apprentice and trainee registrations and certifications, and to confirm that contractors and subcontractors are using the correct ratios. **These reviews should be conducted according to the same schedule that the subrecipient established for interviews and payroll spot checks.** Additional reviews should be conducted as necessary in response to complaints or risks of noncompliance

The process for reviewing apprentice and trainee registrations and ratios is described in Section 7 of this handbook, Compliance Oversight.

Ohio State Apprenticeship Agency

JOHN KASICH
GOVERNOR

JENNIFER BRUNNER
SECRETARY

The following apprentice(s) are registered with the State Apprenticeship Council, Labor and Industrial Division Ohio State Apprenticeship Agency under the Ohio Joint Apprenticeship and Training Committee for the Carpentry Industry.

Issued: July 29, 2016

Program: 016
Trade: Carpentry

Apprentice Name	SSN	Effective	Expires	Training Period
Jose Iglesias	XXX-XX-2309	3/31/16	10/31/16	7th
Joseph Merko	XXX-XX-1125	3/31/16	10/31/16	1st
Harold Carnash	XXX-XX-2785	3/31/16	10/31/16	1st
Christopher Wright	XXX-XX-9716	3/31/16	10/31/16	2nd
Benjamin Hopper	XXX-XX-8569	3/31/16	10/31/16	3rd
Daniel Williams	XXX-XX-1136	3/31/16	10/31/16	6th

PERIOD OF TRAINING	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
PERCENTAGE OF WAGE AND ALL FRINGE BENEFITS THROUGH THE DURATION OF THE PROGRAM	50%	55%	60%	65%	70%	75%	80%	85%	90%	95%

RATIO: The maximum allowable ratio of Apprentices to Journeymen under this program is 1:1 on any given job.

RATIO: Employers should be aware that when Apprentices are employed on Federal Projects covered by the Federal Davis-Bacon Act, regulations under that act state that the ratio of Apprentices on such jobs cannot be greater than the contractor's total allowable workforce ratio.

CERTIFIED BY: _____
Harlon Switzer, State Apprenticeship Council Director

Figure 4

SAMPLE

5. OVERTIME PAYMENT

the Contract Workhours and Safety Standards Act

ROLES AND RESPONSIBILITIES: OVERTIME PAYMENT

SUBRECIPIENT

- ☐ Insert **Appendix C Section 4** contract provisions into contracts over $100,000
- ☐ Insert a contract clause requiring contractors and subcontractors to maintain payroll records during the course of work and for three years after contract completion
- ☐ Insert a contract clause requiring contractors and subcontractors to permit the subrecipient and DOL to inspect payroll records and interview employees during working hours
- ☐ When spot checking payroll records (a minimum of twice for each contract and subcontract), verify that overtime payments were made as required

CONTRACTOR

- ☐ For contracts over $100,000, ensure that laborers and mechanics are compensated for work in excess of forty hours at a rate of 1.5X the base rate of pay
- ☐ Insert **Appendix C Section 4** contract provisions into all subcontracts, and require subcontractors to insert them into lower tier subcontracts

STATE SRF OFFICE

- ☐ During inspections, ask the subrecipient whether overtime payments have been verified as part of the review of payroll records

Note: although watchmen and guards are not subject to prevailing wage requirements, they are subject to CWHSSA requirements mandating time-and-a-half overtime payment

The EPA Davis-Bacon grant condition requires subrecipients to comply with the Contract Work Hours and Safety Standards Act (CWHSSA) for contracts over $100,000. CWHSSA is a Davis-Bacon Related Act mandating overtime pay for hours worked in excess of forty. Subrecipients must include language in construction contracts over $100,000 requiring contractors and subcontractors to pay one and a half times the basic pay rate for all hours worked in excess of forty hours during a workweek. The language for inclusion in construction contracts can be found in Section 4 of **Appendix C** of this handbook. There are no overtime requirements for prime contracts valued less than $100,000. However, if a prime contract is above $100,000, all subcontracts under that contract must include CWHSSA requirements even if the subcontracts are of lesser value. Below are some basic guidelines for payment of overtime:

- Overtime requirements apply to hours over forty worked on contracts covered by CWHSSA. If an employee works forty hours on a contract covered by CWHSSA and additional hours on a non-covered contract (for instance, for a separate project not receiving SRF funds), overtime pay is not required.
- Overtime requirements apply to contracts in excess of $100,000. If the prime contract exceeds $100,000, all subcontracts must abide by overtime requirements, even if they are less than $100,000.
- CWHSSA requirements do not rely on the same "site of work" limitations that Davis-Bacon requirements do. CWHSSA overtime requirements extend to work that is off-site, but is performed in support of the project, such as mobilization, fabrication and traveling to the site of work.

- A "workweek" is seven consecutive 24-hour periods, and can include nights and weekends.
- If workers have worked at several different jobs during a week, they should be paid at an average overtime rate based on a weighted average of base rates for all hours worked, or at the overtime rate appropriate for the job that was being done during those overtime hours. If an employer elects to use the second method of calculating overtime, workers must be notified that this is the case.
- If an employer is paying a higher base rate than listed in the wage determination (not including fringe paid as cash), the time and a half overtime rate should be calculated based on this higher amount, rather than the amount from the wage determination.

5. 1 Calculating Overtime Pay

Section 3 of this handbook explained that wage rates from www.wdol.gov are the combination of a base rate and a fringe rate. This distinction is important for calculating overtime pay, as CWHSSA requires payment of one and a half times the base rate plus the regular fringe rate. Figure 5 provides an example to help illustrate this calculation under various scenarios.

```
General Decision Number:    AL100121      03/21/2016     AL121
State: Alabama
Construction Type:    Heavy
Including Water and Sewer Line Construction
County:    Baldwin County

                                          Rates            Fringes
ELECTRICIAN                              $10.00             $1.00
CARPENTER                                 8.00              $2.00
```

Figure 5

In this fictional example, the wage determination sets a base rate of $10 and a fringe rate of $1 for an electrician working on a heavy construction project in Baldwin County, AL, and a base rate of $8 and fringe rate of $2 for a carpenter working on the same type of project in the same location. The following demonstrates appropriate overtime calculations for several possible situations:

Example 1
Hours worked in a workweek: 50 hours worked as an electrician
Prevailing wage paid as: $10 base and $1 fringe per hour

	Base (Cash) Rate	Fringe (Benefits) Rate	Total Value
Straight Pay	$10 X 40 hours = $400	$1 X 40 hours = $40	$440
Overtime Pay	$15 X 10 hours = $150	$1 X 10 hours = $10	$160
Total Pay	$550	$50	$600

In Example 1, the base pay for the 10 hours of overtime worked is time and a half the base rate ($10 X 1.5). The employer must still pay fringe on all 50 hours worked, but time and a half does not apply to the fringe rate.[2]

Example 2
Hours worked in a workweek: 50 hours worked as an electrician
Wages paid as: $11 base and $0 fringe per hour

	Base (Cash) Rate	Fringe (Benefits) Rate	Total Value
Straight Pay	$11 X 40 hours = $440	-	$440
Overtime Pay	$15 X 10 hours + $1 X 10 hours = $160	-	$160
Total Pay	$600	-	$600

In Example 2, the contractor is paying the $1 of fringe from the wage determination as cash, which results in a base (cash) rate of $11 per hour. When fringe is paid as cash wages as it is in this example, it is excluded from the overtime calculation.[3] Therefore, the overtime rate is calculated as time and a half the base rate of $10 per hour listed in the wage determination, and the $1 of fringe paid as cash is calculated separately.

Example 3
Hours worked in a week: 50 hours worked as an electrician
Wages paid as: $11 base and $1 fringe per hour

	Base (Cash) Rate	Fringe (Benefits) Rate	Total Value
Straight Pay	$11 X 40 hours = $440	$1 X 40 hours = $40	$480
Overtime Pay	$16.50 X 10 hours = $165	$1 X 10 hours = $10	$175
Total Pay	$605	$50	$655

In Example 3, the contractor is paying a higher base rate than is required by the wage determination ($11 per hour instead of $10 per hour). When a contractor pays a higher base rate as the normal course of business, this higher rate becomes the new base rate on which overtime is calculated.[4] Therefore, the overtime rate is calculated as time and a half $11 ($16.50), rather than time and a half the $10 rate from the wage determination.

Example 4
Hours worked in a workweek: 50 hours worked as an electrician
Wages paid as: $9 cash and $2 benefits per hour

	Base (Cash) Rate	Fringe (Benefits) Rate	Total Value
Straight Pay	$9 X 40 hours = $360	$2 X 40 hours = $80	$440
Overtime Pay	$15 X 10 hours = $150	$1 X 10 hours = $10	$160
Total Pay	$510	$90	$600

In Example 4, the $11 prevailing wage is paid as $9 base (cash) and $2 fringe (benefits) instead of $10

base and $1 fringe as specified in the wage determination. This is acceptable for straight time, but for overtime, the base overtime rate must be based on time and a half $10 (the base rate from the wage determination), not the $9 rate that the employer typically pays.[5]

Example 5
Hours worked in a workweek: 20 hours, as an electrician, followed by 24 additional hours as a carpenter. Wages paid as: $10 cash and $1 benefits for hours worked as an electrician, $8 cash and $2 benefits for hours worked as a carpenter.

There are two possible ways of calculating the rate to be paid for the four hours of overtime worked.[6]

The standard method of calculating overtime when two job classifications are in effect is to use the weighted average of the two base rates. In this case:

20 hours X $10.00 = $200 (as an Electrician)
24 hours X $8.00 = $192 (as a Carpenter)
$392 / 44 total hours = $8.91 weighted average rate

	Base Rate	Fringe Rate	Total
Electrician (20 hours)	$10 X 20 hours = $200	$1 X 20 hours = $20	$220
Carpenter (24 hours)	$8 X 24 hours = $192	$2 X 24 = $48	$240
Overtime Pay (Weighted Average)	$8.91/2 X 4 = $17.82	-	$17.82
Total Pay	$409.82	$68	$477.82

Alternatively, the carpenter overtime rate could be paid for those 4 overtime hours because this is the job that the worker was performing during the overtime hours. If this method is used, the worker must be notified before performing the work.[7]

	Base Rate	Fringe Rate	Total
Straight Pay (Electrician)	$10 X 20 hours = $200	$1 X 20 hours = $20	$220
Straight Pay (Carpenter)	$8 X 20 hours = $160	$2 X 20 hours = $40	$200
Overtime Pay (Carpenter)	$12 X 4 hours = $48	$2 X 4 hours = $8	$56
Total Pay	$408	$68	$476

NOTE! If fringe is paid in the form of contributions to a benefits plan, the contractor must calculate the total value of contributions to the fringe benefits plan over all hours worked during the period (straight time and overtime), and ensure that the hourly value of the fringe contributions meets or exceeds the fringe value stated in the wage determination.

6. PAYROLL RECORDS *and Reporting*

ROLES AND RESPONSIBILITIES: PAYROLL REPORTING

SUBRECIPIENT

- ☐ Collect payroll reports and Statement of Davis-Bacon Compliance from the contractor and subcontractors for every week of contract work
- ☐ Spot check payroll reports for accuracy at least twice for each contract and subcontract
- ☐ Submit the State Certification of Davis-Bacon Compliance to the state SRF office verifying compliance based on review of weekly payroll reports
- ☐ Maintain payroll reports in records for three years after project completion

CONTRACTOR

- ☐ Produce complete and accurate payroll reports
- ☐ Collect payroll reports and Statement of Davis-Bacon Compliance from all subcontractors for every week of subcontract work
- ☐ Submit weekly payroll reports and Statement of Davis-Bacon Compliance to subrecipient
- ☐ Maintain payroll reports for all laborers and mechanics in records for three years after contract completion
- ☐ Maintain records associated with fringe benefits plans, including records of benefit contributions and evidence that the plans have been communicated in writing to laborers and mechanics affected

STATE SRF OFFICE

- ☐ Collect State Certification of Davis-Bacon Compliance from the subrecipient
- ☐ During inspections, verify that the subrecipient is collecting and spot checking payroll reports
- ☐ Ensure subrecipient compliance with payroll responsibilities stated in the EPA Davis-Bacon Grant Terms and Conditions

Payroll reports play an important role in ensuring Davis-Bacon compliance. Prime contractors are required to collect payroll for all laborers and mechanics working on the job site and provide payroll reports to the subrecipient. They are also required to collect this information from subcontractors. Subrecipients must keep these records on file for three years after project completion, but only have to submit them to the SRF state program office if specifically requested.

6.1 BASIC GUIDELINES FOR PAYROLL REPORTS

Payroll reports SHOULD:

- Use form WH-347 (**Appendix D**) or equivalent. Employers may generate payroll reports in any format, including their current payroll system, as long as all of the same information the WH-347 requires is provided.
- Be submitted to the subrecipient within 7 days of the regular payment date of the payroll period.
- Account for all weeks of construction. Payroll reports do not need to be submitted for weeks in which no contract work was performed, but this should be noted in the subrecipient's files. "No work" payroll reports are optional for weather delays or other breaks in construction.

- List all laborers and mechanics that performed work on the project during the week indicated by the payroll report.
- Be collected from all subcontractors for weeks that subcontract work was performed on the project.
- List straight and overtime hours worked per day on the project. Hours worked by laborers/mechanics on other projects not covered by Davis-Bacon do not need to be reported.

Keep in mind that for Davis-Bacon purposes, payroll reports do not need to show hours or pay rates for employees who are not laborers or mechanics, such as clerical employees or non-working supervisors. However, these employees may be included on payroll reports if it is easier administratively.

6.2 SAMPLE PAYROLL

Fringe benefit contributions can be shown separately from the base rate in the Rate of Pay box. This allows the overtime rate to be calculated more easily.

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

PAYROLL
(For Contractor's Optional Use; See Instructions at www.dol.gov/esa/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 ☐: ACME CONSTRUCTION CO.
ADDRESS: 200 HARDY ST. CINCINNATI, OH
OMB No.: 1215-0149
Expires: 12/31/2011
PAYROLL NO.: 12
FOR WEEK ENDING: 08/14/2016
PROJECT AND LOCATION: TREATMENT PLANT, 100 CITY BLVD
PROJECT OR CONTRACT NO.: CIN-0945

(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: S 8	M 9	T 10	W 11	T 12	F 13	S 14	(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS: FICA	WITH-HOLDING TAX	401(K)		OTHER	TOTAL DEDUCTIONS	(9) NET WAGES PAID FOR WEEK
				HOURS WORKED EACH DAY																
ABBOT, JAMES 1221		CARPENTER	o		1.0	1.0	1.0	1.0	1.0		5.00	17.00	$565.00	$14.10	$47.00	$25.00			$86.10	$478.90
			s		8.0	8.0	8.0	8.0	8.0		40.00	10.00 / 2.00	$565.00							
BRADLEY, THOMAS 6755		CARPENTER	o										$288.00	$7.20	$24.00				$31.20	$388.80
			s		8.0	8.0	8.0				24.00	10.00 / 2.00	$420.00							
IGLESIAS, JOSE 2309		APPRENTICE CARPENTER	o										$400.00	$12.00	$40.00	$20.00			$72.00	$328.00
			s		8.0	8.0	8.0	8.0	8.0		40.00	8.00 / 2.00	$400.00							
GARAMOND, HENRY 4457		ELECTRICIAN	o					2.0	2.0		4.00	19.50	$638.00	$19.14	$50.00				$69.14	$568.86
			s		8.0	8.0	8.0	8.0	8.0		40.00	11.00 / 3.00	$638.00							

Payrolls should include an identifying number for all employees, such as the last four digits of the employee's social security number.

Overtime hours and pay rate are listed separately from straight time, but are included in the Gross Amount Earned sum.

If an employee works part time on a project covered by Davis-Bacon and part time on a non-Davis-Bacon project, the Gross Amount Earned can be split to show this. The amount in the upper left shows earnings for hours worked on the Davis-Bacon project, and the amount in the lower right shows all hours worked on all projects.

6.3 Additional Required Forms

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 Start. 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	SIGNATURE

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

Figure 6: Statement of Davis-Bacon Compliance

In addition to payroll records, there are two other reports necessary to meet Davis-Bacon compliance. The first is the Statement of Davis-Bacon Compliance, which can be found on the reverse side of the WH-347 in **Appendix D**. This form must be signed and submitted by all contractors and subcontractors to the subrecipient along with the weekly payroll records.

The second form is the State Certification of Davis-Bacon Compliance. This form is used by the subrecipient to provide confirmation to the state SRF office that the project is in compliance with Davis-Bacon based on the subrecipient's review of payroll records. Every state uses a different format and schedule to collect this certification, so subrecipients should contact the state SRF program office for specific instructions on meeting this requirement. An example form may be found in **Appendix E**.

Project Name: _____
Period From:_____ To: _____

Davis -Bacon Prevailing Wage CERTIFICATION

Based on a review of payroll reports for the specified weeks, I certify to the best of my knowledge and belief that the above referenced project:

Complies with with the requirements of 29 CFR 5.5(a)(1) and that all laborers and mechanics employed by contractors and subcontractors engaged in contracts for the construction, alteration, and repair of treatment works carried out in whole or in part with assistance made available by the State Water Pollution Control Revolving Fund, or engaged in contracts for any construction project carried out in whole or in part with assistance made available by a Drinking Water Treatment Revolving Loan Fund, are paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

_____ _____
Name of SRF Recipient Date

_____
Signature of Authorized Official

"As to each payroll copy received, the subrecipient shall provide written confirmation in a form satisfactory to the State indicating whether or not the project is in compliance with the requirements of 29 CFR 5.5(a)(1) based on the most recent payroll copies for the specified week."

— 3. Contract and Subcontract Provisions (3)(ii)(A) of the EPA Grant Terms and Conditions

SAMPLE

Figure 7: State Certification of Davis-Bacon Compliance

Frequently Asked Questions

Q. If the contractor is using a biweekly payroll system, can he keep using it for payroll reports?

A. No. The EPA Davis-Bacon grant condition requires laborers and mechanics to be paid "not less than once a week". A biweekly payroll system does not comply with this requirement. In addition, the Statement of Davis-Bacon Compliance form must also be submitted to the subrecipient on a weekly basis.

Q. The project requires a subcontractor to work a few weeks at the beginning of the project, then come back several months later to perform more work at the end of the project. Is it necessary to collect payroll records from the subcontractor for all of the months in between, when he is not performing work on the project?

A. No. The EPA Davis-Bacon grant conditions require the contractor to submit weekly, "for each week in which any contract work is performed" a copy of all payrolls to the subrecipient, and to submit the same for all subcontractors. If a subcontractor has not performed any contract work for the SRF project during a time period, payroll records are not required for that time. If a subcontractor will be returning to the job to complete additional work after the initial work, his payroll reports should be numbered sequentially to show that they represent every week of contract work.

Q. The state prevailing wage law requires contractors to complete and submit a state payroll form. Do contractors need to complete two payroll forms, one for the state program and one for Federal Davis-Bacon requirements?

A. If the state payroll form contains the same information as the WH-347, the contractor does not need to complete two payroll forms, and can submit the state payroll form to the subrecipient. If the contractor chooses not to use the optional form WH-347 for payroll submissions, he must be sure that the reporting method he chooses contains all of the required information for every laborer and mechanic:

a) Name
b) Individually identifying number for each employee (ie., last four digits of the social security number)
c) Job classification
d) Hourly rate of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof)
e) Daily and weekly number of hours worked
f) Deductions made
g) Actual wages paid

Even if the contractor chooses not to use the WH-347 form for payroll reporting, he is required to complete and sign the Statement of Davis-Bacon Compliance on the reverse side of the WH-347 form, and submit this form to the subrecipient with each weekly payroll.

7. POSTERS

required at the Site of Work

ROLES AND RESPONSIBILITIES: POSTERS

SUBRECIPIENT

- ☐ Confirm that WH-1321 poster and the wage determinations are posted at the site of work
- ☐ Verify that the wage determinations posted at the site of work are the same as those included in the bid and contract

CONTRACTOR

- ☐ Display the WH-1321 poster and wage determinations on the project site in a location accessible to laborers and mechanics in all relevant languages

STATE SRF OFFICE

- ☐ During onsite inspections, confirm that the WH-1321 poster and wage determinations are posted at the site of work

The EPA Davis-Bacon grant condition requires two items to be posted at the site of the work: the wage determinations used in the bids and contracts for the project, and the Davis-Bacon poster (Form WH-1321) in all relevant languages.

The WH-1321 posters can be downloaded at http://www.dol.gov/whd/resources/posters.htm and found in **Appendix F**.

Both posters should be protected from the weather and displayed in a place that is accessible to laborers and mechanics. Posters should not be kept in a construction trailer that is locked at all times or at a central office that is rarely visited by laborers or mechanics working on the project site. If the nature of the project requires the construction site to move frequently, finding a location to display the posters can be tricky, but necessary. Some contractors tack the posters to a portable plywood sign that can be loaded into a pickup truck and relocated easily, while others keep the posters in a nearby trailer where laborers and mechanics punch in every morning before heading to work.

8. Compliance Oversight

Subrecipient responsibilities

Roles and Responsibilities: Compliance Oversight

Subrecipient

- ☐ Spot check payroll reports at least twice for each contract and subcontract
- ☐ Review evidence of fringe benefit contributions claimed by contractors
- ☐ Review apprentice/trainee registrations and verify ratios according to a risk-based schedule
- ☐ Conduct employee interviews according to a risk-based schedule
- ☐ Follow up on questionable items from payroll review and interviews

Contractor

- ☐ Maintain documentation of fringe benefit contributions
- ☐ Maintain updated apprentice/trainee registration documentation
- ☐ Allow the subrecipient confidential access to employees for interviews

State SRF Office

- ☐ Conduct inspections per state policy
- ☐ Ensure that EPA Davis-Bacon grant conditions are included in all bid specifications and contracts
- ☐ Include compliance with the EPA Davis-Bacon grant condition as a requirement of the SRF assistance agreement
- ☐ Provide assistance and guidance in resolving compliance issues

Subrecipients of SRF funds bear much of the responsibility for ensuring compliance with Davis-Bacon. Futhermore, subrecipients have a vested interest in ensuring that Davis-Bacon compliance is met. If the correct Davis-Bacon wage rates are not included in bids and contracts, the subrecipient is required to compensate the contractor for any wage increases resulting from DOL's revisions to the correct wage determination.[1] If Davis-Bacon wages are included in bids and contract amounts, but the contractor is not paying his employees what they are due, this may mean that the subrecipient's valuable funds are being used improperly.

The following tasks make up the subrecipient's Davis-Bacon compliance oversight role and may be performed by the subrecipient or by a designated representative such as a consultant:

1. Review Payroll Reports
2. Verify Fringe Benefit Contributions
3. Check Apprentice/Trainee Registrations
4. Conduct Employee Interviews

8.1 Reviewing Payroll Reports

Subrecipients are responsible for reviewing payroll reports for accuracy. **At a minimum, if practicable, payroll spot checks should be done for every contract and subcontract within two weeks of the initial payroll submission, and once two weeks prior to the completion of the contract or subcontract.** However, it's a good idea to spot check payroll records on a more frequent basis, especially if issues have been identified during prior payroll reviews or employee interviews. A suggested process for subrecipients to use in reviewing payroll records is included here as a best management practice, but it is up to subrecipients to use a method that makes them most confident that compliance is being met.

Summary Review: Every Payroll Submission

- **Check the number** of payroll reports received. Was a payroll report received from every contractor and subcontractor peforming contract work on the project at the time?
- **Check the date** of the payroll report to ensure that payroll is being reported on a weekly basis for all weeks of contract work, and that the report was submitted in a timely manner (ideally no more than one week after the regular pay date for the payroll period being reported).
- **Check the numbers** quickly to pick out any obvious math errors or rounded sums. The Gross Amount Earned should reflect the exact multiplication of hours times wages, and should not be rounded up or down.
- **Skim the work classifications** listed on the payroll records. Are the types of work classifications and number of employees consistent with what would be expected for the current stage of construction? Are employees with the same work classifications earning similar wages? Are any apprentices or trainees listed on the payroll report? Are all of the work classifications listed on the payroll report also included in the wage determination for the project?
- **Quickly review the hours** listed on the payroll report. If overtime hours have been reported, is the overtime rate listed as 1.5X the base wage rate plus the hourly fringe rate?
- **Look over the deductions** listed on the payroll report. Do deductions have missing or questionable explanations?
- **Check the reverse side** of the WH-347 to confirm that it has been signed by the contractor.

Red Flags: Payroll Review

- Unusual or very large deductions (ie., half of pay is diverted to a savings account)
- Too many apprentices/trainees relative to journeymen
- Rounded numbers
- Deductions with no description
- Employees with fewer hours or fluctuating schedules compared to other employees who do similar work
- Job classifications on payrolls not listed in wage determinations
- Large number of general laborers during the construction phase

Detailed Spot Checks: Minimum Twice for Each Contract and Subcontract (More Often if Necessary)

- **Select payroll reports** for a detailed review, which is required at least twice for every contract and subcontract. Additional reviews may be conducted at random, or targeted based on circumstances such as complaints, employee interviews, or changes in the construction phase.
- **Conduct the summary review** detailed in the Summary Review section.
- **Compare the Rate of Pay** listed for each employee to the base rate listed in the wage determination.
- **Consult the reverse side of the WH-347** to determine whether fringe is paid as cash wages or as contributions to a bona fide plan. If fringe is paid as cash wages (checkbox [4][b] on the back of the WH-347), confirm that the fringe amount from the wage determination is reflected in each employee's Rate of Pay amount.
- **If overtime hours are listed**, confirm that the overtime Rate of Pay is 1.5X the base rate of pay from the wage determination plus the hourly fringe rate from the wage determination.
- **If fringe benefits are paid as contributions** to a bona fide benefits plan, verify fringe benefits contributions using the process described in Subsection 8.2 of this handbook.
- **If any apprentices or trainees** are listed on the payroll report, verify apprentice/trainee registrations and confirm that the number of apprentices listed on the payroll form is consistent with the ratio in the apprenticeship plan using the process described in Subsection 8.3 of this handbook.
- **If any individual payroll deductions** are listed on the payroll report, confirm that these were authorized by the employee. It may be a good idea to target these employees during an employee interview to confirm that the payroll deductions are authorized and allowable.

Types of Permissible Payroll Deductions Include:

- **Social security withholding**
- **Deduction for prepaid wages**
- **Purchase of U.S. Savings Bonds**
- **Bona fide fringe benefit plans**
- **Purchase of credit union shares**
- **Income tax withholding**
- **Court ordered payments**
- **Loan repayment**
- **Charitable donations**
- **Union fees**
- **Promissory note for a purchase from the employer (ie., a vehicle)**
- **Safety equipment (if not required by law for employer to furnish)**
- **Reasonable cost of board, lodging or other facilities as permitted by the Fair Labor Standards Act**

DOL may approve additional deductions. Employers should maintain records verifying all deductions.

8.2 Verifying Fringe Benefit Contributions

If a contractor pays a portion of prevailing wages in the form of contributions to a benefits plan, subrecipients are responsible for verifying that these contributions were made as claimed. The best way to do this is to ask the contractor to provide an account statement from the benefits plan(s) that he is making contributions to on behalf of his employees. Although some subrecipients may accept documents generated in-house by contractors showing the amount they have contributed to fringe benefit plans, it is advisable for subrecipients to seek additional third-party verification.

Figure 8 shows an example of an account statement from a benefits plan. A contractor generally receives statements from plans on a regular basis, or can easily request a receipt from his plan administrator. These are a strong source of third-party verification that fringe contributions are being fully funded. Note that fringe benefits that are not provided as part of a funded plan (such as vacation or sick leave) require the employer to actively set aside or assign money to employees for those benefits as they are earned to qualify as part of paid wages.[2]

Contractors
Retirement Plan Trust

Contractors Retirement Plan Trust
Contribution Summary

Group Account #BG435
Company Name: Acme Construction Co.
Payroll Dates: 08/01/16 – 9/01/16

Termination Codes
1 – TERMINATED EMPLOYMENT
2 – DEATH
3 – DISABILITY
6 – RETIREMENT

Hours and Contribution Report

Name	SSN	# of Hours Worked	Hourly Benefit Cost	Individual Match	Individual Premium	Code	Date
ABBOT, JAMES	1221	165	$2.00	$100.00	$430.00	-	-
BRADLEY, THOMAS	6755	160	$2.00	-	$320.00	-	-
IGLESIAS, JOSE	2309	160	$2.00	$80.00	$400.00	-	-
GARAMOND, HENRY	4457	160	$3.00	-	$480.00	-	-
			AMOUNT OF CHECK:		$1,630.00		

MAKE CHECKS PAYABLE TO:
Contractors Retirement Plan Trust
123 Labor Road
Benton, AR 72712

PAID
CK NO 1023
DATE 9/12/16

PREPARED BY: R. COLEMAN
DATE: 1/14/17

Figure 8

Figure 9 shows how the base rate and fringe rate may be split on the WH-347 payroll form for ease of tracking fringe benefit contributions.

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

PAYROLL
(For Contractor's Optional Use; See Instructions at www.dol.gov/esa/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 ☐: ACME CONSTRUCTION CO.
ADDRESS: 200 HARDY ST. CINCINNATI, OH
OMB No.: 1215-0149
Expires: 12/31/2011

PAYROLL NO.: 12
FOR WEEK ENDING: 08/14/2016
PROJECT AND LOCATION: TREATMENT PLANT, 100 CITY BLVD
PROJECT OR CONTRACT NO.: CIN-0945

(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: S 8	M 9	T 10	W 11	T 12	F 13	S 14	(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS: FICA	WITH-HOLDING TAX	401(K)		OTHER	TOTAL DEDUCTIONS	(9) NET WAGES PAID FOR WEEK
ABBOT, JAMES 1221		CARPENTER	o		1.0	1.0	1.0	1.0	1.0		5.00	17.00	$565.00	$14.10	$47.00	$25.00			$86.10	$478.90
			s		8.0	8.0	8.0	8.0	8.0		40.00	10.00 / 2.00	$565.00							
BRADLEY, THOMAS 6755		CARPENTER	o										$288.00	$7						
			s		8.0	8.0	8.0				24.00	10.00 / 2.00	$420.00							
IGLESIAS, JOSE 2309		APPRENTICE CARPENTER	o										$400.00	$12						
			s		8.0	8.0	8.0	8.0	8.0		40.00	8.00 / 2.00	$400.00							
GARAMOND, HENRY 4457		ELECTRICIAN	o					2.0	2.0		4.00	19.50	$638.00	$19.						
			s		8.0	8.0	8.0	8.0	8.0		40.00	11.00 / 3.00	$638.00							

Contributions or costs anticipated for bona fide fringe benefits plans or fringe amounts paid as cash

Figure 9

If the contractor has provided benefits, the subrecipient will need to verify that fringe benefit contributions are the correct amounts by comparing the wage determination (Figure 10) with documentation of the fringe contributions (Figure 8).

```
General Decision Number:    OH100122      03/21/2010     OH122
State: Ohio
Construction Type:    Heavy
Including Water and Sewer Line Construction
County:    Hamilton County

                                          Rates            Fringes
ELECTRICIAN                              $11.00             $3.00
CARPENTER                                $10.00             $2.00
```

Figure 10

Notice that the wage determination does not contain wage rates for an "Apprentice Carpenter" work classification. In order to determine if José Iglesias is being paid the correct wages in the previous example, it will be necessary to review his apprenticeship registration; a process described in the following Subsection 8.3.

8.3 Verifying Apprentice and Trainee Registrations

Subrecipients are responsible for verifying apprentice and trainee registrations on the same schedule as employee interviews are performed. To conduct this review, it will be necessary to have a copy of the registration programs for all apprentices and trainees working on the project. Contractors should be able to provide updated copies of the programs upon request. The apprenticeship or trainee program will contain a chart showing a percentage of wage rates associated with a time period of training; this chart is used to determine whether apprentices and trainees are being paid the correct percentage of the Davis-Bacon wage rate. Many work classifications have their own programs, so there may be separate plans for electricians, carpenters, plumbers, etc. An example of an apprenticeship plan is shown in Figure 11. There are three ways that subrecipients will use this plan to perform Davis-Bacon compliance oversight:

1. Verify that all laborers or mechanics classified as apprentices or trainees on payroll reports are included in an approved plan
2. Confirm that apprentices and trainees are being paid the correct wage rates
3. Verify the ratio of apprentices/trainees to journeymen working on the project

In the example apprenticeship plan shown in Figure 11, José Iglesias is listed as being in the 7th Training Period of the apprenticeship program. According to the wage chart on the apprenticeship plan, apprentices in their 7th period are due 80% of the full wage, plus fringe benefits. The payroll records in Figure 9 and the fringe benefits statement in Figure 8 show that José is being paid $8.00 an hour in base wages (80% of the full carpenter rate of $10.00 listed in the wage determination in Figure 10), plus the full fringe amount of $2.00 per hour. José has been paid correctly for this period.

Finally, subrecipients can use the information in the program plans to confirm that the number of apprentices or trainees working on the project does not exceed the ratio allowed by the plan. The sample apprenticeship plan in Figure 11 includes an allowable ratio of one apprentice to one journeyman. This ratio may be verified by reviewing payroll reports. Where apprentices or trainees are listed on the payroll report, the number of journeymen listed for the same trade should result in the ratio allowed by the program plan. In addition, the payroll report should verify that the apprentices/trainees and journeymen worked the same hours on the same days. Note that a payroll report will not specifically indicate which employees are journeymen. For instance, if a payroll report lists two employees as "Carpenter" and "Apprentice Carpenter", the employee described only as "Carpenter" is assumed to be a journeyman.

NOTE: In states where the State Department of Labor is not recognized by U.S. DOL, apprentices must be in an apprenticeship program registered with U.S. DOL. Many times, these apprenticeship programs will be through a trade union. The contractor may need to contact the trade union to find the appropriate ratio, and should keep this documentation in his files.

Ohio State Apprenticeship Agency

JOHN KASICH
GOVERNOR

JENNIFER BRUNNER
SECRETARY

The following apprentice(s) are registered with the State Apprenticeship Council, Labor and Industrial Division Ohio State Apprenticeship Agency under the Ohio Joint Apprenticeship and Training Committee for the Carpentry Industry.

Issued: July 29, 2016

Program: 016
Trade: Carpentry

Apprentice Name	SSN	Effective	Expires	Training Period
Jose Iglesias	XXX-XX-2309	3/31/16	10/31/16	7th
Joseph Merko	XXX-XX-1125	3/31/16	10/31/16	1st
Harold Carnash	XXX-XX-2785	3/31/16	10/31/16	1st
Christopher Wright	XXX-XX-9716	3/31/16	10/31/16	2nd
Benjamin Hopper	XXX-XX-8569	3/31/16	10/31/16	3rd
Daniel Williams	XXX-XX-1136	3/31/16	10/31/16	6th

PERIOD OF TRAINING	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
PERCENTAGE OF WAGE	50%	55%	60%	65%	70%	75%	80%	85%	90%	95%

AND ALL FRINGE BENEFITS THROUGH THE DURATION OF THE PROGRAM

RATIO: The maximum allowable ratio of Apprentices to Journeymen under this program is 1:1 on any given job.

RATIO: Employers should be aware that when Apprentices are employed on Federal Projects covered by the Federal Davis-Bacon Act, regulations under that act state that the ratio of Apprentices on such jobs cannot be greater than the contractor's total allowable workforce ratio.

CERTIFIED BY: _____

Harlon Switzer, State Apprenticeship Council Director

SAMPLE

Figure 11

8.4 EMPLOYEE INTERVIEWS

Subrecipients are required to periodically interview a sampling of the contractor and subcontractors' employees to determine whether employees are being paid in accordance with Davis-Bacon requirements. **The subrecipient is responsible for setting and following an interview schedule for the SRF project based on its knowledge of the contractors and subcontractors working on the project and their risk for noncompliance with Davis-Bacon.** Additional interviews may be completed at the subrecipient's discretion, and are strongly suggested in the case of questionable payroll reports or employee complaints.

The purpose of the interviews is to confirm that employees are classified as the correct job type and are being paid the correct wages. Interviews also provide an opportunity for employees to report Davis-Bacon complaints or abuses in a confidential setting. Figure 12 shows some of the key elements of the interview form.

Note! It may be helpful to schedule the employee interviews on pay day, so employees will have access to pay stubs and can provide more accurate answers to interview questions

Following are some best management practices for conducting employee interviews:

- **Interviews should be documented using Standard Form 1445 (Appendix G) or an equivalent form.**
- **Interviews should be confidential and non-disruptive. The contractor or subcontractor should not be present during the interview.**
- **The number of employees interviewed is at the subrecipient's discretion, but should constitute a reasonable sampling.**
- **Interviews may be random, or may target specific employees. Subrecipients are advised to interview any employees whose payroll records generated "red flags" during the payroll review.**
- **A translator may be used to conduct the interviews. If possible, avoid using a translator employed by the contractor or subcontractor.**
- **Compare the interview forms to payroll records for the same week. Make sure that all employees interviewed are listed on the payroll records for the same day that the interview was conducted, and that their responses to the interview questions are consistent with the information on the payroll report.**

Red Flags: Interviews

Employee refuses to participate in the interview

Employees interviewed are not listed on payroll records for the day of the interview

Stated job type does not match activities observed onsite

Discrepancy between stated wages, wage determination, and/or payroll records

LABOR STANDARDS INTERVIEW

CONTRACT NUMBER

NAME OF PRIME CONTRACTOR

NAME OF EMPLOYER

SUPERVISOR'S NAME

LAST NAME	FIRST NAME	MI

EMPLOYEE INFORMATION

LAST NAME	FIRST NAME	MI

STREET ADDRESS

CITY	STATE	ZIP CODE

WORK CLASSIFICATION	WAGE RATE

	CHECK BELOW YES	NO
Do you		
Do you		
Are you		
Are you receiving any cash payments for fringe benefits required by the		

WHAT DEDUCTIONS OTHER THAN TAXES AND SOCIAL SECURITY ARE MADE FROM YOU

HOW MANY HOURS DID YOU WORK ON YOUR LAST WORK DAY BEFORE THIS INTERVIEW?

TOOLS YOU USE

DATE OF LAST WORK DAY BEFORE INTERVIEW *(YYMMDD)*

DATE YOU BEGAN WORK ON THIS PROJECT *(YYMMDD)*

THE ABOVE IS CORRECT TO THE

EMPLOYEE'S SIGNATURE *(YYMMDD)*

INTERVIEWER | SIGNATURE | TY *(YYMMDD)*

INTERVIEWER'S C

WORK EMPLOYEE WAS DOING WHEN INTERVIEWED

ACTION *(If explanation is needed, use comments section)*	YES	NO
IS EMPLOYEE PROPERLY CLASSIFIED AND PAID?		

FOR US

IS ABOVE INFORMATION IN AGREEMENT WITH PAYROLL DATA?

☐ YES ☐ NO

COMMENTS

CHECKER

LAST NAME	FIRST NAME	MI	JOB TITLE

SIGNATURE | DATE *(YYMMDD)*

AUTHORIZED FOR LOCAL REPRODUCTION
Previous edition not usable

STANDARD FORM 1445 (REV. 12-96)
Prescribed by GSA - FAR (48 CFR) 53.222(g)

WHAT DEDUCTIONS OTHER THAN TAXES AND SOCIAL SECURITY ARE MADE FROM YOUR PAY?

- Follow up on any unusual deductions noted during payroll review

HOW MANY HOURS DID YOU WORK ON YOUR LAST WORK DAY BEFORE THIS INTERVIEW?

- Compare with payroll reports to verify accuracy of the records

TOOLS YOU USE

- Helps confirm that the employee has the correct work classification

WORK EMPLOYEE WAS DOING WHEN INTERVIEWED

- Actual activities observed onsite
- Davis-Bacon work classifications should be based on actual work performed, not titles

Figure 12

8.5 State SRF Program Office Inspections

The state SRF program office may conduct periodic inspections to ensure Davis-Bacon compliance. These inspections generally include a visit to the project site, and may include a review of the subrecipient's files. State SRF program staff will generally review the following items:

Documentation Review

- Has the subrecipient collected payroll reports?
- Does the collection of payroll reports seem generally consistent with the size and progress of the project?
- Do the dates on the first and last payroll reports indicate that employees are paid weekly? Is the variety of job types listed on the payroll reports generally consistent with the project type and construction phase?
- Has the subrecipient collected the Statements of Davis-Bacon Compliance? Does there appear to be one for every week of construction, and are they signed?
- Does the subrecipient have any completed SF 1445 interview forms on file?
- Does the interview form indicate any problems, and if so, have they been resolved?
- Are apprentices and trainees listed on the payroll reports? If so, has the subrecipient verified that they are registered?

Project Site Review

- Are wage determinations posted at the project site in a location accessible to laborers and mechanics?
- Is the Davis-Bacon poster (WH-1321) posted at the project site?

NOTE: Every state SRF program office has different policies with regard to project inspections and Davis-Bacon compliance monitoring. It's a good idea to discuss compliance monitoring during the pre-construction meeting to find out how often inspections will occur and what documentation inspectors will expect to see.

U.S. DEPARTMENT OF LABOR

WAGE AND HOUR DISTRICT OFFICES

(select the District Office nearest to employer/job location)

ALABAMA
Gulf Coast, AL DO 35203
950 22nd St. North
Suite 605
TEL: (205) 536-8570

ALASKA
See Seattle, WA

AMERICAN SAMOA
See Honolulu, HI

ARIZONA
Phoenix, AZ 85003
230 N First Avenue
Suite 402
TEL: (602) 514-7100

ARKANSAS
Little Rock, AR 72211
10810 Executive Center Dr.
Suite 220
TEL: (501) 223-9114

CALIFORNIA
Los Angeles, CA 90017
915 Wilshire Blvd.
Suite 960
TEL: (213) 894-6375

Sacramento, CA 95825
2800 Cottage Way
Room W-1836
TEL: (916) 978-6123

San Diego, CA 92101
550 West C St.
Suite 990
TEL: (619) 557-5110

San Francisco, CA 94103
90 7th St.
Suite 12-100
TEL: (415) 625-7720

East LA-West Covina, CA 91791
100 N. Barranca St.
Suite 850
TEL: (626) 966-0478

CARRIBEAN
See Guaynabo, PR

COLORADO
Denver, CO 80202
1999 Broadway
Suite 710
TEL: (720) 264-3250

CONNECTICUT
Hartford, CT 06103
135 High St.
Room 210
TEL: (860) 240-4160

DELAWARE
See Philadelphia, PA

DISTRICT OF COLUMBIA
See Baltimore, MD

FEDERATED STATES OF MICRONESIA
See San Francisco, CA

FLORIDA
Jacksonville, FL 32202
400 West Bay Street
Suite 956, Box 017
TEL: (904) 359-9292

Miami, FL 33173
Sunset Center, Rm. 255
10300 Sunset Drive
TEL: (305) 598-6607

Tampa, FL 33607
4200 W. Cypress St.
Suite 444
TEL: (813) 288-1242

GEORGIA
Atlanta, GA 30303
61 Forsyth St. SW
Room 7M10
TEL: (678) 237-0521

GUAM
See Honolulu, HI

HAWAII
Honolulu, HI 96850
300 Ala Moana Blvd.
Room 7225
TEL: (808) 541-1361

IDAHO
Northern Panhandle: see Seattle, WA; remainder: see Portland, OR

ILLINOIS
Chicago, IL 60604
230 S. Dearborn Street
Room 412
TEL: (312) 789-2950

INDIANA
Indianapolis, IN 46204
135 North Pennsylvania St.
Suite 700
TEL: (317) 226-6801

IOWA
Des Moines, IA 50309
210 Walnut Street
Room 643
TEL: (515) 284-4625

KANSAS
Kansas City, KS 66101
Gateway Tower II
400 State Ave. Suite 1010
TEL: (913) 551-5721

KENTUCKY
Louisville, KY 40202
600 Dr. MLK Jr. Place, Rm 352
TEL: (502) 582-5226

LOUISIANA
New Orleans, LA 70130
600 South Maestri Place
Room 615
TEL: (504) 589-6171

MAINE
See Manchester, NH

MARYLAND
Allegheny & Garrett Counties: see Charleston, WV

Baltimore, MD 21201
2 Hopkins Plaza
Room 601
TEL: (410) 962-6211

MASSACHUSETTS
Boston, MA 02203
15 Sudbery St.
Room 525
TEL: (617) 624-6700

MICHIGAN
Detroit, MI 48228
211 W. Fort St.
Room 517
TEL: (313) 309-4500

Grand Rapids, MI 49503
800 Monroe Ave., NW
Suite 315
TEL: (616) 456-2004

MINNESOTA
Minneapolis, MN 55401
331 2nd Ave. South
Suite 920
TEL: (612) 370-3341

MISSISSIPPI
Jackson, MS 39269
100 W. Capitol St.
Suite 725
TEL: (601) 965-4347

MISSOURI
Eastern Half: St. Louis, MO 63103, 1222 Spruce St.
Room 9, 102B
TEL: (314) 539-2706

Western Half:
See Kansas City, KS

MONTANA
See Salt Lake City, UT

NEBRASKA
See Des Moines, IA

NEVADA
Las Vegas, NV 89101
600 Las Vegas Blvd. S.
Suite 750
TEL: (702) 388-6001

NEW HAMPSHIRE
Manchester, NH 03101
1155 Elm St.
Suite 501
TEL: (603) 666-7716

NEW JERSEY
Northern:

Mountainside, NJ 07092
200 Sheffield St. Room 102
TEL: (908) 317-8611

Southern:

Lawrenceville, NJ 08648
3131 Princeton Pike
Building 5, Room 216
TEL: (609) 538-8310

NEW MEXICO
Albuquerque, NM 87102
500 Gold Ave. SW
Suite 12000
TEL: (505) 248-6100

NEW YORK
Albany, NY 12207
11A Clinton Ave.
Room 822
TEL: (518) 431-6460

Long Island, NY 11590
1400 Old Country Road
Suite 410
TEL: (516) 338-1890

New York, NY 10278
26 Federal Plaza
Room 3700
TEL: (212) 264-8185

NORTH CAROLINA
Raleigh, NC 27609
Somerset Bank Building
4407 Bland Road, Suite 260
TEL: (919) 790-2741

NORTH DAKOTA
See Denver, CO

OHIO
Columbus, OH 43215
200 North High St., Room 646
TEL: (614) 469-5678

OKLAHOMA
Oklahoma City, OK 73102
215 Dean A. McGee Ave.
Room 318
TEL: (405) 231-4158

OREGON
Portland, OR 97205
620 SW Main St., Room 423
TEL: (503) 326-3057

PACIFIC TERRITORIES
See San Francisco, CA

PENNSYLVANIA
Philadelphia, PA 19103
1617 John F. Kennedy Blvd.
Suite 1780
TEL: (215) 597-4950

Pittsburgh, PA 15222
1000 Liberty Ave., Suite 1416
TEL: (412) 395-4996

Wilkes-Barre, PA 18702
7 N. Wilkes-Barre Blvd.
Suite 373-M
TEL: (570) 826-6316

PUERTO RICO
Guaynabo, PR 00968
B-7 Tabonuco St., Suite 1104
TEL: (787) 775-1924

RHODE ISLAND
See Boston, MA

SOUTH CAROLINA
Columbia, SC 29201
1835 Assembly St.
Room 1072
TEL: (803) 765-5981

SOUTH DAKOTA
See Denver, CO

TENNESSEE
Nashville, TN 37217
1321 Murfreesboro Rd.
Suite 511
TEL: (615) 781-5343

Memphis, TN: see Jackson, MS

TEXAS
Arlington, TX 76006
1701 E. Lamar Blvd.
Suite 270, Box 22
TEL: (817) 861-2150

Austin, TX 78701
300 East 8th St., Suite 865
TEL: (512) 236-2560

Houston, TX 77074
8701 S. Gessner Dr.
Suite 1164
TEL: (713) 339-5500

Houston, TX 77058
Camino Center II
17625 El Camino Real
Suite 482
TEL: (281) 488-0690

McAllen, TX 78501
1101 East Hackberry Ave.
Suite 400
TEL: (956) 682-4631

San Antonio, TX 78216
Northchase 1 Office Bldg.
10127 Morocco, Suite 140
TEL: (210) 308-4515

West Texas Panhandle and Northwest Quadrant: see Albuquerque, NM

UTAH
Salt Lake City, UT 84111
60 E. South Temple St.
Suite 575
TEL: (801) 524-5706

VERMONT
See Manchester, NH

VIRGINIA
Northern VA: see Baltimore, MD, Southwestern VA: see Charleston, WV

Richmond, VA 23219
400 N. 8th St.
Room 416
TEL: (804) 771-2995

VIRGIN ISLANDS
See Guaynabo, PR

WASHINGTON
Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat Counties: see Portland, OR

Seattle, WA 98104
300 5th Ave.
Suite 1130
TEL: (206) 398-8039

WEST VIRGINIA
Charleston, WV 25301-2130
500 Quarrier Street
Suite 120
(304) 347-5206

WISCONSIN
See Minneapolis, MN

WYOMING
See Salt Lake City, UT

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND RATE

CHECK APPROPRIATE BOX
☐ SERVICE CONTRACT
☐ CONSTRUCTION CONTRACT

OMB No.: **9000-0089**
Expires: 02/28/96

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (VRS), Office of Federal Acquisition Policy, GSA, Washington, DC 20405; and to the Office of Management and Budget, Paperwork Reduction Project (9000-0089), Washington, DC 20503.

NOTE: THE CONTRACTOR SHALL COMPLETE ITEMS 3 THROUGH 16 AND SUBMIT THE REQUEST, IN QUADRUPLICATE, TO THE CONTRACTING OFFICER

1. **TO:**
ADMINISTRATOR, Employment Standards Administration
WAGE AND HOUR DIVISION
U.S. DEPARTMENT OF LABOR
WASHINGTON, D.C. 20210

2. **FROM:** *(REPORTING OFFICE)*

3. CONTRACTOR

4. DATE OF REQUEST

5. CONTRACT NUMBER	6. DATE BID OPENED *(SEALED BIDDING)*	7. DATE OF AWARD	8. DATE CONTRACT WORK STARTED	9. DATE OPTION EXERCISED *(IF APPLICABLE) (SCA ONLY)*

10. SUBCONTRACTOR *(IF ANY)*

11. PROJECT AND DESCRIPTION OF WORK *(ATTACH ADDITIONAL SHEET IF NEEDED)*

12. LOCATION (*CITY, COUNTY AND STATE)*

13. IN ORDER TO COMPLETE THE WORK PROVIDED FOR UNDER THE ABOVE CONTRACT, IT IS NECESSARY TO ESTABLISH THE FOLLOWING RATE(S) FOR THE INDICATED CLASSIFICATION(S) NOT INCLUDED IN THE DEPARTMENT OF LABOR DETERMINATION

NUMBER:_____ DATED: _____

a. LIST IN ORDER: PROPOSED CLASSIFICATION TITLES(S); JOB DESCRIPTION(S); DUTIES; AND RATIONALE FOR PROPOSED CLASSIFICATIONS (SCA ONLY)	b. WAGE RATE(S)	c. FRINGE BENEFITS PAYMENTS
(Use reverse or attach additional sheets, if necessary)		

14. SIGNATURE AND TITLE OF SUBCONTRACTOR REPRESENTATIVE *(IF ANY)*

15. SIGNATURE AND TITLE OF PRIME CONTRACTOR REPRESENTATIVE

16. SIGNATURE OF EMPLOYEE OR REPRESENTATIVE

TITLE

CHECK APPROPRIATE BOX-REFERENCING BLOCK 13.
☐ **AGREE** ☐ **DISAGREE**

TO BE COMPLETED BY CONTRACTING OFFICER ***(CHECK AS APPROPRIATE - SEE FAR 22.1019 (SCA) OR FAR 22.406-3 (DBA))***

☐ THE INTERESTED PARTIES AGREE AND THE CONTRACTING OFFICER RECOMMENDS APPROVAL BY THE WAGE AND HOUR DIVISION. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED.

☐ THE INTERESTED PARTIES CANNOT AGREE ON THE PROPOSED CLASSIFICATION AND WAGE RATE. A DETERMINATION OF THE QUESTION BY THE WAGE AND HOUR DIVISION IS THEREFORE REQUESTED. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED.

(Send copies 1, 2, and 3 to Department of Labor)

SIGNATURE OF CONTRACTING OFFICER OR REPRESENTATIVE	TITLE AND COMMERCIAL TELEPHONE NO.	DATE SUBMITED

Appendix C: EPA Contract Provisions

3. Contract and Subcontract provisions.

(a) The Recipient shall insure that the subrecipient(s) shall insert in full in any contract in excess of $2,000 which is entered into for the actual construction, alteration and/or repair, including painting and decorating, of a treatment work under the CWSRF or a construction project under the DWSRF financed in whole or in part from Federal funds or in accordance with guarantees of a Federal agency or financed from funds obtained by pledge of any contract of a Federal agency to make a loan, grant or annual contribution (except where a different meaning is expressly indicated), and which is subject to the labor standards provisions of any of the acts listed in § 5.1 or the FY 2013 Continuing Resolution, the following clauses:

(1) Minimum wages.

(i) All laborers and mechanics employed or working upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (a)(1)(iv) of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in § 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided that the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph (a)(1)(ii) of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

Subrecipients may obtain wage determinations from the U.S. Department of Labor's web site, www.dol.gov.

(ii)(A) The subrecipient(s), on behalf of EPA, shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The State award official shall approve a request for an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(2) The classification is utilized in the area by the construction industry; and

(3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the subrecipient(s) agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), documentation of the action taken and the request, including the local wage determination shall be sent by the subrecipient (s) to the State award

official. The State award official will transmit the request, to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210 and to the EPA DB Regional Coordinator concurrently. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification request within 30 days of receipt and so advise the State award official or will notify the State award official within the 30-day period that additional time is necessary.

(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the subrecipient(s) do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the award official shall refer the request and the local wage determination, including the views of all interested parties and the recommendation of the State award official, to the Administrator for determination. The request shall be sent to the EPA DB Regional Coordinator concurrently. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt of the request and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (a)(1)(ii)(B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

(2) Withholding. The subrecipient(s), shall upon written request of the EPA Award Official or an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the (Agency) may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(3) Payrolls and basic records.

(i) Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

(ii)(A) The contractor shall submit weekly, for each week in which any contract work is performed, a copy of all payrolls to the subrecipient, that is, the entity that receives the sub-grant or loan from the State capitalization grant recipient. Such documentation shall be available on request of the State recipient or EPA. As to each payroll copy received, the subrecipient shall provide written confirmation in a form satisfactory to the State indicating whether or not the project is in compliance with the requirements of 29 CFR 5.5(a)(1) based on the most recent payroll copies for the specified week. The payrolls shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on the weekly payrolls. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at http://www.dol.gov/whd/forms/wh347instr.htm or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the subrecipient(s) for transmission to the State or EPA if requested by EPA , the State, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the subrecipient(s).

(B) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) That the payroll for the payroll period contains the information required to be provided under § 5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under § 5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(C) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (a)(3)(ii)(B) of this section.

(D) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

(iii) The contractor or subcontractor shall make the records required under paragraph (a)(3)(i) of this section available for inspection, copying, or transcription by authorized representatives of the State, EPA or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the Federal agency or State may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

(4) Apprentices and trainees--

(i) Apprentices. Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for

the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) Trainees. Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended and 29 CFR part 30.

(5) Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

(6) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (10) and such other clauses as the EPA determines may by appropriate, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

(7) Contract termination; debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

(8) Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

(9) Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and Subrecipient(s), State, EPA, the U.S. Department of Labor, or the employees or their representatives.

(10) Certification of eligibility.

(i) By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

4. **Contract Provision for Contracts in Excess of $100,000.**

(a) Contract Work Hours and Safety Standards Act. The subrecipient shall insert the following clauses set forth in paragraphs (a)(1), (2), (3), and (4) of this section in full in any contract in an amount in excess of $100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by Item 3, above or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

(1) Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(2) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (a)(1) of this section the contractor and any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (a)(1) of this section, in the sum of $10 for each calendar day on

which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (a)(1) of this section.

(3) Withholding for unpaid wages and liquidated damages. The subrecipient, upon written request of the EPA Award Official or an authorized representative of the Department of Labor, shall withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (b)(2) of this section.

(4) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (a)(1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (a)(1) through (4) of this section.

(b) In addition to the clauses contained in Item 3, above, in any contract subject only to the Contract Work Hours and Safety Standards Act and not to any of the other statutes cited in 29 CFR 5.1, the Subrecipient shall insert a clause requiring that the contractor or subcontractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid. Further, the Subrecipient shall insert in any such contract a clause providing hat the records to be maintained under this paragraph shall be made available by the contractor or subcontractor for inspection, copying, or transcription by authorized representatives of the (write the name of agency) and the Department of Labor, and the contractor or subcontractor will permit such representatives to interview employees during working hours on the job.

Appendix D: WH-347 Payroll Form

U.S. Department of Labor
Wage and Hour Division

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.: 1215-0149 Expires: 12/31/2011

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 / HOURS WORKED EACH DAY							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS: FICA	WITH-HOLDING TAX			OTHER	TOTAL DEDUCTIONS	(9) NET WAGES PAID FOR WEEK
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that is will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W. Washington, D.C. 20210

(over)

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 Start. 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	SIGNATURE

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.

Project Name: _____
Period From:_____ To: _____

Davis-Bacon Prevailing Wage CERTIFICATION

Based on a review of payroll reports for the specified weeks, I certify to the best of my knowledge and belief that the above referenced project:

Complies with with the requirements of 29 CFR 5.5(a)(1) and that all laborers and mechanics employed by contractors and subcontractors engaged in contracts for the construction, alteration, and repair of treatment works carried out in whole or in part with assistance made available by the State Water Pollution Control Revolving Fund, or engaged in contracts for any construction project carried out in whole or in part with assistance made available by a Drinking Water Treatment Revolving Loan Fund, are paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

_____ _____
Name of SRF Recipient Date

_____
Signature of Authorized Official

"As to each payroll copy received, the subrecipient shall provide written confirmation in a form satisfactory to the State indicating whether or not the project is in compliance with the requirements of 29 CFR 5.5(a)(1) based on the most recent payroll copies for the specified week."

— 3. Contract and Subcontract Provisions (3)(ii)(A) of the EPA Grant Terms and Conditions

SAMPLE

EMPLOYEE RIGHTS
UNDER THE DAVIS-BACON ACT

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

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

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.

For additional information:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

WWW.WAGEHOUR.DOL.GOV

DERECHOS DEL EMPLEADO

BAJO LA LEY DAVIS-BACON

PARA OBREROS Y MECÁNICOS EMPLEADOS EN PROYECTOS DE CONSTRUCCIÓN FEDERAL O CON ASISTENCIA FEDERAL

LA SECCIÓN DE HORAS Y SUELDOS DEL DEPARTAMENTO DE TRABAJO DE EEUU

SALARIOS PREVALECIENTES
No se le puede pagar menos de la tasa de pago indicada en la Decisión de Salarios Davis-Bacon fijada con este Aviso para el trabajo que Ud. desempeña.

SOBRETIEMPO
Se le ha de pagar no menos de tiempo y medio de su tasa básica de pago por todas las horas trabajadas en exceso de 40 en una semana laboral. Existen pocas excepciones.

CUMPLIMIENTO
Se pueden retener pagos por contratos para asegurarse que los obreros reciban los salarios y el pago de sobretiempo debidos, y se podría aplicar daños y perjuicios si no se cumple con las exigencias del pago de sobretiempo. Las cláusulas contractuales de Davis-Bacon permiten la terminación y exclusión de contratistas para efectuar futuros contratos federales hasta tres años. El contratista que falsifique los registros certificados de las nóminas de pago o induzca devoluciones de salarios puede ser sujeto a procesamiento civil o criminal, multas y/o encarcelamiento.

APRENDICES
Las tasas de aprendices sólo se aplican a aprendices correctamente inscritos bajo programas federales o estatales aprobados.

PAGO APROPIADO
Si Ud. no recibe el pago apropiado, o precisa de información adicional sobre los salarios aplicables, póngase en contacto con el Contratista Oficial que aparece abajo:

o póngase en contacto con la Sección de Horas y Sueldos del Departamento de Trabajo de EEUU.

Para obtener información adicional:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

WWW.WAGEHOUR.DOL.GOV

U.S. Wage and Hour Division

LABOR STANDARDS INTERVIEW

CONTRACT NUMBER	EMPLOYEE INFORMATION		
	LAST NAME	FIRST NAME	MI
NAME OF PRIME CONTRACTOR	STREET ADDRESS		
NAME OF EMPLOYER	CITY	STATE	ZIP CODE
SUPERVISOR'S NAME			
LAST NAME / FIRST NAME / MI	WORK CLASSIFICATION	WAGE RATE	

ACTION	CHECK BELOW YES	NO
Do you work over 8 hours per day?		
Do you work over 40 hours per week?		
Are you paid at least time and a half for overtime hours?		
Are you receiving any cash payments for fringe benefits required by the posted wage determination decision?		

WHAT DEDUCTIONS OTHER THAN TAXES AND SOCIAL SECURITY ARE MADE FROM YOUR PAY?

	TOOLS YOU USE	
HOW MANY HOURS DID YOU WORK ON YOUR LAST WORK DAY BEFORE THIS INTERVIEW?		
DATE OF LAST WORK DAY BEFORE INTERVIEW *(YYMMDD)*		
DATE YOU BEGAN WORK ON THIS PROJECT *(YYMMDD)*		

THE ABOVE IS CORRECT TO THE BEST OF MY KNOWLEDGE

EMPLOYEE'S SIGNATURE			DATE *(YYMMDD)*
INTERVIEWER	SIGNATURE	TYPED OR PRINTED NAME	DATE *(YYMMDD)*

INTERVIEWER'S COMMENTS

WORK EMPLOYEE WAS DOING WHEN INTERVIEWED	ACTION *(If explanation is needed, use comments section)*	YES	NO
	IS EMPLOYEE PROPERLY CLASSIFIED AND PAID?		
	ARE WAGE RATES AND POSTERS DISPLAYED?		

FOR USE BY PAYROLL CHECKER

IS ABOVE INFORMATION IN AGREEMENT WITH PAYROLL DATA?

☐ YES ☐ NO

COMMENTS

CHECKER

LAST NAME	FIRST NAME	MI	JOB TITLE
SIGNATURE			DATE *(YYMMDD)*

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