CHAPTER VII

LABOR STANDARDS

Labor standards administration involves the activities that take place primarily before construction begins. Administration sets the stage for the compliance activities that occur during the construction phase. Main components relating to HUD Labor Standards and Missouri Department of Labor Standards are presented in this chapter.

FEDERAL STATUTORY PROVISIONS

Since 1931, Congress has extended the Davis-Bacon prevailing wage requirements to some 60 related Acts which provide federal assistance for construction through loans, grants, loan guarantees, and insurance. These Acts include by reference the requirements for payment of the prevailing wages in accordance with the Davis-Bacon Act; the Housing and Community Development Act of 1974 is one of the related Acts.

Davis-Bacon wage rates thereby apply to HUD programs because of prevailing wage requirements expressed in the HUD “Related Acts” such as the U.S. Housing Act of 1937 and the Housing and Community Development Act of 1974, as amended. The Housing and Community Development Act of 1974 provides that “All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance received under this chapter shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis Bacon Act, as amended (40 USC 276a-276a-5):

The Missouri State CDBG Program utilizes HUD Handbook 1344.1 to measure applicability of federal statutory provisions to the State CDBG Program.

The Davis-Bacon Act (DBA) provides the advertised specifications for every contract in excess of $2,000 for the construction, alteration, and/or repair, which requires or involves the employment of laborers and/or mechanics, shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics which shall be based upon the wages that will be determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the city, town, village, or other civil subdivision of the State in which the work is to be performed. The DBA includes provisions that:

- Require the contractor and/or subcontractor to pay Davis-Bacon wages to all laborers and mechanics employed on the site of work regardless of any contractual relationship alleged to exist between the laborers and mechanics and the contractor or subcontractor;
- Define prevailing wages to include fringe benefits;
- Require that the scale of wages to be paid (i.e., the applicable Davis Bacon wage decision) be posted in a prominent and accessible place at the work site;
- Require the contractor and/or subcontractor to pay all mechanics and laborers not less often than once a week;
- Defines allowable deductions or rebates from wages earned by laborers and mechanics
- Authorizes withhold from contract to cover underpayment of wages
- Authorizes the termination of the contract where it is found that any laborer or mechanic is underpaid
- Authorizes the debarment of persons or firms found to have disregarded their obligations to employees and subcontractors.
The **Contract Work Hours and Safety Standards Act (CWHSSA)**. The CWHSSA applies to both direct Federal contracts and to Federally–assisted contracts where those contracts require or involve the employment of laborers and mechanics and where Federal wage standards (e.g., Davis-Bacon or HUD-determined prevailing wage rates) are applicable. CWHSSA provides that all overtime hours (defined as hours worked in excess of 40 during any workweek on the CWHSSA-covered project site) must be compensated at a rate not less than one and one half times the regular basic rate of pay.

The **Copeland "Anti-Kickback" Act** provision makes it a criminal offense for a person to induce anyone employed in the construction, completion, or repair of any public building, public work, or building, or work financed in whole or in part by loans or grants from the United States, to give up any part of the compensation to which the employee is otherwise entitled. The Act also defines allowable payroll deductions, specifies methods of paying wages to covered employees, and requires the submission of weekly payrolls in conjunction with statements of compliance by all contractors in a format that meets the statutory requirements of 29 CFR Section 5.5.

**Fair Labor Standards Act (FLSA)** The FLSA governs such matters as Federal minimum wage rates and overtime. It requires employers to pay covered employees who are not otherwise exempt at least the federal minimum wage and overtime pay of one-and-one half times the regular rate of pay. These standards are generally applicable to any labor performed and may be pre-empted by other (often more stringent) Federal standards such as the DBRA prevailing wage requirements and CWHSSA overtime provisions. The authority to administer and enforce FLSA provisions resides solely with DOL.

**MISSOURI PREVAILING WAGE LAW**

Contractors on projects subject to Davis-Bacon Act labor standards may also be subject to additional prevailing wage and overtime pay requirements under State and local laws.

- The Missouri Prevailing Wage Law is comparable to the Federal law in requiring payment of prevailing wages, as determined each year by the Missouri Division of Labor Standards, to all laborers and mechanics on public works construction projects for both straight time and overtime as defined by the authorizing State statute (RSMo Chapter 290). As determined in Missouri House Bill 1729; public works projects valued $75,000 and under are not subject to the Prevailing Wage Law and projects valued at $10,000 and below are not subject to a competitive bidding process. No project may be split up into smaller projects valued at less than $75,000 for the purpose of evading the requirement to pay a prevailing wage or public works contracting minimum wage.

- In addition, when the project is advertised for bid, a "Prevailing Wage Project Notification-Contractor Information Notification" (PW-2) must be filed with the Missouri Division of Labor Standards. Grantees are encouraged to review other related documents such as the Prevailing Wage Law Check-Off list, and the Affidavit of Compliance with the Prevailing Wage Law which contractors must submit to the Missouri Department of Labor prior to requesting final payment of public funds. These forms are provided electronically in conjunction with the Annual Wage Order through the Missouri Division of Labor Standards Web site at [www.labor.mo.gov/DLS/PrevailingWage/](http://www.labor.mo.gov/DLS/PrevailingWage/).
GRANT ADMINISTRATION DUTIES

Prior to Construction Contract Award:
1. Coordinate with the consulting engineer or architect in regard to CDBG bid documents and required HUD contractual provisions.
2. Request federal prevailing wage rates from State CDBG office prior to bid advertisement and also, update 10 days prior to bid opening.

After Construction Contract Award:
1. Coordinate with the consulting engineer or architect to schedule and conduct the Pre-Construction Conference. A sample format for labor standards-related topics to be covered is provided within this chapter. Contractor must determine and pay the higher wage rate between federal and state prevailing wage rates, included within the construction contract, for each specific classification utilized.
2. Submit the Start of Construction Notification form to DED. All information needed to complete this report should be available following the pre-construction meeting.
3. If anyone other than the Owner or Officers of the construction company will be signing the “Statement of Compliance” then a Payroll Authorization Letter is required to be submitted to CDBG with the Start of Construction Notification. (See sample Payroll Authorization Letter at end of the chapter)

During Construction:
1. The grantee or the designated local labor compliance officer, (most often, grant administrator is designated), must obtain original signed weekly payrolls (no pencil) from all general contractor(s) and subcontractor(s) accompanied by the statement of compliance (WH347) or Missouri (LS-57). Payrolls should be submitted within seven working days of the end date on the payroll form.
   a. First payrolls/payroll reviews for general and each subcontractor are required to be submitted to CDBG before first pay estimate submitted with Request for Funds. CDBG field representatives will make a determination relevant to projects, case by case, as to the level of technical assistance and monitoring necessary for project payrolls.
2. Review payrolls for compliance with current applicable Davis-Bacon wage decision and Missouri State Annual Wage Order. Contractor must determine and pay higher wage rate between federal and state prevailing wage rates.
   a. Payrolls are not to be submitted to CDBG without accompanying initial review documentation completed by the grant administrator (Use Certified Payroll Review Sheet). First payrolls must be submitted to CDBG before a Request for Funds drawing down the construction activity line.
   b. Inclusion of all required certified payroll data - All data fields indicated on the acceptable payroll form are to be completed. The data, as indicated in WH-347, is required on all payrolls, regardless of payroll form used.
   c. Incorrect and Missing Classifications - The U. S. Department of Labor (DOL) does not recognize “foremen” and “health and safety” as work classifications. Use only authorized work classification; either those reflected on the wage decision or via submission of an additional classification/conformance request to the DOL.

   NOTE: The contractor’s statement on the certification page that fringe benefits were paid into approved plans, funds, or programs must be accompanied by a breakdown of bona fide fringes expressed as an hourly equivalent amount for each employee or job classification. A guide for providing this documentation, along with the definition of fringe benefits allowed in lieu of cash payments, are included in this chapter.
i. “Other Deductions”: When reviewing submitted payrolls it is important to look at the type of deductions. If there are deductions for either miscellaneous or other categories, these categories must be explained on the Statement of Compliance form. If the deductions do not fall into the categories listed in the section “Clarification Concerning Payroll Deductions” there should be a written, dated authorization letter signed by the employee stating what the deduction is for and the amount of the deduction. Only one employee authorization is needed for recurring (e.g. weekly) other deductions. Written employee authorization is not required for income tax and Social Security deductions.

ii. If restitution is owed, the amount of the estimated restitution will be withheld from the Request for Funds and the remainder of the construction request will be processed. CDBG recognizes the contractual language stipulating when payment is due to contractor. For further details on restitution reporting requires see the Labor Standards Violation section in this chapter.

iii. As a standard objective, grantees should not submit requests to draw down CDBG construction funds until payroll reviews, (please utilize payroll review sheet in desk review) matching the time frame included in the contractors’ pay invoices have been received and approved by the grant administrator in accordance with these procedures.

iv. Conduct on-site inspections to help confirm contractor compliance by confirming that posters explaining employee rights and the wage decisions are displayed on the job site, and verify through the employee interview process that correct prevailing wages are being paid.

**RECORD OF EMPLOYEE INTERVIEW**

This form should be utilized by the local Labor Standards designee or another responsible party to obtain information from a representative number of employees and job classifications, thereby helping to achieve a reasonable assurance of compliance. Employee interviews should be conducted at least monthly for the prime contractor, and whenever subcontractors are at work on the site. Objectivity is enhanced when the local labor standards designee, not the contractor, selects the employees to be interviewed.

- The interview is to be conducted only with the individual employee.
- The interviewer should obtain the information necessary to complete items #1-12(b) on the Record of Employee Interview, and then observe the employee at work for a period of time before completing items #13-15(c).
- Information from the interview should then be compared to the findings on review of the weekly certified payrolls, indicated by completion of the “Payroll Examination” section of the form which is items #16-17(b).

Employee interviews may also be conducted by mail if necessary. This process should be limited to situations such as when subcontractors work on the job site for only a brief period of time, which might make personal interviews infeasible.
APPLICABLE WAGE ORDER SELECTION

The decision on which type of wage rate schedule applies to a project can be complex, and often must be handled on a case-by-case basis. For example, the rules governing use of Heavy Construction (Heavy/Highway) or Building rates differ between the Federal and State interpretations, as reflected by the following information:

FEDERAL: All-Agency Memorandum No. 130, issued by the U.S. Department of Labor in 1978, defines Building construction as “the construction of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment, or supplies.” If certain construction activities on a project can be classified in this manner, the key is in determining whether Building construction activities by definition represent more than an “incidental” portion of the contract. Twenty percent of project cost is commonly used as a rough guide in making this decision, hence the use of the term “80/20 rule.”

An example would be construction or renovation to a water treatment plant that includes an enclosed structure to house equipment and controls. The grant administrator must first ask the question of whether the estimated cost of the building and related infrastructure (water and sewer, electricity, sidewalks, etc.) exceeds 20% in relation to project cost.

If the answer is “no”, then it may be assumed that the predominance of project activities falls under the definition of Heavy construction and only the Heavy/Highway determination would be included in the project contract. Only one schedule is issued if construction items are “incidental” in function to the overall character of a project and there is not a substantial amount of construction in the second category.

If the answer is “yes”, multiple schedules must be included in the contract with Heavy/Highway rates in force for heavy construction activities, and Building rates effective for the activities related to the sheltered enclosure and supporting infrastructure located within the “footprint” of the treatment plant site.

For contracts resulting from sealed bidding, the effective date for DBA WD Modifications is no less than 10 days prior to bid opening.

− In addition, if a contract to which a general WD has been applied is not awarded within 90 days after bid opening, any modification published prior to contract award is effective unless an extension is obtained from CDBG. Modifications published less than 10 days before bid opening are not applicable if there is not sufficient time to notify bidders. Project WD are locked-in on the date the contract is executed.

− How to acquire an extension on time for a federal wage determination.

− If it is still within the 90 day period between bid opening and award and the grantee foresees that the award will not happen within that time period. The grantee can send an extension request letter to CDBG (must be on their letterhead) that is supported by a statement of the factual circumstances and finding that the extension is necessary and proper in the public interest to prevent injustice or undue hardship.
FEDERAL RESIDENTIAL: As explained in HUD’s Handbook 1344.1 Rev. 2, appendix II-6 Factors of Labor Standards Applicability, Davis-Bacon applies to the rehabilitation of residential property only if the property contains 8 or more units. Residential property that contains 7 or fewer units is exempt. Although the statute refers to the rehabilitation of the residential property, this exemption has been interpreted to include the new construction of residential property containing 7 or fewer units. Typically, single-family homeowner properties are excluded under this exemption.

However, “property” is not limited to specific building. Property is defined as one or more buildings on an undivided lot or on contiguous lots or parcels, which are commonly–owned and operated as on rental, cooperative or condominium project. Examples of 8 + unit properties may include:
- 5 townhouse buildings side-by-side which consist of 2 units each.
- 3 apartment buildings each consisting of 5 units and located on one tract of land.
- 8 single-family (not homeowner) houses located on contiguous lots.

STATE: According to 8 CSR 30-3.040 of the implementing rules for the Division of Labor Standards, the summarized definition of:

**Building construction** includes “building structures, including modification, additions or repairs, or both, to be used for shelter, protection, comfort, convenience, entertainment or recreation, or for protection of people or equipment.” **However, this also includes excavation work for the building; sidewalks, driveways, and parking lots in immediate proximity that provides direct access to the building; extension of water, sewer, and other utilities by work inside a building and to the curb line; and work on water and wastewater treatment plants within the fence line** (emphasis added).

**Heavy construction** includes work in connection with roads, streets, parkways, alleys and highways including, but not limited to, grading, paving, curbing, signs, fences, guard rails, bridges, lighting, retaining walls and landscaping. Sidewalks when poured incidental to a street or road project. Main and side sewers and work in connection with telephone, electrical, water, oil, gas or fuel lines, or any other utility or communication lines **from the curb line**.


The Annual Wage Order provides only Building and Heavy Construction schedules for each county. **Grantees must determine the type of work being done, and where the work is taking place in relation to the overall scope of the project, to know which schedule to use.**

When using state building rates relevant to working inside the fence line or inside the curb line, the contractor will pay the higher of the two between the state building rate and the federal heavy rate. Please refer to the federal section above for relevancy of federal wage schedules. Note that the Heavy construction page does not include certain classifications (common examples include Ironworker and Bricklayers), which requires reference to the Building construction page for that specific trade regardless of the actual nature of the project.

- Regardless of the wage schedule(s) that are considered in force for a specific project, contractors must pay the higher applicable Federal or State prevailing wage rate for the applicable classification to each employee. To assist in determining if the appropriate classification has been reported for the type of work being performed, grantees are encouraged to become familiar with the publication, “Occupational Titles of Work Descriptions” (8 CSR 30-3.060) issued by the state Division of Labor Standards.
- State wage determinations are generally “locked in” at the time of bid opening, and are then to remain in force for the life of the project.

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CLARIFICATION CONCERNING PAYROLL DEDUCTIONS

If the deductions do not fall into the categories listed below, there should be a written, dated authorization letter signed by the employee stating what the deduction is for and the amount of the deduction.

The following is quoted from 29 CFR 3.5

Any deduction constituting a contribution on behalf of the person employed to funds established by the employer or representatives of employees, or both, for the purpose of providing either from principal or income, or both, medical or hospital care, pensions or annuities on retirement, death benefits, compensation for injuries, accidents, sickness, or disability, or for insurance to provide any of the foregoing, or unemployment benefits, vacation pay, savings accounts, or similar payments for the benefit of employees, their families and dependents: Provided, however, That the following standards are met:

1. The deduction is not otherwise prohibited by law;
2. It is either:
   a. Voluntarily consented to by the employee in writing and in advance of the period in which the work is to be done and such consent is not a condition either for the obtaining of or for the continuation of employment, or
   b. Provided for in a bona fide collective bargaining agreement between the contractor or subcontractor and representatives of its employees.

The following information can be found on page 2-11 of the Davis-Bacon Labor Standards: A Contractor’s Guide to Prevailing Wage Requirements for Federally-Assisted Construction Projects:

Deductions - Show the individual amounts of any deductions from the gross earnings.

1. “Other” deductions should be identified (for example, Savings Account or Loan Repayment). Any voluntary deduction (that is, not required by law or by an order of a proper authority) must be authorized in writing and dated by the employee or provided for in a collective bargaining (union) agreement.
   a. A written letter dated and signed by the employee is required and must accompany the first payroll on which the ‘other’ deduction appears.
   b. Only one employee authorization is needed for recurring (e.g., weekly) other deductions.
      Written employee authorization is not required for income tax and Social Security deductions.

REPORTING ADDITIONAL WORK CLASSIFICATIONS

Additional classification requests should be straightforward and simple. The request should represent what the employer (contractor or subcontractor) wants to pay workers performing a particular set of duties (Typically found on the State Wage Rates). The proposed additional classification and wage rate needs to satisfy only three criteria set forth in Department of Labor (DOL) regulations:

1. That the work to be performed by the additional classification is not performed by a classification already on the applicable wage decision;
2. That the classification is used by the construction industry in the area of the project; and
3. That the proposed wage rate and any fringe benefits bear a reasonable resemblance to the rates on the wage decision.

If these criteria are met, the request should be approved by the contracting officer (e.g., HUD Labor Standards and Enforcement field staff) and forwarded to the DOL for final approval.

Are Additional Wage Rates Supposed to Be Prevailing?

Additional classifications and wage rates are not expected to be "prevailing" in the sense that DOL wage decisions represent "prevailing rates" which are established in accordance with standard procedures and
definitions. Additional classifications are meant to supplement a wage decision for the purpose of one discreet project. Additional classifications have very limited scope and duration and, therefore, are not held to the same standard as a wage decision. You should not need to do an extensive review or collect a lot of supporting documentation, like wage payment quotes from 3 employers. If the request meets the criteria and no objections have been presented, a simple approval and referral to DOL is all that's needed.

**FORCE ACCOUNT LABOR**

Laborers and mechanics employed directly by the grantee are known as “Force Account” employees and are not subject to prevailing wage requirements. Government-program workers and other temporary, but *bona fide* employees of the grantee, who might perform work in covered trades on a public works project, are also not subject to prevailing wage requirements.

**OWNERS/OPERATORS**

HUD Handbook 1344.1 Chapter 4-2(B) 1; persons who perform work of laborers or mechanics and who represent themselves to be owner of business, sole proprietors, or self-employed are *not* exempt from prevailing wage requirements. These laborers and mechanics are “employed” and are entitled to the prevailing wage for the type of work they perform and must report on CPRs for their craft, hours of work, and wages paid. (See Labor Relations Letter LR-96-01)

LR-96-01 establishes a HUD administrative policy that “labor standards administration and enforcement, may not accept certified payrolls reporting single or multiple owners (e.g., partners) certifying that they have paid to themselves the prevailing wage for their craft. Such mechanics must instead be carried on the certified payroll of the contractor or subcontractor (the "responsible employer") for whom they are working and with whom they have executed a "contract" for services.”

The Missouri Division of Labor Standards states that “shareholders of a corporate contractor” must be listed on the payrolls and paid prevailing wage rates by the contractor if the shareholder is performing public works construction. According to a Missouri Southern District Court of Appeals decision, anyone performing construction work on a public works project (not only employees) is covered by the Missouri Prevailing Wage Law; “workmen” on a public works project, regardless of employee or independent contractor status, must therefore receive the State prevailing wage.

**1099 WORKERS**

If the 1099 or independent workers do not meet the State of Missouri and/or IRS standards for categorizing as such, this office will not accept workers paid as 1099 workers and/or independent contractors.

http://labor.mo.gov/sites/default/files/DES/Forms/M-INF-310-AI.pdf

**SITE OF WORK**

Site of work is limited to the physical place or places where the construction called for in the contract/scope of work will remain when the work has been completed and any other site where a significant portion of the building or work is constructed, provided that such site(s) is established specifically for the performance of the contract or project. HUD Handbook 1344.1 Rev 2 Chapter 11-25 (See also DOL Field Operations Handbook, 15b04.)

*Situation Davis Bacon would apply:* Except as provided in paragraph 29 CFR 5.2(l) (3), batch plants, borrow pits, job headquarters, tool yards, etc., are part of the site of work provided they are dedicated exclusively or nearly so to the contract or project, and are adjacent or virtually adjacent to the site of the work as defined in 29 CFR 5.2(l) (1).
Situation Davis Bacon would not apply: Excluded in the site of the work are permanent home offices, branch plant establishments, fabrication plants, and tool yards, etc. of a contractor or subcontractor whose locations and continuance in operation are determined wholly without regard to a particular federal or federally-assisted contract or project. Also excluded from the site of the work are fabrication plants, batch plants, borrow pits, job headquarters, tool yards, etc., of a commercial or material supplier which are established by a supplier of materials for the project before opening of bids and not on the site of the work as stated in 29 CFR 5.2(l) (1), even where such operations for a period of time may be dedicated exclusively, or nearly so, to the performance of a contract.

CALCULATING OVERTIME

State: requires overtime based on the employee working daily hours in excess of the maximum 10 hours daily and 40 hours worked during the weekly reporting period. If overtime is incurred daily and does not exceed 40 hours for the weekly payroll only the State determination would be used to figure the required compensation that is time and one-half of the basic rate plus fringe benefits at the straight time rate.

Federal: if the employee worked in excess of 40 hours in a workweek the CWHSSA rules also apply. Overtime must be figured at time and one-half of the higher basic pay rate plus the corresponding straight time fringe benefit rate. In this event, the applicable overtime rate applied is the higher of the federal and state wage rates for the particular classification. Given the potential complexity of this situation, grantees are encouraged to contact your designated Compliance Specialist.

NOTE: The same principle will determine overtime pay when the State determination reflects the higher basic rate for an occupational classification.

SPLIT CLASSIFICATION AND OVERTIME

State Overtime Determination: If an employee has a split work classification and overtime is potential met. The grantee will need to clarify with the contractor/subcontract which classification the employee was working last to determine which rate to use.

For example: If the employee is working as an ironworker in the morning but a labor in the afternoon and they work a 11 hour day which puts that employee over 10 hours in a standard day. The laborer rate would be used to determine the overtime requirement.

VERIFYING APPRENTICE

Contractors on federally-funded construction projects have the opportunity to utilize apprentices if each person is employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Office of Apprenticeship. The State of Missouri Division of Labor Standards also recognizes this Federal entity as the official State apprenticeship agency.

Before the contracting agency accepts workers classified as apprentices, the agency is required to obtain:
1. Apprentice registration form – US DOL-Office of Apprenticeship Certification; (Exhibit 1 is an example of what this form may look like).
2. DOL-approved apprenticeship standards/ apprenticeship program standards (pages) reflecting name of program; ratio of apprentice to journeyman; percentages of pay based on apprentice pay level; fringe benefits payments; and signatory page. (Exhibit 2 is a sample of what this page may look like)

Anytime, there are apprentices out-of-ratios, the contracting agency is required to obtain restitution. Specifically, those apprentices performing work on the site of the construction who are in excess of the ratio permitted under Missouri HB 1729 program shall be paid not less than the applicable wage rate on the wage
determination for the class or type of work actually performed. Reference 8 CSR 30-3.030 subsection 2 of Missouri Department of Labor and Industrial Relations.

Coverage of apprentices and trainees
Apprentices and trainees are laborers and mechanics, however, they are not listed on Davis-Bacon wage determinations. They are permitted to work on DBA/DBRA covered projects only under very controlled circumstances, as follows.

1. The apprentice or trainee is individually registered in an approved apprenticeship or training program.
   a. The apprenticeship program has been approved by the ETA/OA or by a state apprenticeship agency recognized by the ETA/OA.
   b. The registration requirements do not apply to apprentices and trainees employed on highway construction projects funded by the Federal-Aid Highway Act and enrolled in programs certified by the U.S. Department of Transportation.
2. Apprentices/trainees must each be paid the percentage (%) specified in the approved apprenticeship or trainee program for their level of progression calculated as a percent of the basic hourly rate required by the applicable wage determination for the applicable classification.
3. The Contractor may employ one "apprentice" or "entry-level" worker for each journeyman hired and pay them 50% of the pay, including fringe benefits, of a journeyman in their same occupational title based on Missouri House Bill 1729 which took effect on August 28, 2018.
   a. Compliance with the applicable ratio is determined on a daily, not weekly basis.
   b. The use of “fraction thereof” in computing apprenticeship ratios is not permitted unless specified in the approved apprenticeship program.
4. Fringe benefits should be paid to apprentices/trainees in accordance with the provisions of the apprenticeship/trainee program. If the program is silent on the payment of fringes, the apprentices/trainees are to receive the full amount of the fringe benefits stipulated on the applicable wage decision (for the craft in which an individual apprentice/trainee is employed) unless it is determined that a different practice prevails for such apprentices/trainees.
5. When the contractor has exceeded the allowable ratio of apprentices/trainees in a classification, only the individuals who were employed before the applicable ratio was exceeded may be paid below the wage determination rate(s) for the work performed. Individuals whose employment on the site exceeds the allowable ratio must be paid the full wage determination rate for the classification of work performed.
Exhibit 1
U.S. Department of Labor, Office of Apprenticeship

U.S. DEPARTMENT OF LABOR - OFFICE OF APPRENTICESHIP
APPRENTICESHIP CERTIFICATION

CONNIE ZIEBAHRT
DIVISION OF LABOR STANDARDS
JEFFERSON CITY, MO 65101

The following individuals are apprentices registered with the U.S. Department of Labor, Office of Apprenticeship, under the sponsorship of Program Number MO006136643:

Egg's in a Basket Electrical Contracting
1234 Main St.
La La Land, MO 68888

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CERTIFIED BY:

DATE ISSUED: 11/16/2016

MICHAEL SMITH (MO006)
Apprenticeship Training Representative

*******VOID 90 DAYS FROM ISSUE DATE*******
Exhibit 2

Below is an example of the “typical” language in an Apprenticeship Standard. The language should identify the ratio between Journeyman and apprentice.

**SECTION VII - RATIO OF APPRENTICES TO JOURNEYWORKERS – Title 29 CFR 29.5(b)(7)**

A numeric ratio of apprentices to journeyworkers consistent with proper supervision, training, safety, and continuity of employment throughout the apprenticeship, the ratio of apprentices to journeyworkers will be ONE apprentice to ONE journeyworkers.

Below is an example of the section in the Apprenticeship Standard that indicates different stages of apprenticeship and identifies the percent an apprentice should be paid of journeymen wages. The contractor will be need to indicate what level the apprentice is at.

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</table>
DEMOLITION AND DAVIS BACON APPLICABILITY

Demolition, alone, without plans for reuse of the property, is exempt from Davis Bacon, and is not considered a construction activity. However, the United States Department of Labor, after substantial review, has determined (Memorandum No. 153) that the removal of asbestos or paint from public buildings or public works constitutes building alteration within the statutory language of DBA because asbestos or paint removal clearly alters those buildings or works, regardless of whether subsequent reinsulating or repainting is being considered. Accordingly, any Federal contract in excess of $2,000 that calls for asbestos or paint removal is subject to DBA and must include its stipulations and the applicable wage decision.

In the event that the demolition project includes both residential structures and commercial structures, there is to be a separate asbestos removal contract for the total residential structures and the total commercial structures. If the asbestos removal contract for the total residential structures is in excess of $2,000 and there are 8 or more contiguous units, Davis Bacon provisions apply. In regard to an asbestos removal contract for a commercial structure in excess of $2,000, Davis Bacon provisions apply.

INSTALLATION OF EQUIPMENT AND DAVIS BACON APPLICABILITY

Does Davis Bacon apply to the installation of equipment? CDBG’s reply is ‘yes’ and ‘no’. Our position is if it is a part of an ongoing contract with a general contractor and/or subcontractor to install a piece of equipment then prevailing wage applies. For example if the general contractor bids out a community center and part of that bid is to install a new HV/AC unit (heating and air-conditioning), that installation of the new unit is subject to Davis Bacon/ State Prevailing Wage because it is part of the overall contract agreement not just singled out as one isolated component. Note, it is not allowed to just isolate items such as the example above to avoid DBRA.

If CDBG funds are only purchasing a piece of equipment and nothing else Davis Bacon and/or State Prevailing Wage will not apply, unless if part of the equipment purchase consist of installation cost but only if those costs are more than incidental amount of construction activities.

Incidental amount of construction activities is defined by HUD Handbook 13441 chapter 11, section 11-29, “Supply and installation contracts.” Installation work performed in conjunction with an equipment supply contract is subject to DBRA wage requirements where it involves more than an incidental amount of construction activity. Whether installation work involves more than an incidental amount of construction activity depends on the specific circumstances of each particular case.

Factors requiring consideration include the nature of the prime contract work; the type of work performed by the employees installing the equipment (e.g., the techniques, materials and equipment used and the skills required for its performance); the extent to which structural modifications to buildings are needed to accommodate the equipment (e.g., widening entrances, relocating walls, installing wiring); the cost of the installation work, either in terms of absolute amount or in relation to the cost of the equipment and the total project cost. https://www.hud.gov/sites/documents/13441C11SECH.PDF

Missouri CDBG program defines “incidental construction activities” threshold for equipment and installation as actives totaling equal to or less than (12%) of the overall equipment and installation cost (equipment cannot be broken out of a larger construction contract just to avoid prevailing wage).

To put this in perspective, if a project is only for equipment and there is no major changes to the building in order to install that piece of equipment then Davis Bacon will not apply, unless the installation cost for that piece of equipment is over 12% of the total cost of said equipment.
For example, if the equipment cost $1,000,000.00 then for DB to apply the install cost would have to be over $120,000 (12%). At that point it would be safe to assume major alterations to the build were needed to install that piece of equipment and DB would apply.

**ELECTRONIC SIGNATURE ON CERTIFIED PAYROLLS**

**Will CDBG accept electronically signed statements of compliance for certified payrolls?**

The simple answer is yes; according to DOL and HUD, they permit the use of electronic submittals and electronic signatures for the contractor’s weekly payroll and the “Statement of Compliance” submittals.

However, there are stipulations on what counts as an electronic signature and it might be easier to explain what does not count as an electronic signature.

As defined by U.S. DOL Prevailing Wage Resource Book the following items do not satisfy the requirement that a “Statement of Compliance” be “signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract.” Reference: [https://www.dol.gov/whd/recovery/pwrb/Tab9.pdf](https://www.dol.gov/whd/recovery/pwrb/Tab9.pdf); page 28

1. Photocopies or “pdf” copies of the “Statement of Compliance,”
2. faxed “Statements of Compliance,” or
3. an electronically scanned “Statement of Compliance” e-mailed to an agency

If not submitting payrolls through an accepted electronic payroll system the Grantee will need originally signed “statement of compliance” for payrolls in their files. *Your field rep does not need the originals in their procession; we examine copies throughout the project.*

**What is allowed?**

The Department of Labor allows the filing of certified payrolls via electronic payroll systems that meet certain requirements.

1. The main requirement is that the contractor submitting the payroll uses an official digital signature, typically a unique PIN number and password that verifies the identity of the contractor.
2. Certified electronic payroll systems allow for electronic submissions of both payroll documents and certification statements.
3. A digital signature is only available through an electronic payroll system.
   a. If they complete the WH-347 on line, it must be printed out and hand signed. Once the WH-347 is in paper form, it remains in paper form, and the original paper certified payroll must be sent to the Grantee.

According to U.S. DOL Prevailing Wage Resource Book, they advise that:

1. Individual contracting agencies determine any such electronic submission options because contractors submit the information directly to each contracting agency, not to the DOL.
2. The use of electronic signatures to satisfy requirements of the Copeland Act and its regulations by the use of an “agency approved limited access Web-based portal” should include the legally valid electronic signature of the “contractor or subcontractor or his or her agent who pays or supervises the
payment of the persons employed under the contract.” See 73 FR 77510

a. Web-based certified payroll compliance solutions exist and some agencies and contractors have set up systems to comply electronically.
c. WHD encourages all government agencies to permit contractors to submit certified payrolls electronically or through allowing access to appropriate agency approved limited access Web-based portals providing the required information and certification.
d. Web-based systems for the submission of electronic submission of certified payrolls often include compliance monitoring tools and can improve efficiency in the review of data reported, as well as reducing recordkeeping burdens and storage expenses.

HUD Program Offices for Davis Bacon and Labor Standards states, “HUD client agencies, grantees and other program participants are welcome to engage electronic payroll services from vendors that offer products meeting Davis-Bacon and Copeland Act requirements”.
Reference: https://www.hud.gov/program_offices/davis_bacon_and_labor_standards/olrmk14

What does that mean for CDBG field reps?

The Grantee and field reps can accept electronic signatures on the payroll compliance sheet but it must be from a program that is approved by CDBG.

LABOR STANDARDS VIOLATIONS

Non-compliance with Federal and State labor standards requirements are usually discovered through the process of investigating worker complaints, monitoring payroll records, conducting employee interviews, or similar efforts. When labor standards violations are suspected, there are standard procedures to follow depending on the nature of the offense:

1. If the total amount of the underpayment of Federal prevailing wages is over $1,000, or there is reason to believe that the violations are aggravated or willful, the grantee must furnish a report of investigation to DED. We will forward this information to the HUD area office, which will take appropriate actions and supply a report to the U.S. Department of Labor if necessary.

2. If the underpayment is $1,000 or less, and there is no reason to believe that the violations are aggravated or willful, the grantee’s responsibility is to make certain that full restitution has been paid. Verification of compliance must include a certified correction payroll reflecting the amount of total restitution and allowable deductions, if any. Employers (contractors, subcontractors, etc.) that owe wage restitution to their employees are required to pay the restitution directly to the employees and report the restitution paid on a certified correction payroll. A correction payroll differs slightly from regular certified payroll reports (CPRs).

For example, the correction CPR should indicate:
1) the time period for adjustment (6/5/16 thru 8/14/16, or CPRs #1 thru #10);
2) the names of the affected employees;
3) work classifications;
4) the total number of hours for adjustment (daily hours are usually not relevant);
5) the adjustment wage rate (hourly wage required less hourly wage paid);
6) the gross amount of restitution paid;
7) Deductions and net restitution paid. Most importantly, the employer will sign the "Statement of Compliance" certifying to the payments.

3. If the violation specifically involves the federal overtime provisions of the Contract Work Hours and Safety Standards Act (CWHSSA), liquidated damages of $10 for each day the employee was eligible but not paid overtime must also be assessed. Contact our office to discuss whether further recommendations should be made to the HUD area office or USDOL.

4. Violations of the provisions of the Missouri Prevailing Wage Law should be reported to the Division of Labor Standards following the procedures established by that agency. Contact the Missouri Division of Labor Standards at 573/751-3403, or access their Web site at www.labor.mo.gov/DLS/PrevailingWage/.

LABOR STANDARDS FILE RECORDS
A labor standards compliance file should be established for each construction contract in order to maintain records of the following:

- Pre-Construction Conference Documentation
- Copies of all forms submitted (Request for Wage Determination, Request for Additional Classification and Rate using HUD form 4230A, Start of Construction Notice, etc.)
- Project correspondence (including written records of telephone and personal contacts) for all Labor Standards-related activity.
- Executed contract documents, including contractor and subcontractor certifications and final (enforceable) Federal and State prevailing wage determinations.
- Weekly certified payrolls (obtain record of contractor's fringe benefit plan if applicable, etc.)
- Meeting minutes, record of attendees, etc. from the preconstruction conference.
- Documentation of all employee interviews conducted.
# PRE-CONSTRUCTION REPORT FORMAT

(SAMPLE)

**Project Name:** __________________________

**Location:** __________________________________

**Description of Work to be Performed:** __________________________________

**Contractor:** __________________________

**Total Contract Amount:** $ ____________

**Meeting Date:** _____ / _____ / _____

---

### Items covered During Pre-Construction Conference

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Attach a List of Meeting Participant’s Names, Associations, Titles, and Contact Information</td>
</tr>
<tr>
<td>2</td>
<td>Responsibilities of Consulting Engineer</td>
</tr>
<tr>
<td>3</td>
<td>Responsibilities of City/County Governing Body</td>
</tr>
<tr>
<td>4</td>
<td>Responsibilities of CDBG Grant Administrator</td>
</tr>
<tr>
<td>5</td>
<td>Responsibilities of Any Other Agency Contributing to the Project</td>
</tr>
<tr>
<td>6</td>
<td>Rights-of-Way and Easements, Coordination with RR, Hwy Department and Other Organizations</td>
</tr>
<tr>
<td>7</td>
<td>Responsibilities of Contractor, Sub-Contractors (Subs must be Cleared by CDBG before Stepping on Jobsite)</td>
</tr>
<tr>
<td>9</td>
<td>Contractor’s Schedule and Requests for Extension of Contract Time if Needed</td>
</tr>
<tr>
<td>10</td>
<td>Procedures for Making Payments and Time Frame, Owner Must Inspect and Approve Pay Estimates</td>
</tr>
<tr>
<td>12</td>
<td>Other Requirements of the Contract and Specifications which Deserve Special Discussions by All Parties</td>
</tr>
<tr>
<td>13</td>
<td>Contractor’s Plans for Delivering Materials to Project Site</td>
</tr>
<tr>
<td>14</td>
<td>Status of Materials Furnished by City/County</td>
</tr>
</tbody>
</table>
FRINGE BENEFITS
CODE OF FEDERAL REGULATIONS
TITLE 29, SECTION 5.20-5.31

The 1964 amendments to the Davis-Bacon Act require that the prevailing wage determined for Federal and Federally assisted construction includes (among other things) the following:

1. The basic hourly rate of pay; and
2. The amount contributed by the contractor/subcontractor for certain fringe benefits (or the cost to the contractor/subcontractor for such benefits).

Therefore, if the wage determination lists fringe benefits, the contractor/subcontractor must pay to the employee in cash or fringe benefits an amount that equals the total of the basic hourly rate and fringe appearing on the wage determination. Any combination of cash payments and fringes is allowed, provided that the part you provide in benefits is:

A. Explained to all employees in writing
B. Administered through a third party or through an actuarially sound, enforceable, unfunded commitment. (The Secretary of Labor may require unfunded plans to be held in a separate, special account.)
C. If the employee works overtime, the premium must be computed on the basic hourly rate shown on the wage determination, even if the employer pays less than this amount in cash because of increased fringes.

In other words, if you take a credit on the basic hourly rate because you pay more in fringes than required by the wage determination, **you must revert back to the rate in the wage determination when computing and paying for overtime work.**

A fringe benefit is considered an employment benefit (such as a pension, paid holidays, health insurance, etc.) granted by an employer that involves a monetary cost without affecting the basic wage rates. The Statutory provisions of fringe benefits under the Davis-Bacon Act are contained in Part 5.23. The fringe benefits provisions of the 1964 amendments to the Davis-Bacon Act include the following:

3. The rate of contribution is irrevocably made by a contractor/subcontractor to a trustee or to a third person pursuant to a plan, fund, or program. The “third person” must be one who is not affiliated with the contractor or subcontractor.
   A. The trustee must assume the usual fiduciary responsibilities imposed upon trustees by applicable law. The trust or fund must be set up in such a way that in no event will the contractor/subcontractor be able to recapture any of the contributions paid in or in any way divert the funds to his own use or benefit.
   B. “Plan, fund, or program” is merely intended to recognize the various types of arrangements commonly used to provide fringe benefits through employer contributions. The contribution for fringe benefits must be made pursuant to a plan, fund, or program (Section 1(b)(2)(A) of the Act).

4. The rate of costs to the contractor/subcontractor, which may be reasonably anticipated in providing benefits to laborers and mechanics, pursuant to an enforceable commitment to carry
out a financially responsible plan or program, which was communicated in writing to the laborers and mechanics affected.

The act lists all types of fringe benefits that Congress considered common in the construction industry as a whole. The following fringe benefits include where the contractor/subcontractor pays all or part of the amount for:

1. Medical or Hospital care
2. Pension on retirement or death
3. Compensation for injuries or illness resulting from occupational activity
4. Insurance to provide for any of the foregoing
5. Unemployment benefits
6. Life Insurance
7. Disability or Sickness Insurance
8. Accident Insurance
9. Vacation and Holiday pay
10. Defrayment of costs of Apprenticeship or other similar programs
11. Other bona fide fringe benefits

Note: “Other bona fide fringe benefits” is the so-called “open-end” provision, included so that new fringe benefits may be recognized as they become prevailing in the construction industry.

The Act excludes fringe benefits that a contractor/subcontractor is required to provide under other Federal, State, or local law. No credit may be taken under the Act for the payments made for such benefits (e.g., payments for Workmen’s Compensation Insurance under either a compulsory or elective State statute are not considered payments for fringe benefits under the Act). Also, payments made for travel, subsistence, or to industry promotion funds are not normally payments for fringe benefits under the Act.

Only the amount of contributions or costs for fringe benefits, which meet the requirements of the Act, will be considered.

The rate of contribution or cost is ordinarily an hourly rate and will be reflected this way in the wage determination. When fringe benefits are prevailing for various classes of laborers and mechanics in the area of proposed construction, such benefits are includable in any Davis-Bacon Wage Determination. Wage determinations will not contain such benefits when such benefits are not prevailing in the area of construction.

A contractor/subcontractor performing work subject to Davis-Bacon may discharge his minimum wage obligations for the payment of both straight time wages and fringe benefits by paying in cash, making payments, or incurring costs for “bona fide” fringe benefits of the types listed in the applicable wage determination or otherwise found to be prevailing by the Secretary of Labor, or by a combination thereof.

Sometimes the contribution or cost for certain fringe benefits may be expressed in a formula or method of payment other than an hourly rate. In such cases the Secretary, at his discretion, may express in the wage determination that rate of contribution or cost used in the formula or method, or may convert it to an hourly rate of pay whenever it is found that such action would facilitate the administration of the Act.

Unfunded Plans (Part 5.28): There are no types of fringe benefits eligible for consideration as a so-called “unfunded plan” unless:
1. It could be reasonably anticipated to provide benefits described in the Act;
2. It represents a commitment that can be legally enforced;
3. It is carried out under a financially responsible plan or program; and
4. The plan or program providing the benefits has been communicated in writing to the laborers and mechanics affected.

The cost to a contractor/subcontractor, which may be reasonably anticipated in providing benefits of the types described in the Act, pursuant to an enforceable commitment to carry out a financially responsible plan or program, are considered fringe benefits within the meaning of the Act (Section 1(b)(2)(B) of the Act).

Legislative history suggests that these provisions were intended to permit the consideration of fringe benefits meeting these requirements, among others, and which are provided from general assets of a contractor/subcontractor.

It is in this manner that the Act provides for the consideration of “unfunded plans or programs” in finding prevailing wages and in ascertaining compliance with the Act.

There is a protection, however, against the use of this provision as a means of avoiding the Act’s requirements. The words “reasonably anticipated” are intended to require that any unfunded plan or program be able to withstand a test that can be described as one of actuarial soundness. As in the case of other fringe benefits payable under the Act, an unfunded plan must be “bona fide” and not a mere simulation or sham for avoiding compliance with the Act.
<table>
<thead>
<tr>
<th>Checklist Items</th>
<th>Yes</th>
<th>No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have all Contractors (Prime &amp; Sub(s)) had their eligibility verified?</td>
<td></td>
<td></td>
<td>If no, go to <a href="http://www.sam.gov">www.sam.gov</a> to verify and print results for file</td>
</tr>
<tr>
<td>Do you have a list showing all Contractors and Subs on file?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have Prime and Sub contractors verified the work eligibility of each worker?</td>
<td></td>
<td></td>
<td>E-verify or I-9 paper based verification must be performed and documented. Work eligibility should be on file.</td>
</tr>
<tr>
<td>Is there a construction start date letter on file for the Prime and Subcontractor?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have you received the first set of payrolls within 7 to 10 days of the contract start date?</td>
<td></td>
<td></td>
<td>This applies to contractors and sub-contracts</td>
</tr>
<tr>
<td>If the Prime contractor had Subs- did the Prime contractor review the Sub payrolls before submitting them to you?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are payrolls for ALL contractors received weekly and within 7 days from the completed work week?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Have payrolls been reviewed to ensure the following:**

<table>
<thead>
<tr>
<th>Checklist Items</th>
<th>Yes</th>
<th>No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>The top portion of the WH347 is totally completed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are there no work week payrolls?</td>
<td></td>
<td></td>
<td>If there are no work week payrolls you will need a signed statement from the contractor of those dates not worked.</td>
</tr>
<tr>
<td>Are payrolls sequentially numbered?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the work ending week date block inclusive of dates in column 4?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is there a name for each worker (on jobsite) transcribed in column 1?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is there a 4-digit ID number for each worker?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the work ending week date block inclusive of dates in column 4?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is there a name for each worker (on jobsite) transcribed in column 1?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is there a 4-digit ID number for each worker?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the work classification in column 2 match a classification on the wage decision?</td>
<td></td>
<td></td>
<td>If employee is not classified as one of the approved classifications found on the wage decision they will need to change/conform to a trade on the wage decision. If it is not possible to change or conform the trade, then you must submit the HUD 4230A form (in word format) to the Department in order to request the needed classification for the job.</td>
</tr>
<tr>
<td>Checklist Items</td>
<td>Yes</td>
<td>No</td>
<td>Comments</td>
</tr>
<tr>
<td>Does column 4 reflect correct pay and dates worked for each worker?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does column 4 reflect the correct standard (s) hours and overtime (o) hours for each worker for this job site?</td>
<td></td>
<td></td>
<td>NOTE: Overtime for prevailing wage jobs are based on “where” the worker hit the 41st hour. Overtime for the prevailing wage jobs is paid for 40+ hours on the prevailing wage job site.</td>
</tr>
<tr>
<td>Checklist Items</td>
<td>Yes</td>
<td>No</td>
<td>Comments</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
<td>-----</td>
<td>----</td>
<td>----------</td>
</tr>
<tr>
<td>Are total hours calculated and entered in column 5?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are the workers hourly rates of pay entered in column 6?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Check to see if the company pays fringe benefits. If they do- has the company provided an itemized fringe list for each worker that shows the hourly value of each fringe benefit per worker and have they provided the details of who provides any fringe benefits that are paid into plans?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the rate of pay equal to and/or in excess of the total prevailing wage?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the rate of pay X hours = total in the top half of column 7?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Did worker work other jobs during this pay period?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If yes, is the total gross amount entered in the bottom half of column 7?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Deductions</strong>: are there “other” deductions reflected on the sheet?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Some deductions are not allowable regardless of employee authorization; please check with your CDBG field rep</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If yes, has the company submitted written descriptions of the deductions, with letters signed and dated by the worker and/or court-ordered documents for child support, garnishments, etc.? This documentation must be included.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does entry in column 9 equal the result of the total deductions subtracted from the 2nd half of column 7 (gross amount from all jobs)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is there a statement of compliance for each weekly payroll?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the statement of compliance complete?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Box 4a and/or 4b must be marked. Description of other deductions and bona-fide plans listed.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the statement of compliance signed by the owner or another authorized person?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If it is not signed by the owner, there must be a written statement on file that is signed and dated by the owner, authorizing signage of such documents.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If the payroll form and SOC are company-created, was the WH348 language used verbatim?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The statement of compliance language needs to be duplicated exactly as is found on the WH348.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are there whiteouts, scratches, or markups on the payroll forms?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If yes – not acceptable</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has the payroll been completed using non-erasable ink?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If no— not acceptable</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are the signatures on the Statement of Compliance original?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If no— not acceptable</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are there more laborers (non-skilled workers) reflected on payroll for work requiring skilled labor?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If yes— question via written correspondence and get clarification on the duties of each worker.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Checklist Items</strong></td>
<td>Yes</td>
<td>No</td>
<td>Comments</td>
</tr>
<tr>
<td>Are there 1099 workers on payrolls?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If yes — contracts with those workers inclusive of all CDBG language need to be on file. Get copies of contracts between subs and these workers.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do all Prime and sub-contractor contracts hold the required CDBG language</td>
<td></td>
<td></td>
<td>Example: scope of work defined,</td>
</tr>
<tr>
<td>Question</td>
<td>Answer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Did you review the payrolls before submitting them to the State?</td>
<td>implementation schedule, proper wage decision included, and the HUD 4010</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Did you perform an on-site interview with workers and record the responses on the HUD-11?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Did you compare interview data to the applicable payroll where the given worker is reflected?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Did you correct any discrepancies in interview and payroll data and sign the HUD-11?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are there apprentices on the project?</td>
<td>This documentation includes the payroll classification of the apprentice, the individual registration form for each apprentice, and the following pages from the Apprenticeship Program Standards: title page, pages for appropriate apprentice ratios, apprentice levels and percentages of pay and fringe benefits, and the Signatory Page.</td>
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<td>Were apprentices paid properly?</td>
<td>If they were not paid according to the standards outlined in their program, then they may be owed restitution or must be paid journeyman’s wages.</td>
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Payroll Authorization Letter

Project Name____________________       Date (mm/dd/yyyy)y_______________

Project No.______________________    Location_________________________

(I) (We) hereby certify that (I am) (we are) (the prime contractor) (subcontractor) for
__________________________________________ (specify “General Construction, Plumbing,
etc) in connection with construction of the above mentioned project and that (I) (we) have
appointed _______________________________________________________________, whose
signature appears below, to supervise the payment of (my) (our) employee beginning
(Date: mm/dd/yy)________________________________________; that he/she is in a position to
have full knowledge of the facts set forth in the payroll documents and in the statement of
compliance required by the Davis-Bacon Act/Copeland "Anti-Kickback" Act which he/she is to execute with
(my) (our) full authority and approval until such time as (I) (we) submit to the (Project Name)
__________________ a new certificate appointing some other person for the purposed
hereinabove stated.

________________________________                ___________________________
(Identifying Signature of Appointee)     (Name of Firm or Corporation)

_________________________________   ___________________________
Signature       Signature

_________________________________   ______________________________
Title       Title

__________________________________   ______________________________
Date (mm/dd/yyyy)      Date (mm/dd/yyyy)

NOTE: This certificate must be an authorized officer of a corporation or by member of a partnership, and shall
be executed prior to and be submitted with the first payroll. Should the appointee be changed, a new
certificate must accompany the first payroll for which the new appointee executes a statement of compliance
required by the Kick-Back Statue.
REQUEST FOR FEDERAL WAGE DETERMINATION
REQUEST IS HEREBY MADE FOR THE DETERMINATION OF THE WAGE RATES TO BE PAID, PURSUANT TO SECTIONS OF THE DAVIS-BACON ACT AND DBRA.

Grantee Name: ___________________________  Project #: ___________________________

Address: ________________________________________________________________

City: ___________________________  ZIP Code: ___________________________

Date of Request: ___________________________  County: ___________________________

Mayor/Presiding Commissioner: _____________________________________________

Project Description:

Check with the consulting engineer to determine the relative portion of the project activities under the Federal “80/20” definition, and respond to the following:

1. Does this project contain dual construction activities?  Yes  No

2. If yes, is Building construction more than 20% of the total project, or

3. If yes, is Heavy construction more than 20% of the total project?

Type of Federal Determination requested

_____ Heavy & Highway Only  _____ Building Only  _____ Both H & H and Building

Name of person requesting wage rates: ____________________________________________

Organization: ______________________________________________________________

Phone (include area code): ________________  E-Mail: _____________________________

Street Address  City (post office)  State  ZIP Code

________________________________  __________________________________  

Signature  Title

This form must be completed and submitted to the CDBG Program no less than ten (10) days prior to the beginning of the bid advertising process (i.e., bid call date). Form may be mailed, faxed or emailed.

MO 419-2914 (05-07)
START OF CONSTRUCTION NOTIFICATION

1. Project Number: _____________________  Recipient:____________________________________

2. City: _________________  County:_________________  State:_____

3. Bid Call (advertising start date) :____________________

4. Bid Opening Date :____________________

5. Contract Award Date:____________________

6. Federal Wage Decision #:_______  modification#:_______  Date: ______________
   Incremental Increase and Effective date:_________

7. State Annual Wage Order#:______  Section:___________

8. Date of Contractor Clearance Check:____________________

9. Date of Start of Construction :____________________

10. Total Amount of Contract (All Funding Sources) :_____________________________

11. General Contractor Registered Name

   __________________________________________  Business Address
   __________________________________________  ______________________________________
   Federal Employer Tax ID Number
   __________________________________________

14. Local Labor Standards Designee

15. Contractor Payroll Contact

   __________________________________________  Phone Number________________________
   __________________________________________
   Email address:__________________________  Email address _______________________

Mail or FAX this notice within ten (10) days after award of contract to:
Missouri Department of Economic Development
BCS Compliance Team
PO Box 118
Jefferson City, Missouri 65102
FAX: 573/526-4157
MO 419-2918 (05-07)
**Certified Payroll Review Checklist**

**Department of Economic Development**
Division of Business and Community Services

**Instructions:** This signed checklist is to be submitted with corresponding "Request for Funds Form" (RFF) before RFF's can be processed and approved.

### Payroll Information Checklist

<table>
<thead>
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<th>YES</th>
<th>N/A</th>
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### Compliance Review Checklist

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Reviewed By: ____________________________ Date: ____________________________

I hereby attest that the above referenced payroll review has been performed in accordance with the current CDBG Administrative Manual guidelines. When applicable, all discrepancies have been brought to the attention of the Prime Contractor and a corresponding CDBG "Employee Restitution Checklist" has been attached.
## Certified Payroll Review Sheet

### Straight Time Compliance

<table>
<thead>
<tr>
<th>Pay No.</th>
<th>Name</th>
<th>Craft or Classification</th>
<th>Rate Paid</th>
<th>State Rate</th>
<th>Federal Rate</th>
<th>Rate vs. Prevailing Wage</th>
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<tbody>
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<td>Basic</td>
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### Overtime Compliance

<table>
<thead>
<tr>
<th>Pay No.</th>
<th>Period ending:</th>
<th>Rate Paid</th>
<th>State Rate</th>
<th>Federal Rate</th>
<th>Rate vs. Prevailing Wage</th>
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**NOTES:**

Reviewer: ____________________________  Signature: ____________________________
Fringe Benefits are Paid to Approved Plans, Funds, or Programs

In addition to the basic rates paid to each laborer or mechanic on the payroll, payments have been or will be made to appropriate programs for the benefit of the employees as shown in the following chart below. If fringe benefits amounts paid are the same for all employees, you may list the amount of each such identical fringe payments only once in the appropriate column; if the fringe benefit amounts vary by employee, list each employee's name and set out the amounts paid on behalf of each employee for each fringe benefit.

<table>
<thead>
<tr>
<th>Employee Name</th>
<th>Health and Welfare ($/hr)</th>
<th>Pension ($/hr)</th>
<th>Vacation ($/hr)</th>
<th>Holiday ($/hr)</th>
<th>Apprentice Training ($/hr)</th>
<th>Other C ($/hr)</th>
<th>Other D ($/hr)</th>
<th>Total ($/hr)</th>
<th>If &quot;other deduction&quot; or fringes, please explain (indicate other A, B, C or D)</th>
<th>Identify by name, the plan, fund, or programs to which fringe benefits are paid (indicate H&amp;W, Pension, etc.)</th>
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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 "file 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.

We estimate that it 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, ESA, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W. Washington, D.C. 20210.
CDBG Administrative Manual
Labor Standards

VII-31

Date ____________________________

(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)

(Building or Work)

_________ day of ____________________________, and ending the ___________ day of ____________________________.

all persons employed on said project have been paid the full weekly wages earned, no rebates have been or will be made either directly or indirectly to or on behalf of said ____________________________, from the full 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 CFR Subtitle A), issued by the Secretary of Labor under the Cawa and Act, as amended (46 Stat. 949, 63 Stat. 108, 72 Stat. 967, 76 Stat. 357, 40 U.S.C. 275c), and described below:

(2) That any payroll 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 conforms 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, 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

REMINDERS:

NAME AND TITLE SIGNATURE

THE WILFUL FALSESTATEMENT OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION, SEE SECTION 1061 OF TITLE 18 AND SECTION 3531 OF TITLE 31 OF THE UNITED STATES CODE

*U.S.G.P.O.:109-375.691
INSTRUCTIONS FOR COMPLETING PAYROLL FORM, WH-347

General: Form WH-347 has been made available for the convenience of contractors and subcontractors required by their Federal or Federally-aided construction-type contracts and subcontracts to submit weekly payrolls. Properly filled out, this form will satisfy the requirements of Regulations, Parts 3 and 5 (29 C.F.R., Subtitle A), as to payrolls submitted in connection with contracts subject to the Davis-Bacon and related Acts.

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) requires 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.

Under the Davis-Bacon and related Acts, the contractor is required to pay not less than prevailing wage, including fringe benefits, as predetermined by the Department of Labor. The contractor's obligation to pay fringe benefits may be met either by payment of the fringe benefits to bona fide benefit plans, funds or programs or by making payments to the covered workers (laborers and mechanics) as cash in lieu of fringe benefits.

This payroll provides for the contractor to show on the face of the payroll all monies to each worker, whether as basic rates or as cash in lieu of fringe benefits, and provides for the contractor's representation in the statement of compliance on the payroll (as shown on page 2) that he/she is paying for fringe benefits required by the contract and not paid as cash in lieu of fringe benefits. Detailed instructions concerning the preparation of the payroll follow:

1. **Contractor or Subcontractor:** Fill in your firm's name and check appropriate box.
2. **Address:** Fill in your firm's address.
3. **Payroll No.:** Beginning with the number "1", list the payroll number for the submission.
4. **For Week Ending:** List the workweek ending date.
5. **Project and Location:** Self-explanatory
6. **Project or Contract No.:** Self-explanatory

Column 1 - **Name and Individual Identifying Number of Worker:** Enter each worker's full name and an individual identifying number (e.g., last four digits of worker's social security number) on each weekly payroll submitted.

Column 2 - **No. of Withholding Exemptions:** This column is merely inserted for the employer's convenience and is not a requirement of Regulations, Part 3 and 5.
**Column 3 - Work Classifications:** List classification descriptive of work actually performed by each laborer or mechanic. Consult classification and minimum wage schedule set forth in contract specifications. If additional classifications are deemed necessary, see Contracting Officer or Agency representative. An individual may be shown as having worked in more than one classification provided an accurate breakdown or hours worked in each classification is maintained and shown on the submitted payroll by use of separate entries.

**Column 4 - Hours worked:** List the day and date and straight time and overtime hours worked in the applicable boxes. On all contracts subject to the Contract Work Hours Standard Act, enter hours worked in excess of 40 hours a week as "overtime".

**Column 5 - Total:** Self-explanatory

**Column 6 - Rate of Pay (Including Fringe Benefits):** In the "straight time" box for each worker, list the actual hourly rate paid for straight time worked, plus cash paid in lieu of fringe benefits paid. When recording the straight time hourly rate, any cash paid in lieu of fringe benefits may be shown separately from the basic rate. For example, "$12.25/.40" would reflect a $12.25 base hourly rate plus $0.40 for fringe benefits. This is of assistance in correctly computing overtime. See "Fringe Benefits" below. When overtime is worked, show the overtime hourly rate paid plus any cash in lieu of fringe benefits paid in the "overtime" box for each worker; otherwise, you may skip this box. See "Fringe Benefits" below. Payment of not less than time and one-half the basic or regular rate paid is required for overtime under the Contract Work Hours Standard Act of 1962 if the prime contract exceeds $100,000. In addition to paying no less than the predetermined rate for the classification which an individual works, the contractor must pay amounts predetermined as fringe benefits in the wage decision made part of the contract to approved fringe benefit plans, funds or programs or shall pay as cash in lieu of fringe benefits. See "FRINGE BENEFITS" below.

**Column 7 - Gross Amount Earned:** Enter gross amount earned on this project. If part of a worker's weekly wage was earned on projects other than the project described on this payroll, enter in column 7 first the amount earned on the Federal or Federally assisted project and then the gross amount earned during the week on all projects, thus "$163.00/$420.00" would reflect the earnings of a worker who earned $163.00 on a Federally assisted construction project during a week in which $420.00 was earned on all work.

**Column 8 - Deductions:** Five columns are provided for showing deductions made. If more than five deductions are involved, use the first four columns and show the balance deductions under "Other" column; show actual total under "Total Deductions" column; and in the attachment to the payroll describe the deduction(s) contained in the "Other" column. All deductions must be in accordance with the provisions of the Copeland Act Regulations, 29 C.F.R., Part 3. If an individual worked on other jobs in addition to this project, show actual deductions from his/her weekly gross wage, and indicate that deductions are based on his gross wages.

**Column 9 - Net Wages Paid for Week:** Self-explanatory.

**Totals -** Space has been left at the bottom of the columns so that totals may be shown if the contractor so desires.

**Statement Required by Regulations, Parts 3 and 5:** While the "statement of compliance" need not be notarized, the statement (on page 2 of the payroll form) is subject to the penalties provided by 18 U.S.C. § 1001, namely, a fine, possible imprisonment of not more than 5 years, or both. Accordingly, the party signing this statement should have knowledge of the facts represented as true.
Items 1 and 2: Space has been provided between items (1) and (2) of the statement for describing any deductions made. If all deductions made are adequately described in the "Deductions" column above, state "See Deductions column in this payroll." See "FRINGE BENEFITS" below for instructions concerning filling out paragraph 4 of the statement.

Item 4 FRINGE BENEFITS - Contractors who pay all required fringe benefits: If paying all fringe benefits to approved plans, funds, or programs in amounts not less than were determined in the applicable wage decision of the Secretary of Labor, show the basic cash hourly rate and overtime rate paid to each worker on the face of the payroll and check paragraph 4(a) of the statement on page 2 of the WH-347 payroll form to indicate the payment. Note any exceptions in section 4(c).

Contractors who pay no fringe benefits: If not paying all fringe benefits to approved plans, funds, or programs in amounts of at least those that were determined in the applicable wage decision of the Secretary of Labor, pay any remaining fringe benefit amount to each laborer and mechanic and insert in the "Rate of Pay" column of the payroll an amount not less than the predetermined rate for each classification plus the amount of fringe benefits determined for each classification in the application wage decision. Inasmuch as it is not necessary to pay time and a half on cash paid in lieu of fringe benefits, the overtime rate shall be not less than the sum of the basic predetermined rate, plus the half time premium on basic or regular rate, plus the required cash in lieu of fringe benefits at the straight time rate. In addition, check paragraph 4(b) of the statement on page 2 the payroll form to indicate the payment of fringe benefits in cash directly to the workers. Note any exceptions in section 4(c).

Use of Section 4(c), Exceptions
Any contractor who is making payment to approved plans, funds, or programs in amounts less than the wage determination requires is obliged to pay the deficiency directly to the covered worker as cash in lieu of fringe benefits. Enter any exceptions to section 4(a) or 4(b) in section 4(c). Enter in the Exception column the craft, and enter in the Explanation column the hourly amount paid each worker as cash in lieu of fringe benefits and the hourly amount paid to plans, funds, or programs as fringe benefits. The contractor must pay an amount not less than the predetermined rate plus cash in lieu of fringe benefits as shown in section 4(c) to each such individual for all hours worked (unless otherwise provided by applicable wage determination) on the Federal or Federally assisted project. Enter the rate paid and amount of cash paid in lieu of fringe benefits per hour in column 6 on the payroll. See the paragraph on "Contractors who pay no fringe benefits" for computation of overtime rate.

Public Burden Statement: We estimate that it will take an average of 55 minutes to complete this collection of information, 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 of information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, ESA, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Note: In order to view, fill out, and print PDF forms, you need Adobe® Acrobat® Reader® version 5 or later, which you may download for free at www.adobe.com/products/acrobat/readstep2.html. To save the completed forms on your workstation, you need to use the "Save As" method to save the file. For example, move your mouse curser over the PDF link and click on your "RIGHT" mouse button. This will cause a menu to be displayed, from which you will select the proper save option -- depending upon which browser you are using.
• For Microsoft IE users, select "Save Target As"
• For Netscape Navigator users, select "Save Link As"

Once you've selected the proper save option for your browser, and have saved the file to a location you specified, go to your program menu and start the Adobe Acrobat® Reader. Once open, locate the PDF file you saved and open it directly in Acrobat®.
### HOW TO COMPLETE PAYROLL FORMS

#### (FRONT SECTION)

**PAYROLL**

(For Contractor’s Optional Use; See instruction, Form WH-347 Inst.)

<table>
<thead>
<tr>
<th>Name of Contractor or Subcontractor</th>
<th>IRS Number</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alhollon Electric</td>
<td>24168415</td>
<td>1107 Orange Place, Columbia, Maryland</td>
</tr>
</tbody>
</table>

**Payroll No.**

<table>
<thead>
<tr>
<th>For Week Ending</th>
<th>Project and Location</th>
<th>Project or Contract No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 11, 1992</td>
<td>Kings Village</td>
<td>47966120</td>
</tr>
</tbody>
</table>

#### Payrolls must be numbered sequentially. Write the word “Final” after the number on your last payroll.

#### Enter IRS number on first payroll.

#### Enter days & week work was performed.

#### Fill in the classification exactly as it appears on the determination. If classification is for a power equipment operator, indicate type, size, and horsepower.

#### Straight time:

1. Daily hours worked on this contract up to 40 per week.
2. Total straight time.

#### Upper Left reflects amount on this project. Lower Right reflects amount earned on all projects during work-week.

#### Enter gross, all deductions, and net. Check your figures; subtract the total amount withheld from the total gross. The answer should equal the total in Column 4.

#### Address and Social Security number are NO LONGER required.

<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Lee Baskey xxxx</td>
<td>Cement Mason</td>
<td>O</td>
<td>2 2 2 2</td>
<td>10</td>
<td>15.00</td>
<td>550.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>S</td>
<td>8 8 8 8</td>
<td>40</td>
<td>10.00</td>
<td>725.00</td>
<td></td>
<td>464.33</td>
</tr>
</tbody>
</table>

#### Overtime:

1. Hours on this project contract meeting the overtime definition
2. Total overtime

#### Specify:

1. Types of deductions
2. Total deductions withheld
INSTRUCTIONS FOR PREPARATION OF STATEMENT OF COMPLIANCE

This statement of compliance meets needs resulting from the amendment of the Davis-Bacon Act to include fringe benefits provisions. Under this amended law, the contractor is required to pay fringe benefits as predetermined by the Department of Labor, in addition to payment of the minimum rates. The contractor’s obligation to pay fringe benefits may be met by payment of the fringes to the various plans, funds, or programs by making these payments to the employees as cash in lieu of fringes.

The contractor should show on the first page of his payroll all monies paid to the employees whether as basic rates or as cash in lieu of fringes. The contractor shall represent in the statement of compliance that he is paying to others fringes required by the contract and not paying as cash in lieu of fringes. Detailed instructions follow:

**Contractors who pay all required fringe benefits**

A contractor who pays fringe benefits to approved plans, funds, or programs, in amounts not less than were determined in the applicable wage decision of the Secretary of Labor, shall continue to show on the face of his payroll the basic cash hourly rate and overtime rate paid to his employees. The contractor shall check paragraph 4(a) of the statement to indicate that he is also paying to approved plans, funds, or programs not less than the amount predetermined as fringe benefits for each craft. Any exception shall be noted in Section 4(c).

**Contractors who pay no fringe benefit**

Contractors who pay no fringe benefits shall pay to the employee, and insert in the straight time hourly rate column of his payroll, an amount not less than the predetermined rate for each classification plus the amount of fringe benefits determined for each classification in the applicable wage decision. Since it is not necessary to pay time and a half on cash paid in lieu of fringes, the overtime rate shall be not less than the sum of the basic predetermined rate, plus the half time premium on the basic or regular rate, plus the required cash in lieu of fringes at the straight time rate. To simplify computation of overtime, it is suggested that the straight time basic rate and cash in lieu of fringes be separately stated in the hourly rate column (example $3.25/.40). In addition, the contractor shall check paragraph 4(b) of the statement to indicate that he is paying fringe benefits in cash directly to his employees. Any exceptions shall be noted in Section 4(c).

**Use of Section 4(c), Exceptions**

Any contractor who is making payment to approved plans, funds, or programs in amounts less than the wage determination requires is obliged to pay the deficiency directly to the employees as cash in lieu of fringes. Any exceptions to Section 4(a) or 4(b), whichever the contractor may check, shall be entered in Section 4(c). Enter in the Exception column the craft, and enter in the Explanation column the hourly amount paid the employees as cash in lieu of fringes and the hourly amount paid to plans, funds, or programs as fringes.
CDBG EMPLOYEE RESTITUTION CHECKLIST

CDBG Project ____________________________________________  Grantee Name ____________________________________________

Applicable State Wage Rates # ____________________________  Applicable Federal Wage Rates # ____________________________

Name of Contractor ____________________________________________________________

Date of Payroll with wage error ________________________________

Reason for Error:

- ☐ Wrong hourly amount
- ☐ Wrong classification
- ☐ Wrong wage rate
  - ☐ Used amount from federal, should have been state
  - ☐ Used amount from state, should have been federal
  - ☐ Used wrong wage publication

<table>
<thead>
<tr>
<th>Name of Employee</th>
<th>Job Classification</th>
<th>Wage Amount Paid</th>
<th>Correct Wage Amount</th>
<th>Amount of Difference</th>
<th># hours worked in period</th>
<th>Amount Due</th>
<th>Amount of Restitution</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

Date of Notification to Contractor __________________________  Date of Restitution Made ____________________________

ATTACH THE FOLLOWING DOCUMENTS TO THIS COMPLETED FORM, IF APPLICABLE:

- ☐ Copy of Certified Payroll in error
- ☐ Copy of corrected Certified Payroll
- ☐ Copy of the notification to contractor
- ☐ Copy of correct wage rates, if applicable
## Record of Employee Interview

**U.S. Department of Housing and Urban Development**  
**Office of Labor Relations**

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. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. The information is collected to ensure compliance with the Federal labor standards by recording interviews with construction workers. The information collected will assist HUD in the conduct of compliance monitoring; the information will be used to test the validity of certified payroll reports submitted by the employer. *Sensitive Information* The information collected on this form is considered sensitive and is protected by the Privacy Act. The Privacy Act requires that these records be maintained with appropriate administrative, technical, and physical safeguards to ensure their security and confidentiality. In addition, these records should be protected against any anticipated threats or hazards to their security or integrity that could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom the information is maintained. The information collected herein is voluntary, and any information provided shall be kept confidential.

### 1a. Project Name

1b. Project Number

2a. Employee Name

2b. Employee Phone Number (including area code)

3a. Contractor or Subcontractor (Employer)

3b. Verification of identification?

2c. Employee Home Address & Zip Code

Yes ☐ No ☐

3c. No. of hours last day on this job?

4a. Hourly rate of pay?

4b. Fringe Benefits?

<table>
<thead>
<tr>
<th>Vacation</th>
<th>Yes ☐ No ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical</td>
<td>Yes ☐ No ☐</td>
</tr>
<tr>
<td>Pension</td>
<td>Yes ☐ No ☐</td>
</tr>
</tbody>
</table>

4c. Pay stub?

Yes ☐ No ☐

5. Your job classification(s) (list all) — continue on a separate sheet if necessary

6. Your duties

7. Tools or equipment used

---

8. Are you an apprentice or trainee? ☐ ☐

9. Are you paid for all hours worked? ☐ ☐

10. Are you paid at least time and ½ for all hours worked in excess of 40 in a week? ☐ ☐

11. Have you ever been threatened or coerced into giving up any part of your pay? ☐ ☐

12a. Employee Signature

12b. Date

---

13. Duties observed by the Interviewer (Please be specific.)

14. Remarks

---

15a. Interviewer name (please print)

15b. Signature of Interviewer

15c. Date of Interview

---

### Payroll Examination

16. Remarks

---

17a. Signature of Payroll Examiner

17b. Date

---

*Previous editions are obsolete* 

Page 1 of 2

Form HUD-11 (08/2004)
**Instructions**

**General:**
This form is to be used by HUD and local agency staff for recording information gathered during on-site interviews with laborers and mechanics employed on projects subject to Federal prevailing wage requirements. Typically, the staff that will conduct on-site interviews and use this form are HUD staff and field construction inspectors, HUD Labor Relations staff, and local agency labor standards contract monitors.

Information recorded on the form HUD-11 is evaluated for general compliance and compared to certified payroll reports submitted by the respective employer. The comparison tests the veracity of the payroll reports and may be critical to the successful conclusion of enforcement actions in the event of labor standards violations. The thoroughness and accuracy of the information gathered during interviews is crucial.

Note that the interview itself and the information collected on the form HUD-11 are considered confidential. Interviews should be conducted individually and privately. All laborers and mechanics employed on the job site must be made available for interview at the interviewer’s request. The employee’s participation, however, is voluntary. Interviews shall be conducted in a manner and place that are conducive to the purposes of the interview and that cause the least inconvenience to the employer(s) and the employee(s).

**Completing the form HUD-11**

**Items 1a - 1c:** Self-explanatory

**Items 2a - 2d:** Enter the employee’s full name, a telephone number where the employee can be reached, and the employee’s home address. Many construction workers use a temporary address in the locality of the project and have a more permanent address elsewhere from which mail may be forwarded to them. Obtain a more permanent address, if available. Ask the employee for a form of identification (e.g., driver’s license) to verify their name.

**Items 3a - 4c:** Enter the employee’s responses. Ask the employee whether they have a pay stub with them; if so, determine whether the pay stub is consistent with the information provided by the employee.

**Items 5 - 7:** Be certain that the employee’s responses are specific. For example, job classification (#6) must identify the trade involved (e.g., Carpenter, Electrician, Plumber) – responses such as “journeyman” or “mechanic” are not helpful for our purposes.

**Items 8 - 12b:** Self-explanatory

**Items 13 - 15c:** These items represent some of the most important information that can be gathered while conducting on-site interviews. Please be specific about the duties you observed the employee performing. It may be easiest to make these observations before initiating the interview. Please record any comments or remarks that may be helpful. For example, if the employee interviewed was working with a crew, how many workers were in the crew? Was the employee evasive?

The level of specificity that is warranted is directly related to the extent to which interview(s) or other observations indicate that there may be violations present. If interviews indicate that there may be underpayments involving a particular trade(s), the interviewer is encouraged to interview as many workers in that trade(s) that are available.

**Items 16 - 17b:** The information on the form HUD-11 may be reviewed for general compliance, initially. For example, are the job classification and wage rate stated by the employee compatible with the classifications and wage rates on the applicable wage decision? Are the duties observed by the interviewer consistent with the job classification?

Once the corresponding certified payroll reports are received, the information on the HUD-11 shall be compared to the payroll reports. Any discrepancies noted between the HUD-11 information and that on the payroll report shall be noted in Item 10, Remarks. If discrepancies are noted, follow-up actions to resolve the discrepancies must be taken.
# REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND RATE

**AUTHORIZED FOR LOCAL REPRODUCTION**

**OMB Control Number:** 9000-0089  
**Expiration Date:** 10/31/2019

**PAPERWORK REDUCTION ACT STATEMENT:** Public reporting burden for this collection of information is estimated to average .5 hours 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 aspects of this collection of information, including suggestions for reducing this burden, to U.S. General Services Administration, Regulatory Secretariat (M/CB/JIC 9000-0089, Office of Governmentwide Acquisition Policy, 1800 F Street, NW, Washington, DC 20405.

**INSTRUCTIONS:** The contractor shall complete Items 3 through 16, keep a pending copy, and submit the request in quadruplicate, to the contracting officer.

1. **To:**  
   Administrator,  
   Wage and Hour Division  
   U.S. Department of Labor  
   Washington, DC 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) (Service Contract 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**

   **Rate:**  
   **Number:**  
   **Dated:**

14. **List in order: Proposed Classification Title(s); Job Description(s); Dutes; and Rationale for Proposed Classifications (Service contracts only)**

   (Use reverse or attach additional sheets, if necessary)

15. **Signature and Title of Subcontractor Representative (If Any)**

16. **Signature of Employee or Representative**  
**Title**

17. **Signature and Title of Prime Contractor Representative**

**TO BE COMPLETED BY CONTRACTING OFFICER (CHECK AS APPROPRIATE – SEE FAR 22.1019 (SERVICE CONTRACT LABOR STANDARDS) OR FAR 22.406-3 (CONSTRUCTION WAGE RATE REQUIREMENTS))**

- **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 3 copies to the Department of Labor)

**Signature of Contracting Officer or Representative**  
**Title and Commercial Telephone Number**  
**Date Submitted**

**PREVIOUS EDITION IS USABLE**

**STANDARD FORM 1444 (REV. 4/2013)**

Prescribed by GSA-FAR (48 CFR 53.22207)

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**VII-41**
Report of Additional Classification and Wage Rate | U.S. Department of Housing and Urban Development | Office of Labor Relations | OMB Approval No. 2501-0011 (Exp. 09/30/2006)

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the collection of information. The information is considered non-sensitive and does not require special protection. This information is required to obtain benefits. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Employers engaged on HUD-assisted construction projects subject to Davis-Bacon wage requirements must pay no less than the wages determined to be prevailing by the Secretary of Labor to all laborers and mechanics engaged on the construction work. On occasion, the applicable Davis-Bacon wage decision does not contain all of the work classifications and wage rates needed to complete the construction work. This information collection facilitates the addition of needed work classifications and wage rates for the construction work involved. This form is used by HUD and local agencies administering HUD programs to report employer request(s) for additional classification and wage rates so that an appropriate wage rate can be approved by the Department of Labor for the construction work. This information collection is required by Department of Labor regulations at 29 CFR 5.5. While no assurances of confidentiality are pledged to respondents, HUD generally discloses these data only in response to a Freedom of Information request.

Instructions

General:

Contractors/Employers: Do not need to complete this form. Submit a written, signed request to the responsible contracting agency naming the work classifications and the wage rates, including any fringe benefits, that are proposed.

Local Agency Staff: Complete items 2 through 10. Submit one copy of this form to the responsible HUD Labor Relations Office with a copy of the applicable Davis-Bacon wage decision and the written request from the employer naming the work classifications and wage rates that are proposed. (The employer’s request must be made in writing and must be signed.)

1. For HUD or State CDBG Office use. Enter the name and address of HUD Office (or State CDBG office) submitting the report and to which the DOL reply should be sent.
2. Enter the name and number of the project or contract involved.
3. Enter the location of the project involved: city, county and state.
4. Describe the construction involved, e.g., new construction or rehabilitation, number and type of buildings, number of stories, number of units (as applicable). For example, New construction: 3 - 4-story buildings; 120 units.
5. Enter the character of construction as defined by DOL for Davis-Bacon prevailing wage rate purposes.
6. Enter the number of the Davis-Bacon wage decision applicable to the construction work. Include the number of wage decision modifications (if any) applicable to the work.
7. Enter the effective date of the wage decision for the project. (See DOL regulations at 29 CFR 1.6.)
8. Enter the work classifications and corresponding hourly basic wage rates and fringe benefit rates (if any) requested.
10. If the requesting employer is not the prime contractor, enter the name and address of the subcontractor/employer making the request.

Remainder of Form: HUD Labor Relations/State CDBG use.

HUD Labor Relations/State CDBG Staff: Evaluate the employer’s request against the criteria for approval (see DOL Regulations, 29 CFR Part 5, and related contract labor standards provisions). The criteria are reflected in “checklist” form to ensure that each factor is considered and to ensure that supporting documentation, including a copy of the applicable wage decision, is attached. Check the box next to each criterion that is met; do not check the box next to any criterion that is not met.

If the request meets all criteria, check the appropriate box, enter the name and telephone number of the HUD/State CDBG agency representative, and sign and date the form. Submit one copy of the completed form to the DOL with a copy of the applicable Davis-Bacon wage decision and the written request from the employer involved.

If the request fails to pass all criteria, check the appropriate box, enter agency contact information, and sign and date the form. Submit one copy of the completed form to the DOL with a copy of the applicable Davis-Bacon wage decision, the written request from the employer involved, and a cover letter explaining how the employer’s request failed to meet one or more of the criteria.

Submission of Report

Completed forms shall be sent to: Branch of Construction Wage Determinations, U.S. Department of Labor, 200 Constitution Avenue, NW, Room S-3014, Washington, DC 20210.
### SPECIALTY CLASSES THAT SHOULD NOT BE REQUESTED
**IF THE DUTIES ARE PERFORMED BY GENERAL CRAFTS**
**IN THE CONTRACT WAGE DETERMINATION**

<table>
<thead>
<tr>
<th>SPECIALTY (often requested by contractors)</th>
<th>GENERAL CRAFT (may perform the specialty duties)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drywall (sheetrock) installers</td>
<td>Carpenters</td>
</tr>
<tr>
<td>Drywall finishers/tapers</td>
<td>Painters</td>
</tr>
<tr>
<td>Alarm installers</td>
<td>Electricians</td>
</tr>
<tr>
<td>Sound and communication workers/installers</td>
<td></td>
</tr>
<tr>
<td>Electronic technicians</td>
<td></td>
</tr>
<tr>
<td>Lighting protection installers</td>
<td></td>
</tr>
<tr>
<td>Low voltage installers</td>
<td></td>
</tr>
<tr>
<td>HVAC mechanics (heating, ventilation and air conditioning mechanics)</td>
<td>Sheet metal workers</td>
</tr>
<tr>
<td>Refrigeration mechanics/workers</td>
<td>Plumbers</td>
</tr>
<tr>
<td>Furnace installers</td>
<td>Pipe fitters/steam fitters</td>
</tr>
<tr>
<td>Burner repairmen</td>
<td>Electricians</td>
</tr>
<tr>
<td>Pipe wrappers/insulators</td>
<td>Asbestos workers/heat &amp; frost insulators</td>
</tr>
<tr>
<td>Mechanical (system) insulators</td>
<td></td>
</tr>
<tr>
<td>Batt insulation installers</td>
<td>Carpenters</td>
</tr>
<tr>
<td>Blown insulation installers</td>
<td>Laborers</td>
</tr>
<tr>
<td>Asbestos removal from pipes and boilers that will be reinsulated</td>
<td>Asbestos workers/heat &amp; frost insulators</td>
</tr>
<tr>
<td>Asbestos removal – except from pipes and boilers that will be reinsulated</td>
<td>Laborers</td>
</tr>
<tr>
<td>Metal building assemblers/builders/erectors</td>
<td>Iron workers</td>
</tr>
<tr>
<td></td>
<td>Laborers</td>
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<tr>
<td></td>
<td>Sheet metal workers</td>
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<tr>
<td></td>
<td>Carpenters</td>
</tr>
<tr>
<td>Fence erectors</td>
<td>Ironworkers</td>
</tr>
<tr>
<td></td>
<td>Laborer</td>
</tr>
<tr>
<td>Rebar workers</td>
<td>Ironworkers (reinforcing)</td>
</tr>
<tr>
<td>Rodman (performing rebar work)</td>
<td>Cement workers</td>
</tr>
<tr>
<td>Steel setters</td>
<td>Laborers</td>
</tr>
<tr>
<td>Steel or iron tiers</td>
<td></td>
</tr>
<tr>
<td>TV-grout operators</td>
<td>Power equipment operators</td>
</tr>
<tr>
<td></td>
<td>Laborers</td>
</tr>
<tr>
<td></td>
<td>Truck drivers</td>
</tr>
</tbody>
</table>
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:

MO Department of Economic Development
BCS Compliance Team
PO Box 118
Jefferson City, MO 65102-0118
Phone: (573)-751-3600

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.WAGEANDHOUR.DOL.GOV

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

WH1 1321 (Revised April 2000)
Equal Employment Opportunity is THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

**RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN**
Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee’s religious practices where the accommodation does not impose undue hardship.

**DISABILITY**
Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

**AGE**
The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

**SEX (WAGES)**
In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

**GENETICS**
Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers’ acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

**RETALIATION**
All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

**WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED**
There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:
The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.
Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS

The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

RETRIAL

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.
You Have a Right to a Safe and Healthful Workplace.

IT'S THE LAW!

• You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
• You have the right to request an OSHA inspection if you believe there are unsafe and unhealthful conditions in your workplace. You or your representatives may participate in the inspection.
• You can file a complaint with OSHA within 30 days of discrimination by your employer for making safety and health complaints or for exercising your rights under the OSH Act.
• You have the right to see OSHA citations issued to your employers. Your employer must post the citations at or near the place of the alleged violation.
• Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
• You have the right to copies of your medical records or records of your exposure to toxic and harmful substances or conditions.
• Your employer must post this notice in your workplace.

OSHA’s mission is to assure safe and healthful working conditions for working men and women by setting and enforcing standards, and providing training, outreach, education, and assistance.

The Occupational Safety and Health Act of 1970 (OSH Act), PL. 91-596, ensures safe and healthful working conditions for working men and women throughout the Nation. The Occupational Safety and Health Administration, in the U.S. Department of Labor, has the primary responsibility for administering the OSH Act. The rights listed here may vary depending on the particular circumstances. To file a complaint, report an emergency, or seek OSHA assistance, or products, call 1-800-321-OSHA or your nearest OSHA office: Atlanta (404) 562-2900 • Boston (617) 565-6995 • Chicago (312) 353-5220 • Dallas (214) 665-4731 • Denver (303) 844-1160 • Kansas City (913) 457-3564 • New York (212) 337-2375 • Philadelphia (215) 861-4400 • San Francisco (415) 975-4400 • Seattle (206) 553-9920. Teleconferencing (TTY) number is 1-877-889-5627. To file a complaint online or obtain more information on OSHA federal and state programs, visit OSHA’s website at www.osha.gov. If your workplace is in a state operating under an OSHA-approved plan, your employer must post the required state equivalent of this poster.
The information below is requested pursuant to Sections 290.210 through 290.340, RSMo.

<table>
<thead>
<tr>
<th>1. Date of Notification</th>
<th>2. Annual Wage Order Number Included in Bid Specifications</th>
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<tr>
<th>3. Popular or Descriptive Name of Project</th>
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<tr>
<th>4. Estimated Project Cost of Completion (total construction contracts to be awarded)</th>
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<th>5. Exact Location of Project</th>
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<tbody>
<tr>
<td>County</td>
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<tr>
<td>City</td>
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<tr>
<td>Township</td>
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<th>6. Official Name of Public Body or Agency</th>
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<tr>
<th>7. Name of Contact Person</th>
<th>8. Phone Number (include area code)</th>
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<tr>
<th>9. Address</th>
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<tr>
<th>10. E-mail Address</th>
<th>Website</th>
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<thead>
<tr>
<th>11. Anticipated Date for Soliciting or Advertising for Bids</th>
<th>12. Contract Award Date</th>
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<tbody>
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<thead>
<tr>
<th>13. Estimated Start Date of Work</th>
<th>14. Estimated Date of Project Completion</th>
<th>15. Will There Be Any Federal Funds Used in this Contract?</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Yes</td>
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<tr>
<th>16. Contractor Information Notification</th>
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</thead>
</table>

**General Contractor:**

- **Name:**
- **Address:**
- **City:**
- **State:**
- **ZIP:**
- **Phone Number:**
- **E-mail Address:**

**Type of Craftsmen Needed by Project**

**Scope of Work**

**List all Subcontractors:**

- **Name:**
- **Address:**
- **City:**
- **State:**
- **ZIP:**
- **Phone Number:**
- **E-mail Address:**

**Type of Craftsmen Needed by Project**

**Scope of Work**

The state of Missouri requires workers on public work projects be paid the prevailing wage. Public bodies have duties as required under Section 290.210 - 290.340, RSMo.

Mail, Fax, or E-mail completed form to:

**DIVISION OF LABOR STANDARDS**

Attn: Prevailing Wage Section

P.O. Box 449  Jefferson City, MO 65102-0449

Phone: 573-751-3403  Fax: 573-751-3711  E-mail: prevailingwage@labor.mo.gov  Website: www.labor.mo.gov/DLS

*Missouri Department of Labor and Industrial Relations is an equal opportunity employer program.*

PW-2 (02-14) AI
The Division of Labor Standards (DLS) is providing this check-off list to assist contractors in being compliant with Missouri’s labor laws applicable to public construction projects. The Prevailing Wage Law requires that not less than the locally prevailing wages be paid to workers on every construction project in the state that is for the public use or benefit or that uses public funds. Failure to comply with the Prevailing Wage Law may constitute a misdemeanor for the employer and for the public official that does not fulfill the responsibilities it imposes. The Construction Safety Training Act mandates that all employees working on the site of public works construction projects must have received safety training.

II Before Contract Is Let

☐ The wage order provided by DLS must be made a part of the specifications for the work to be performed under the contract (Section 290.250 and 290.325, RSMo).

II While Contract Is Being Performed

☐ All workers performing work under a public construction contract must be paid not less than the prevailing hourly rate of wages (as set out in the wage order attached to and made part of the specification for work under the contract). (Section 290.250, RSMo).

The contractor will forfeit a penalty to the contracting public body of $100 per day (or portion of a day) for each worker that is paid less than the prevailing rate for any work done under the contract by the contractor or by any subcontractor (Section 290.250, RSMo). For detailed information on rules and occupational titles, see 8 CSR 30-3.010 through 3.060.

☐ The contractor and all subcontractors to the contract must require all on-site employees to complete the ten-hour construction safety training program required under Section 292.675, RSMo, if they have not previously completed the program and have documentation of having done so.

The contractor will forfeit a penalty to the contracting public body of $2500 plus an additional $100 for each employee employed by the contractor or subcontractor, for each calendar day, or portion thereof, such employee is employed without the required training. (Section 292.675, RSMo).

☐ A legible list of all prevailing wage rates must remain posted in a prominent and easily accessible place at the worksite by each contractor and subcontractor on the project. The notice must be posted during the full time that any worker is employed on the job (Section 290.265, RSMo).

☐ The payroll records required to be so kept shall be open to inspection by any authorized representative of the contracting public body or of DLS at any reasonable time and as often as may be necessary and such records shall not be destroyed or removed from the state for the period of one year following the completion of the public work in connection with which the records are made (Section 290.290, RSMo). DLS provides a Contractor Payroll Records form (LS-57) for contractors and subcontractors to use to assure provision of the payroll information required (8 CSR 30-3.010[7]).

PW-11 (04-14) A1
Before Contract Is Fully Paid

☐ Before final payment can be made, the general contractor and all subcontractors must file an Affidavit of Compliance (PW-4) with the contracting public body. The affidavit must affirm under oath that the party has fully complied with Missouri Prevailing Wage Law, and the public body must verify that the correct wages were paid. No payment can be legally made by the public body to the contractor(s) until the affidavit is filed in proper form and order with the public body (Section 290.290 and 290.325, RSMo).

☐ It shall be lawful for any contractor to withhold from any subcontractor under him sufficient sums to cover any penalties withheld from him by the awarding body on account of any such subcontractor’s failure to comply with the terms of sections 290.210 to 290.340, and if payment has already been made to him, the contractor may recover from the subcontractor the amount of the penalty in a suit at law (Section 290.250.1, RSMo).

Failure to comply with the requirements of the Prevailing Wage Law can result in civil action, including an injunction stopping work on a project, and in criminal fines of up to $500 and up to six months imprisonment for each day there is a violation.

The Division of Labor Standards is available to answer questions and provide assistance with prevailing wage project compliance. Contact us anytime at:

Missouri Department of Labor and Industrial Relations
Division of Labor Standards
Prevailing Wage Section
P.O. Box 449
Jefferson City, MO 65102-0449
Phone: 573-751-3403
Fax: 573-751-3721

E-mail: prevailingwage@labor.mo.gov
Website: http://www.labor.mo.gov/DLS/prevailingwage/

Missouri Department of Labor and Industrial Relations is an equal opportunity employer/program.
**LABOR STANDARDS HELPFUL HINTS**

- Review each payroll to determine whether correct wages were paid for the time period prior to submitting an RFF for payment to the contractor.
- Make sure the correct Federal wage decision and State Wage Order are in the bid packets.
- Scheduling pre-bid and pre-construction meetings can prevent many problems.
- If payrolls indicate that wage restitution is necessary, immediately initiate the corrective actions as described in the narrative portion of this chapter.
- The longer a labor-related problem remains unaddressed, the more difficult it becomes to resolve. The Compliance Team staff offers technical assistance to all parties involved with the various facets of labor standards requirements.