

Federal Labor Standards

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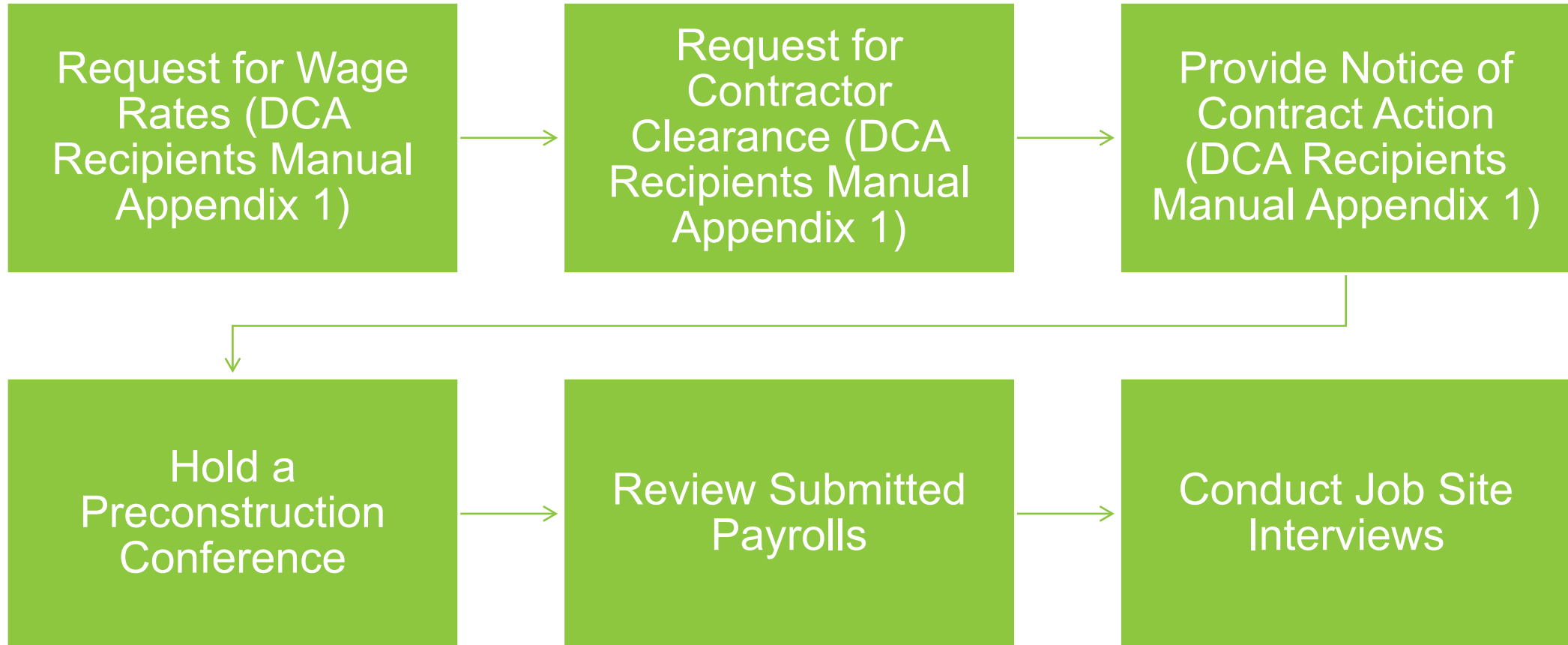


2024 CDBG SUMMIT

Key Regulations & Statues

- **Copeland Act (Anti-kickback Act)**
 - Prohibits kickback of pay
 - Requires certified weekly payrolls
 - Regulates payroll deductions
- **Davis-Bacon Act**
 - Outlines labor standards for federal projects
 - Applicable to all contracts over \$2,000 involving federal funds
 - Provides minimum wages by position
 - Applies to all laborers and mechanics
 - Applies to entire project, not just CDBG funded portion
- **Contract Work Hours & Safety Act**
 - Overtime pay for working over 40 hours (cannot get comp time in lieu of)
 - Applies to contracts over \$100,000
 - Requires liquidated damages of \$10 per day/per violation

Steps to Complying with Davis-Bacon & Related Acts



Step 1: Request for Wage Determination

- **Submit request to DCA** (cdbg.biz@dca.ga.gov)
 - 30 days prior to advertising for contract bids
- **Check 10 days before bid opening**
 - 10-day wage check form

Wage rates must be included in bid package and contracts.

Include the estimated cost of each activity and the percentage of each activity on the form.



Wage Decision



Wage Decision Lock-in

- **Competitively Bid**
 - At bid opening if contract is executed within 90 days of bid opening
 - If contract is not executed within 90 days, resubmit 10-day wage check form 10 days prior to contract execution and wage decision will be locked in at contract execution
- **Negotiated Contracts**
 - At contract execution
- If a contract is modified to add additional work not within the scope of work in the original contract, the most recent applicable wage determination modification must be incorporated into the contract.

Wage Decision & Posters

Must be
posted on
the Job Site

Employees
must be
able to view

Protect
from the
weather

Step 2: Request for Contractor Clearance

Ensures contractor is not on Federal Debarred list

Must be cleared **before** entering into a contract

Email form to DCA
(cdbg.biz@dca.ga.gov)

Step 3: Notice of Contract Action

Must be
submitted to
DCA

Include certified
and itemized
bid tabulation
with form

Construction
drawdowns will
be withheld if
not submitted

Step 4: Pre-construction Conference - Mandatory

- Attended by the architect/engineer, grant administrator, the contractor and representatives of the local government.
- Outlines contractor & subcontractor responsibilities, project timelines, logistics, etc.
- Explain Davis-Bacon, other applicable laws & contract provisions, and Section 3

CDBG Rep Contact Information

- Cindy Alligood: (478) 290-1074, Cindy.Alligood@dca.ga.gov
- Crystal Gaillard: (470) 965-2364, Crystal.Gaillard@dca.ga.gov
- Roderick Gilbert: (470) 783-4729, Roderick.Gilbert@dca.ga.gov
- Malisa Thompson: (404) 326-1048, Malisa.Thompson@dca.ga.gov

Payrolls

- Contractors must submit all payrolls to grant recipient
- Must include the name and identifying number of each worker the first time they appear
 - Contractor must provide address and social security number upon request
 - Contractor records must include each workers classification, last known telephone number, and email address.
- Every contractor on the project must maintain records for three years after completion of the project.
- The prime contractor must maintain a complete set of payrolls from every sub-contractor, subcontracts, and related documents on the project for three years after completion of the project.

Payrolls

- Every payroll must
 - list the worker's classification, which must match the Wage Decision document
 - include the hourly rate of pay and the number of hours worked
 - indicate permissible deductions (see 29 CFR Part 3.5)
 - be numbered, with the last payroll labeled "Final Payroll"
 - be certified by the owner, officer or designee of the construction company (digital signatures are acceptable)

Payrolls

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

Step 5: Review Payrolls

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

Step 6: Job Site Interviews

- Have to be conducted on representative # of workers in each classification
- Must observe workers working
- Interview responses should be checked against Wage Decision and payrolls
- Confidential – should not be overheard by others

Record of Employee Interview U.S. Department of Housing and Urban Development OMB Approval No. 2501-0009
Office of Davis-Bacon and Labor Standards (exp. 12/31/2024)

The public reporting burden estimate for this collection of information is 15 minutes per response on average. This includes reviewing instructions, searching existing data sources, gathering, and maintaining the data, and completing the collection of information. This information may not be collected, nor are you required to provide, the information requested unless it displays a currently valid OMB control number. The information collected ensures compliance with the Federal labor standards through recording interviews with construction workers. The information collected assists HUD in compliance monitoring of Federal labor standards. Any information collected is covered by the Privacy Act of 1974 and by 29 CFR 5.6(a)(5). Individuals and agencies collecting this information must maintain these records in a manner that protects the individuals on whom the information is maintained. The information collected herein is voluntary, and any information provided shall be kept confidential, but failure to provide the information collected may delay enforcement of any possible Federal labor standards violations if the information would have identified any. Comments concerning this burden statement, or this collection should be sent to: National Director, Office of Davis-Bacon and Labor Standards, 451 7th Street SW, Room 7108, Washington, DC 20410. When providing comments, please refer to OMB Approval 2501-0009.

Pursuant to 5 U.S.C. § 552a(e)(3), this Privacy Act Statement serves to inform you of the following concerning the collection of the information on this form.

A. AUTHORITY: Collection of the information solicited on this form is authorized by the Davis-Bacon Act as promulgated through Department of Labor Regulations under 29 CFR Part 5.

B. PURPOSE: The primary purpose for soliciting this information is to determine if the wages paid by an employer on a project covered by the Davis-Bacon Act are in compliance with Federal labor standards.

C. ROUTINE USES: The information collected ensures compliance with the Federal labor standards through recording interviews with construction workers on topics related to wages paid on the project. The information is reviewed by HUD authorized personnel to ensure compliance with Federal labor standards under the Davis-Bacon Act on covered projects. If violations are found, the information collected is used to conduct enforcement actions to ensure restitution is paid to workers of covered projects are paid proper wages under the Davis-Bacon Act.

D. CONSEQUENCES OF FAILURE TO PROVIDE INFORMATION: The information collection is voluntary. Refusing to give information will not impact your status with your employer or the government. Failure to provide the information will limit the ability of HUD to determine if you were paid proper wages under the Davis-Bacon Act, and will limit the ability for HUD to seek restitution for you in the event a violation is found.

1a. Project Name			2a. Employee Name		
1b. Project Number			2b. Employee Phone Number (including area code)		
1c. Contractor or Subcontractor (Employer)			2c. Employee Home Address & Zip Code		
2d. Verification of identification?					
Yes No					
3a. How long on this job?	3b. Last date on this job before today?	3c. No. of hours last day on this job?	4a. Hourly rate of pay?	4b. Fringe Benefits?	4c. Pay stub?
				Vacation Yes No Medical Yes No Pension Yes No	Yes No
5. Your job classification(s) (list all) — continue in block 18 if necessary					
6. Your duties — continue in block 18 if necessary					
7. Tools or equipment used — continue in block 18 if necessary					
8. Are you an apprentice or trainee? Yes No			10. Are you paid at least time and 1/4 for all hours worked in excess of 40 in a week? Yes No		
9. Are you paid for all hours worked? Yes No			11. Have you ever been threatened or coerced into giving up any part of your pay? Yes No		
12a. Employee Signature			12b. Date		
13. Duties observed by the interviewer (Please be specific.)					
14. Remarks — continue in block 18 if necessary					
15a. Interviewer Name (Please Print)		15b. Signature of Interviewer		15c. Date of Interview	
Payroll Examination					
16. Remarks — continue in block 18 if necessary					
17a. Signature of Payroll Examiner				17b. Date	

Previous editions are obsolete

Form HUD-11 (12/2021)

Exemptions

Volunteers

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

Prison Labor

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

RECAP

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

The image shows several rolled-up architectural blueprints. The blueprints are white with black lines and text, showing various dimensions and technical drawings. The rolls are arranged in a way that they appear to be unrolling or stacked. The background is a light blue and white gradient.

Prime Contractor Responsibilities

- Responsible for compliance of all contractors
- Include contract clauses and applicable wage rates in all sub-contracts
- Review wage rates for additional classifications
- Provide sub-contractors with guidance
- Prepare and submit certified payrolls for employees
- Maintain a complete set of payrolls from every sub- contractor, subcontracts, and related documents on the project for three years after completion of the project.

Sub-contractor Responsibilities



- Prepare and submit certified weekly payrolls
- Review wage rates and request additional classifications, if necessary
- Ensure access to employees for on-site interviews
- Maintain records for three years after completion of the project.

Resources

- Davis-Bacon and Labor Standards, Contractor Guide Addendum
<https://files.hudexchange.info/resources/documents/Davis-Bacon-and-Labor-Standards-Contractor-Guide-Addendum.pdf>
- Davis-Bacon and Labor Standards Agency/Contractor Guide
<https://files.hudexchange.info/resources/documents/Davis-Bacon-and-Labor-Standards-Agency-and-Contractor-Guide.pdf>
- Department of Labor, Davis-Bacon & Related Acts
<https://www.dol.gov/whd/govcontracts/dbra.htm>