
CHAPTER 7: LABOR STANDARDS

DEHCR – BUREAU OF COMMUNITY DEVELOPMENT



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- This information is provided as a service for Community Development Block Grant (CDBG) recipients and applies only to CDBG funded construction projects
 - Projects with other funding sources should follow applicable rules and regulations for that program



INTRODUCTION

- Federal labor standards (i.e., Davis-Bacon, or Davis-Bacon and Related Acts (DBRA)) apply to most federally-funded construction contracts
- Does not apply to CDBG Planning (PLNG) projects

If Davis-Bacon applies:

- Contractors/subcontractors for construction must pay federal wage rates



IMPORTANT UPDATES FOR CDBG PROJECTS

- Wisconsin Prevailing Wage Law
 - Major changes are in effect as of January 1, 2017
- UGLGs are responsible for complying with state and local labor standards and regulations



WORD OF WARNING

- Failure to properly follow federal labor standards provisions is a significant breach of contract and CDBG grant compliance and could result in loss of the awarded grant and could limit obtaining future grants



RELEVANT LAWS

DAVIS-BACON ACT

Requires that workers are paid not less than once a week and receive no less than the federal wages being paid for similar work in the locality

- Federal wages are computed by the U.S. Department of Labor (USDOL) and are issued in the form of federal wage determinations for each classification of work to be performed in the area
- Violation of the Davis-Bacon Act makes the contractor liable for unpaid wages and may result in suspension of payments, contract termination, and suspension or debarment of the contractor from participation in federally funded projects²²⁴

RELEVANT LAWS (CONTINUED)

COPELAND "ANTI-KICKBACK" ACT

- Workers must be paid **without any deductions or rebates** except permissible deductions
 - Permissible deductions include taxes, deductions the worker authorizes in writing, and those required by court processes
- Contractors must submit weekly payroll records and Statements of Compliance (certified payroll) to the contracting agency
- Violation of the Copeland Act is a felony and may result in termination of the contract or criminal prosecution by the U.S. Government, punishable by a fine, imprisonment, or both

RELEVANT LAWS (CONTINUED)

CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (CWHSSA)

- Workers receive overtime pay at a rate of one and one-half times the regular hourly pay after they have worked 40 hours in one week on the CDBG project
 - One and one-half times is calculated at the applicable hourly basic rate of pay listed on the wage determination or the worker's normal rate of pay, whichever is higher
- Applies to contracts over \$100,000
 - All subcontractors are included if prime contract is over \$100,000
 - For contracts \$100,000 or less, the Fair Labor Standards Act (FLSA) will apply²²⁶ and overtime provisions are applicable to all contracts covered by Davis-Bacon

RELEVANT LAWS (CONTINUED)

CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (CWHSSA)

- Violation makes the contractor liable for unpaid wages, liquidated damages per employee per day of violation, and, in cases of intentional violation, fines and/or imprisonment, as well as debarment may be enforced
 - Liquidated damage penalties will be adjusted for inflation (\$26 is the 1/2/2018 penalty rate)
 - Penalties paid to the federal government- may be waived
- Violations may also result in termination of the contract.
- Underpayment/wage restitution should be paid to employees, a copy of each check stub/record of payment, and the correction payroll placed in the project's Labor Standards file

APPLICABILITY

- All CDBG contracts for construction, alteration, or repair of a public building or public work
- All building or construction contracts financed in whole or in part from federal funds or in accordance with guarantees of a federal agency



APPLICABILITY: EXCEPTIONS

- Public works construction by direct employees of the Unit of General Local Government (UGLG) is commonly called "force account" work. If force account labor will be utilized in any part of a project, the UGLG shall submit the *Force Account Affidavit (Attachment 7-Q Chapter 7, Implementation Handbook)* to your Project Representative
 - PLEASE NOTE: There is no such thing as private "force account" work
- When requesting CDBG reimbursement, the payroll must include:
 - Each employee's name
 - Hourly rate (wages plus benefits)
 - Number of hours worked on the project
 - Pay period

APPLICABILITY: EXCEPTIONS (CONTINUED)

- Residential rehabilitation in structures with fewer than eight units
- Contract(s) that are part of a project of less than \$2,000 value



APPLICABILITY: EXCEPTIONS (CONTINUED)

- Construction activities assisted solely by means of loans guaranteed with interest-bearing collateral accounts, where
 - a) the interest rate is standard and customary rate on demand accounts;
 - b) the account is subject to standard and customary terms and conditions for collateral accounts; and
 - c) there is no "substantial likelihood" that the guarantee will be used



APPLICABILITY: EXCEPTIONS

- Economic Development projects where federal funds are used only for non-construction activities such as acquisition; machinery and equipment purchase (not including installation); stock (equity) purchase; and operating capital loans where such funds cannot be used for construction



LABOR STANDARDS OFFICER DESIGNATION

- UGLG must act as Labor Standards Officer unless a different person is appointed
- Designate a Labor Standards Officer prior to, or at the time of, requesting a wage decision (Attachment 7-C)



LABOR STANDARDS OFFICER RESPONSIBILITIES

- Federal Wage Determination
- Wage Decision Modifications prior to bid opening
- Additional Labor Classifications
- Bid Notifications
- Contractor Eligibility Clearance
- Construction Contract Notifications
- Pre-Construction Conference
- Compliance Monitoring
- Compliance Enforcement



FEDERAL WAGE DETERMINATION

- Must secure the federal Davis-Bacon wage decision(s) for use in the project(s) prior to advertising for construction bids and prior to bid opening
- Must complete and submit a *Record of Wage Decision Selection (Attachment 7-D)* to DEHCR



FEDERAL WAGE DETERMINATION (CONTINUED)

- Residential
 - Single family homes and apartment buildings no more than 4 stories
- Building
 - Sheltered enclosures for the purpose of housing people, machinery, equipment or supplies
- Highway
 - Roads, streets, highways, sidewalks, parking areas
- Heavy
 - “Catch all” category
 - 2 possible sub-categories
 - Includes sewer and water line and tunnel projects (WI 8)

May be appropriate to use more than one determination if additional determination comprises more than ²³⁶20% of project cost and/or costs \$1 million

FEDERAL WAGE DETERMINATION (CONTINUED)

Steps to Obtaining Federal Wage Determination from U.S. Dept. of Labor (DOL):

1. Go to www.wdol.gov
2. Select “Selecting DBA WDs” under “Davis-Bacon Act”
3. Select “Wisconsin” under “State”
4. Select the County the project is located in
5. Click on “Search” (this will give you all the wage determinations for that county)
6. Select determinations(s) applicable for the work being completed (most recent posted)



FEDERAL WAGE DETERMINATION (CONTINUED)

Failing to Obtain Correct Federal Wage Determination for Bidding Process:

- UGLG must correct the error by obtaining the correct wage decision(s) and informing contractors they must pay those wage rates retroactively to the beginning of the project
- UGLG is responsible for ensuring all wage restitution/underpayments are made and may be forced to reimburse the contractor



WAGE DETERMINATION MODIFICATIONS

- Modified by DOL every Friday at 10:00 a.m.
- Check prior to the bid opening
- Must use the current wage rate(s) for the project bidding and must notify potential bidders that the wage decision has been modified
 - If the wage decision changes on the Friday of your bid opening, you must use that wage decision. It is recommended that bid openings not be held on Fridays
- Reminder: Failure to use most current wage rates in bidding may result in UGLG being responsible for all back wages to employees

WDOL.gov is changing- check the website for updates.



FEDERAL WAGE DETERMINATION

General Decision Number: WI170008 02/03/2017 WIS

Superseded General Decision Number: WI20160008

State: Wisconsin

Construction Types: Heavy (Sewer and Water Line and Tunnel)

Counties: Wisconsin Statewide.

TUNNEL, SEWER & WATER LINE CONSTRUCTION PROJECTS

Note: Under Executive Order (EO) 13658, an hourly minimum wage of \$10.20 for calendar year 2017 applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2015. If this contract is covered by the EO, the contractor must pay all workers in any classification listed on this wage determination at least \$10.20 (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in calendar year 2017. The EO minimum wage rate will be adjusted annually. Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

Modification Number	Publication Date
0	01/06/2017
1	02/03/2017

BRWI0001-002 06/01/2016

CRAWFORD, JACKSON, JUNEAU, LA CROSSE, MONROE, TREMPLEAU, AND VERNON COUNTIES

	Rates	Fringes
BRICKLAYER.....	\$ 31.84	20.95

BRWI0002-002 06/01/2016		

ASHLAND, BAYFIELD, DOUGLAS, AND IRON COUNTIES

	Rates	Fringes
BRICKLAYER.....	\$ 37.04	19.70

BRWI0002-005 06/01/2016		

ADAMS, ASHLAND, BARRON, BROWN, BURNETT, CALUMET, CHIPPEWA, CLARK, COLUMBIA, DODGE, DOOR, DUNN, FLORENCE, FOND DU LAC, FOREST, GREEN LAKE, IRON, JEFFERSON, KEWAUNEE, LANGLADE, LINCOLN, MANITOWOC, MARATHON, MARINETTE, MARQUETTE, MENOMINEE, OCONTO, ONEIDA, OUTAGAMIE, POLK, PORTAGE, RUSK, ST CROIX, SAUK, SHAWANO, SHEBOYGAN, TAYLOR, VILAS, WALWORTH, WAUPACA, WAUSHARA, WINNEBAGO, AND WOOD COUNTIES

ADDITIONAL LABOR CLASSIFICATIONS

- Needed when there is a category of worker on the job that doesn't fit any of the classifications listed in the wage decision.
 - Complete *Additional Classification Report* form (*Attachment 7-E: Additional Classification Report, Chapter 7*), Boxes 2 through 10 and submit to DEHCR
- The United States Department of Labor (USDOL) will not review or respond to any additional classification requests prior to the contract(s) being awarded.

BID PACKET REQUIREMENTS

Notices Required in Bid Packets applicable to construction:

- Conflict of Interest Disclosure and Clause (see *Attachments 3-B* and *3-C* for recommended forms)
- *Lobbying Certification Form (Attachment 3-D)*
- *Disclosure of Lobbying Activities form (Attachment 3-E)* if applicable
- *Section 3 Contract Language Requirements (Attachment 6-B)*
- *Davis-Bacon and Related Acts (DBRA) (Attachment 7-B)*
- *Federal Labor Standards Provisions (HUD-4010) (Attachment 7-G)*
- Federal Davis-Bacon wage decision(s) – Inclusion by reference only is NOT acceptable

BID PACKET REQUIREMENTS

- Additional Notices Required for Bid Packets:
 - For or all construction contracts estimated to exceed \$10,000
 - *Equal Opportunity Clause (EO 11246) (Attachment 6-A)*
 - *Affirmative Action Requirements (EO 11246) (Attachment 6-C)*
 - *Federal Equal Employment Opportunity Clauses Construction Contract Specifications (EO 11246) (Attachment 6-D)*
 - *MBE/WBE/DBE Web Resources (Attachment 7-R)*
- See Chapter 6: Equal Opportunity, Fair Housing & Section 3

BID REQUIREMENTS (CONTINUED)

- 90-Day Rule:

If the UGLG opens a bid and waits more than 90 days to award the construction contract, the UGLG must check the wage decision to see if it has been modified or superseded. If it has, the UGLG must use the modified wage decision(s) for the CDBG project



CONTRACTOR ELIGIBILITY CLEARANCE

- UGLG is responsible for ensuring all prime contractors are eligible
- Prime contractor is responsible for ensuring all subcontractors are eligible
 - UGLG should also check all subcontractors' eligibility
- Record of debarment checks for all contractors (prime and subs) must be in CDBG project file
- Contact your DEHCR program representative immediately if anyone working on the CDBG project is or has become debarred



CONTRACTOR ELIGIBILITY CLEARANCE

- Every entity involved in the project must confirm it is not debarred, including the UGLG, contractors, architectural/engineering and grant administration services.
- Steps for Debarment Check on SAM.gov:
 1. Check eligibility at <http://SAM.gov> prior to executing contract
 2. Select “Search Records”
 3. In the “Quick Search” field, enter business name, owner’s name, DUNS number, or CAGE code and click “Search” (recommend at least 2 searches: business name; owner’s name)
 4. When search results appear, select (i.e. checkmark) both the “Active” and “Inactive” registrant status options in the “Filter Results” box and click “Apply Filters”
 5. Firms with a green “Entity” marker are not on record as being debarred.
 - Firms with a purple “Exclusion” marker require further review – see “View Details” to determine if the firm is *currently* excluded/debarred
 5. Click “Save PDF” to save & print the results page(s)
 6. Keep evidence of completed debarment check(s) in the Labor Standards file

CONSTRUCTION CONTRACT

Required Notices/Attachments for Prime Contract(s) and Subcontract(s):

Inclusion by reference only is **NOT** acceptable

- Conflict of Interest Disclosure and Clause (see *Attachments 3-B* and *3-C* for recommended forms)
- *Lobbying Certification Form (Attachment 3-D)*
- *Disclosure of Lobbying Activities form (Attachment 3-E)* if applicable
- *Section 3 Contract Language Requirements (Attachment 6-B)*
- *Davis-Bacon and Related Acts (DBRA) (Attachment 7-B)*
- *Federal Labor Standards Provisions (HUD-4010) (Attachment 7-G)*
- Recommended- Pre-Construction Meeting Items and Checklist (see *Attachments 7-I* and *7-J* for recommended forms)
- Federal Davis-Bacon wage decision(s) – Inclusion by reference only is **NOT** acceptable



CONSTRUCTION CONTRACT (CONTINUED)

- Required Notices/Attachments for Prime Contract(s) and Subcontract(s):
Inclusion by reference only is NOT acceptable
 - For contracts over \$10,000:
 - *Equal Opportunity Clause (EO 11246) (Attachment 6-A)*
 - *Affirmative Action Requirements (EO 11246) (Attachment 6-C)*
 - *Federal Equal Employment Opportunity Clauses Construction Contract Specifications (EO 11246) (Attachment 6-D)*
 - *MBE/WBE/DBE Web Recourses (Attachment 7-R)*

CONSTRUCTION CONTRACT (CONTINUED)

Other Subcontract Requirements:

- Subcontract must be in writing – and include:
 - Name of contractor/subcontractor
 - Dollar amount of contract
 - Goods/services to be provided
 - Terms/conditions
- Subcontract document must contain all items listed in the previous slides, as applicable to the project (Inclusion by reference only is NOT acceptable)
- Copy of executed subcontracts (with any and all attachments and addendums) must be maintained in the CDBG project file

PRE-CONSTRUCTION CONFERENCE

- Pre-construction conference strongly encouraged
- Should cover items listed in *Pre-Construction Meeting Items to be Discussed (Attachment 7-I)*
- Provide contractors with copy of *Pre-Construction Checklist for Contractors (Attachment 7-J)*; cover topics including but not limited to:
 - Davis Bacon and Related Acts and Federal Labor Standards Provisions (HUD-4010)
 - Equal Opportunity provisions
 - Use of certified MBEs, WBEs, and DBEs (Minority/Women/Disadvantaged Business Enterprises) and Section 3 businesses as a subcontractor or a supplier
 - Use of Resources in MBE/WBE/DBE Web Resources (*Attachment 7-R*)
- Submit copy of notes/minutes/record of conference to DEHCR and maintain a copy in the project file (see *Pre-Construction Report Format (Attachment 7-K)*)

COMPLIANCE MONITORING

- The UGLG's Labor Standards Officer must monitor the performance of the contractors in complying with the wage rates and other requirements



COMPLIANCE MONITORING (CONTINUED)

Verify with Weekly Payroll Review:

- **Complete Weekly Payroll Submissions** - Each prime contractor and subcontractor working on the CDBG project must submit payroll records and statements of compliance each week (see *Attachment 7-L* and *Attachment 7-M* for the forms and instructions)
- **Signed Payrolls** – Signed by principal of firm or by an authorized agent
- **Numbered Payrolls** – Payrolls are numbered sequentially from first to final
- **No Work Records** – If payrolls are numbered, no work payrolls are not required. However, it is recommended contractors and sub-contractors that will not be working on the project for a period of time, inform the Labor Standards Officer in writing and provide an approximate date of return.

COMPLIANCE MONITORING (CONTINUED)

Verify with Weekly Payroll Review:

- **Base Wages** – At least minimum base wage + fringe benefit rates are paid
- **Overtime (OT)** – Overtime wages are properly paid at required minimum overtime rates
- **Fringe Benefits** – Benefits qualify as eligible and are properly documented (e.g., health insurance, retirement, life insurance, vacation, training funds, etc. Excludes employer payments or contributions required by other federal, state, or local laws, such as the employer's contribution to Social Security or some other disability insurance payments, etc.)
- Must have record of itemized fringes with hourly dollar values, provided on payroll record or other source documentation (e.g., labor union contract)

COMPLIANCE MONITORING (CONTINUED)

Verify with Weekly Payroll Review:

- **Deductions** – Are allowable and properly documented; authorized by the employee and permitted by DOL Regulations 29 CFR Part 3, such as:
 - Employee obligations for income taxes, Social Security payments, insurance premiums, retirement, savings account, and any other legally-permissible deduction authorized by the employee in writing
 - Payments on judgments and other financial obligations legally imposed against the employee



COMPLIANCE MONITORING (CONTINUED)

Verify with Weekly Payroll Review:

- **Employee classifications** – Conform to the wage decision and rates; additional classification request/decision documentation
 - Multiple classifications - employees may perform work in more than one trade during a week
 - Pay wage rate for each classification if maintaining accurate time records reporting the amount of time spent working in each classification
 - On the payroll, list employee and each classification/hours associated with that work separately (an employee may appear more than once if performing work in multiple classifications)
 - If accurate time records reporting the time spent working in each classification are not kept, the employee must be paid the highest wage rate of all the classifications performed
- **Apprentices and trainees** – Paid correct rate and indentured papers/training certifications are on file
 - May be paid less than the full rate only if registered in bona fide program approved by and registered with the Employment and Training Administration of the USDOL
 - Ratio of journeymen to apprentices under the registered program is applicable to CDBG project site

COMPLIANCE EXAMPLE

*Federal labor standards including CWHSSA apply to contract

	Rates	Fringes
PLUMBER/PIPEFITTER (Including HVAC work)	\$ 38.20	16.72

$$\$38.20 + \$16.72 = \$54.92$$

Plumber worked 8+8+8+10+10= 44 hours

- Straight time rate of \$36.72 + fringe of \$18.40 (\$55.12/hr total)
 - Only need to meet hourly rate and fringes in total
 - Straight time wages ok
 - Overtime of 4 hours
 - Need to meet 1.5 times hourly rate on wage determination or worker's normal rate of pay, whichever is higher, plus regular fringe rate
 - Payroll reported overtime rate of \$55.08/hr (\$36.72 x 1.5) plus regular fringe
 - Overtime wages not sufficient **Actual/paid [insufficient] wages: \$55.08 + \$18.40 = \$73.48 x 4 hours = \$293.92**
- Correct wages:** Overtime Base Rate... \$38.20 x 1.5 ("time-and-a-half") = \$57.30
 Then Add-In Fringes... \$57.30 + \$18.40 = \$75.70 (new hourly rate)
 Then calculate hours... \$75.70 x 4 hours = \$302.80 (corrected total OT)
- Plumber employee is **OWED** underpayment of \$8.88
 - \$26 liquidated damages to federal government for 1 day violation of CWHSSA
 - Liquidated damages penalty may be waived

COMPLIANCE EXAMPLE

(1)		(2)	(3)	(4) DAY AND DATE							(5)	(6)	(7)	(8) DEDUCTIONS				(9)			
NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER		NO. OF WEEKS/EXEMPTIONS	WORK CLASSIFICATION	CR	S	M	T	W	Th	F	Sa	TOTAL HOURS	RATE OF PAY	GROSS AMOUNT EARNED	FICA	WITH-HOLDING TAX	WT Withholding	OTHER	TOTAL DEDUCTIONS	NET WAGES PAID FOR WEEK	
					10	11	12	13	14	15	16										
Clark Kent 2418 864 School Road Pleasant, WI 52201		1	Power Equipment Operator	O						2.00		2.00	\$72.84	\$2,088.08	\$159.74	\$334.09	\$229.69	\$35.47	\$758.99	\$1,329.09	
Bruce Wayne 5168 N64W9765 Sky Way Yourville, WI 51246		2	Power Equipment Operator Skid Steer Loader	O					5.00			5.00	\$70.11	\$2,220.15	\$169.84	\$333.02	\$222.02	\$110.89	\$835.77	\$1,384.38	
Peter Parker 5216 9538 18th Avenue Pleasant, WI 52201		1	Power Equipment Operator Group 4	O					2.00			2.00	\$70.32	\$2,015.84	\$154.21	\$322.53	\$221.74	\$35.47	\$733.95	\$1,281.89	

What group is this operator in OR what equipment did he operate?



What are these deductions and is there documentation to support the deductions?

- Possible violation of Copeland "Anti-Kickback" Act

COMPLIANCE MONITORING

Monitoring at Work Site:

- **Interview Workers on the Job** - use *Record of Employee Interview (HUD 11) (Attachment 7-N)*
 - Verify that the wages paid, job classification(s), and hours of work reported by the employee in the interview match the payroll records submitted by the contractor (refer to paycheck or paystub during interview, if available)
 - Recommended: Conduct at least one interview for each classification of worker on the job for each contractor and subcontractor

Check the Work Site Signage

- Verify that the required wage rates and other labor standards required posters/notices are posted in a clearly visible location

Keep the site investigation report, payroll records, certifications, and employee interviews in the Labor Standards file

COMPLIANCE ENFORCEMENT

- UGLGs shall take the necessary steps to enforce the requirements when a contractor or subcontractor has not paid the minimum Davis-Bacon wage and benefits or has violated other requirements.



COMPLIANCE ENFORCEMENT (CONTINUED)

Underpayment is less than \$1,000:

- Ensure contractor makes restitution payment(s)
- Assess penalty (\$26 per employee per day) if underpayment involved CWHSSA overtime
 - Penalty may be waived



COMPLIANCE ENFORCEMENT (CONTINUED)

Underpayment is \$1,000 or more:

- Investigate and submit Section 5.7 Enforcement Report
- Assess penalty (\$26 per employee per day) if underpayment involved CWHSSA overtime
 - Penalty may be waived



COMPLIANCE ENFORCEMENT (CONTINUED)

All enforcement actions shall be carried out in writing and have the following information in the file:

- Description of the violation
- Sources of information about the violation
- Complaints and other statements from employees should be in writing and signed
- Computation of the back wages due to each employee
- Computation of the liquidated damages, if any
- Actions taken by the contractor to correct the violation, if any
- Copies of supplemental payrolls and/or check stubs, if any

COMPLIANCE ENFORCEMENT (CONTINUED)

- Required Reports:
 - *Semi-Annual Labor Standards Enforcement Report (Attachment 9-C)*
 - *Section 5.7 Enforcement Report (Attachment 7-O)- if needed*
 - *Final Labor Standards Compliance Report (Attachment 7-P)*
- To document HUD compliance, DEHCR must receive all applicable labor standards reports before the final Request for Payment will be processed



LABOR STANDARDS DOCUMENT SUBMISSIONS TO DEHCR

- *Labor Standards Officer Designee form (Attachment 7-C)*
- *Record of Wage Decision Selection (Attachment 7-D)*
- *Additional Classification Report (Attachment 7-E)- if needed*
- *Advertisement For Bids (Attachment 7-F) or the bid advertisement*
- *Bid Tabulation Summary*
- *Notice of Contractor Award form (Attachment 7-H)*
- *Force Account Affidavit (Attachment 7-Q), if applicable*
- *Pre-Construction Report (Attachment 7-K) or similar record of Pre-Construction Conference, if needed*
- *Semi-Annual Labor Standards Enforcement Report (Attachment 9-C)*
- *Section 5.7 Enforcement Report (Attachment 7-O)- if needed*
- *Final Labor Standards Report (Attachment 7-P)*

LABOR STANDARDS FILE CONTENTS

- *Labor Standards Officer Designee form (Attachment 7-C)*
- *Record of Wage Decision (Attachment 7-D)*
- Wage Decision Modification(s)
- *Additional Classification Report (Attachment 7-E)- if needed*
- Construction Bid Advertisement Affidavit of Publication (see *Attachment 7-F* for sample advertisement)
- Bid Documents with all Labor Standards and Other Notifications

LABOR STANDARDS FILE CONTENTS (CONTINUED)

- Contractor eligibility clearance records (SAM.gov debarment checks)
- Documentation of disclosure and review of potential conflicts of interest (see *Attachment 3-B and 3-C* for recommended forms)
- Completed *Lobbying Certification Form (Attachment 3-D)*
- *Disclosure of Lobbying Activities Form (Attachment 3-E)*- if needed
- Copy of the executed contract(s)
- Copies of all executed subcontract(s)
- Bid Tabulation Summary
- *Notice of Contractor Award form (Attachment 7-H)*
- *Force Account Affidavit (Attachment 7-Q)*- if needed
- *Pre-Construction Checklist for Contractors (Attachment 7-J)* and *Pre-Construction Report Format (Attachment 7-K)* or similar record of Pre-Construction Conference, if needed²⁶⁷

LABOR STANDARDS FILE CONTENTS (CONTINUED)

- Weekly payroll records (*Attachment 7-L and Attachment 7-M*)
- Documentation of fringe benefits
- Documentation of legally-permissible deductions
- Apprenticeship indentured papers and training certifications-
if needed
- Employee interview records (i.e., completed HUD-11 forms)
(*Attachment 7-N*)



LABOR STANDARDS FILE CONTENTS (CONTINUED)

- Documentation of underpayment restitution- if needed
- *Semi-Annual Labor Standards Enforcement Reports (Attachment 9-C)*
- *Section 5.7 Enforcement Reports (Attachment 7-O) - if needed*
- *Final Labor Standards Compliance Report (Attachment 7-P)*



HELPFUL WEBSITES

- HUD Labor Standards Enforcement Guidance:
https://portal.hud.gov/hudportal/HUD?src=/program_offices/davis_bacon_and_labor_standards/OLRLibrary
- U.S. Department of Labor Wage and Hour Division:
<https://www.dol.gov/whd/>
- WI Department of Workforce Development Prevailing Wage Overview:
https://dwd.wisconsin.gov/er/labor_standards/prevailing_wage_rate/
- U.S. Department of Labor Wage Determinations Online:
<http://www.wdol.gov/>

**Website links subject to change*



LABOR STANDARDS SUMMARY QUESTIONS

1. Who is responsible for obtaining a federal wage decision?
2. When should wage decisions be checked?
3. How often must contractor payrolls be submitted?
4. What documents must be checked to ensure compliance with the Copeland Anti-Kickback Act?
5. What form needs to be submitted if underpayments for a contractor are \$1,000 or more?
6. How many times per year is the Semi-Annual Labor Standards Enforcement Report due?

QUESTIONS?

Email: DOACDBG@Wisconsin.gov

