

# Labor Standards/Prevailing Wage Packet

HOME Projects subject to Labor Standards and the payment of prevailing wages are those projects in which HOME funds are assisting 12 or more units. This packet contains information and documents that will assist you in meeting the labor standards requirements. Additional information regarding labor standards requirements can be found in the HOME Handbook.

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## List of Figures:

Figure L-A is the only form that needs to be completed and sent to DOH. All other figures except L-K are required documents that must be made part of the project file. DOH will monitor for these documents. Figure L-K is an optional tracking guide.

Figure L-A	Request for Wage Determination Please complete and send form to DOH
Figure L-B	Federal Labor Standards Provisions (Insert in bid specifications/construction contract)
Figure L-C	Contractor's Certification of intent to comply with labor standards and prevailing wages
Figure L-D	Subcontractor's Certification of intent to comply with labor standards and prevailing wages
Figure L-E	Pre-Construction Conference Report
Figure L-F	Additional Work Classifications
Figure L-G	Certified Payroll
Figure L-H	Record of Employee Interview
Figure L-I	Acceptable Apprenticeship Practices
Figure L-K	Labor Standard Compliance Tracking Sheet

## REQUEST FOR WAGE DETERMINATION

Date of Request \_\_\_\_\_

Funding Program:  CDBG Small Cities  HOME  Other \_\_\_\_\_

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### Project Information:

Project Name: \_\_\_\_\_

Contract/Project #: \_\_\_\_\_

Project Location: \_\_\_\_\_

Address: \_\_\_\_\_

**County:** \_\_\_\_\_

If Housing Units: # of \_\_\_\_\_ # of \_\_\_\_\_ If HOME project, #  
Stories: Units: of Home Assisted  
Units: \_\_\_\_\_

Type of Work:  Building  Residential  Heavy  Highway

(See page 2 for definitions of type of work)

Project Description: \_\_\_\_\_

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### Advertising & Bidding Information

Estimated Advertising Date: _____	Estimated Bid Opening Date: _____
Estimated Value of Contract: _____	Prior Wage Decision Issued (If Applicable) _____

### Contact Information:

Name & Title of Person Requesting Wages
Telephone # _____ Fax: _____
E-Mail Address: _____
Address to which wage determination should be sent: _____ _____

## ***Instructions to Request for Wage Determination***

Please fill out this form (S-715), completely and with as much detail as possible. Completeness and detail will lead to a faster reply.

**Contract/Project #:** is the number assigned by DOH

**Project Description:** please provide a brief description of the work

**If Housing Units: # of Stories** – number of floors/stories in the building

**# of Units:** Total number of units in the project

**If Home, # of HOME Assisted Units:** Provide the number of units that will be receiving HOME funding.

**Type of Work\*:** Building, Heavy, Highway and Residential

Building Construction\*: generally is the construction of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment, or supplies. It includes all construction of such structures, the installation of utilities and the installation of equipment, both above and below ground.

Heavy Construction\*: projects that are not properly classified as either "building" or "highway", or "residential". Unlike these classifications, all nature, projects within the heavy classification may sometimes be distinguished on the basis of their particular project characteristics, and separate schedules issued. For example, separate schedules issued for dredging projects, water and sewer line projects, dams, major bridges, and flood control projects.

Highway Construction\*: includes the construction, alteration or repair of roads, streets, highways, runways, taxiways, alleys, paths, parking areas, and other similar projects not incidental to building or heavy construction.

Residential Construction\*: construction, alteration, or repair of single-family houses or apartment buildings of no more than four (4) stories in height. This includes all incidental items such as site work, parking areas, utilities, streets and sidewalks.

### **Contact Information:**

If you wish to receive the wage decision issued for your project by e-mail. Please provide your e-mail address.

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\* Definitions taken from U.S. Department of Labor's Memorandum No. 130, from Xavier M. Vela, Administrator.

Figure L-B

The following pages contain the Federal Labor Standards Provisions (HUD 4010). This language must be incorporated into the construction specifications and contract. This form can also be found at the following web site:

[http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_12586.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12586.pdf)

Applicability

The Project or Program to which the construction work covered by this contract pertains is being assisted by the United States of America and the following Federal Labor Standards Provisions are included in this Contract pursuant to the provisions applicable to such Federal assistance.

**A. 1. (i) Minimum Wages.** All laborers and mechanics employed or working upon the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. Contributions made or costs reasonably anticipated for bona fide fringe benefits under Section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of 29 CFR-5.5(a)(1)(iv); also regular contributions made or costs incurred for more than a weekly period (but not less of often than quarterly) under plans, funds, or programs, which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR Part 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, that the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under 29 CFR Part 5.5(a)(1)(ii) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible, place where it can be easily seen by the workers.

**(ii)(a)** Any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. HUD shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

- (1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and
- (2) The classification is utilized in the area by the construction industry; and
- (3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

**(b)** If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and HUD or its designee agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by HUD or its designee to the Administrator of the Wage and Hour Division, Employment Standards Administration, U. S. Department of Labor, Washington, D. C. 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise HUD or its designee within the 30-day period that additional time is necessary. (Approved by the Office of Management and Budget under OMB control number 1215-0140.)

**(c)** In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and HUD or its designee do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), HUD or its designee shall refer the questions, including the views of all interested parties and the recommendation of HUD or its designee, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise HUD or its designee or will notify HUD or its designee within the 30-day period that additional time is necessary. (Approved by the Office of Management and Budget under OMB Control Number 1215-0140.)

**(d)** The wage rate (including fringe benefits where appropriate) determined pursuant to subparagraphs (1)(b) or (c) of this paragraph, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

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

**(iv)** If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided: that the Secretary of Labor has found, upon the written request of the contractor, that applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program. (Approved by the Office of Management and Budget under OMB Control Number 1215-0140.)

**2. Withholding.** HUD or its designee shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees and helpers, employed by the contractor or any subcontractor the full amount of wages required by the

contract. In the event of failure to pay any laborer or mechanic, including apprentices, trainees and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee or helper, employed or working on the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), all or part of the wages required by the contract, HUD or its designee may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased. HUD or its designee may, after written notice to the contractor, disburse such amounts withheld for and on account of the contractor or subcontractor to the respective employees to whom they are due. The Comptroller General shall make such disbursements in the case of direct Davis-Bacon Act contracts.

**3. (i) Payrolls and basic records.** Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work (or under the United States Housing Act of 1937, or under the Housing Act of 1949, in the construction or development of the project). Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in Section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in Section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs. (Approved by the Office of Management and Budget under OMB Control Numbers 1215-0140 and 1215-0017.)

**(ii) (a)** The contractor shall submit weekly for each week in which a contract work is performed a copy of all payrolls to HUD or its designee if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit the payrolls to the applicant, sponsor, or owner, as the case may be, for transmission to HUD or its designee. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR Part 5.5(a)(3)(i). This information may be submitted in any form desired. Optional Form WH-347 is available for this purpose and may be purchased from the Superintendent of Documents (Federal Stock Number 029-005-00014-1), U. S. Government Printing Office, Washington, DC 20402. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. (Approved by the Office of Management and Budget under OMB Control Number 1215-0149.)

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

**(1)** That the payroll for the payroll period contains the information required to be maintained under 29 CFR Part 5.5(a)(3)(i) and that such information is correct and complete;

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

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

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

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

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

#### **4. Apprentices and Trainees.**

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

be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen's hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Bureau of Apprenticeship and Training, or a State Apprenticeship Agency recognized by the Bureau, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

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

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

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

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

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

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

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

**10. (i) Certification of Eligibility.** By entering into this contract the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of Section 3(a) of the Davis-Bacon Act or 29 CFR Part 5.12(a)(1) or to be awarded HUD contracts or participate in HUD programs pursuant to 24 CFR Part 24

**(ii)** No part of this contract shall be subcontracted to any person or firm ineligible for award of Government contract by virtue of Section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1) or to be awarded HUD contracts or participate in HUD programs pursuant to 24 CFR Part 24.

**(iii)** The penalty for making false statements is prescribed in the U. S. Criminal Code, 18 U.S.C. 1001. Additionally, U. S. Criminal Code, Section 1 01 0, Title 18, U.S.C., "Federal Housing Administration transactions", provides in part "Whoever, for the purpose of ... influencing in any way the action of such Administration ... makes, utters or publishes any statement, knowing the same to be false....shall be fined not more than \$5,000 or imprisoned not more than two years, or both."

**11. Complaints, Proceedings, or Testimony by Employees.** No laborer or mechanic to whom the wage, salary, or other labor standards provisions of this Contract are applicable shall be discharged or in any other manner discriminated against by the Contractor or any subcontractor because such employee has filed any complaint or instituted or caused to be instituted any proceeding or has testified or is about to testify in any proceeding under or relating to the labor standards applicable under this Contract to his employer.

**B. Contract Work Hours and Safety Standards Act.** As used in this paragraph, the terms "laborers" and "mechanics" include watchmen and guards.

**(1) Overtime requirements.** . No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such

laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

**(2) Violation; liability for unpaid wages; liquidated damages.** In the event of any violation of the clause set forth in subparagraph (1) of this paragraph, the contractor and any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under, contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in subparagraph (1) of this paragraph, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in subparagraph (1) of this paragraph.

**(3) Withholding for unpaid wages and liquidated damages.** HUD or its designee shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contract, or any other Federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor such sums as may be determined to be necessary to satisfy any

liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in subparagraph (2) of this paragraph.

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

C. Health and Safety

**(1)** No laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction safety and health standards promulgated by the Secretary of Labor by regulation.

**(2)** The Contractor shall comply with all regulations issued by the Secretary of Labor pursuant to Title 29 Part 1926 (formerly 1516) and failure to comply may result in imposition of sanctions pursuant to the Contract Work Hours and Safety Standards Act (Public Law 91-54, 83 Stat. 96).

**(3)** The Contractor shall include the provisions of this Article in every subcontract so that such provisions will be binding on each subcontractor. The Contractor shall take such action with respect to any subcontract as the Secretary of Housing and Urban Development or the Secretary of Labor shall direct as a means of enforcing such provisions.



HOME Investment Partnership Program  
**CONTRACTOR'S CERTIFICATION**  
CONCERNING LABOR STANDARDS AND PREVAILING WAGE REQUIREMENTS

To: (Department, Agency, or Bureau)	Date
c/o	Project Number
	Project Name

1. The undersigned, having executed a contract with \_\_\_\_\_ for the construction of the above-identified project, acknowledges that:
  - a) The Labor Standards provisions are included in the aforesaid contract;
  - b) Correction of any infractions of the aforesaid conditions, including infractions by any of his subcontractors and any lower tier subcontractors, is his responsibility;
2. Certifies that:
  - a) Neither he nor any firm, partnership or association in which he has substantial interest is designated as an ineligible contractor by the Comptroller General of the United States pursuant to Section 5.6 (b) of the Regulations of the Secretary of Labor, Part 5 (29 CFR, Part 5) or pursuant to Section 3(a) of the Davis-Bacon Act, as amended (40 U.S.C. 276a-2(a)).
  - b) No part of the aforementioned contract has been or will be subcontracted to any subcontractor if such subcontractor or any firm, corporation, partnership or association in which such subcontractor has a substantial interest is designated as an ineligible contractor pursuant to any of the aforementioned regulatory or statutory provisions.
3. Agrees to obtain and forward to the aforementioned recipient within ten days after the execution of any subcontract, including those executed by his subcontractors and any lower tier subcontractors, a Subcontractor's Certification Concerning Labor Standards and Prevailing Wage Requirements executed by the subcontractors.

a) The legal name and the business address of the undersigned are:

b) The undersigned is:

- Single Proprietorship
- Partnership
- Corporation Organized in the State of \_\_\_\_\_
- Other Organization (describe) \_\_\_\_\_

c) The name, title and address of the owner, partners or officers of the undersigned are:

Name	Title	Address

d) The names and addresses of all other persons, both natural and corporate, having a substantial interest in the undersigned, and the nature of the interest are (if none, so state):

Name	Title	Nature of Interest

e) The names, addresses and trade classifications of all other building construction contractors in which the undersigned has a substantial interest are (If none, so state):

Name	Title	Trade Classification

Date: \_\_\_\_\_

\_\_\_\_\_  
(Contractor)

By \_\_\_\_\_

**WARNING**

U. S. Criminal Code, Section 1010, Title 18, U. S. C., provides in part: "Whoever, . . . makes, passes, utters or publishes any statement, knowing the same to be false . . . shall be fined not more than \$5,000 or imprisoned not more than two years, or both."

HOME Investment Partnership Program  
SUBCONTRACTOR'S CERTIFICATION  
CONCERNING LABOR STANDARDS AND PREVAILING WAGE REQUIREMENTS

To: (Department, Agency, or Bureau)	Date
c/o	Project Number
	Project Name

1. The undersigned, having executed a contract with \_\_\_\_\_ for \_\_\_\_\_ (contractor or subcontractor) (nature of work) in the amount of \$ \_\_\_\_\_ in the construction of the above-identified project, certifies that:

a) The Labor Standards Provisions of The Contract For Construction are included in the aforesaid contract,

b) Neither he/she nor any firm, corporation, partnership or association in which he/she has a substantial interest is designated as an ineligible contractor by the Comptroller General of the United States pursuant to Section 5.6 (b) of the Regulations of the Secretary of Labor, Part 5 (29 CFR, Part 5), or pursuant to Section 3(a) of the Davis-Bacon Act, as amended (40 USC 276a 2(a)),

c) No part of the aforementioned contract has been or will be subcontracted to any subcontractor if such subcontractor or any firm, corporation, partnership or association in which such subcontractor has a substantial interest is designated as an ineligible contractor pursuant to the aforesaid regulatory or statutory provisions.

2. He/She agrees to obtain and forward to the contractor, for transmittal to the recipient, within ten days after the execution of any lower subcontract, a Subcontractor's Certification Concerning Labor Standards and Prevailing Wage Requirements, executed by the lower tier subcontractor, in duplicate.

The workmen will report for duty on or about \_\_\_\_\_ (date).

3. He/She certifies that:

a) The legal name and the business address of the undersigned are:

b) The undersigned is:

- Single Proprietorship
- Partnership
- Corporation Organized in the State of \_\_\_\_\_
- Other Organization (describe) \_\_\_\_\_

c) The name, title and address of the owner, partners or officers of the undersigned are:

Name	Title	Address

d) The names and addresses of all other persons, both natural and corporate, having a substantial interest in the undersigned, and the nature of the interest are (if none, so state):

Name	Title	Nature of Interest

e) The names, addresses and trade classifications of all other building construction contractors in which the undersigned has a substantial interest are (If none, so state):

Name	Title	Trade Classification

Date: \_\_\_\_\_

\_\_\_\_\_  
(Contractor)

By \_\_\_\_\_

**WARNING**

U. S. Criminal Code, Section 1010, Title 18, U. S. C., provides in part: "Whoever, . . . makes, passes, utters or publishes any statement, knowing the same to be false . . . shall be fined not more than \$5,000 or imprisoned not more than two years, or both."

# Federal Labor Standards Requirements Preconstruction Conference Minutes

Pursuant to: HUD Handbook 1344.1, REV-1, CHG-1, Federal Labor Standards Compliance in Housing and Community Development Programs - Chapter 2, 2-11 Figure L-E

Agency		Conference Date		
Conference Location				
Project Name			Project Number	
Project Location		Prime Contractor		
Project Description				
Bid Opening Date	Contract Award Date	Construction Start Date	Wage Decision No.	Prime Contract Amount

**CHECK ALL THAT APPLY:**

- The preconstruction conference included all available subcontractors (if not, explain).
- The contractors were advised of their obligations regarding the labor standards provisions. Provisions are incorporated in the prime/subcontracts.
- The contractors were advised of their obligations regarding the wage determination contained in the contract documents. The applicable wage decision is incorporated in the prime/subcontracts.
- The contractors were advised that payrolls must identify all workers (laborers & mechanics) on the project.
- The prime contractor was advised that it is responsible for the payment of employees of subcontractors and lower tier subcontractors.

**The following principal subjects were discussed in detail; additional items covered are described in any detailed minutes attached. Supplementary materials were provided to participants.**

- Eligibility Requirements** - contractor certification in contract documents
- Posting Requirements** - DOL Notice; applicable wage decision; any additional classifications
- Payment** - all workers must be paid not less than once per week
- Additional Classifications** -
- CWHSSA Overtime Requirements** - applicable to prime contracts of \$100,000 or more (FLSA overtime may still apply)
- Fringe Benefits** - requirements for credit; when DOL approval is needed
- Apprentices** - certification requirements; ratio requirements
- Payroll Format** - DOL Form WH347 [ALL WORKERS MUST BE IDENTIFIED ON THE CERTIFIED PAYROLLS]
  - a. permissible deductions
  - b. split classifications
  - c. "self-employed" workers
  - d. "piece rate" work
  - e. permissible deductions
  - f. split classifications
  - g. "self-employed" workers
  - h. "piece rate" work
- Employee Interviews** - contractor will permit access; interviews are confidential
- Sanctions** - partial withholding / suspension of payment; liquidated damages; debarment

Agency Representative Name  **RECORD OF PARTICIPANTS ATTACHED**

Agency Representative Title  **DETAILED MINUTES ATTACHED**

### Additional Work Classification

If the wage determination does not include a work classification needed for the construction of the project. HUD may approve an additional classification and wage rate.

At the pre-construction conference, the wage determination should be reviewed with the contractor and other attendees for the purpose of identifying any classifications missing from the wage decision that will be required for the construction of the project. If the work classification is not on the wage decision, you will need to request an additional classification and wage rate.

The Contractor will recommend a wage rate for the work classification needed. To gain approval of an additional classification the proposed rate must adhere to the following rules:

1. The requested classification is used by construction contractors in the area of the project. (The area is usually defined as the county where the project is located.)
2. The work that will be performed by the requested classification is not already performed by another classification that is already on the wage decision. (In other words, if there already is an Electrician classification and wage rate on the wage decision you can't request another Electrician classification and rate.)
3. The proposed wage rate for the requested classification "fits" with the other wage rates already on the wage decision. (For example, the wage rate proposed for a trade classification such as Electrician must be at least as much as the lowest wage rate for other trade classifications already contained in the wage decision.) And,
4. The workers that will be employed in the added classification (if it is known who the workers are/will be), or the workers' representatives, must agree with the proposed wage rate.

The following letter and form should be used when requesting additional classifications. When completed, the form and letter should be sent to your DOH Program Manager. DOH will then forward this form to HUD/US DOL for approval of the additional wage rate(s).

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#### Sample Contractor's Letter to Request to Additional Classifications

Contractor/Subcontractor Letterhead

Date

To: Prime Contractor/Agency  
Address

Dear:

Subject: Project Name/Project Number  
Project Location  
Applicable Wage Decision Number

This will request the addition of the following classifications and wage rates to the wage decision applicable to the subject project:

<u>Classification</u>	<u>Wage Rate</u>	<u>Fringe Benefits</u>
Iron Worker	\$##.##	\$##.##
Tile Setter	\$##.##	\$##.##

Employees performing work in the requested classifications concur in the proposed wage rates.

Sincerely,

Name  
Title

**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
REPORT OF ADDITIONAL CLASSIFICATION AND RATE**

**DATE OF REPORT**

**TO:** (Appropriate Regional Office, U.S. Department of Labor)

**FROM:** (Name and Location of HUD Office)

**U.S. DEPARTMENT OF LABOR  
EMPLOYMENT STANDARDS ADMINISTRATION  
WAGE-HOUR / DIVISION OF CONSTRUCTION  
WAGE RATE DETERMINATION - ROOM S-3012  
WASHINGTON, DC 20210**

**NAME OF PROJECT**

**PROJECT NUMBER**

**LOCATION OF PROJECT** (City, County and State)

**CONTRACT BID OPENING DATE:** \_\_\_\_\_

**CONTRACT AWARD DATE:** \_\_\_\_\_

**DESCRIPTION OF WORK** (Also attach copy of applicable wage decision)

In order to complete the project, it is necessary to establish wage rates for the following classifications not included in the U.S. Department of Labor Wage Determination Decision No. \_\_\_\_\_ Dated \_\_\_\_\_

**CLASSIFICATIONS**

**BASIC HOURLY RATE (S)**

**FRINGE BENEFIT PAYMENTS**

**NAME, ADDRESS & ZIP CODE OF LABOR ORGANIZATION**

**NAME, ADDRESS & ZIP CODE OF PRIME CONTRACTOR**

**TITLE OF LABOR ORGANIZATION REPRESENTATIVE**

**TITLE OF CONTRACTOR'S REPRESENTATIVE**

Supporting documents attached.  
 The interested parties, including the employees or their authorized representatives, agree on the classification and wage rate.  
 The interested parties, including the employees or their authorized representatives, cannot agree on the proper classification and wage rate.  
 A determination of the question by the Secretary of Labor is therefore requested. Available information and recommendations are attached.

**APPROVED**

\_\_\_\_\_  
(Signature of HUD Area Insuring Office Representative)

\_\_\_\_\_  
(Signature of HUD Regional Labor Relations Officer)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## **Certified Payroll**

The HUD sample payroll form WH-347 is on the following page. This payroll can also be found at the following web site:

<http://www.dol.gov/whd/forms/wh347.pdf>

Contractors are allowed to use their computerized payrolls, as long as, they provide all the information that is requested on the federal form, and, as long as, the Statement of Compliance (back side of payroll) is signed and submitted with each payroll.

## INSTRUCTIONS FOR COMPLETING CERTIFIED PAYROLL

General: The use of the Certified Payroll (DTDS-720) is not mandatory. This form has been made available for the convenience of contractors and subcontractors required by Federal or Federally-aided construction contracts to submit weekly payrolls. Properly filled out, this will satisfy the requirements of Regulations Part 3 and 5 (29 CFR Subtitle A) as to payrolls submitted in connection with contracts subject to the Davis-Bacon and related Acts.

This form 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 not less than fringe benefits as predetermined by the Department of Labor, in addition to payment of not less than the predetermined wage rates. The contractor's obligation to pay fringe benefits may be met either by payment of the fringes to the various plans, funds, or programs, or by making those payments to employees as cash.

This payroll provides for the contractor's showing on the face of the payroll all monies paid to the employees, whether as basic rates or as cash in lieu of fringes, and provides for the contractor's representation in the statement of compliance on the rear of the payroll that he is paying to other fringes required by the contract and not paid as cash in lieu of fringes. Detailed instructions concerning the preparation of the payroll follow:

Contractor or Subcontractor: Fill in your firm's name and check appropriate box.

Address: Fill in your firm's address.

Column 1 - Name, Address, and Social Security number of Employee: The employee's full name must be shown on each weekly payroll submitted. The employee's address must also be shown on the first week in which the employee works on the project. The address need not be shown on fringe amounts predetermined as fringe benefits in the wage decision made part of the contract. See "FRINGE BENEFITS" below.

FRINGE BENEFITS - 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 the payroll the basic cash hourly rate and overtime rate paid to his employees just as he has always done. Such a contractor shall check paragraph 4(a) of the statement on the reverse of the payroll 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 exceptions shall be noted in Section 4(c).

Contractors who Pay no fringe benefits: A contractor who pays no fringe benefits shall pay to the employee, and insert in the straight time hourly rate 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 applicable wage decision. Inasmuch as 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 basic or regular rate. In addition, the contractor shall check paragraph 4(b) of the statement on the reverse of the payroll 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 to plans, funds, or programs as fringes. The contractor shall pay and shall show that he is paying to each such employee for all hours worked (unless otherwise provided by applicable determination) on subsequent weekly payrolls unless his address changes. Although not required by Regulations Parts 3 and 5, space is available in the name and address section so the Social Security numbers may be listed.

Column 2 - Withholding Exemptions: This column is merely inserted for the employer's convenience and is not a requirement of Regulations, Parts 3 and 5.

Column 3 - Work Classifications: List classifications descriptive of work actually performed by employees. Consult classifications and minimum wage schedule set forth in contract specifications. If additional classifications are deemed necessary, see Contracting Officer or Agency representative. Employee may be shown as having worked in more than one classification provided accurate breakdown of hours so worked is maintained and shown on submitted payroll by use of separate line entries.

Column 4 - Hours Worked: On all contracts subject to the Contract Work Hours Standards Act enter as overtime hours all hours worked in excess of 40 hours a week.

Column 5 - Total: Self explanatory

Column 6 - Rate of Pay, including Fringe Benefits: In straight time box, list actual hourly rate paid the employee for straight time worked plus and cash in lieu of fringes paid the employee. When recording the straight time hourly rate, any cash paid in lieu of fringes may be shown separately from the basic rate. This is of assistance in correctly computing overtime. See "Fringe Benefits" below. In overtime box show overtime hourly rate paid plus any cash in lieu of fringes paid the employee. 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 Standards Act of 1962. In addition to paying not less than the predetermined rate for the classification in which the employee works; the contractor shall pay to approved plans, funds, or programs or shall pay as cash in lieu of Federal or Federally assisted project an amount not less than the predetermined rate plus cash in lieu of fringes as shown in Section 4(c). The rate paid and amount of cash paid in lieu of fringe benefits per hour should be entered in column 6 on the payroll. See paragraph on "Contractors who pay no fringe benefits" for computation of overtime rate.

Column 7 - Gross Amount Earned: Enter gross amount earned on this project. If part of the employee's weekly wage was earned on projects other than the project described on the payroll, enter in column 7 first the amount earned during the week on all projects, thus \$63.00/120.00.

Column 8 - Deductions: Five columns are provided for showing deductions made. If more than five deductions should be involved, use first 4 columns, show the balance of deductions under "Other" column, show actual total under "Total Deductions" column, and in the attachment on the payroll describe the deductions contained in the "Other" column. All deductions must be in accordance with the provisions of the Copeland Act Regulations, 29 CFR, Part 3. If the employee worked on other jobs in addition to this project, show actual deductions from his weekly gross wage, but indicate that deductions are based on his gross wage.

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

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

Statement Required by Regulations, Part 3 and 5: While this form need not be notarized, the statement on the back of the payroll is subject to the penalties, provided by 18 UBC 1001, namely possible imprisonment for 5 years or \$10,000.00 fine or both. Accordingly, the party signing this required statement should have knowledge of the facts represented as true.

Space has been provided between items (1) and (2) of the statement describing any deductions made. If all deductions made are adequately described in the "Deductions" column above, state "See Deductions column in this payroll". See paragraph entitled "FRINGE BENEFITS" above for instructions concerning filling out paragraph 4 of the statement.



**RECORD OF EMPLOYEE INTERVIEW**

Project Name: \_\_\_\_\_  
Contract Number: \_\_\_\_\_  
Contractor/Subcontractor (Employer) \_\_\_\_\_

1.	Name of Employee:	
2.	Home Address:	
3.	Last date worked before today:	
4.	Hourly pay rate:	
5.	Do you receive any benefits	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If so what kind?	
6.	Job Classification:	
	Apprentice	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.	Duties:	
8.	Tools or Equipment used:	
9.	Paid at least time and one-half for all hours worked over 40 in a week?	<input type="checkbox"/> Yes <input type="checkbox"/> No
10.	Ever threatened, intimidated, or coerced into giving up any part of pay?	<input type="checkbox"/> Yes <input type="checkbox"/> No

11. Duties observed by interviewer: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Signature of Interviewer: \_\_\_\_\_  
Date of Interview: \_\_\_\_\_

---

**PAYROLL EXAMINATION**

14. Remarks: \_\_\_\_\_  
\_\_\_\_\_

15. Signature of payroll examiner: \_\_\_\_\_  
Date: \_\_\_\_\_

## ACCEPTABLE APPRENTICESHIP PRACTICES

1. To be eligible to employ apprentices, any contracting organization engaged in any part of the construction of a HOME-funded project must be able to identify itself as a participant in the state or federally-approved apprentice training program.

These apprentice training programs are of two general types:

- (a) An area-wide program covering a specific trade (or trades) supervised by a joint committee representing the participating contractors and local union. In such cases, the participating contractor can obtain evidence that the program and the apprentices he employs thereunder have been properly registered.
- (b) An individual program involving one company, with or without a bargaining agreement. In this case the contractor should have in his own files a copy of the registered apprenticeship program or apprenticeship agreement with the State Apprenticeship Agency or, where none exists, with the Bureau of Apprenticeship, U.S. Dept. of Labor.

2. For a contractor or any subcontractor to be eligible to employ an apprentice on any HOME project, he must:

- (a) Be certain that his apprentice training program (including a program operated by a Joint' Apprenticeship Committee in which he is a participant) and all apprentices to be employed on the project are registered with the appropriate apprenticeship agency and that he has, or can easily obtain, proof of such registration.
- (b) He must submit to the appropriate staff person of the sponsor with his payrolls evidence of the registration of each apprentice the first time such apprentice's name appears on a payroll.

Evidence of such registration may be any one of the following: A true or photo static copy of the apprenticeship agreement showing the approval of the appropriate state or federal apprenticeship agency; a list of apprentices, including those employed by the contractor, showing approval of the appropriate apprenticeship agency and respective dates of registration; a written statement from a member of a Joint Apprenticeship Committee not a party to the project contract certifying that the named apprentices are employed under the supervision of the JAC and are registered with the named state or federal apprenticeship agency.

3. The responsibility for enforcing the requirements set forth in 1 and 2 above rests directly on the general contractor, not only with respect to his/her own employees, but with respect to the employees of any subcontractor under his general contract.

4. The Bureau of Apprenticeship and some of the State Apprenticeship Agencies maintain field representatives in the heavily populated areas. The state or federal apprenticeship representatives are currently informed concerning apprenticeship training practices in their areas. They are available to provide information to contractors seeking to set up apprentice programs consistent with the standards of the state or federal registration agency. They are also available to provide information and assistance to sponsor staff upon request.

**Labor Poster**

The “Notice to all Employees” (Labor Poster) on the following two pages must be posted at the construction site. This notice informs workers that they must be paid at least the minimum wage listed in the applicable wage decision, that they must receive overtime compensation for every hour worked over 40 in a work week, and that only apprentice rates apply to properly registered apprentices. The contact name to be completed on this poster is the name of the staff person responsible for ensuring labor compliance on this project.



## SPONSOR CHECKLIST FOR COMPLIANCE WITH LABOR STANDARDS PROVISIONS

Figure L-K

Sponsor Compliance Officer: \_\_\_\_\_  
 Project Name & Number: \_\_\_\_\_

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<input type="checkbox"/>	Date of Request for Wage Determination	
<input type="checkbox"/>	Wage Determination Decision Number	
<input type="checkbox"/>	Bid Advertising Date	
<input type="checkbox"/>	Date Updated Wages with DOH (10 days before bid opening) Updated Wage Decision Number	
<input type="checkbox"/>	Bid Opening Date	
<input type="checkbox"/>	Date of Verification of Contractor's/ Subcontractor's eligibility - call DOH or <a href="http://das.ct.gov/cr1.aspx?page=34">http://das.ct.gov/cr1.aspx?page=34</a>	
<input type="checkbox"/>	Date of Contract Award	
<input type="checkbox"/>	Amount of Contract	
<input type="checkbox"/>	Date of Pre-construction Conference	
<input type="checkbox"/>	Contractor/Subcontractor Certification Forms	
<input type="checkbox"/>	Apprentice/Trainees Registration Records	
<input type="checkbox"/>	Construction Start Date	
<input type="checkbox"/>	Posting of Wage Decision at Work Site	
<input type="checkbox"/>	Posting of Labor Poster at Work Site	
<input type="checkbox"/>	Employee Interviews Conducted	
<input type="checkbox"/>	Payrolls submitted weekly and checked against wage decision	
<input type="checkbox"/>	When applicable, corrected payrolls completed and wage restitution made.	