

Community Development Block Grant Labor Standards Policy and Procedures

The following procedures are utilized in the governance of Section 3,
Davis-Bacon and Labor Standards Compliance through City of
Chipley CDBG DR and MIT Projects

Section 3 of the Housing and Urban Development Act of 1968

The City of Chipley shall comply with **Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u)** and its implementing regulations at **24 CFR Part 75** for all applicable Community Development Block Grant (CDBG) funded projects.

It is the policy of the City to ensure that, **to the greatest extent feasible**, economic opportunities generated by HUD-funded projects are directed to **low- and very low-income persons** and to **Section 3 business concerns**, particularly those residing within the service area of the project.

This policy applies to:

- Contractors and subcontractors receiving HUD assistance in excess of \$100,000; and
- The City and any subrecipients receiving HUD funding exceeding \$200,000 for covered activities.

Commitment to Section 3 Compliance

The City shall implement procedures and best practices designed to:

- Promote employment, training, and contracting opportunities for Section 3 workers and Targeted Section 3 workers;
- Encourage participation of Section 3 business concerns in all applicable procurement activities;
- Ensure contractors and subcontractors understand and comply with Section 3 requirements; and
- Document all actions taken to meet or exceed HUD-established benchmarks.

Eligibility and Definitions

The City recognizes individuals as Section 3 workers if they meet one or more of the following criteria:

- Reside in public or Indian housing;
- Reside in the project service area and have a household income at or below HUD-defined low- or very low-income limits;
- Receive federal housing assistance (e.g., Section 8 or public housing);
- Participate in YouthBuild or similar workforce programs; or
- Self-certify eligibility based on income or participation in a means-tested program.

A business shall be considered a Section 3 business concern if it meets one or more of the following:

- At least 51 percent owned by Section 3 workers;
- At least 30 percent of full-time employees are Section 3 workers (or were within three years of hire); or
- Commits to subcontracting at least 25 percent of total subcontracting dollars to Section 3 business concerns.

Best Efforts Requirement

The City shall ensure compliance with the requirement to provide opportunities “to the greatest extent feasible” by implementing **best efforts strategies**, particularly in instances where numeric benchmarks are not achieved.

Best efforts shall include, but are not limited to:

- Conducting outreach activities such as job fairs and community meetings;
- Partnering with local workforce agencies, educational institutions, and community organizations;
- Advertising employment and training opportunities through multiple channels;
- Structuring contracts to increase accessibility for small and Section 3 businesses;
- Providing or facilitating training, apprenticeship, and capacity-building opportunities; and
- Utilizing technology, social media, and pre-bid conferences to expand outreach.

Recruitment and Outreach

The City shall actively recruit Section 3 workers and Targeted Section 3 workers by:

- Coordinating with Public Housing Authorities, workforce development boards, and community-based organizations;
- Distributing notices of employment and training opportunities in accessible community locations; and
- Engaging local partners to identify qualified candidates and reduce barriers to participation.

Contractor Requirements

All contractors and subcontractors shall be required to:

- Make good faith efforts to meet Section 3 benchmarks;
- Provide documentation of outreach, hiring, and subcontracting efforts;
- Submit required Section 3 reports, including labor hour tracking; and
- Certify their status if qualifying as a Section 3 business concern.

Compliance, Tracking, and Reporting

The City shall:

- Track labor hours performed by Section 3 and Targeted Section 3 workers;
- Maintain documentation of qualitative efforts when benchmarks are not met;
- Ensure all Section 3 activities are properly recorded and reported; and
- Retain records in accordance with CDBG record retention requirements.

Local Resource Utilization

The City encourages the use of local workforce development resources, including organizations that provide job training, apprenticeship programs, and employment placement services, to support compliance with Section 3 requirements.

Policy Enforcement

Failure by contractors or subcontractors to comply with Section 3 requirements may result in corrective actions, including withholding of payments or other remedies as permitted under applicable contracts and regulations.

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The following procedures are utilized in the governance of Davis-Bacon and Labor Standards Compliance through City of Chipley CDBG DR and MIT Projects

1. The City of Chipley will set up and maintain a Labor Standards Compliance file for each of its Federally funded grants.
2. The City of Chipley will utilize its **Labor Standards Compliance Checklist** to ensure compliance with Davis-Bacon (regarding payment of the prevailing wage rate), Contract Work Hours and Safety Act (regarding payment of time and a half), and Anti-Kickback Act of 1986 (regarding deductions of employee payroll).
3. Following the receipt of Florida Department of Commerce's (FloridaCommerce) approval of the full environmental review, and subsequent issuance of the Authority to Use Grant Funds, AND the Project Engineer's completion of the bid documents (plans and specifications) and approval of these bid documents by FloridaCommerce, the City of Chipley and or its Grant Administrator access and download the proper wage decision(s) from the SAM.gov website.
4. When applicable, the Grant Administrator provides the wage decisions to the Project Engineer and to the City of Chipley Project Coordinator.
5. The Project Engineer inserts the wage decisions into the Invitation to Bid (ITB) document's specifications and finalizes the ITB package. The City of Chipley then forward the ITB to FloridaCommerce and once approves utilizes the ITB with the included wage decision to solicit bids for selecting the Prime Construction Contractor.
6. The City of Chipley will hold a Pre-Bid Conference where requirements and responsibilities for compliance with Davis-Bacon (regarding payment of the prevailing wage rate), Contract Work Hours and Safety Act (regarding payment of time and a half), and Anti-Kickback Act of 1986 (regarding deductions of employee payroll) are discussed with the attending contractors. Section 3 requirements are discussed during this meeting as well.
7. Following the solicitation for the Construction Prime Contractor, receipt of and opening of bids, confirmation that the selected contractor is not on the Excluded Parties List, review of vendor registration in SAM.gov, Board approval (contingent on FloridaCommerce approval of the procurement) and Notice of Award; a **Pre-Construction meeting** is held with the selected Prime Construction Contractor. The City of Chipley and or its Grant Administrator will inform the awarded Prime Construction Contractor of the requirements and its responsibilities of compliance with Davis-Bacon (payment of the prevailing wage rate), Contract Work Hours and Safety Act (payment of time and a half), and Anti-Kickback Act of 1986 (deductions of employee payroll). Additionally, the City of Chipley and or its Grant Administrator reaffirms with the Prime Construction Contractor the requirements to:
 - a. submit **Prime Contractor Notification of Participation and Certifications (Form PCN)**,
 - b. submit printout from SAM.GOV, showing the Prime Construction Contractor is not on the Excluded Parties List,
 - c. submit weekly submit payrolls using **Form WH-347 (Attachment A of this Policy)**,
 - d. acquire and submit **Sub-contractor Notification of Participation and Certifications (Form SCN)**,

- e. acquire and submit printout(s) from SAM.GOV, showing the Sub-Contractor(s) is/are not on the Excluded Parties List,
 - f. require all sub-contractors working on the project to submit weekly payrolls using [Form WH-347](#) (*Attachment A of this Policy*),
 - g. post the established and confirmed Wage Decisions on a job board at the job site, and
 - h. post the [WH-1321 Workers Rights Under Davis Bacon](#) poster (*Attachment G of this Policy*) on a job board at the job site.
8. The City of Chipley or its Grant Administrator checks to ensure that the contract award date is within 90 days of the bid opening. In cases when the award date is more than 90 days, the City of Chipley or its Grant Administrator checks to ensure that the Wage Decision(s) have not been amended or superseded. In instance where the Wage Decision(s) have been amended or superseded, the City of Chipley or its Grant Administrator provides the updated Wage Decision(s) to the Project Engineer and the Prime Construction Contractor. The construction contract, if executed is amended by change order to include the updated Wage Decision(s).
9. The City of Chipley or its Grant Administrator's Labor Standards Compliance staff person continues ongoing communications with the Prime Construction Contractor to ensure weekly payrolls from the Prime Construction Contractor and Sub-Contractor(s) are submitted from the point in time outlined as the commencement date in the Notice to Proceed. (Note: in some instances, the Construction Contractor does not immediately mobilize and begin work following the award and contracting due to circumstances such as delays with materials).
10. The City of Chipley or its Grant Administrator's Labor Standards Compliance staff person reviews the weekly payrolls to ensure:
- a. Proper wages (including fringe benefits) are being paid to the workers based on their work classifications.
 - b. Overtime is being paid at a rate of 1.5 times the wage rate for time over 40 hours per weeks on the project,
 - c. Payroll deductions are bona fide and are not kickbacks to the Construction Contractor from the worker (e.g. Wage Decision requires that a worker be paid \$20.00 per hour, and the Contractor pays the worker the \$20.00 per hour, which for a 40-hour week would total \$800.00, but makes a non-bona fide deduction of \$150.00 for that week that brings the worker's hourly rate down to \$16.25);
 - d. Payrolls are certified by an officer or person authorized by an officer of the firm;
 - e. No Helper classifications are included in the payrolls,
 - f. That instances where there are workers classified in the payroll as Trainees or Apprentices, there is documentation that each such worker is participating in a formal program approved by the Agency for Workforce Innovation or the U.S. Department of Labor and is being paid according to the requirements of that program.
 - g. Classifications presented by the Construction Contractor in the submitted payrolls align with those in the Wage Decisions.
11. In instances where classifications presented in the payrolls are not listed in the Wage Decision(s), the City of Chipley or its Grant Administrator's Labor Standards Compliance staff will make a request for Additional Classification from the U.S. Department of Labor (DOL)
12. [Additional Classifications \(dol.gov\)](#) through the FloridaCommerce Grant Manager, utilizing a completed Form SF1444-23 (*Attachment B to this Policy*).

13. In instances where the City of Chipley/FloridaCommerce is unable to obtain a wage rate through their request for an additional classification, the contractor/subcontractor Employee/Employer Wage-Scale Agreement (*Attachment C to this Policy*).

14. In instances where the City of Chipley or the Grant Administrator's Labor Standards Compliance staff find underpayments, non-compliance with overtime pay, or unsupported deductions, communications will be held with the Construction Contractor to remediate the areas of non-compliance and to ensure that wage restitutions are made, are documented with copies of cancelled checks and an [Employee Confirmation of Restitution Payment Received](#) (*Attachment D to this Policy – Example*). In instances where the worker was not paid time and a half for overtime, calculate Liquidated Damages at \$27 for each calendar day on which an individual did not receive the required overtime compensation. In instances when the cumulative wage restitutions are \$50.00 or more, a [Wage Restitution and Liquidated Damages Form](#) (*Attachment E to this Policy*) is to be submitted to the Department of Labor, through the FloridaCommerce Grant Manager. Labor Standards non-compliance incidences, including infractions, restitutions, liquidated damages, reporting and compliance will be tracked in the [Labor Standards Non-Compliance Tracking Sheet](#).

15. Contractors found to be in non-compliance with Labor Standards requirements that have not brought the issues into compliance shall not be paid until such issues have been brought into compliance.

16. The City of Chipley Labor Standards Compliance staff will provide FloridaCommerce with any requested information for their reporting to DOL and for monitoring of Labor Standards.

17. The City of Chipley shall maintain Labor Standards documentation per the CDBG Subgrant Agreement's Records Retention requirements, which is six years following the closeout of the CDBG subgrant agreement.

Onsite Field Work

18. The City of Chipley or its Grant Administrator's Labor Standards Compliance staff will:

- a. At points in time during the construction period when the maximum number of construction workers of the prime and subs are on site, conduct field interviews with workers which cover a representative sample of the classifications used to perform the work.
- b. Review the information in the interviews with the payroll records to ensure consistency with the payroll records.
- c. In cases where there are any apparent inconsistencies, particularly in the areas of hourly rate and classification compared to work performed/tools used, take action and communications with the contractor(s) in question to resolve the inconsistency and will document the resolution in the CDBG Labor Standards files.
- d. Inspect construction boards or other posting options to ensure the correct wage decision(s) and appropriate labor documentation posted, including a [WH-1321 Workers Rights Under Davis Bacon](#) poster (*Attachment G of this Policy*), are posted at the work site.
- e. Take photographs of the wage decision posting from positions showing all postings as well as close up shots legibly showing the wage decision(s).

Labor Standards Compliance Checklist

PROJECT: _____

CDBG CONTRACT NUMBER: _____

PRIME CONTRACTOR: _____

SUB-CONTRACTORS:

1 _____

2 _____

3 _____

4 _____

5 _____

Section I provides review items that ensure the correct wage decision is in place for the project and that the contractor understands their labor standards responsibilities. This section is to be completed prior to the implementation of the construction activities.

Section II provides review items that ensure that ongoing proper reviews of payrolls are conducted weekly and that actions are taken to bring non-compliance issues into compliance. This section is to be completed on a weekly basis.

Section III provides review items for field inspections and worker interviews that further ensure compliance with worker classifications and hourly pay rates. This section is to be completed at a time when the maximum cross section of workers will be on site. This may require more than one visit.

I. Wage Decision and Construction Contract Award

Community: _____

Contract Number: _____

Prime Contractor: _____

Pay Request Number: _____

Total Contract Amount: \$_____

Pay Request Amount: \$_____

Period Covered: _____

Reviewer/Monitor: _____

Date Reviewed: _____

	Assessment Questions	Yes	No
1.	Original wage decision(s) numbers Obtained from SAM.gov?		
2.	Date of original Wage Decision(s) Obtained from Sam.gov?		
3.	Date of original Wage Decision(s) Obtained from Sam.gov?		
4.	Date of Bid Opening?		
5.	Date of Award?		
6.	Is the Award Date within 90 days of Bid Opening?		
7.	If the Award Date is 90 days or more, was there a check in SAM.gov made to see if an updated Wage Decision(s) was/were required?		
8.	Was there a need for updated Wage Decision(s)?		
9.	If updated Wage Decision(s) was necessary, was it obtained from SAM.gov and provided to the contractor?		
11.	If Updated Wage Decision(s) was needed, what are the updated Wage Decision Numbers?		
12.	Was a check in SAM.gov completed to ensure the contractor was not on the Excluded Parties List?		
11.	Was the contractor on the Excluded Parties List? (<i>Should be NO</i>)		
12.	Print a copy of the SAM.gov page showing the company is registered and not on the excluded parties list? Placed in File?		
13.	Did Prime Contractor provide a notification(s) as a Prime Contracting and contracting with Sub-Contractor(s) (<i>See Notifications Forms PCN and SCN?</i>)		

II. Construction Payroll Review

Community: _____

Contract Number: _____

Prime Contractor: _____

Pay Request Number: _____

Total Contract Amount: \$ _____

Pay Request Amount: \$ _____

Period Covered: _____

Reviewer/Monitor: _____

Date Reviewed: _____

	Assessment Questions	Yes	No	Notes/Explanations
1.	Have weekly payrolls been provided by the prime and all sub-contractors on Form WH-347 (<i>Attachment A</i>)?			
2.	Were each of the weekly payrolls certified by an officer or person having authority to make such certifications?			
3.	Were the job classifications outlined in the weekly payroll reports included in the wage decision?			
4.	If there were job classification(s) not included in the Wage Decision (s), was a request made to the Department of Labor (DOL) for additional classification? <i>If not, prepare a Request for Additional Classification (Standard Form 1444) and send to Department of Labor through FloridaCommerce. (Attachment B)</i>			
5.	If a wage amount was not provided by DOL, did the contractor and employee needed the additional classification sign a <i>Davis Bacon Employee Employer Wage Scale Agreement?</i> (<i>Attachment C</i>)			
6.	Were all workers paid the amounts outlined in the Wage Decision(s) for the classification of work they were doing?			

	Assessment Questions	Yes	No	Notes/Explanations
7.	For workers working overtime on the project, were the workers paid time and a half for these overtime hours? <i>If not, calculate liquidated damages amount at \$10.00 per calendar day and place amount(s) in Notes/Explanations section.</i>			
8.	If a payroll includes workers classified as “apprentice” or “trainee,” is there documentation that each such worker is participating in a formal program approved by the Agency for Workforce Innovation or the U.S. Department of Labor and is being paid according to the requirements of that program?			
9.	Are there workers in a “helper” classification, <u>which cannot be used</u> ? (If not qualified as “apprentice” or “trainee,” they are either a laborer or full trade classification, depending on tools used.)			
10.	If fringe benefits are claimed, are they bona fide fringe benefits, has the hourly value of each fringe been documented, and does the calculation appear correct? Note: Generally, a fringe benefit is bona fide if it is paid by the employer to a third party for the benefit of the employee.			
11.	Was a review completed of the payroll deductions and was proper documentation provided to ensure that the deduction was not a kick-back?			
12.	Was a need for wage restitution identified?			

	Assessment Questions	Yes	No	Notes/Explanations
13.	If the need for wage restitution was identified, do the files document that restitution was paid by including a copy(ies) of the front of the check(s) and a statement(s) from the affected worker(s) that the restitution was received - <i>Employee Confirmation of Restitution Payment Received (Example Attachment D)</i> ?			
14.	If cumulative restitution exceeding \$50 was paid by any contractor or subcontractor, has an enforcement report been sent to FloridaCommerce using the <i>Wage Restitution and Liquidated Damages Form (Attachment E)</i> ?			

Review and Certification:

I, _____ certify that I have reviewed the above referenced CDBG project on _____
Date

for Labor Standards Compliance and I further certify the files reviewed are:

_____ In Compliance

_____ Not in Compliance - For areas found to be in non-compliance, the following actions have been taken:

_____, Labor Standards Compliance Officer

 Date

III. Field Reviews

Community: _____

Contract Number: _____

Prime Contractor: _____

Pay Request Number: _____

Total Contract Amount: \$_____

Pay Request Amount: \$_____

Period Covered: _____

Reviewer/Monitor: _____

Date Reviewed: _____

	Assessment Questions	Yes	No	Notes/Explanations
1.	Were interviews conducted using HUD Form 11 (<i>Attachment F</i>) with workers which cover a representative sample of the classifications used to perform the work?			
2.	Is the information in the interviews consistent with the payroll records or is there documentation resolving any apparent inconsistencies, particularly in the areas of hourly rate and classification compared to work performed/tools used?			
3.	If the hourly rates in the certified payrolls and the hourly rates stated by the workers during the interviews do not agree, request timecards and printouts from the contractor's payroll accounting system. If it is determined that a wage restitution is needed, follow numbers 12, 13, and 14 of Section II of this checklist.			
4.	Is the wage decision and appropriate labor documentation posted at the work site?			

5.	Is the WH-1321 Workers Rights Under Davis Bacon poster posted at the work site? (<i>Attachment G</i>)			
6.	Were photographs taken confirming the posting of the wage decision(s) and WH-1321 poster? Photographs should be taken up close showing the wage decisions poster and from far enough back to show that they are posted at the job site.			

Review and Certification:

I, _____ certify that I have reviewed the above referenced CDBG project on _____
Date

for Labor Standards Compliance and I further certify the files reviewed are:

_____ In Compliance

_____ Not in Compliance - For areas found to be in non-compliance, the following actions have been taken:

_____, Labor Standards Compliance Officer

Date

**Notification of
Participation
and Certifications**

For

Prime Contractor and
Sub-Contractor(s)

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
NOTIFICATION AND CERTIFICATIONS OF PROJECT PRIME CONTRACTOR

CITY OF CHIPLEY CDBG PROJECT NAME: _____
CDBG CONTRACT NUMBER: _____
CITY OF CHIPLEY PROJECT CONTACT: _____
CITY OF CHIPLEY PROJECT CONTACT PHONE #: _____ EMAIL: _____

PRIME CONTRACTOR INFORMATION

Company Name _____
Company's Unique Entity ID: _____
Address of Sub-Contractor: _____
Phone Number of Sub-Contractor: _____ Email Address of Sub-Contractor: _____
Primary Project Contact for Sub-Contractor: _____

PRIME CONTRACTOR NOTIFICATION AND CERTIFICATIONS

I, _____, with _____
do hereby confirm and attest that our company has been selected as the prime contractor by the
City of Chipley for the above-referenced project.

Additionally, as a representative of _____, I do hereby certify
that:

- 1) Our company is registered on SAM.GOV,
- 2) Our company nor its principals are presently debarred, suspended, proposed for debarment,
declared ineligible, or voluntarily excluded from participation in this transaction by any
Federal department or agency,
- 3) Our company is aware that the project is funded with Federal funds requiring compliance
with:
 - a. Davis-Bacon (regarding payment of the prevailing wage rate),
 - b. Contract Work Hours and Safety Act (regarding payment of time and a half),
 - c. Anti-Kickback Act of 1986 (regarding deductions of employee payroll), and
 - d. Section 3 requirements.
- 4) Our company agrees to comply with, provide the City of Chipley or its agents required
documentation for, and maintain and retain all required records and documentation for this
project for six years following the closeout of the City of Chipley CDBG [DR / MIT]
agreement with the State of Florida.
- 5) Specifically, our company understands that it must:
 - a. Pay workers on the project the prevailing wage rates as determined by the wage
decision(s) in place for the project,
 - b. Pay time and half to all workers exceeding 40 hours per week on the project,
 - c. Submit weekly certified payrolls to the City of Chipley or its agent using Form WH-
347,

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

NOTIFICATION AND CERTIFICATIONS OF PROJECT PRIME CONTRACTOR

- d. Make reasonable efforts to hire Section 3 employees when our company needs to hire additional positions for the project by contacting and or placing notices of employment opportunities with:
 - i. local workforce boards,
 - ii. public housing facilities,
 - iii. One-Stop Career Centers,
 - iv. Other appropriate centers serving low-income Section 3 persons, and
 - v. City/Town Hall.
- e. Provide documentation to the City of Chipley of our company's outreach efforts, when we are hiring new positions, to hire Section 3 workers.
- f. Provide documentation to the City of Chipley of our company's accomplishments of hiring Section 3 workers OR of being a Section 3 business.
- g. Provide explanation for not meeting targeted Section 3 goals.

Certified by: _____ *Signature Here*
Name of Signer and Title for Prime Contractor

Date: _____

Confirmed by: _____ *Signature Here*
Name of Signer and Title for City of Chipley

Date: _____

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
NOTIFICATION AND CERTIFICATIONS OF PROJECT SUB-CONTRACTOR

CITY OF CHIPLEY CDBG PROJECT NAME: _____
CDBG CONTRACT NUMBER: _____
CITY OF CHIPLEY PROJECT CONTACT: _____
CITY OF CHIPLEY PROJECT CONTACT PHONE #: _____ EMAIL: _____
PRIME CONTRACTOR: _____ EMAIL: _____

SUB-CONTRACTOR INFORMATION

Company Name _____
Company's Unique Entity ID: _____
Address of Sub-Contractor: _____
Phone Number of Sub-Contractor: _____ Email Address of Sub-Contractor: _____
Primary Project Contact for Sub-Contractor: _____
Prime Contractor: _____

SUB-CONTRACTOR NOTIFICATION AND CERTIFICATIONS

I, _____, with _____
do hereby notify the City of Chipley of _____ that our company has been selected as a sub-
contractor by

_____, the prime contractor, for the above-referenced project.

Additionally, as a representative of _____, I do hereby certify
that:

- 1) Our company is registered on SAM.GOV,
- 2) Our company nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency,
- 3) Our company is aware that the project is funded with Federal funds requiring compliance with:
 - a. Davis-Bacon (regarding payment of the prevailing wage rate),
 - b. Contract Work Hours and Safety Act (regarding payment of time and a half),
 - c. Anti-Kickback Act of 1986 (regarding deductions of employee payroll), and
 - d. Section 3 requirements.
- 4) Our company agrees to comply with, provide the City of Chipley or its agents required documentation for, and maintain and retain all required records and documentation for this project for six years following the closeout of the City of Chipley CDBG agreement with the State of Florida.
- 5) Specifically, our company understands that it must:
 - a. Pay workers on the project the prevailing wage rates as determined by the wage decision(s) in place for the project,
 - b. Pay time and half to all workers exceeding 40 hours per week on the project.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

NOTIFICATION AND CERTIFICATIONS OF PROJECT SUB-CONTRACTOR

- c. Submit weekly certified payrolls to the prime contractor, _____, using Form WH-347,
- d. Make reasonable efforts to hire Section 3 employees when our company needs thire additional positions is needed for the project by contacting and/or placing notices of employment opportunities with:
 - i. local workforce boards,
 - ii. public housing facilities,
 - iii. One-Stop Career Centers,
 - iv. Other appropriate centers serving low-income Section 3 persons, and
 - v. City/Town Hall.
- e. Provide documentation to the City of Chipley of our company's outreach efforts when we are hiring new positions, to hire Section 3 workers.
- f. Provide documentation to the City of Chipley of our company's accomplishments of hiring Section 3 workers OR of being a Section 3 business.
- g. Provide explanation for not meeting targeted Section 3 goals.

Certified by: _____ *Signature Here*
Name of Signer and Title for Sub-Contractor

Date: _____

Confirmed by: _____ *Signature Here*
Name of Signer and Title for Prime Contractor

Date: _____

Attachments A-G
&
Non-Compliance
Tracking Sheet
To
Labor Standards Policies
and Procedures

Attachment A
WH-347 - Certified
Payroll Form

To
Labor Standards Policies and
Procedures

PAYROLL
For contractor's optional use; see instructions at dol.gov/agencies/whd/forms/wh347
Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.



NAME OF CONTRACTOR ☐ OR SUBCONTRACTOR ☐				ADDRESS				OMB No. 1235-0008 Expires 09/30/2026											
PAYROLL NO.		FOR WEEK ENDING		PROJECT AND LOCATION				PROJECT OR CONTRACT NO.											
(1)	NO. OF WITHHOLDING EXEMPTIONS	(3)	OT. ORST.	(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		WORK CLASSIFICATION		HOURS WORKED EACH DAY							TOTAL HOURS	RATE OF PAY	GROSS AMOUNT EARNED	FICA	WITH-HOLDING TAX	OTHER	TOTAL DEDUCTIONS	NET WAGES PAID FOR WEEK	
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

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

Date _____

I _____
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by

_____ on the
(Contractor or Subcontractor)

_____;
(Building or Work)

_____ day of _____, _____, and ending the _____ day of _____, _____,

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

_____ from the full
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:
(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐ — in addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☐ — Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE

SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 3729 OF TITLE 31 OF THE UNITED STATES CODE.

Attachment B
Request for Additional
Classifications
Standard Form 1444
To
Labor Standards Policies
and Procedures

Request For Authorization Of Additional Classification And Rate		Check Appropriate Box ☒ Service Contract ☒ Construction Contract		OMB Control Number: 9000-0066 Expiration Date: 5/31/2025	
Instructions: The Contractor shall complete items 3 through 16, keep a pending copy, and submit the request, in quadruplicate, to the Contracting Officer.					
1. To: Administrator, Wage And Hour Division U.S. Department Of Labor Washington, DC 20210			2. From: (Reporting Office)		
3. Contractor				4. Date Of Request	
5. Contract Number	6. Date Bid Opened (Sealed Bidding)	7. Date Of Award	8. Date Contract Work Started	9. Date Option Exercised (If Applicable) (Service Contract Only)	
10. Subcontractor (If Any)					
11. Project And Description Of Work (Attach Additional Sheet If Needed)					
12. Location ([Entity], County, And State)					
13. In Order To Complete The Work Provided For Under The Above Contract, It Is Necessary To Establish The Following Rate(s) For The Indicated Classification(s) Not Included In The Department Of Labor Determination Number: _____ Dated: _____					
a. List In Order: Proposed Classification Title(s); Job Description(s); Duties; And Rationale For Proposed Classifications (Service contracts only)			b. Wage Rate(s)	c. Fringe Benefits Payments	
(Use reverse or attach additional sheets, if necessary)					
14. Signature And Title Of Subcontractor Representative (If Any)			15. Signature And Title Of Prime Contractor Representative		

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STANDARD FORM 1444 (REV. 10/2023)
 Prescribed by GSA-FAR (48 CFR) 53.222(f)

Attachment B

DAVIS-BACON

ADDITIONAL CLASSIFICATIONS

PROCESS

CONTRACT CLAUSE STIPULATED AT 29 C.F.R. § 5.5(a)(1)(ii)

(Reiterated in the FAR at 48 C.F.R. § 52.222-6)

**CONFORMANCE/ADDITIONAL CLASSIFICATION REQUEST
PROCESS – CONTRACTING AGENCY ROLE**

CONFORMANCE REQUEST CHECKLIST

**CRITERIA FOR APPROVAL OF ADDITIONAL
CLASSIFICATIONS AND WAGE RATES**

REFERENCED APPEALS BOARD CASES

APPRENTICES, TRAINEES, HELPERS, AND WELDERS

FOREMEN, TECHNICAL AND SUPERVISORY EMPLOYEES

**STANDARD FORM 1444 – “REQUEST FOR AUTHORIZATION OF
ADDITIONAL CLASSIFICATIONS AND RATES”**

**THE DAVIS-BACON CONTRACT CLAUSE
STIPULATED AT 29 C.F.R. § 5.5(a)(1)(ii)**
(Reiterated in the FAR at 48 C.F.R. § 52.222-6)

- (A) The contracting officer shall require that 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. The contracting officer 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 the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report . . . shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, . . . Department of Labor, . . . [for approval, modification or disapproval with respect to each proposed classification and wage rate].
- (C) In the event the contractor, the laborers, or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for a determination.
- (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.

CONFORMANCE/ADDITIONAL CLASSIFICATION REQUEST PROCESS CONTRACTING AGENCY ROLE

Pre-Bid/Pre-Award

Look at the Wage Determination:

- ◇ Compare classifications on the wage determination with anticipated work to be performed to identify missing classes that may be needed.
- ◇ If virtually all the work is to be performed by a single missing classification, use Standard Form (SF) 308 to request an appropriate predetermined wage rate for incorporation in the bid specifications.

Tell contractors about the possible need to request additional classes and rates after award:

- ◇ Ensure that the Davis-Bacon clauses are in the solicitation, including the conformance criteria. (See 29 C.F.R. § 5.5(a) and FAR at 48 C.F.R. §§ 22.407 and 52.222-6(c).)
- ◇ During pre-bid/pre-award conferences discuss criteria to advise contractors concerning how requests for additional classifications are processed and proposed wage rates will be evaluated.
- ◇ Call the contracting agency's labor advisor or WHD for guidance where questions/disputes arise regarding proper application of Davis-Bacon wage determinations to specific upcoming projects.

After contract award

Identify Additional Classes that May Be Needed:

- ◇ Discuss the wage determination and conformance criteria in pre-construction conference.
- ◇ Review certified payrolls for classes not listed on the wage determination.
- ◇ Conduct on-site inspections/employee interviews and identify additional classes.

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- ◇ Consider subcontractor inquiries about missing classifications/rates.
- ◇ Consider complaints by employees/unions/competitors.

Work with the contractors and other affected parties to help develop the conformance request:

- ◇ Provide request form (SF-1444 or similar) to the contractor. Instructions on how to complete the form are pre-printed on the form. (The SF-1444 can be downloaded from the “Library” section on the WDOL website (<http://www.wdol.gov>) and it is in the FAR at 48 C.F.R. § 53.301-1444.) A copy is shown at the end of this chapter of the *DOL Prevailing Wage Resource Book*.
- ◇ Consider the views of affected parties:
 - ◇◇ Prime contractor
 - ◇◇ Subcontractor (if applicable)
 - ◇◇ Employee(s) (if known)
 - ◇◇ Union representative (if the employees are represented by a union)
- ◇ Review the contractor’s request for additional classes and rates in accordance with conformance criteria and ensure that all required information is furnished.
 - ◇◇ Work to be performed is not performed by a classification already listed on the applicable wage determination.
 - ◇◇ Rate bears a reasonable relationship to other rates in the wage determination. Please see AAM No. 213.
- ◇ Be sure that the criteria for the approval of additional classifications and wage rates have been followed.
- ◇ Determine whether affected parties are in agreement or have dispute(s).
 - ◇◇ Attempt to resolve disputes in accordance with conformance criteria, if possible.
 - ◇◇ Develop agency recommendation and documentation of disputes (if any).

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Submit conformance request for DOL review and ruling:

- ◇ Include the following:
 - ◇◇ Completed SF-1444 (or similar form or letter).
 - ◇◇ Related documentation and agency recommendation.
 - ◇◇ Copy of contract wage determination(s). WHD policy requires the submission of the contract wage determination with the conformance request.
- ◇ Submit by e-mail only. Please scan the completed form and all supporting documents into a 'pdf' file and attach to the email. Include the Contracting Officer's name, address, telephone, and email address. Submit the email to: WHD-CBACONFORMANCE_INCOMING@dol.gov. An automated confirmation response will be generated upon receipt of your submission.
- ◇ For assistance with completing form SF 1444, with questions concerning the conformance process, or to check the status of a conformance request submitted, please contact the WHD Branch of Construction Wage Determinations (BCWD) wage analyst with responsibility for the state where your project is located. A list of analysts and their states can be found at the following website: <http://www.dol.gov/whd/govcontracts/stateassignments.htm>.
- ◇ The BCWD responds to most requests within 30 days.

Communicate with DOL after submitting conformance request, as appropriate:

- ◇ Lack of a DOL response within 30 days does not mean that the request has been approved. Contact the WHD BCWD either by mail, e-mail, or by phone (at a phone number listed at the WHD BCWD website noted above) if no response is received within 30 days. All conformances are processed, and responses issued to the contracting agency by email.
- ◇ Respond promptly to DOL requests for additional information that may be needed to process the request.

Communicate DOL determination to the contractor and other interested parties:

- ◇ The contracting agency is responsible to provide the conformance determination to the general/prime contractor. The contractor and its subcontractors shall post

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approved additional classifications and wage rates at the site of the work in a prominent and accessible place where they can be easily seen by the workers.

Advise the contractor and other interested parties of the reconsideration and appeal processes, as appropriate:

- ◇ WHD Administrator review and reconsideration of a BWCD conformance determination may be sought pursuant to 29 C.F.R. § 5.13. An interested party may appeal a final ruling of the Administrator pursuant to the provisions of 29 C.F.R. Part 7. Prior to sending a review and reconsideration to the WHD Administrator, interested parties have an option of appealing to the BCWD first.

Note: Disputes arising out of the labor standards provisions of DBA/DBRA covered contracts are not subject to the general disputes clause in any such contract. Such disputes, including disputes between the contractor (or any of its subcontractors) and the contracting agency, DOL, or the employees or their representatives must be resolved in accordance with DOL procedures set forth in 29 CFR parts 5, 6, and 7. 29 C.F.R. § 5.5(a)(9) (reiterated at FAR 48 C.F.R. § 52.222-14).

CONFORMANCE CHECKLIST FOR CONTRACTING AGENCIES

Agency officials should provide the following information when requesting additional classifications and wage rates:

- ___1. The Contract Number, Project Number or HUD Identifying Number.
SF 1444: Block 5
- ___2. The bid opening date (if advertised).
SF 1444: Block 6
- ___3. The award date of the contract.
SF 1444: Block 7
- ___4. The date the contract work started (if started).
SF 1444: Block 8
- ___5. Prime/General contractor.
SF 1444: Block 3
- ___6. Subcontractor (if any).
SF 1444: Block 10
- ___7. The project location: [Entity], **county**, and state.
SF 1444: Block 12
- ___8. Brief description of project work.
SF 1444: Block 11
- ___9. Contract Wage Decision No(s).
SF 1444: Block 13
___ Modification No. (for each if multiple decisions).
___ Date of modification (for each if multiple decisions).
- ___10. Proposed classification(s); description of duties if other than a basic trade.
SF 1444: Block 13a
(Note: See separate instructions for apprentices, trainees, helpers, welders, foremen, technical workers and supervisory employees.)

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___ 11. Proposed rates:

___ ◇ basic hourly rate(s).
 SF 1444: Block 13c

___ ◇ fringe benefits (if any).
 SF 1444: Block 13c

___ 12. Documentation that the interested parties are in agreement or their views regarding any dispute. SF 1444: Blocks 14, 15, 16 for contractors, employees, and representatives, respectively.

___ ◇ Contractor(s) signatures
 SF 1444: Blocks 14 and 15

___ ◇ Employees' or representative signature (if known when the request is submitted).
 SF 1444: Block 16
 (If the contractor is party to a collective bargaining agreement, the union representative may sign for the employees, or the collective bargaining agreement may be submitted.)

___ ◇ If there are parties in disagreement, documentation of their views should also be attached.

___ 13. Agency signature and recommendation.

___ ◇ Contracting officer/agency signature.

___ ◇ No action will be taken on the request if the agency does not sign and provide its agreement/disagreement regarding the request, or its position regarding a dispute between other parties.

___ 14. Agency contact person's name, address, and phone number (clearly legible please).

All proposed additional classification/conformance actions must be submitted to the WHD for review. The WHD may approve, modify, or disapprove any proposed additional classifications.

CRITERIA FOR APPROVAL OF ADDITIONAL CLASSIFICATIONS AND WAGE RATES

This section describes the detailed process for determining whether a request for an additional classification and wage rate can be approved. The criteria to be applied are:

- (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.

29 C.F.R. § 5.5(a)(1)(ii).

Following the criteria ensures that DOL processing of requests for approval of conformance actions can be expedited, and complications minimized in the event of reconsideration and appeal actions. Where this process is not followed by the contracting agency, delays can be anticipated in DOL processing of additional classification requests, and reconsideration and appeals of such cases may occur.

Note: See separate guidance below for helpers, apprentices, trainees, welders, working foremen, technical and supervisory employees.

Step 1: Is the requested classification already listed in the contract wage determination for the appropriate county and type of construction?

If so, the classification and rate listed in the wage determination apply.

Step 2: Can a classification in the contract wage determination – for the appropriate county and type of construction – perform the work?

Note: If multiple wage determinations are included in the contract, reference is to work performed by classification(s) already in the wage determination on the portion of the project for which the additional classification is requested.

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Step 3: If yes, is the wage determination classification that may apply a union or non-union rate?

- (A) **If** the classification in the applicable wage determination lists a **union rate** (the identifier above the classification will indicate the union source of the rate), then **only** information from the union segment of the industry for the type of construction in the area is relevant in determining whether the requested classification should be denied and the classification listed on the wage determination used for the work.
- (B) **If** the classification in the applicable wage determination lists a **non-union** rate (indicated by a “SU . . .” identifier above the relevant classification listing), then a non-union rate for the classification has been determined to be prevailing for the given type of construction in the area, and **only** the practices of non-union contractors in the area may be used as a basis for determining whether the requested classification should be denied and the classification listed on the wage determination used for the work.
- (C) If more than one classification in the applicable wage determination may perform the work, determining whether one of those classifications should be used, and the requested classification denied, depends on an examination of each in accordance with steps 3(A) and 3(B).

Step 4: For each classification in question, is there evidence that the duties in question were performed by workers employed by contractors whose rate prevailed (union or non-union, as listed in the wage determination) on **similar construction** in the area during the year **prior to bid opening/award of this contract?** (See *Fry Brothers Corp.*, WAB Case No. 76-6, dated June 14, 1977, and *American Building Automation*, ARB Case No. 00-067, dated March 30, 2001 (and cases cited therein)). A brief synopsis of these cases is provided below. (See Reference Case Nos. 1 and 4).

For example:

- ◇ For a building construction project, if the contract wage determination contains a union rate for the classification that may perform the duties in question, is there evidence that union workers in that classification performed those duties on building construction in the area during the year prior to award of this contract?

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- ◇ On a highway construction project, if the contract wage determination contains a non-union rate for a classification that may perform the duties in question, is there evidence that non-union workers employed by non-union contractors in that classification performed the duties in question on highway construction project(s) in the area during the year prior to award of the contract?

Step 5: If there is such evidence, the request for the additional classification must be denied, as a classification already in the contract wage determination performs the work for which the additional classification was requested.

Example A - The wage determination classifications/rates are union:

- ◇ If a union rate is listed for a classification in the wage determination that may perform the duties in question, and if union worker(s) can be shown to have performed the duties in question in that classification on the same type of construction in the same area during the year prior to award of the contract in question, then in light of the first criterion for approval of an additional classification, the request for the additional classification must be denied.

NOTE:

A claim that the applicable union agreement applies to such work is normally **not** an adequate basis for denying the additional classification request when the work performed falls outside of what would generally be considered core craft work. **Specific information identifying project(s) on which the union workers in that classification performed such work, and identifying the contractor who employed them on such project(s),** typically is needed to establish that the work in question was performed by a classification in the contract wage determination.

Such data generally is needed to support denial of a proposed classification on the basis that work is performed in the area by the classification already listed in the applicable contract wage determination. When there is evidence that union contractors in the area have established a local area practice of employing the union workers in a prevailing classification already listed in the contract wage determination when they perform the work for which an additional classification is requested, their project-based evidence is the basis for denial of the requested classification. While it is

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important to have evidence that the union classification listed in the wage determination has been used to perform the duties in question; generally, it is not necessary to demonstrate anew that the wage determination classification and rate already listed in the contract wage determination is prevailing in the area for the work at issue in a request for approval of a different classification and rate for the work in question. *See American Building Automation*, ARB Case No. 00-067 (March 30, 2001). (A synopsis of the ARB decision in that case is provided below.)

If there is evidence that the duties for which an additional classification is proposed have been performed using the union classification in the wage determination, then the work in question must be classified in accordance with the union classification in the contract wage determination, and at least the rate specified there, including fringe benefits, shall be paid to all workers performing work in the classification under the contract from the first day on which work has been performed.

If there is no evidence that the duties in question were performed by the classification in the contract wage determination, move to step 6, below.

Example B - The wage determination classifications/rates are non-union:

- ◇ If a non-union rate is listed in the contract wage determination for a classification that may perform the duties in question and non-union workers in the classification can be shown to have performed those duties on the same type of construction in the same area prior to award of the contract, then the request for the additional classification must be denied.

Step 6: If the duties of the proposed classification are not performed by a classification on the wage determination, it must then be determined whether or not the proposed conformed rate requested **bears a reasonable relationship** to the wage rates already listed in the applicable contract wage determination schedule **for the given county and type of construction. Please see AAM No. 213 for detailed guidance.**

- (A) Proposed rates should be compared to those already listed for classifications within appropriate subgroups. Thus, proposed rates for skilled classifications should be compared to those listed for skilled classifications on the wage determination; proposed power equipment operators should be

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compared to power equipment operators; proposed laborers to laborers; and proposed truck drivers to truck drivers.

- (B) A determination of whether union or non-union sector rates prevail in the appropriate subgroup (skilled classifications, power equipment operators, laborers, or truck drivers) should be made.
- (C) After reviewing the entirety of the rates within the appropriate category and sector, a rate that bears a reasonable relationship to those rates in the wage determination must be determined.
- (D) A determination of whether any other considerations also apply should be made. For example, if the classification being conformed is a skilled classification and some of the wage rates for skilled classifications in the wage determination are lower than the rates for laborer classifications, then the contracting agency should generally consider only those existing skilled classification rates that are higher than the laborer rates to determine the proposed rate.

Please see relevant decisions in appeals board cases, below:

- (A) Skilled craft rates should bear a reasonable relationship to other skilled craft rates and conformance requests for skilled classifications should not be approved at wage rates below those already listed for other skilled crafts (excluding laborers, truck drivers, and power equipment operators) – (*See M Z. Contractors Co., Inc.*, WAB Case No. 92-06, dated August 25, 1992, and *Tower Construction*, WAB Case No 94-17, dated February 28, 1995; reference case no. 2, below.)
- (B) Rates for additional laborer, truck driver, and power equipment operator classes should normally be compared with other laborers, truck drivers, and power equipment operators, respectively. (*See Tower Construction*, WAB Case No 94-17, dated February 28, 1995; reference case no. 2, below.)
- (C) “If the contract wage determination includes rates for skilled craft(s) where almost all skilled crafts are higher than the laborers’ rate, but a few skilled classifications are below the laborers’ rate, it would be unreasonable to set a wage rate for the skilled conformed classification by simply setting the rate at the same level as the laborers’ rate. (See *M Z. Contractors Co., Inc.*, WAB Case No. 92-06, dated August 25, 1992).
- (D) Where most of the wage rates and fringe benefits in a wage determination for “skilled” crafts are substantially higher than the wages and fringe

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benefits applicable to one or two other “skilled” classifications in the wage determination, mechanical adoption of the wage rate and fringe benefits applicable to the lowest paid “skilled” classification, or the wage rate and fringe benefit for the “laborer” classification, whichever is higher, does not satisfy the requirement that “the proposed wage rate, including any fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.” See M Z. Contractors Co., Inc., WAB Case No. 92-06, dated August 25, 1992).

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REFERENCE CASE NO. 1

Fry Brothers Corp., WAB Case No. 76-6 (June 14, 1977)

Pursuant to the WAB decision in *Fry Brothers Corp.*, WAB Case No. 76-6, dated June 14, 1977, the proper classification for work performed on a particular Davis-Bacon covered project by laborers and mechanics is that classification used by contractors whose wage rates were found to be prevailing in the area and incorporated in the applicable wage determination. Accordingly, under the *Fry Brothers Corp.* decision, the classification practices utilized in the appropriate sector for such construction projects in the area in question must be used to determine the proper classification for work on this project.

Note: The above synopsis is provided for information purposes only. The full text of the decision can be obtained from the ARB and is available at:

<http://www.oalj.dol.gov/libdba.htm>

REFERENCE CASE NO. 2

Tower Construction, WAB Case No 94-17 (February 28, 1995)

In this case, the WAB confirmed the Administrator's ruling concerning the appropriate rate to be approved when the missing classification is in a separate and distinct subgroup.

The Board stated as follows:

In administering the conformance process Wage and Hour further groups classifications within the broad category of power equipment operators and distinguishes them from other skilled classifications since the operators are a 'separate and distinct subgroup of construction worker classifications.' [citation omitted]. Thus, when conforming omitted power equipment operator rates, Wage and Hour only looks to listed equipment operator rates for determining a reasonable relationship. Conversely, omitted skilled classifications are not conformed at operator rates. The unique skills and duties of power equipment operators are sufficiently distinguishable from the skills of mechanics in skilled construction trades, such that the Administrator's rejection of the equipment operator rates was well within the discretion granted her under the regulation.

The Board further noted that the contract wage determination in this case also listed a truck driver classification and noted that truck driver skills are more akin to those of operators, that the truck driver rate was below that listed for an unskilled laborer, and that the Administrator also excluded that truck driver rate from consideration in determining the appropriate conformed rate for the skilled crafts in question. The Board concluded that:

where a rate within the clearly distinct equipment operator group is the 'floor' for a wage determination, it is reasonable to exclude those rates from consideration and conform missing skilled classifications to the next higher level for a skilled trade.

In this case, the Board also reiterated important positions it had stated in prior rulings, to the effect that:

a party seeking conformed classifications and rates 'may not rely on a wage determination granted to another party regardless of the similarity of the work in question.' *Inland Waters Pollution Control, Inc.*, WAB Case No. 94-12 (Sept. 30, 1994) slip op. at pp. 7-8."

and further that:

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a contractor could not prospectively rely on Wage and Hour's prior approval of conformed classifications and rates for application to a contract performed at the same location. *E&M Sales, Inc.*, WAB Case No. 91-17 (Oct. 4, 1991).

Note: The above synopsis is provided for information purposes only. The full text of the decision can be obtained from the ARB and is available at:

<http://www.oalj.dol.gov/libdba.htm>

REFERENCE CASE NO. 3

M.Z. Contractors Co., Inc., WAB Case No. 92-06 (August 25, 1992)

The WAB remanded this matter to the WHD for further proceedings after the Acting Administrator had approved the addition (conformance) of an “insulator” classification, for pipe insulation work, at a wage rate equal to the rate listed on the wage determination for “laborers.” The WHD approval was in accordance with the former policy of approving conformance of a proposed rate for a skilled classification of worker so long as the proposed rate was equal to or exceeded the lowest rate for a skilled classification already contained in the contract wage determination. (The painters’ rate in the wage determination was lower than the laborers’ rate). The Board rejected this former WHD policy in its application to the present case because almost all the skilled classifications in the contract wage determination had wage rates substantially higher than the laborers’ rate. The Board ruled it was appropriate for the WHD to select the particular method to determine what conformed rate would meet the third regulatory requirement of bearing a reasonable relationship to the wage rates contained in the wage determination.

Note: The above synopsis is provided for information purposes only. The full text of the decision can be obtained from the ARB and is available at:

<http://www.oalj.dol.gov/libdba.htm>

REFERENCE CASE NO. 4

American Building Automation, ARB Case No. 00-067 (March 30, 2001)

In this case, the ARB concluded that the WHD Administrator properly denied a request for the addition of a “Building Automation and Controls Technician” (BACT) classification. The Administrator determined that the work of the proposed BACT classification was performed by another classification already found within the wage determination, and the ARB affirmed the Administrator’s denial of the conformance request.

The subcontractor who requested the BACT classification asserted that the work involved did not fall squarely within any single trade classification in the wage determination and that such workers had to be knowledgeable in all of the traditional trades, including electrical, mechanical, telecommunications and networks. The Davis-Bacon wage determination in the contract in question included a union wage rate for the plumber classification. Believing that the work to be performed by the proposed BACT classification might fall within the work performed by employees classified as plumbers, the WHD inquired into trade jurisdiction practices under the collective bargaining agreement negotiated by the Plumbers’ local union. The union provided a copy of its collective bargaining agreement and documentation of several construction projects where this work had been performed by workers classified and paid as plumbers. Based on this data, the Administrator determined that the first criterion for establishing a new classification under the conformance process was not satisfied.

In its decision affirming the Administrator’s determination, the ARB noted that “[a] conformance request does not call for a *de novo* evaluation of prevailing local practices or wage rates, questions that might appropriately be raised in a pre-award request for review and reconsideration of a wage determination under 29 C.F.R. § 1.8” and that:

[I]t is well-established that in a conformance situation the Division is not required to determine that a classification in the wage determination actually is the prevailing craft for the tasks in question, only that there is evidence to establish that the classification actually performs the disputed tasks in the locality. [citations to prior ARB and WAB decisions omitted]

Note: The above synopsis is provided for information purposes only. The full text of the decision can be obtained from the ARB and is available at:

<http://www.oalj.dol.gov/libdba.htm>

REFERENCE CASE NO. 5

Swanson's Glass, WAB Case No. 89-20 (April 29, 1991)

In this case, the WAB affirmed the WHD Administrator's denial of a request for the addition of a glazier classification on the ground that the contractor's proposed rate did not bear a reasonable relationship to the rates on the wage determination. The proposed wage rate was less than the lowest wage rate paid skilled classifications on the applicable wage determination, and also less than the hourly rate in the wage determination for laborers.

The WAB further characterized the petitioner's argument that the proposed glazier wage rate was "in reasonable conformity with the prevailing wage rate for glaziers for this locality" as essentially challenging the applicable wage determination, and emphasized that "the Board has consistently ruled that in order for a challenge to a wage determination to be timely, the challenge must be made prior to contract award (or the start of construction if there is no contract award)."

The contractor's contention that the contracting officer approved its proposed rate was also rejected. The WAB noted that the conformance regulations do not give the contracting officer final approval, and even if the contracting agency had described its actions as authoritative approval, erroneous contracting agency advice does not bar the DOL from requiring payment of the appropriate rate.

The Board also stated the WHD's failure to deny the requested classification within the 30-day timeframe contemplated by the regulations is not determinative, since this regulation is not jurisdictional. The conformance regulations do not provide that any failure by the Administrator to act within 30 days constitutes approval or acquiescence in the proposed classification or wage rate, and the absence of a response from the Administrator in the 30-day time period referenced in Section 5.5(a)(1)(ii)(B) therefore does not provide a basis to presume the requested classification and wage rate have been approved.

Note: The above synopsis is provided for information purposes only. The full text of the decision can be obtained from the ARB and is available at:

<http://www.oalj.dol.gov/libdba.htm>

APPRENTICES, TRAINEES, HELPERS, AND WELDERS

Apprentices and Trainees

- ◇ Additional classifications and wage rates are not needed for bona fide apprentices and trainees working on Davis-Bacon covered contracts. Rates for apprentices and trainees are not listed on Davis-Bacon wage determinations. Apprentices or trainees are permitted to work at less than the wage rates listed in the contract wage determination for the work they perform only if they meet the requirements of 29 C.F.R. Part 5, section 5.5(a)(4), such as being registered or certified in an appropriate apprenticeship or training program. (See FAR at 48 C.F.R. § 22.401 Definitions, “Laborers or mechanics,” paragraphs (1) and (2), and 48 C.F.R. § 52.222-6.)

Helpers

- ◇ Generally, conformance requests for helpers will not be approved unless the duties performed are clearly defined and distinct from those of any other classification on the wage determination, the use of such helpers is an established prevailing practice in the area, and the helper is not employed as a trainee in an informal training program. The conformance process cannot be used to add a “helper” classification where any work to be performed by the helper is performed by a classification in the wage determination. 29 C.F.R. §§ 5.2(n)(4) and 5.5(a)(1)(ii)(A).

Welders

- ◇ Additional classifications are not generally needed for welders. Welding is commonly considered incidental to the work of employees for whom classifications are issued. Thus, it is appropriate for welders to be classified in the same classification as the employees who are performing the duties to which the welding work is incidental (for example, ironworkers, plumbers, sheet metal workers, etc.). However, welders may sometimes represent a separate sub-classification and in those cases, may be conformed.

FOREMEN, TECHNICAL AND SUPERVISORY EMPLOYEES

An individual employed in a bona fide executive, administrative or professional capacity, as defined in Regulations, 29 C.F.R. Part 541, is not a “laborer” or “mechanic” as these terms are defined under the Davis-Bacon Act.

- ◇ However, if a supervisory employee who is not exempt from coverage under that regulation spends more than an incidental amount of work as a laborer or mechanic, the hours spent in these activities would be subject to the Davis-Bacon labor standards.
- ◇ For example, if a working foreman spends more than 20 percent of the time during a workweek performing laborer or mechanic duties at the job site, the hours spent in these activities should be paid at least the hourly rate specified in the contract wage determination for the appropriate laborer or mechanic classification(s).

29 C.F.R. § 5.2(m).

U.S. DEPARTMENT OF LABOR PREVAILING WAGE RESOURCE BOOK

DB CONFORMANCES

STANDARD FORM 1444

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND RATE

CHECK APPROPRIATE BOX
☐ SERVICE CONTRACT
☐ CONSTRUCTION CONTRACT

OMB Number: 9000-0089
 Expiration Date: 7/31/2014

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

INSTRUCTIONS: THE CONTRACTOR SHALL COMPLETE ITEMS 3 THROUGH 16, KEEP A PENDING COPY, AND SUBMIT THE REQUEST, IN QUADRUPPLICATE, TO THE CONTRACTING OFFICER.

1. TO: ADMINISTRATOR, Employment Standards Administration WAGE AND HOUR DIVISION U.S. DEPARTMENT OF LABOR WASHINGTON, D.C. 20210			2. FROM: (REPORTING OFFICE)	
3. CONTRACTOR			4. DATE OF REQUEST	
5. CONTRACT NUMBER	6. DATE BID OPENED (SEALED BIDDING)	7. DATE OF AWARD	8. DATE CONTRACT WORK STARTED	9. DATE OPTION EXERCISED (IF APPLICABLE) (SCA ONLY)
10. SUBCONTRACTOR (IF ANY)				
11. PROJECT AND DESCRIPTION OF WORK (ATTACH ADDITIONAL SHEET IF NEEDED)				
12. LOCATION (CITY, COUNTY AND STATE)				
13. IN ORDER TO COMPLETE THE WORK PROVIDED FOR UNDER THE ABOVE CONTRACT, IT IS NECESSARY TO ESTABLISH THE FOLLOWING RATE(S) FOR THE INDICATED CLASSIFICATION(S) NOT INCLUDED IN THE DEPARTMENT OF LABOR DETERMINATION				

NUMBER:		DATED:	
a. LIST IN ORDER: PROPOSED CLASSIFICATION TITLE(S), JOB DESCRIPTION(S), DUTIES, AND RATIONALE FOR PROPOSED CLASSIFICATIONS (SCA ONLY) (Use reverse or attach additional sheets, if necessary)		b. WAGE RATE(S)	c. FRINGE BENEFITS PAYMENTS
14. SIGNATURE AND TITLE OF SUBCONTRACTOR REPRESENTATIVE (IF ANY) 		15. SIGNATURE AND TITLE OF PRIME CONTRACTOR REPRESENTATIVE 	
16. SIGNATURE OF EMPLOYEE OR REPRESENTATIVE 		TITLE	CHECK APPROPRIATE BOX-REFERENCING BLOCK 13. ☐ AGREE ☐ DISAGREE

TO BE COMPLETED BY CONTRACTING OFFICER (CHECK AS APPROPRIATE - SEE FAR 22.1019 (SCA) OR FAR 22.408-3 (DBA))

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

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

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

PREVIOUS EDITION IS USABLE

STANDARD FORM 1444 (REV. 12-2001)
 Prescribed by GSA-FAR (48 CFR) 53.222(f)

Attachment C
Employee/Employer
Wage-Scale Agreement
To
Labor Standards Policies
and Procedures

Employee/Employer Wage-Scale Agreement

[Entity] _____

CDBG Contract Number: _____

Construction Contract Execution Date: _____

Wage Decision Number: _____

Project Description:

Whereas, the [Entity] has been unable to obtain a specific wage rate from the Department of Labor (DOL)/Florida Department of Commerce (FloridaCommerce), in the wage decision for this project for the classification of [Type in the classification], and because it also appears that there are no readily available similar positions that could be reclassified under the initial wage decision, and whereas 29 CFR Part 5.5(a)(1)(ii) allows the rate for a classification under these circumstances to be set by mutual agreement among the employee(s), the employer, and the jurisdiction, subject to approval by HUD/DOL;

Therefore, by mutual consent, the parties and persons signed below agree to an hourly rate of \$____ and fringe benefit rate of \$____ (benefits may be included in hourly rate), for the above classification, while acknowledging full compliance with all other federal labor standards requirements.

Employee Signature

Employer Signature

(If a corporation, an officer must sign.)

Date

Date

List the name and mailing address of the [Entity]'s representative to whom the DOL approval of the wage-scale agreement should be mailed in the form fields below.

[Entity]

Attention:

Address Line 1

Address Line 2

Request submitted by: _____

Date: _____

Note: Use one form for each affected employee. Use the Tab key to move between fields to complete the form. Sign and date by hand.

Attachment D

**Employee Certification of
Payment of Restitution
and/or Liquidated
Damaged**

To

**Labor Standards Policies and
Procedures**

Contractor's Letterhead

Date

[Entity]
Attention
Address
Email

RE: Wage Restitution for *Employee Name*

[Entity] - CDBG Project Number
Description of Project

Dear XXXXXX:

Please accept the this letter as my confirmation that I have received check number *xxxxx* (copy of cleared check attached) in the amount of \$*xxx.xx* from my employer, *name of the contractor or subcontractor*. This payment covers the restitution for wages owed to me for my work at the above referenced project on the week(s) ending *xx/xx/xxxx*.

Sincerely,

Name of the Employee Receiving Restitution
Employee's Address
Employee's [Entity], State and Zip Code
Employee's last four numbers of social security number

Attachment D

Attachment E
Wage Restitution
And
Liquidated Damages
Form
To
Labor Standards Policies and
Procedures

Subrecipient Name - Wage Restitution Enforcement

TO: FloridaCommerce CDBG Program

FROM: _____

DATE: _____

Recipient: _____ Contract Number: _____

Contractor's Name: _____ ☐ Prime ☐ Subcontractor

Wage Decision Number(s): _____

Wage restitution in the total amount of \$ _____ has been paid to _____ employees of the above contractor. A schedule reflecting the computation of wages due, including overtime, is attached. The following information is being provided to the Department:

1. The need for wage restitution was discovered through: _____ _____ _____	
2. Types of violations:	☐ Did not pay the minimum for the classification. ☐ Used the incorrect classification. ☐ Did not pay overtime premium. ☐ Other
3. Were any of the violations willful? (If yes , attach supporting information.)	☐ Yes ☐ No
4. Are administrative sanctions recommended? (If yes , attach supporting information.)	☐ Yes ☐ No
5. If the contractor failed to pay the overtime premium, what is the total liquidated damages assessed (\$27.00/day/employee):	\$ _____
6. Are you recommending waiver of liquidated damages? (If yes , explain why below. If a waiver is recommended, the collection of liquidated damages can be delayed until a decision is made.)	☐ Yes ☐ No
_____ _____ _____	

Signature

Date

(A report is required for any contractor accumulating \$50 or more of wage underpayments throughout the life of the project. The CDBG Program must report wage restitution data to the U.S. Department of Housing and Urban Development twice each year. If a contractor owes restitution of \$1,000 or more, a copy of this report is sent to the U.S. Department of Labor in compliance with 29CFR5.7(2), which states, "Where underpayments by a contractor or subcontractor total \$1,000 or more, or where there is reason to believe that the violations are aggravated or willful (or, in the case of the Davis-Bacon Act, that the contractor has disregarded its obligations to employees and subcontractors), the Federal agency shall furnish within 60 days after completion of its investigation, a detailed enforcement report to the Administrator.")

Subrecipient Name - Wage Restitution Enforcement

Instructions for Completing the Wage Restitution Enforcement Report Form

This form is created as a Word form. You can complete it on a computer, using the “Tab” key to move between form fields to complete the report. You can also print out the form and complete it by hand.

Complete one report for each contractor that has to make wage restitution of \$50 or more.

Enter the name and title of the person making the report and the date of the report.

Next, enter the Recipient government’s name and the contract number of the subgrant agreement.

Enter the contractor’s name and check whether the contractor was the prime contractor or a subcontractor.

Enter the wage decision(s) involved in the restitution, the total amount of restitution paid, and the number of employees receiving restitution.

- Question 1. Explain how the need for restitution was discovered.
- Question 2. Check the type of violation that occurred. If you check “Other,” explain on the line provided.
- Question 3. Check whether the contractor willfully paid wages that were lower than the applicable wage decision. If you have information that the contractor knowingly underpaid employees and checked “yes,” attach documentation with the report form.
- Question 4. If you are recommending sanctions for the contractor, check “yes” and supply documentation to support the recommendation.
- Question 5. If the contractor failed to pay the required overtime premium, calculate the liquidated damages at \$10 per day per employee.
- Question 6. If you recommend that the contractor have the liquidated damages waived, check “yes” and explain in the box provided.

Sign and hand date the form at the bottom.

Attachment F

**Record of Employee
Interviews**

To

**Labor Standards Policies and
Procedures**

[Date]

Record of Employee Interview Instructions

U.S. Department of Housing
and Urban Development
Office of Davis-Bacon and Labor Standards

OMB Approval No. 2501-0009
(exp. 12/31/2024)

Instructions

General:

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

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

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

Completing the form HUD-11:

Items 1a - 1c: Self-explanatory

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

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

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

Items 8 – 12b: Self-explanatory

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

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

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

Item 18: Please place here any additional information you may want to document or continuing information from other lines that do not fit in their block space.

Once the corresponding certified payroll reports are received, the information on the HUD-11 shall be compared to the payroll reports. Any discrepancies noted between the HUD-11 information and that on the payroll report shall be noted in Item 16, Remarks. If discrepancies are noted, follow-up actions to resolve the discrepancies must be taken.

Record of Employee Interview

U.S. Department of Housing and Urban Development Office of Davis-Bacon and Labor Standards

OMB Approval No. 2501-0009

(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? Vacation Yes No Medical Yes No Pension Yes No	4c. Pay stub? 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 ½ 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	

**Record of Employee
Interview**

**U.S. Department of Housing and Urban Development
Office of Davis-Bacon and Labor Standards**

OMB Approval No. 2501-0009
(exp. 12/31/2024)

18. Additional Remarks

CONFIDENTIAL

Attachment G
Worker Rights - WH-1321
Poster
to
Labor Standards Policies and
Procedures

WORKER RIGHTS

UNDER THE DAVIS-BACON ACT

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

The law requires employers to display this poster where employees can readily see it.

PREVAILING WAGES	You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.
OVERTIME	You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.
ENFORCEMENT	Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.
APPRENTICES	Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.
RETALIATION	The law prohibits discharging or otherwise retaliating against workers for filing a complaint, cooperating in an investigation, or testifying in a proceeding under the Davis-Bacon and Related Acts.
PROPER PAY	

If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:

or contact the U.S. Department of Labor’s Wage and Hour Division.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243
TTY: 1-877-889-5627
www.dol.gov/whd



Labor Standards
Non-Compliance Tracking
Sheet
To
Labor Standards Policies and
Procedures

CDBG CONTRACT START AND END DATES:

Sub-Contractor 5 - *Name*[illegible]