



# **An Introduction to Federal Labor Standards**

## **City of Richmond Subrecipient Training**

**November 1, 2022**

Presented by Kamaria “Mia” Taylor, Labor Standards Specialist

# DAVIS-BACON AND LABOR STANDARDS

The Office of Davis-Bacon and Labor Standards (DBLS) is responsible for HUD's overall compliance with the Federal prevailing wage requirements applicable to HUD-assisted and insured housing and community development programs covered under the Davis-Bacon and Related Acts (DBRA).

## DBLS Mission

- To ensure that workers on HUD federally-funded assisted construction or public housing maintenance projects *are paid no less than* the required (DOL or HUD-Determined wages).
- DBLS interacts with all major HUD programs to ensure that over 4,700 local contracting agencies are following the relevant laws.
- Ensure Local Contracting Agencies (LCAs) apply DBRA requirements properly and support labor standards compliance
- Administer and enforce labor standards for HUD Multifamily Projects.

# AGENDA



Federal Statues & Applicability



Wage Decisions



Contractor Responsibilities



Work Classifications



Pay Administration




Compliance & Enforcement



Agency Responsibilities





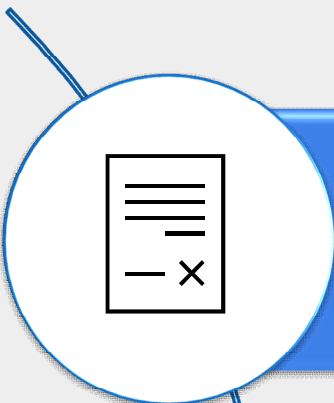
# FEDERAL STATUTES & APPLICABILITY

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# THE DAVIS-BACON ACT

Senator James J. Davis, Pennsylvania

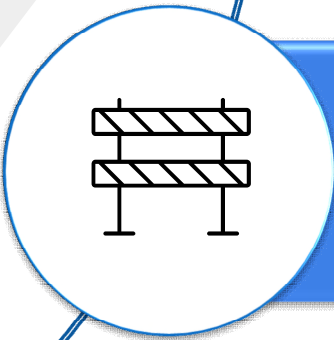


Signed into law March 3, 1931.

Representative Robert L. Bacon, New York.



Requires the payment of prevailing wage rates to all laborers and mechanics working on Federal government construction projects \$2,000 or more.



Construction includes alteration and/or repair, including painting and decorating of public buildings or works.

# THE DAVIS-BACON ACT APPLICABILITY

- Davis-Bacon wages are set federally and applied locally, “prevailing wages”.
- The Act requires all contractors working on federally funded jobs to pay their laborers wages no less than what others locally pay their workers for similar projects.
- Construction includes activities performed on **the site of the work**, such as preparation for construction (e.g., demolition of existing structures, equipment and material set-up, etc.), fabrication of materials, installation of materials, and post-construction clean-up.
- Davis-Bacon and the “Related Acts” (DBRA) are the statutes that apply to HUD programs.

# SITE OF WORK

Davis-Bacon applies to laborers and mechanics on the “site of work”.

- Physical place(s) referenced in the contract or agreement.
- The actual physical location or locations where the construction will remain when the work has been completed.
- Adjacent or nearby property used by the contractor which can reasonably be included because of proximity.
- Work performed off the “site of work” is not subject to Davis-Bacon. For example, fabrication at a contractor’s pre-existing yard or shop is not covered.

Note: If subsequent construction at the site is planned as part of the same contract or subsequent contract, Davis-Bacon will apply to the entire project.

# THE COPELAND ACT

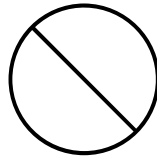
Signed into law June 13, 1934



Royal S. Copeland, New York. He was a Doctor, Dean and Senator.



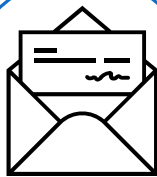
Also known as the “Anti-Kickback” law.



Prohibits contractor’s from making an employee give up any part of their entitled pay.



Requires that workers be paid weekly.



Requires contractors to submit weekly certified payroll with a signed “statement of compliance”.



# CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

- Also known as **CWHSSA**
- Applies to federally assisted construction contracts **over \$100,000**.
- **Requires contractors to pay laborers and mechanics overtime pay for all hours worked over 40 hours in a work week.**
- Violations carry a liquidated damages penalty of **\$29** per day.

# DEMOLITION

In most cases, demolition is not covered by Davis-Bacon unless it will be followed by a Davis-Bacon covered construction.

Davis-Bacon coverage is based on knowledge that there will be subsequent construction and that the subsequent construction work will be covered by Davis-Bacon.



# CDBG

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED  
(HCDA), (CDBG, SECTION 108 LOAN GUARANTEE, EDI/BEDI)

- Construction contracts over \$2,000.
- Applies to residential housing with 8 or more units and non-residential/commercial construction (curbs, facades, shelters, etc.)..
- Construction work financed in whole or in part. If just a part of the work is covered by CDBG funds the entire project is subject to Davis-Bacon
- All laborers and mechanics employed by contractors.
- Soft costs generally do not trigger Davis-Bacon.



# EXAMPLES OF PROJECT SOFT COSTS

- Legal fees, accounting fees, taxes, land acquisition and anything other than non-construction.
- Architectural, engineering or related professional services required to prepare plans, drawings, or specifications of a project.
- Purchase of equipment, furniture, and business licenses.



# HOME NATIONAL AFFORDABLE HOUSING ACT, SECTION 286(A)

Davis-Bacon requirements applies to any contract for the construction or non-construction of affordable housing with 12 or more HOME-assisted units.

- Applicability depends on how many HOME-assisted units are under the contract; not how many units are in the HOME project.
- Standard for applicability is *construction assisted*, not construction financed.
- Soft costs will trigger Davis-Bacon.

**Note:** HOME regulations prohibit breaking a single project into multiple contracts for the purpose of avoiding Davis-Bacon.



# AMERICAN RECOVERY PLAN (ARP)& THE CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS(SLFRF)

These grant funds will be administered through HUD's HOME Program. Davis-Bacon (DB) applicability would depend upon which program the funds come through.

For example, if HOME-ARP funds are being used to purchase land, you would follow the applicability requirements of the HOME program (12 or more HOME-assisted units in a construction contract, soft costs can trigger DB).

[https://www.hud.gov/program\\_offices/comm\\_planning/home-arp](https://www.hud.gov/program_offices/comm_planning/home-arp)



# CONTRACT REQUIREMENTS

Federal Labor Standards Provisions obligate the contractor to comply with the Davis-Bacon Wage Decision, reporting requirements and provide remedies and sanctions should violations occur.

**Each covered Davis-Bacon bid package and contract for construction/development must contain:**

- Federal Labor Standards Provisions (HUD-4010)
- Applicable Wage Decision



# METHODS OF INCORPORATION

The Federal labor standards provisions and prevailing wage decisions can be incorporated in bid specifications and contracts by one of the following:

- Hard copy
- Incorporated into other documents
- Reference (i.e., HUD-4010, VA20220139 Modification 3 dated 8/26/22)





**WAGE DECISIONS**

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**MINIMUM  
WAGE**



# WAGE DECISION

A wage decision is a document listing a minimum wage rate and fringe benefit for each classification DOL has determined prevailing in a specific area based on the type of construction.

- May be modified periodically
- Must be included in bid and contract documents
- Must be incorporated in prime & sub-contracts
- Must be posted at the job site in an area accessible to all workers and protected from the weather.

# RESIDENTIAL WAGE DECISION

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

- Apartment buildings 4 stories or less
- Multi-family houses (8 or more)
- Single family houses (8 or more under one contract)
- Town or row houses



# BUILDING WAGE DECISION

The construction of sheltered enclosures for the purpose of housing persons, machinery, equipment or supplies. Structures need not be habitable to be considered building construction.

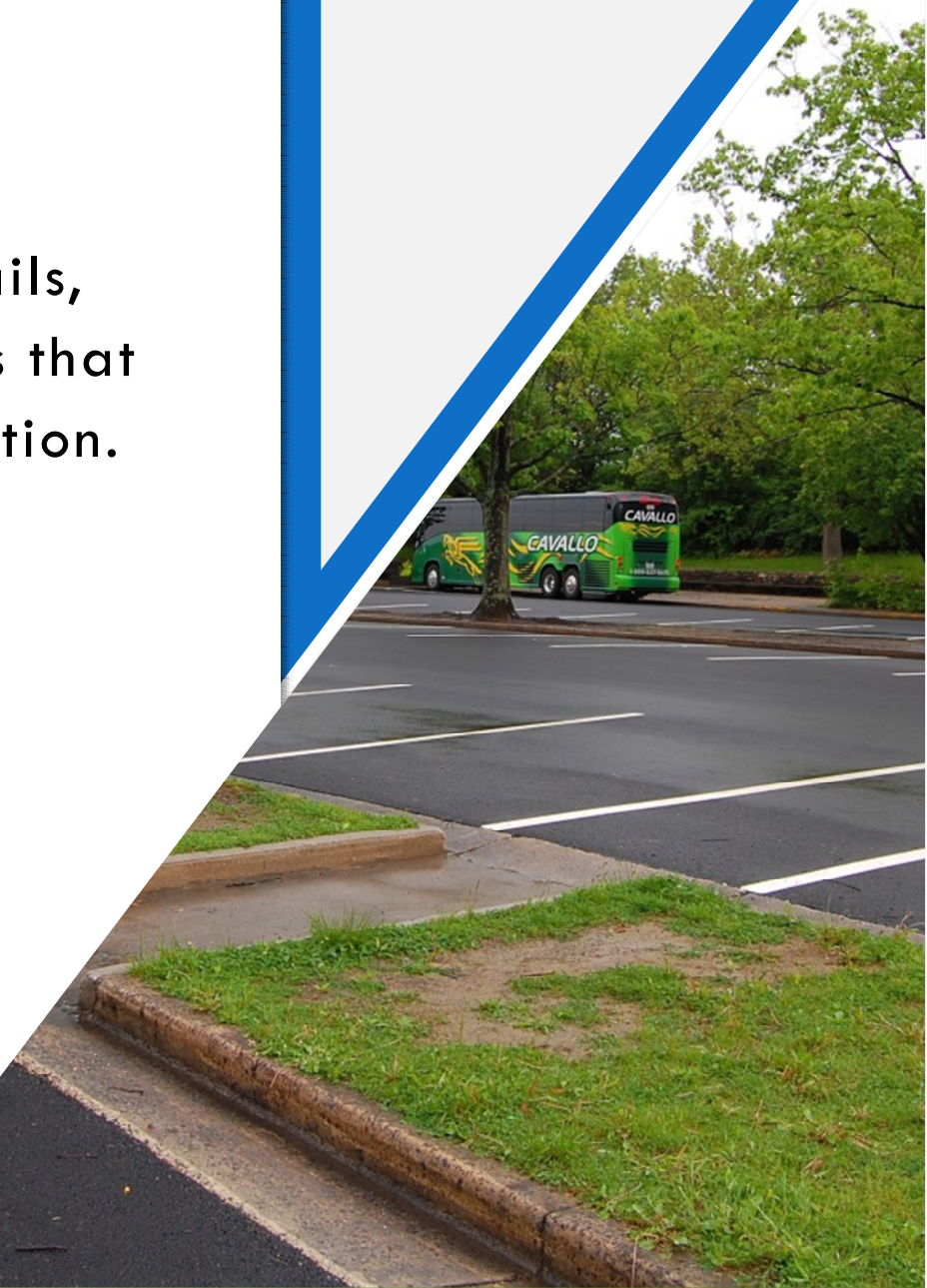
- Apartment buildings five (5) stories and up
- Commercial buildings
- Alteration or addition to buildings
- Remodeling, repairing & renovating buildings
- Shelters
- Warehouses
- Fire stations



# HIGHWAY WAGE DECISION

The construction, alteration, or repair of roads, streets, highways, runways, taxiways, alleys, trails, paths, parking areas, and other similar projects that are not incidental to building or heavy construction.

- Curbs
- Sidewalks
- Parking lots
- Street paving
- Street reconstruction



# HEAVY WAGE DECISION

The construction on projects that cannot be classified as building, residential, or highway.

- Water mains
- Water wells
- Water storage tanks
- Sewers (sanitary, storm, etc.)
- Parks and playgrounds
- Flood control
- Drainage projects





 **Official U.S. Government Website**  
100% Free

## The Official U.S. Government System for:

### [Contract Opportunities](#)

(was fbo.gov)

### [Contract Data](#)

(Reports ONLY from fpds.gov)

### [Wage Determinations](#)

(was wdol.gov)

### [Federal Hierarchy](#)

Departments and Subtiers

### [Assistance Listings](#)

(was cfda.gov)

### [Entity Information](#)

Entities, Disaster Response Registry, and Exclusions

### [Entity Reporting](#)

SCR and Bio-Preferred Reporting

**NEW** [Learn More](#)

## Register Your Entity or Get a Unique Entity ID

Register your entity or get a Unique Entity ID to get started doing business with the federal government.

[Get Started](#)

[Renew Entity](#)



[Check Registration Status](#)

**Click on "Wage Determinations"**

# Wage Determinations

A wage determination (WD) is a set of wages, fringe benefits, and work rules that the U.S. Department of Labor has ruled to be prevailing for a given labor category in a given locality.

## Help me find a wage determination

### I know the WD number

Search by WD Number

e.g. DBA or SCA Identifier

Show active only

### I do not know the number

Start your search by selecting a category

Public Building  
or Works



Wage rates for laborers and  
mechanics

Service  
Contracts



Wage rates for service  
employees

Service Contract Act (SCA)

**Click here to look up  
the wage decision by  
State, County and  
Construction Type**



Select Domain  
Wage Determinations



By Wage Determination ID

Construction (DBA)

Service Contracts (SCA)

Collective Bargaining Agreement (CBA)

Filter By



Location

State

Virginia



County/ Independent City

Virginia Beach



DBA Construction Type

Residential



Showing 1 - 1 of 1 results

**Davis-Bacon Act WD #: VA20220145**

State  
Virginia

Counties  
Virginia Beach\*



**Step 2: Click on the wage determination number to see the wage determination**

Sort by

Published Date



DBA Wage Determination

Modification Number  
3

Construction Types  
Residential

Published Date  
Feb 25, 2022



1

of 1



Results per page

25

**Step 1: Type or select drop button to enter State, County and Construction Type**

Wage Determination

- Overview
- Document
- History

WAGE DETERMINATIONS

**Davis-Bacon Act WD # VA20220145**

Follow

Modification #

3

Construction

Residential

Last Revised Date

Feb 25, 2022

Wage Determination

Document

Download

Print

"General Decision Number: VA20220145 02/25/2022

**When referencing a wage determination include:**

- **Wage Determination #**
- **Modification #**
- **Publication date**

**“VA20220145 Modification 3 dated 2/25/2022”**

**Print and/or save Wage Determination for contract documents and file.**

# WAGE DECISION “LOCK-IN”

## Competitively Bid Contracts

- Lock-in on bid opening date *provided* contract is awarded within 90 days
- Must update wage decision if contract is awarded more than 90 days after bid opening
- Modifications published less than 10 days before bid opening are not applicable if there is insufficient time to notify bidders

## Negotiated Contracts

- Lock-in at contract award date or construction start date, whichever occurs first.



# ADDITIONAL CLASSIFICATION REQUEST

**Once you are under contract,** identify the job classification that is missing:

- Complete form SF 1444 (<https://www.gsa.gov/forms-library/request-authorization-additional-classification-and-rate>)  
(Note: the form can first be filled out online and printed)
- Have all required parties sign the form, scan the SF 1444 and wage determination used for the contract into a single PDF file.
- Email the completed PDF to your contract administrator.
- DOL will respond by email to the contract administrator and your contact from the City of Richmond or other grantee, will email you DOL's response. You CAN use the proposed rate while waiting for a response. Restitution may be required should DOL come back with a higher rate.



# CONTRACTOR ELIGIBILITY

The agency must verify the eligibility of the prime contractor prior to initial closing or contract award on-line at:

**System for Award Management (SAM):** [www.sam.gov](http://www.sam.gov)

- The agency should make a record of the verification for the project file.
- Any contract awarded to a contractor found ineligible must be terminated immediately.



*verify*



To verify Contractor Eligibility,  
click on "Entity Information"



Official U.S. Government Website  
100% Free

The Official U.S. Government System for:

**Contract Opportunities**

(was fbo.gov)

**Contract Data**

(Reports ONLY from fpds.gov)

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SCR and Bio-Preferred Reporting

**NEW** [Learn More](#)

**Register Your Entity or Get a Unique Entity ID**

Register your entity or get a Unique Entity ID to get started doing business with the federal government.

**Get Started**

**Renew Entity**



**Check Registration Status**

## Entity Information

You can search and view entity information, including entity registration records, exclusions, and the Disaster Response Registry from this page. Most entity records are public information, but you must be signed to search and view them.

[+ What is an entity?](#)



**Please Sign In:** You must sign in to your SAM.gov account to search Entities or the Disaster Response Registry.

[Sign In](#)

### Search

[Advanced Search](#)

All Entity Information ▼  × 🔍

Show active only

**NEW**

### Register Your Entity or Get a Unique Entity ID

Register your entity or get a Unique Entity ID to get started doing business with the federal government.

[Get Started](#)[Renew Entity](#)[Check Registration Status](#)

Select Domain Entity Information +

All Entity Information

Entities

Disaster Response Registry

Exclusions

Filter By -

**Keyword Search**

For more information on how to use our keyword search, visit our [help guide](#)

Any Words ⓘ

All Words ⓘ

Exact Phrase ⓘ


e.g. 123456789, Smith Corp

"KBS, Inc." x

Entity v

Location v

Entity Status ^

 **No matches found**

We couldn't find a match for your search criteria.

Please try another search or go back to previous results.

[Go Back](#)

**Print and/or save results and place in contract file as proof contractor eligibility was verified.**





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# CONTRACTOR RESPONSIBILITIES

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# PRIME CONTRACTOR



Responsible for compliance of all employers



Sub-contractors communicate through prime



Include labor provisions (HUD-4010) & wage decision in all sub-contracts



Provide sub-contractors with forms and guidance



Reviews all payrolls for accuracy



Submits certified payrolls for own employees & subs



# SUBCONTRACTOR CONTRACTORS



Prepares & submits certified weekly payrolls to Prime



Instruct sub-tier of responsibilities



Request additional classifications through Prime



# REQUIRED FOR ALL CONTRACTORS



Pay according to required classifications and rates



Permit access to employees during work



Retain records documenting compliance for three years after project completion



# WORK CLASSIFICATIONS

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# LABORERS AND MECHANICS

- The terms "laborers" and "mechanics" include those workers whose duties are manual or physical. Generally, mechanics are considered to include any worker who uses tools or who is performing the work of a recognized trade.
- Supervisors or Working Foreman are covered if they spend 20% or more of their time performing laborer or mechanic duties at the job site.
- Relatives who are performing work must be paid the required wage for the classification of job performed and must be included on payrolls.



# WORKING OWNER

- An owner who has no employees is not authorized to sign his/her own payroll and Statement of Compliance. Instead, must be listed on the prime or subcontractor for whom they have executed a "contract" for services.
- Owners of businesses working with their crew may certify to the payment of their own wages as well as their employee's wages. Owners need only list their name, work classification including "owner," and the daily and total hours worked. Owners *do not* need to list a rate of pay or amounts earned.



# CONSTRUCTION CLEANING

- Cleaning performed during construction is subject to prevailing wage provisions.
- If a cleaning classification is not list on the wage decision, cleaners must be paid the rate for unskilled laborers.





# SPLIT CLASSIFICATIONS

- An employee may perform work in more than one classification *provided*, the employer maintains accurate time records of the time spent in each classification of work performed.
- If accurate time records are not maintained, the employee shall be compensated at the highest of all wage rates for the classifications in which work was performed.



# APPRENTICES

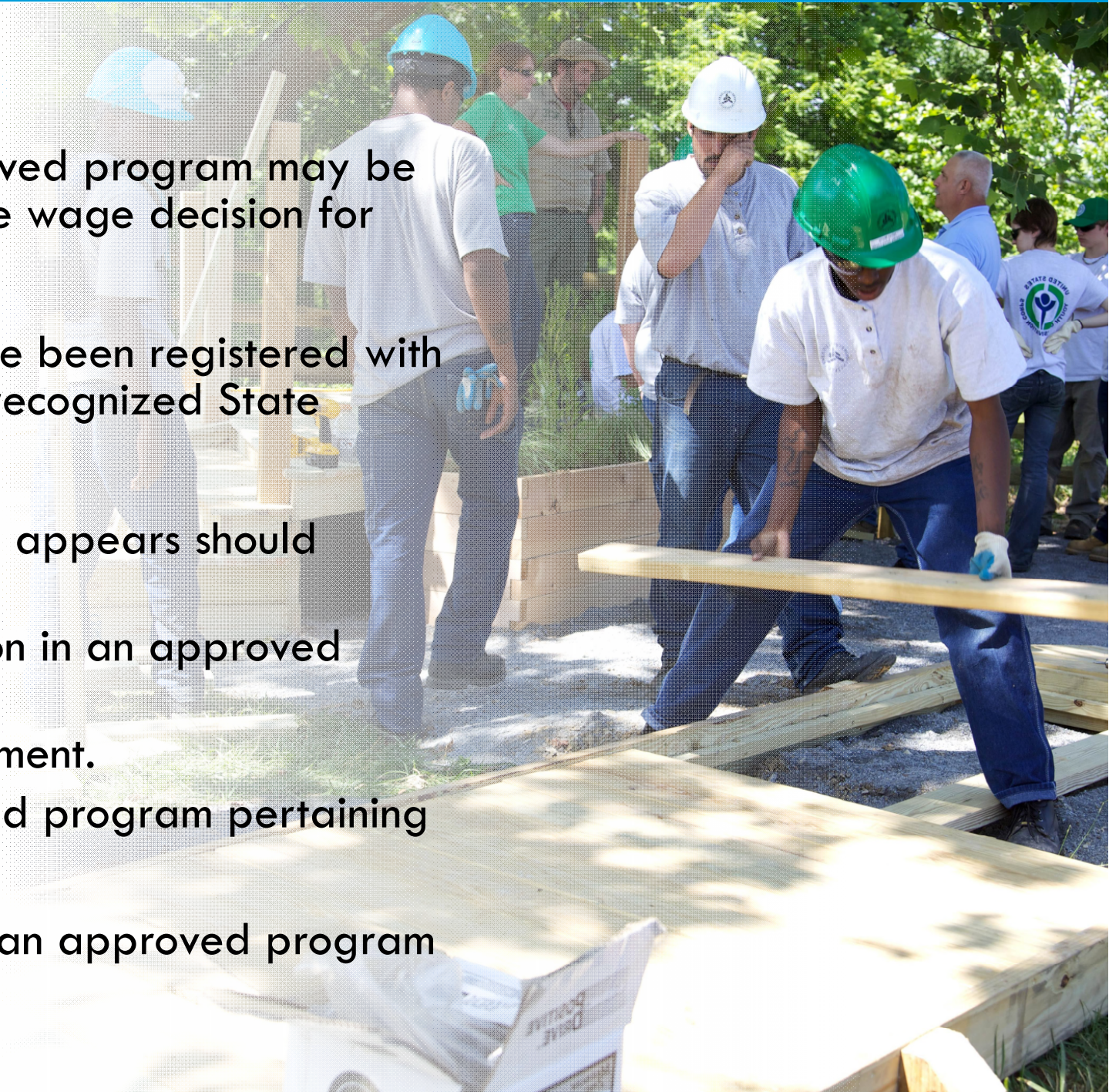
Only apprentices registered in an approved program may be paid less than the wage rate listed on the wage decision for their work classification.

Approved programs are those which have been registered with the Department of Labor (DOL) or DOL recognized State Apprenticeship Agency.

The first payroll on which any apprentice appears should include:

- A copy of that apprentice's registration in an approved program.
- A copy of each apprenticeship agreement.
- A copy of the portions of the approved program pertaining to the wage rates and ratios.

Note: A worker who is not registered in an approved program must be paid the full journeyman's rate.



# TRUCK DRIVERS

Material delivery truck drivers who come onto the site of work merely to drop off or pick up construction materials are not covered if the time spent on the site of work is not more than 20% or more of the work week.

- Covered if driving or working on the “site of the work”
- Covered if working exclusively on the “site of the work”
- Not covered if only loading/unloading on the “site of the work”
- Not covered if driving off the “site of the work” between Davis-Bacon site and commercial facilities



# VOLUNTEERS

- Perform services voluntarily
- Do not receive compensation
- May receive expenses or a nominal fee
- Not otherwise employed on the project
- Note the project file and have volunteer sign





# PAY ADMINISTRATION

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# DAVIS-BACON WAGE RATES

The wage decision lists a minimum basic wage or basic wage plus fringe benefits. Pay wage rates at or above those on wage decision for classification of work performed.

If the wage decision requires \$10 per hour + \$5 per hour fringe benefits, you must pay no less than \$15 per hour. You can meet this obligation in several ways, as long as you meet the total amount:

- \$10 basic plus + \$5 fringe benefits.
- \$12 basic plus + \$3 fringe benefits.
- \$9 basic plus + \$6 fringe benefits



# FRINGE BENEFITS

- Can include employer contributions to health insurance premiums, retirement contributions, life insurance, vacation & sick leave, etc.
- Contractor must identify on Statement of Compliance if fringe benefits are paid or not
- Unfunded plans: Contractor must obtain DOL approval



# NOT FRINGE BENEFITS

- Workers' compensation
- Unemployment compensation
- Social Security
- Employer payments or contributions required by Federal, State or local laws
- Use of company truck
- Holiday bonus



NO



# OVERTIME

- For all hours worked over 40 per week
- Paid at 1 ½ times the regular rate of basic pay plus the straight-time rate of fringe benefits
- Applies to hours worked on covered project



# PIECE WORK

- Convert to hourly wage rate
- Total weekly wages ÷ hours worked = effective hourly wage rate
  - $\$1000 \div 40\text{hrs} = \$25$  per hour
- It is important that contractors keep good records of hours worked



# PAY DEDUCTIONS

Allowable deductions include employee obligations for:

- Income taxes and Social Security payments
- Insurance premiums
- Retirement and savings accounts
- Any other legally-permissible deduction authorized by the employee.
- Those deemed permissible by 29 Code of Federal Regulations (CFR) Part 3. Deductions not provided must be approved by the DOL

# CERTIFIED PAYROLL BASICS



Contractors are required to submit weekly certified payrolls to document compliance with prevailing wage requirements.



The Statement of Compliance is required for each employer's weekly certified payroll. It is located on the reverse side of a standard payroll form (WH-347).



Make sure the payroll is signed with an original signature.



Must be signed by a principal of the firm or by an authorized agent (authorized by a principal in writing to sign the payroll reports).

PAYROLL



U.S. Wage and Hour Division

Rev. Dec. 2008

(For Contractor's Optional Use; See Instructions at [www.dol.gov/whd/forms/wh347instr.htm](http://www.dol.gov/whd/forms/wh347instr.htm))

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: 04/30/2021

PAYROLL NO.  FOR WEEK ENDING  PROJECT AND LOCATION  PROJECT OR CONTRACT NO.

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	O T O B S T	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK
				HOURS WORKED EACH DAY	FICA	WITH- HOLDING TAX	OTHER	TOTAL DEDUCTIONS											
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# WH-347

- Contractors are not required to use form WH-347.
- Computerized formats are acceptable if it contains all the information required on the WH-347.

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)(I) 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) : that during the payroll period commencing on the  (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 331 OF TITLE 31 OF THE UNITED STATES CODE.

# The Statement of Compliance...is the certification. It is located on the reverse side of a standard payroll form (WH-347).


- Be sure the identifying information at the top is completed, particularly if attaching the Statement of Compliance to an alternate payroll form such as a computer payroll.

# COMMONS PAYROLL ERRORS

 Missing documentation for Apprentices and Trainees

 Classification errors

 Copy or fax Statement of Compliance


 Frequent computation errors

 Incomplete payrolls

 Other deductions not identified

 Overtime violations

 Unauthorized signature on Statement of Compliance

 Wage rate errors



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# COMPLIANCE & ENFORCEMENT

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# EMPLOYEE RIGHTS UNDER THE DAVIS-BACON ACT

## FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

### PREVAILING WAGES

You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.

### OVERTIME

You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.

### ENFORCEMENT

Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for up to three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.

### APPRENTICES

Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.

### PROPER PAY

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

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

## DAVIS-BACON POSTERS (WH-1321)

- The Davis-Bacon poster, and a copy of the applicable Davis-Bacon wage decision, **must be displayed at the job site of every project subject to Davis-Bacon wage requirements.**
- Available in English and Spanish.



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243  
TTY: 1-877-889-5627  
[www.dol.gov/whd](http://www.dol.gov/whd)



WH1321 REV1317



# Project Wage Rate Sheet

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

PROJECT NAME: [REDACTED]			WAGE DECISION NUMBER/MODIFICATION NUMBER: [REDACTED]			
PROJECT NUMBER: [REDACTED]			PROJECT COUNTY: [REDACTED]			
WORK CLASSIFICATION	BASIC HOURLY RATE (BHR)	FRINGE BENEFITS	TOTAL HOURLY WAGE RATE	LABORERS FRINGE BENEFITS:		TOTAL WAGE
				GROUP #	BHR	
Bricklayers	[REDACTED]	[REDACTED]	\$ [REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]
Carpenters	[REDACTED]	[REDACTED]	\$ [REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]
Cement Masons	[REDACTED]	[REDACTED]	\$ [REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]
Drywall Hangers	[REDACTED]	[REDACTED]	\$ [REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]
Electricians	[REDACTED]	[REDACTED]	\$ [REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]
Iron Workers	[REDACTED]	[REDACTED]	\$ [REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]
Painters	[REDACTED]	[REDACTED]	\$ [REDACTED]	OPERATORS FRINGE BENEFITS:		\$ [REDACTED]
				GROUP #	BHR	TOTAL WAGE
Plumbers	[REDACTED]	[REDACTED]	\$ [REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]
Roofers	[REDACTED]	[REDACTED]	\$ [REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]
Sheet Metal Workers	[REDACTED]	[REDACTED]	\$ [REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]
Soft Floor Layers	[REDACTED]	[REDACTED]	\$ [REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]
Tapers	[REDACTED]	[REDACTED]	\$ [REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]
Tile Setters	[REDACTED]	[REDACTED]	\$ [REDACTED]	TRUCK DRIVERS FRINGE BENEFITS:		\$ [REDACTED]
				GROUP #	BHR	TOTAL WAGE
OTHER CLASSIFICATIONS						
[REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]
ADDITIONAL CLASSIFICATIONS (HUD Form 4230-A)						
WORK CLASSIFICATION	BASIC HOURLY RATE	FRINGE BENEFITS	TOTAL HOURLY WAGE RATE	DATE OF HUD SUBMISSION TO DOL		DATE OF DOL APPROVAL
[REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	\$ [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

# PROJECT WAGE RATE SHEET

(HUD-4720)

This sheet is a one-page transcript that will show only the classifications and wage rates for a project.

- Easy for workers to see if they are paid properly
- Ready reference for the contract administrators reviewing payroll reports
- Should be prepared after the wage decision has been "locked-in"

# Record of Employee Interview

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

OMB Approval No. 2501-0009  
(exp.09/30/2017)

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. The information is collected to ensure compliance with the Federal labor standards by recording interviews with construction workers. The information collected will assist HUD in the conduct of compliance monitoring; the information will be used to test the veracity of certified payroll reports submitted by the employer. Sensitive Information. The information collected on this form is considered sensitive and is protected by the Privacy Act. The Privacy Act requires that these records be maintained with appropriate administrative, technical, and physical safeguards to ensure their security and confidentiality. In addition, these records should be protected against any anticipated threats or hazards to their security or integrity that could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom the information is maintained. The information collected herein is voluntary, and any information provided shall be kept confidential.

1a. Project Name			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 <input type="checkbox"/> No <input type="checkbox"/>			
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 <input type="checkbox"/> No <input type="checkbox"/> Medical Yes <input type="checkbox"/> No <input type="checkbox"/> Pension Yes <input type="checkbox"/> No <input type="checkbox"/>	4c. Pay stub? Yes <input type="checkbox"/> No <input type="checkbox"/>	
5. Your job classification(s) (list all) --- continue on a separate sheet if necessary						
6. Your duties						
7. Tools or equipment used						
8. Are you an apprentice or trainee? Y <input type="checkbox"/> N <input type="checkbox"/>						
9. Are you paid for all hours worked? Y <input type="checkbox"/> N <input type="checkbox"/>						
10. Are you paid at least time and 1/2 for all hours worked in excess of 40 in a week? Y <input type="checkbox"/> N <input type="checkbox"/>						
11. Have you ever been threatened or coerced into giving up any part of your pay? Y <input type="checkbox"/> N <input type="checkbox"/>						
12a. Employee Signature			12b. Date			
13. Duties observed by the interviewer (Please be specific.)						
14. Remarks						
15a. Interviewer name (please print)			15b. Signature of interviewer		15c. Date of interview	
<b>Payroll Examination</b>						
16. Remarks						
17a. Signature of Payroll Examiner			17b. Date			

## Record of Employee Interview (HUD-11)

- The agency must periodically conduct interviews with the construction workers on the job site.
- The contract administrator or a designee (such as an agency construction inspector) should visit the project site and interview workers.
- The purpose of the interviews is to capture observations of the work being performed
- They are conducted as an enforcement activity to ensure Davis-Bacon Wages are being paid.
- Compare the information on the interview forms to payrolls to ensure that the workers are properly listed for the days, work classifications and rate pay.

# WAGE RESTITUTION

When wage underpayment has occurred, the employer will be required to pay wage restitution to all affected employees within 30 days.

- The prime contractor is responsible for ensuring restitution is paid.
- Document restitution on a corrected certified payroll report.



# WITHHOLDING OF FUNDS

If wage underpayments or other violations are not corrected within 30 days after notification to the prime contractor, you have the authority to withhold money.

Withholding of money is considered serious and the prime contractor should be notified in writing.



# FALSIFICATION OF PAYROLLS

Contractors and/or subcontractors that are found to have willfully falsified payroll reports and Statements of Compliance, may be subject to civil or criminal prosecution.

Penalties may be imposed of \$1000 and/or one year in prison for each false statement.



# DOL DEBARMENT

Debarment is considered when a contractor has willfully:

- Submitted falsified certified payrolls
- Required kickbacks of wages or back wages
- Committed repeat violations

When a contractor is debarred, they are declared ineligible for up to 3 years from receiving Federal contracts.





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# AGENCY RESPONSIBILITIES

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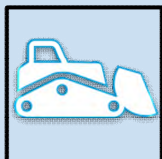
# PROVIDE CONTRACTOR TRAINING



Make certain the contractor understands the requirements for Davis-Bacon compliance.



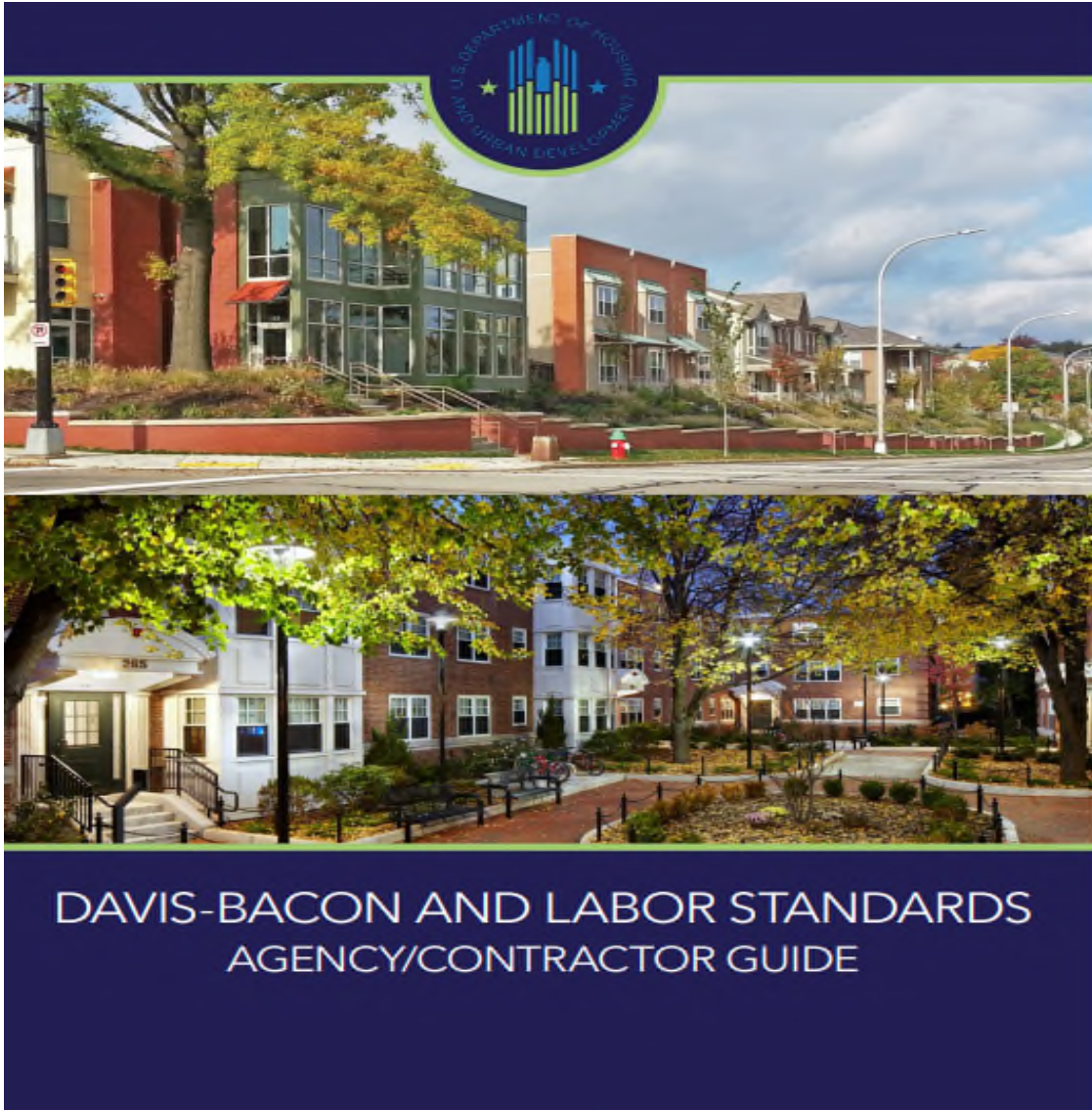
Discuss requests for Additional Classifications early.



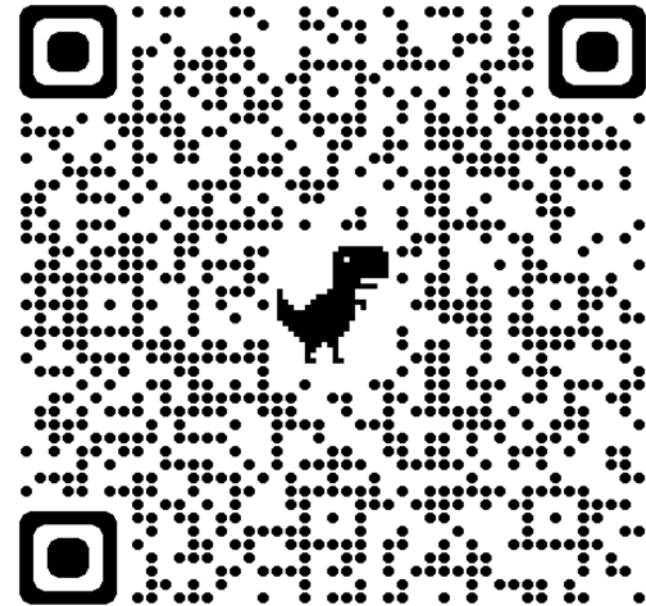
Refer contractor to *A Contractor's Guide to Prevailing Wage Requirements for Federally-Assisted Construction Projects*.



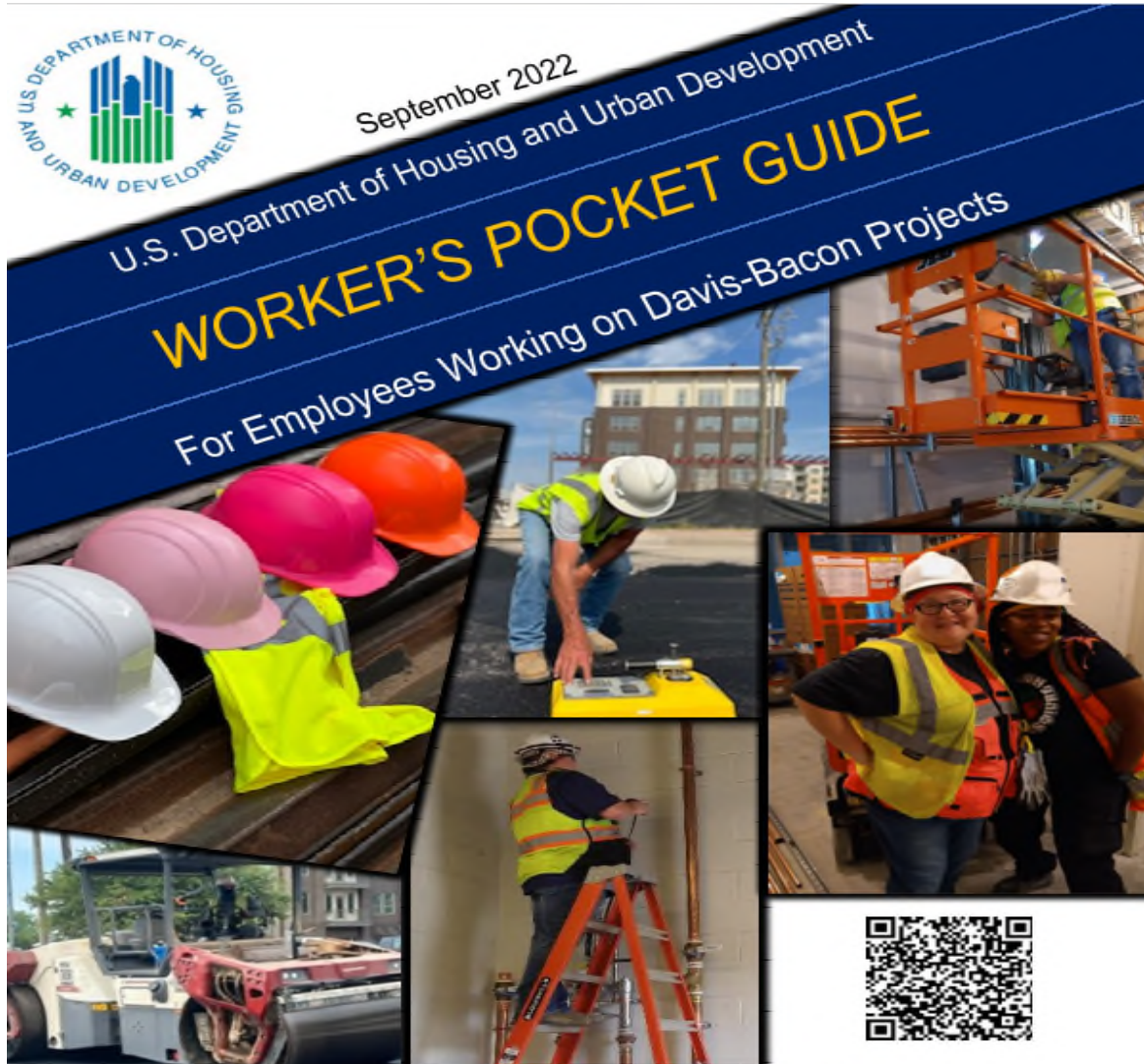
# DBLS Agency/Contractor Guide



<https://files.hudexchange.info/resources/documents/Davis-Bacon-and-Labor-Standards-Agency-and-Contractor-Guide.pdf>



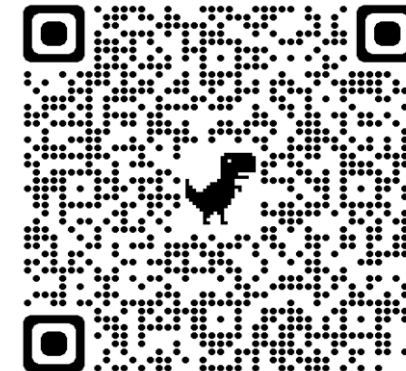
# Worker's Pocket Guide



[https://www.hud.gov/sites/dfiles/Labor/documents/Davis-Bacon\\_Worker\\_Pocket\\_Guide.pdf](https://www.hud.gov/sites/dfiles/Labor/documents/Davis-Bacon_Worker_Pocket_Guide.pdf)

## Davis-Bacon Worker Pocket Guide (en Español)

[https://www.hud.gov/sites/dfiles/Labor/documents/Davis-Bacon\\_Worker\\_Pocket\\_Guide\\_es\\_2.pdf](https://www.hud.gov/sites/dfiles/Labor/documents/Davis-Bacon_Worker_Pocket_Guide_es_2.pdf)



# AGENCY RESPONSIBILITIES

Designate appropriate staff

Establish a contract management system

Verify contractor eligibility & save/print results for contract file

Ensure contracts contain the HUD-4010 & applicable wage decision

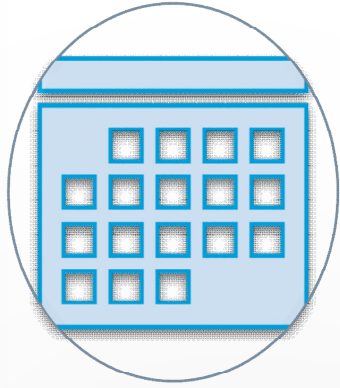
Ensure wage decision & DOL poster is posted at the job site

Conduct interviews (HUD-11's) & review payrolls

# AGENCY RESPONSIBILITIES – RECORD RETENTION



Copy of  
executed  
contract



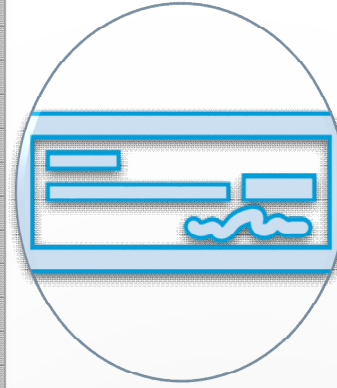
Bid opening,  
contract  
award,  
project start  
& end dates



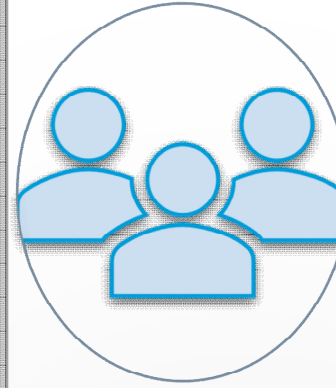
Proof of  
contractor  
eligibility



Wage  
decision &  
additional  
classifications



Certified  
payrolls &  
actions taken



Apprentice  
Information



Employee  
Interviews  
(HUD-11s)

**KEEP REQUIRED RECORDS FOR THREE (3) YEARS**

# WEBSITES, RESOURCES AND FORMS



**Agency/Contractor Guide:** <https://files.hudexchange.info/resources/documents/Davis-Bacon-and-Labor-Standards-Agency-and-Contractor-Guide.pdf>



**Worker's Pocket Guide:** [https://www.hud.gov/sites/dfiles/Labor/documents/Davis-Bacon\\_Worker\\_Pocket\\_Guide.pdf](https://www.hud.gov/sites/dfiles/Labor/documents/Davis-Bacon_Worker_Pocket_Guide.pdf)



**HUD, Office of Davis Bacon & Labor Standards:**  
[https://www.hud.gov/program\\_offices/davis\\_bacon\\_and\\_labor\\_standards](https://www.hud.gov/program_offices/davis_bacon_and_labor_standards)



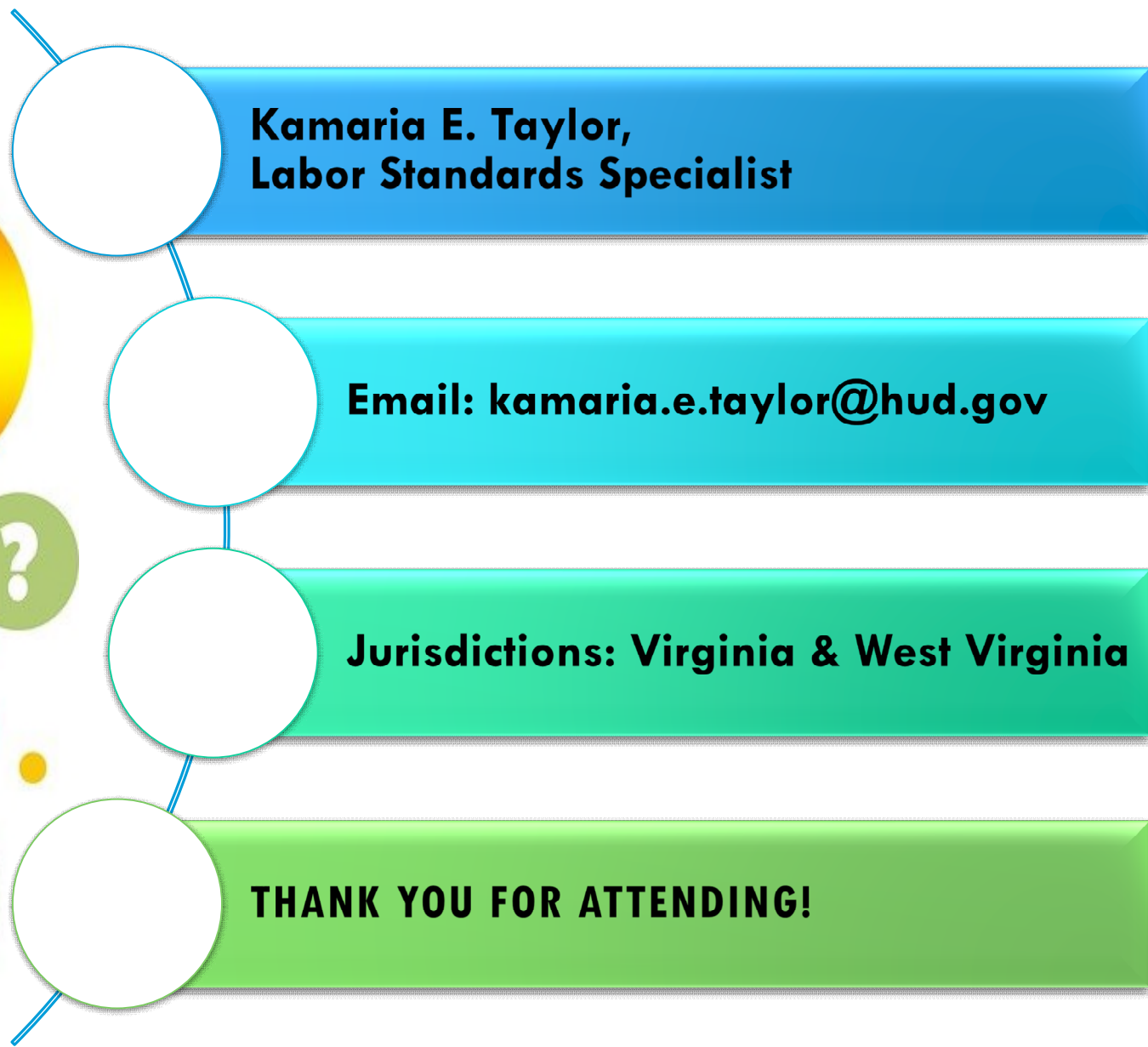
**Davis Bacon & Labor Standards Forms:**  
[https://www.hud.gov/program\\_offices/davis\\_bacon\\_and\\_labor\\_standards/olrform](https://www.hud.gov/program_offices/davis_bacon_and_labor_standards/olrform)



**Davis-Bacon Wage Decisions & Contractor Eligibility:** [www.sam.gov](http://www.sam.gov)



**State Office of Apprenticeship website:** <https://www.doleta.gov/oa/stateoffices.cfm>



# DISCLAIMER

This presentation is intended as general information only and does not carry the force of legal opinion. The Department of Housing and Urban Development is providing this information as a public service. This information and related materials are presented to give the public access to information on the Davis-Bacon and Related Acts. You should be aware that, while we try to keep the information timely and accurate, there will often be a delay between official publications of the materials and the modification of these pages. Therefore, we make no express or implied guarantees. The Federal Register and the Code of Federal Regulations remain the official source for regulatory information. We will make every effort to keep this information current and to correct errors brought to our attention.