

OKLAHOMA HOUSING FINANCE AGENCY
HOUSING DEVELOPMENT TEAM

Chapter 22	
	Reference: 92.354
Subject: Labor Standards & Construction Management	

I. INTRODUCTION

The construction phase of a project is divided roughly into two major components:

1. The pre-construction conference and start of construction; and
2. Monitoring construction progress, including labor compliance.

Each of these phases is subject to various State and federal requirements, which will be discussed at greater length in this Requirement.

II. THE PRE-CONSTRUCTION CONFERENCE

- A. OHFA requires that every contractual relationship between the awardee and the construction contractor be initiated by a meeting to define the terms, conditions, deliverables and performance schedules that will govern the contract. This approach represents good management practice and reduces the likelihood of later conflicts caused by assumptions and misunderstandings between the contractor and the awardee.
- B. After contract award but before any obligation is created or work performed, the awardee, the architect or engineer and any technical advisors to the awardee must hold a pre-construction conference with the contractor to explain contract requirements.
- C. The contractor should be notified in writing of the time and place for the conference. The invitation may also require the attendance of subcontractors expected to undertake major portions of the work. Documentation required from the contractor at the time of the meeting should be identified. Satisfaction of all bonding provisions may be required at this time.
- D. Prepare an agenda. Plan to utilize and distribute a Preconstruction Checklist [**Attachment 1**] as a guide to assure that all areas are properly addressed. A tape recorder may be used to record the meeting and/or a stenographer may be asked to prepare notes. It is the awardee's responsibility to clearly present the federal statutory

compliance requirements as well as performance expectations. A copy of the minutes should be signed by the parties to the contract and placed in the files.

E. OHFA recommends the following procedures as the minimum coverage of topics at the pre-construction conference:

1. Review the technical aspects of the project;
2. Identify the laws applicable to the contract and establish the documentation, reporting and performance that will constitute compliance;
3. Establish the awardee's obligations to monitor labor standards and the procedures that will be employed;
4. Establish specific contractor-to-awardee reporting requirements;
5. Accept bonds and securities for performance and payment of labor and materials;
6. Review the contract provisions, including all attachments regarding labor standards, civil rights, job safety standards and environmental protection;
7. Explain the objectives of Executive Order 11246 and require a copy of the contractor's Affirmative Action Plan and the specific affirmative action strategy to be employed on this contract.
8. Provide the contractor with forms, job-site posters and other materials [**Copies are available from OHFA.**];
9. Return the contractor's bid bonds;
10. Provide for a written record of the pre-construction conference to be prepared and subsequently signed by the parties to the agreement;
11. Issue a written Notice to Proceed to the contractor, a copy of which is to be sent to OHFA.

III. CHANGE ORDERS

- A. It is not uncommon for circumstances to require modifications to various construction contracts. Written change orders are permitted provided the cumulative impact of all such change orders does not increase the original contract amount by more than 15%.
- B. The awardee must formally approve any change order and maintain written documentation as to the reasons for the change. All change orders must contain a unit price and total for each of the following items:

1. All materials with cost per item;
 2. Itemization of all labor with number of hours per operation and cost per hour;
 3. Itemization of insurance cost, bond cost, social security, taxes, Workers' Compensation, employee fringe benefits and overhead costs; and
 4. Profit for the contractor.
- C. The awardee needs to monitor the relationship between any change order and its contract with OHFA. If the change order would cause any change in a budget line item, scope of project or change in beneficiaries, the awardee must request a contract modification from OHFA. The awardee may not approve such a change order until and unless OHFA approves a contract modification.

IV. LABOR STANDARDS ADMINISTRATION

A. Statutory Requirements: Awardees should be aware of the major labor standards requirements for HOME projects. The three principal laws and their terms are identified below.

1. Davis-Bacon Act:

a. Every contract for the construction (rehabilitation or new construction) of housing that includes 12 or more units assisted with HOME funds awarded by awardees and sub-tier recipients must include a provision for compliance with Davis-Bacon and associated USDOL regulations. The principal requirements are:

- (1) Awardees must include a copy of the current prevailing wage rate determination in each Request For Bid (RFB);
- (2) Awardees may only award contracts to eligible contractors and subcontractors that have accepted the wage rate determination and signed a certification to pay wages on that basis and comply with other labor standards;
- (3) Contractors must pay laborers the wage rate determined by the USDOL to be the prevailing rate in that labor market;
- (4) Contractors must pay wages at least once a week; and
- (5) Awardees are required to report all suspected, reported or confirmed violations (under-payments to workers) of over \$100 to OHFA, who may investigate these alleged violations.

- b. Three special classes of employees may be employed on projects of this type and be compensated at less than the Davis-Bacon prevailing wages. These classes are:
 - (1) Apprentices, provided they are individually registered in a bona fide apprenticeship program in which the contractor participates and which is approved by the USDOL and that they also satisfy other conditions as specified in the labor standards contract provisions;
 - (2) Trainees, provided they are in a USDOL-approved training program and satisfy other conditions as specified in the labor standards contract provisions;
 - (3) Helpers, provided the "Helper" classification is included in the applicable wage rate determination or has been approved by the USDOL. **[See Checklist of Crafts; Labor: Specify Classes on the Request for Determination and Response to Request.]**
- (c) If and when these employee classes appear on the contractor's weekly payrolls, it is the contractor's responsibility to provide the documentation necessary to determine compliance with the Davis-Bacon wage rate determination.
- 2. **Copeland Anti-Kickback Act [18 USC 874, 29 CFR 3]**: Contractors are prevented, under the terms of this statute, from withholding any employee wages which are not prescribed by law, union agreement or without the employee's permission. The awardee must conduct confidential interviews with employees to assure compliance with the terms of this law and the contractor is required to maintain payroll records and to submit weekly certified payrolls documenting compliance. This requirement applies to all federally-assisted contracts except where the assistance is solely in the nature of a loan guarantee or insurance.
- 3. **Contract Work Hours and Safety Standards Act [40 USC 327-330]**: Every contract for the construction (rehabilitation or new construction) of housing that includes 12 or more units assisted with HOME funds must comply with the following provisions of this law.
 - a. Contractors must compute the wages of each laborer and mechanic on the basis of a standard workweek of 40 hours.
 - b. Work in excess of 40 hrs/week is permitted provided compensation for the amount in excess of the standard is calculated at a rate not less than 1-1/2 times the basic rate of pay.

- c. Contractors may not require any laborer or mechanic to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous to his/her health or safety as determined under construction, safety or health standards issued by the USDOL.

B. Compliance Administration: Labor standards compliance begins with the issuance of a Notice to Proceed and is usually submitted as part of the bid or incorporated in the contract. [**Attachment 2**] To assure proper coverage when project activities are reviewed, the contractor must follow the requirements and administrative procedures listed below.

1. Review Certified Payrolls and Compliance: For each *weekly* period covered by the HOME construction contract, copies of certified payrolls and an executed Statement of Compliance are required from all contractors and subcontractors and must be in the files. [**Attachment 3, Forms WH 347 & WH 348**] Payroll forms must be compared with wage determination for each class/craft to assure that wages are being paid as prescribed by law. The Statement of Compliance contains certifications that:

- a. The information covers the proper period and is complete and accurate;
- b. Each worker has been paid the proper wages and benefits and no "rebates" have been taken;
- c. Deductions are only those permitted by law and approved by the workers; and
- d. Payments to workers are consistent with the wage rate determination.

2. Visit the Work Site:

- a. The awardee must determine that the labor standards information is properly posted at the job site. The wage rates and job classifications must be posted and a Notice to Employees poster must also be prominently displayed. In addition, a poster concerning Safety and Health Protection on the Job should be displayed.
- b. In addition to this technical review, the awardee should also identify the specific jobs being performed and identify the workers to be interviewed regarding wages and job duties.

3. Conduct Employee Interviews:

- a. On-site interviews must be conducted of enough employees (at least 10% coverage) to provide a reasonable representation of the crafts and trades utilized on the project (interviewing at least one employee in

each job classification). Interviews must be conducted at least once during the course of construction. Using the Record of Employee Interview [**Attachment 4**], documentation must demonstrate that:

- (1) The payroll information is consistent with the wage rate determination; and
- (2) Employees are working in proper job classifications.

These interviews form the basis for determining whether any violations are occurring and facilitate subsequent follow-up by the awardee.

- b. Note: Talk to the job-site foreman to let him/her know who you are and what you're doing. Try to conduct interviews on break time but observe the employees at work to verify job classifications.

4. Deal With Violations:

- a. Violations less than \$1,000 which are not willful should be dealt with as follows:
 - (1) Require the contractor to prepare a supplemental payroll to make appropriate restitution to affected employees; and/or
 - (2) Assess liquidated damages for non-payment of overtime and require a separate supplemental payroll. The amount to be paid to the U.S. Government (HUD) is \$10 for each day the employee was eligible for overtime but not paid overtime at 1-1/2 times the approved rate.
 - (3) If contractors refuse to comply with these requirements, the awardee must withhold sufficient amounts from the contractor to make restitution. This amount is to be recorded and OHFA is to be notified immediately.

All wage restitutions/liquidated damages should be aggregated on the Final Wage Compliance Report. [**Attachment 5**]

- b. Serious violations, i.e., those representing under-payments greater than \$1,000, are to be reported immediately to OHFA. Technical assistance will be provided to assure proper resolution.

C. Construction Wrap-up:

1. The contractor must submit a certification of project completion, along with the final request for payment.

2. The awardee must confirm that all:
 - a. Weekly payrolls and statements of compliance have been received, checked and any discrepancies resolved;
 - b. Discrepancies identified during on-site interviews have been satisfactorily resolved;
 - c. Other required equal opportunity and labor standards have been satisfied;
 - d. Other contract requirements have been satisfied;
 - e. Files are complete; and
 - f. As-built plans have been filed.
3. When all contract requirements have been satisfied, the awardee will issue an acceptance of work.
4. After project acceptance and receipt of a Release of Claimants from the contractor, the awardee then submits the final Request for Reimbursement and the Final Wage Compliance Report to OHFA.

VII. ATTACHMENTS

1. Pre-Construction Checklist
2. Notice to Proceed
3. Payroll (WH-347)
4. Record of Employee Interview
5. Final Wage Compliance Report
6. Construction Management Files

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PRE-CONSTRUCTION CHECKLIST

Project Name:	Project Number:			
Location:				
Description of Work to be Performed:				
Contractor:	Contract Amount: \$			
Conference Date:	Location:			
<table style="width: 100%; border: none;"> <tr> <td style="width: 15%;">Participants:</td> <td style="width: 40%;">Names:</td> <td style="width: 45%;">Titles:</td> </tr> </table>		Participants:	Names:	Titles:
Participants:	Names:	Titles:		

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|----------------|-------|--|
| Items Covered: | _____ | Labor Standards |
| | _____ | Awardee's Role and Responsibilities |
| | _____ | Section 3 Contracting, Training and Employment Opportunities |
| | _____ | Contractor's Role and Responsibilities |
| | _____ | Equal Opportunity |
| | _____ | Reporting Requirements and Sanctions |
| | _____ | Other |

(Instructions on following pages.)

CONSTRUCTION CHECKLIST FOR CONTRACTORS

(MEETING LABOR STANDARDS COMPLIANCE REQUIREMENTS)

I. INTRODUCTION:

The following checklist has been prepared to assist contractors and subcontractors in meeting labor compliance responsibilities. All major administrative and procedural activities have been covered in the sequence in which they will occur as the construction project proceeds. Careful attention to and use of the checklist should result in a minimum number of problems with respect to labor compliance.

II. EXPLANATORY NOTES:

The word "employer", as used below, refers to the prime contractor, each subcontractor or each lower-tier subcontractor. Payrolls and other documentary evidence of compliance (marked "**") *must be sent to the awardee for review (all to be submitted through the prime contractor)*. The submission procedure is as follows:

- A. Each *lower-tier subcontractor*, after careful review, submits required documents to the respective subcontractor.
- B. Each *subcontractor*, after checking his/her own and those of each lower-tier subcontractor he/she may have, submits required documents to the contractor.
- C. The *prime contractor*, after reviewing all payrolls and other documentation, including his/her own, and correcting violations where necessary, submits all to the awardee.

All employers should check each of the following statements as being true. If any statement is not true, the contractor should contact the awardee for special guidance.

III. BEFORE CONSTRUCTION BEGINS, each employer has:

- A. Been found eligible to participate in any federal or federally-assisted project, i.e., not been debarred or otherwise made ineligible.
- B. Received appropriate contract provisions covering labor standards requirements.
- C. Reviewed and understands all labor standards contract provisions.
- D. Received the appropriate wage decision(s) as part of the contract.
- E. Requested through the awardee and received the minimum wage for each classification to be worked on the project which was not included on the wage decision by the additional classification process and before allowing any such trade(s) to work on the project.
- F. Requested and received certification of his/her apprentice program from the State's Bureau of Apprenticeship and Training (State BAT), (recognized by the U.S. Bureau of Apprenticeship and Training [USBAT]) and submitted a copy thereof to the awardee prior to employment on the project. Likewise, "trainee" program certification from USBAT, if applicable, must be submitted.

IV. AT CONSTRUCTION START, the contractor has:

- A. Received a Notice to Proceed from the awardee.
- B. Notified awardee of construction start date in writing.

- ___ C. Placed each of the following on a bulletin board prominently located on the project site which can be seen easily by the workers (and replaced if lost or unreadable anytime during construction):
 - ___ √ Wage Decision
 - ___ √ Notice to Employees
 - ___ √ Safety and Health Protection on the Job (USDOL)

- ___ D. Before assigning each project worker to work, obtained the worker's name, best mailing address and Social Security Number (for payroll purposes).

- ___ E. Obtained a copy of each apprentice's certificate with the apprentice's registration number and his/her year of apprenticeship from the State BAT.

- ___ F. Informed each worker of:
 - ___ 1. His/her work classification (journeyman or job title) as it will appear on the payroll;
 - ___ 2. His/her work duties;
 - ___ 3. The requirement on this project that he/she is either a journeyman, apprentice or laborer:
 - ___ If journeyman, he/she is to be paid journeyman's minimum wage rate or more;
 - ___ If apprentice, he/she is to be paid not less than the apprentice's rate for the trade based on his/her year of apprenticeship; or
 - ___ If laborer, he/she is to do laborer's work only - not use any tool or tools of the trade - and not perform any part of a journeyman's work - and is to be paid the laborer's minimum wage rate or more.

- ___ G. Been informed of the requirements that each laborer or mechanic who performs work on the project in more than one classification within the same workweek shall be classified and paid at the highest wage rate applicable to any of the work which he/she performs unless the following requirements are met:
 - ___ 1. Accurate daily time records are maintained. These records must show the time worked in each classification and must be signed by the workman.
 - ___ 2. The payroll shows the hours worked in each classification and the wage rate paid for each classification.
 - ___ 3. The payroll is signed by the workman or a signed copy of the daily time record is attached.

- ___ H. Has informed each worker of his/her hourly wages (not less than the minimum wage rate for this work as stated in the Wage Decision).
 - ___ 1. Time and a half for all work over 40 hours any workweek (see Contract Work Hours Safety Standards Act).
 - ___ 2. Fringe benefits, if any (see wage Decision for any required).
 - ___ 3. Deductions from his/her pay.

- ___ I. Has informed each worker that he/she is subject to being interviewed on the job by the awardee, OHFA, USDOL or other inspector to confirm that the employer is complying with all labor requirements.

- ___ J. Has informed each journeyman and each apprentice that a journeyman must be on the job at all times when an apprentice is working.

V. DURING CONSTRUCTION

A. Each Employer:

- ___ 1. Has not selected, assigned, paid different pay rates to, transferred, upgraded, demoted, laid off or dismissed any project worker because of race, color, religion, sex or national origin.
- ___ 2. Has employed all registered apprentices referred to him through normal channels up to the applicable ratio of apprentices to journeymen in each trade used by the employer.
- ___ 3. Will maintain basic employment records accessible to inspection by the awardee or OHFA representatives.
- ___ 4. Is complying with all health and safety standards.
- ___ 5. Has paid all workers weekly.
- ___ 6. Has submitted weekly payrolls on Form WH-347

Contractors who wish to purchase the forms are urged to enter their orders promptly. The Superintendent of Documents (Government Printing Office, Washington, D.C. 20402) takes six weeks to fill orders. *It is permissible for contractors to reproduce the forms if they wish.* Any alternative payroll form should be cleared with the awardee before the employer starts work on the project. A project printout by computer, for example, is acceptable, *provided* all data on the front and back of Payroll Form WH-347 is on or included with the payroll submitted to the awardee.

Some employers place all project workers on Payroll Form WH-347. The awardee (owner) does not review any project workers on the payroll who perform work in any of the following job titles (which are exempt from labor requirements):

- ✓ Project superintendent
- ✓ Project engineer
- ✓ Owner-operator
- ✓ Supervisory foreman (less than 20% of time as a working foreman)
- ✓ Messenger
- ✓ Clerical workers (timekeepers, payroll clerks, bookkeepers, etc.)

B. Instructions for completing/reviewing the Front Page of Payroll Form WH-347

- ___ Name of Employer. The Contractor or subcontractor.
- ___ Address. Street address/P.O. Box, City, State and Zip Code of employer.
- ___ Payroll Number. Each weekly payroll is numbered in sequential order (starting with Payroll No. "1").
- ___ If employer's workers perform no physical work on the project during workweek, he/she has submitted a "no work" letter for that workweek.
- ___ Payroll of employer's final workweek on the project (completion of his/her work) is marked "Final".
- ___ For Week Ending. The last date of the workweek.
- ___ Project and Location. Name of project and city in which located.
- ___ Columns 1 thru 9: Data entered on each line of this section of Form WH-347 represents information about a single worker in a separate job classification. When one worker performs more than one class of work during a workweek (*split classification*), the worker will have data reported on multiple lines (as many lines as he/she

worked separate classifications). Accurate daily time records signed by the employee must show the exact hours worked in each classification.

___ **Column 1:** Worker's Name as it appears on his/her paycheck.

- ✓ Worker’s best mailing address and social security number is entered only on the first payroll on which his/her name appears;
- ✓ If the worker changes his/her residential address while working on the project, the new address is entered on the next applicable payroll;
- ✓ If any two or more workers have the same name, their social security numbers are included on the payroll to note their separate identification.

___ **Column 2:** Number of Withholding Exemptions: This is for employer's convenience; *filling this in is not required.*

___ **Column 3:** The Work Classification (job title) for the worker is included in the Wage Decision and denotes the work that worker actually performed.

___ *If the worker is an **apprentice**, enter the State BAT registration number and year of apprenticeship in this column the *first* time the apprentice's name appears on the payroll.*

___ *If the worker has performed **more than one class of work** during the workweek, such as carpenter and laborer, the division of work must be shown on separate lines of the payroll. Each class of work performed is noted in Column 3 on a separate line and the employee's name is repeated on that line in Column 1.*

NOTE

If the applicable classification is not included in the Wage Decision, contractor should call the awardee immediately and request the appropriate classification through the Additional Classification Process

___ The payroll is signed by the workman in the related "blocks" or a signed copy of the daily time records is attached to the payroll

___ If the above is not done, the worker is paid at least the highest minimum wage rate of all of the classes of work performed for all hours worked.

The employer may not pay a “semi-journeyman” or semi-skilled laborer the average of journeyman’s and laborer’s rates. The actual hours each worker uses tools of the trade (journeyman) and each hour he/she does not use tools of the trade (laborers) must be recorded on separate lines in Column 3 of the payroll. *The employer may **not** pay the average of the two classes of work.*

The work classification of helper is not accepted unless included in the Wage Decision issued by the Secretary of Labor. Any employee listed as “helper” in the absence of such a classification in the Wage Decision must be paid the journeyman’s rate for hours he/she uses the tools of the trade.

- ___ **Column 4:** Hours Worked, Each Day and Date, for the workweek.
- Regular hours (**S** for "Straight" time) are entered for each classification for each employee. Overtime hours (**O**), if any, are reported separately from straight hours. Overtime is any time over 40 hours in any workweek.
- ___ **Column 5:** Total Hours worked during the workweek are reported (the sum of subcolumns in Column 4). Straight and overtime hours are recorded separately.
- ___ **Column 6:** Rate of Pay, not less than the minimum wage rate for the work classification (see Wage Decision).
- ___ *The Overtime Rate of Pay is not less than 1½ times the worker's basic (straight) hourly rate of pay.*
- ___ ***Apprentices.** If a copy of the apprentice's registration certificate from the State BAT has not been submitted to awardee by employer (through contractor), apprentice must be paid journeyman's rate.*
- ___ ***Piece Worker.** Piece work must be reported in Column 6 at an hourly rate, the gross pay for the workweek (work on the project) divided by the total number of hours worked on the project during the workweek.*
- ___ **Column 7:** Gross Amount Earned equals straight hours (Column 5) times straight rate of pay (Column 6) plus overtime hours, if any, (Column 5) times overtime rate of pay (Column 6).
- ___ **Column 8:** Each deduction is:
- ___ √ Required by law;
- ___ √ Voluntarily authorized by the worker in writing before the work week began; or
- ___ √ Provided in a bargaining agreement.
- ___ **Column 9:** Net Wages stated are Column 7 minus total deductions shown in Column 8.

C. Instruction for completing/reviewing the Back of Payroll (Form WH-347)

- Each Employer has:
- ___ √ Completed all blank spaces and understands the penalties for falsification;
- ___ √ Checked Item 4 if fringe benefits are included in the Wage Decision for all workers:
- ___ 4(a) If fringe benefits are paid to approved fund(s); or,
- ___ 4(b) Paid directly to each affected worker each week, his/her paycheck representing at least the pay of the applicable minimum wage rate plus the amount of required fringe benefits.
- ___ √ Manually signed the payroll in the "block" marked signature and stated his/her title;
- ___ The person who signed the payroll is the employer or an official of the employer who is legally authorized to act for the employer.

D. Weekly Payroll Review. Each employer has promptly:

- ___ Reviewed the weekly payroll for compliance with all labor requirements (using this checklist) and made necessary corrections.
- ___ Each lower-tier subcontractor has submitted his/her weekly payroll or "no work" letter to the respective subcontractor within 3 calendar days from the last date of the workweek.
- ___ Each subcontractor has received a payroll or "no work" letter from each of his/her lower-tier subcontractors, reviewed each and his/her own payroll, required necessary corrections and submitted all such payrolls to the contractor within 5 calendar days from the last date of the workweek.
- ___ Contractor has received a payroll or "no work" letter from each subcontractor and each lower-tier subcontractor, monitored each including his/her own payroll, required necessary corrections and collectively submitted them to the awardee within 7 work days of the last date of the respective workweek.

VI. AFTER PROJECT COMPLETION

- ___ Each employer will keep all weekly payrolls on the project for 3 years after the contractor's project completion date.

NOTICE TO PROCEED

Project Name: _____ Project Location: _____

Contract Number: _____ Construction Contract Number: _____

Type of Contract: _____ Amount of Contract: _____

You are hereby notified to commence work on the referenced contract on or before _____, 20____, and fully complete all work of said contract within _____ consecutive calendar days thereafter. Your completion date is therefore _____, 20____.

The contract provides for an assessment of the sum of \$_____ as liquidated damages for each consecutive calendar day after the above-established contract completion date the work remains incomplete.

Dated this _____ day of _____, 20____.

By _____
Title _____

Acceptance of Notice

Receipt of the foregoing Notice to Proceed is hereby acknowledged this _____ day of _____, 20____.

By _____
Title _____

PAYROLL
(For Contractor's Optional Use. See Instructions, Form WH-347 Inst.)

Name of Contractor: <input type="checkbox"/> or Subcontractor <input type="checkbox"/>					Address:														
Payroll Number:		For Week Ending:			Project and Location:			Project or Contract No.:											
(1) NAME, ADDRESS AND SOCIAL SECURITY NUMBER OF EMPLOYEE	(2) WORK CLASSIFICATION	(3) *	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7)	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK	
													FICA	WITH HOLDING TAX			OTHER		Total Deductions
			HOURS WORKED EACH DAY																
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* Overtime (O), Straight Time (S)

Record of Employee Interview

Contract Number:		Contractor or Subcontractor (Employer)	
Project Name:			
1. Name of Employee:			
2. Home address and Zip Code			
3. Last Date You Worked on Project Before Today?		Number of Hours Worked on Project on that Date?	
4. Your Hourly Pay Rate:		\$	
5. Your Job Classification(s)? Apprentice		Yes	No
6. Your Duties:			
7. Tools or Equipment Used?			
8. Paid at Least Time and One-Half for All Hours Worked in Excess of 40 in a Week? <i>(If overtime premium pay is not required, enter "inapplicable.")</i>		Yes	No
9. Ever Threatened, Intimidated or Coerced into Giving up Any Part of Pay?		Yes	No
10. Duties Observed by Interviewer:		Yes	No
Classification			
		Conform to	
11. Remarks <i>(Continue on reverse if necessary)</i>			
12. Signature of Interviewer:		Date of Interview:	
PAYROLL EXAMINATION			
13. Remarks <i>(Continue on reverse if necessary)</i>			
14. Signature of Payroll Examiner:		Date:	

Reproduction of form HUD-11(9-86) OMB Approval No. 2501-0009

FINAL WAGE COMPLIANCE REPORT

Contractor Name:	Contract Number:
Contact Person:	Telephone No.:
Project Name:	Project Location:
Construction Completion Date:	Contract Amount: \$
Prime Contractor:	
Subcontractors	

1. Were any workers paid less than the specified Davis-Bacon rates that applied to this project?

- Yes No

2. If YES:

a. What was the total amount of restitution paid? \$ _____

b. What was the method of restitution?

- Paid by the Contractor
 Paid by City/Town with funds withheld from payment to the Contractor

Firm	Affected Employees	Amount of Restitution Paid	Nature of Violations

(Attach additional pages if necessary.)

3. Were any workers not paid the correct overtime payments? Yes No

If YES: Liquidated damages at the rate of \$10 for each calendar day for each worker must be calculated and the contractor notified of his liability, and

4. Provide information concerning the nature of the overtime violations. This should include:

a. Firm's Name, Address and Phone Number: _____

b. Date Contractor was notified in writing of the amount of liquidated damages which could be assessed: _____

c. Date the Contractor responded to the written notice: (must be within 30 days of the receipt of notification): _____

d. Did the Contractor seek a reduction or waiver of the liquidated damages?

- Yes No

e. If YES: Was the requested approved and for what

- Yes - Reduction. Yes - Waiver. No.

f. On what grounds was HUD's or USDOL's response based? _____

g. Total amount of Liquidated Damages paid: \$ _____

h. What was the method of payment of the Liquidated Damages?

- Paid by the Contractor
- Paid by the City/Town with funds withheld from payment to the Contractor.

i. Did the Contractor appeal the final decision to assess Liquidated Damages to the Wage Appeals Board?

- Yes No

j. Attach copies of all correspondence relative to any Liquidated Damages.

5. If appropriate, attach a recommendation of and justification for sanctions against the Contractor.

Submitted by:

Signature

Date

Typed Name

Title

Construction Management Files

Bid Documents	Architect/Engineer Specifications Request for Wage Rate Determination Response to Request for Wage Rate Determination Bid Document Copy of Bid Advertisement Copies of any direct solicitations to women-owned and/or minority businesses Minutes of Bid Opening/Bid Tabulation Verification of Contractor Eligibility Notice of Contract Award Documentation of Contractor Procurement
Contract Documents	Contract Specifications Bonding/Insurance Preconstruction Conference Notification Preconstruction Conference Checklist Preconstruction Conference Minutes Contractor's Certifications: Labor Standards and Prevailing Wage Requirements, Civil Rights, etc. Project Schedule Notice to Proceed
Construction/Labor Compliance	Change Orders (with documentation) Certified Weekly Payroll Reports Weekly Statements of Compliance Employee Interviews Contract/Labor Standards Violations and Resolutions Violations Investigation Records Monitoring Letter/Findings Resolution of Findings Final Inspection and Acceptance Release of Claimants