



ENERGY AND
ENVIRONMENT CABINET

IMPLEMENTING
DAVIS-BACON
WAGE RATE REQUIREMENTS

AN AML GUIDE FOR SUBRECIPIENTS

ISSUE DATE: FEBRUARY 1, 2024

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1. INTRODUCTION

THE DAVIS-BACON ACT

Federal legislation requiring employees on federally funded projects to be paid at locally prevailing wages was introduced during the Great Depression, when the Davis-Bacon Act was passed. Signed by President Herbert Hoover in 1931, the Act was an effort to protect local wage rates from plummeting due to the availability of low-cost, unemployed laborers who were traveling throughout the country in search of work. The Davis-Bacon Act was amended in 1935 to ensure that contractors bidding on public works projects would not lower wage rates in order to achieve the low bid. This meant government agencies, required by law to accept the lowest bid, could employ contractors who provided a fair wage to their employees.

The legislation requiring federal prevailing wages in the Abandoned Mine Lands (AML) programs is technically a “related act” to the Davis-Bacon Act; not the Davis-Bacon Act itself. While the Davis-Bacon Act applies only to direct Federal contracts, “related acts” extend the requirements to subrecipient grants and loans. Because prevailing wage laws were first established according to the Davis-Bacon Act, the U.S. Department of Labor commonly refers to federally prevailing wages as Davis-Bacon wages. In addition, since prevailing wage laws are commonly referred to in practice as “Davis-Bacon”, this handbook will use that terminology as well to simplify the discussion.



DEFINITION:

A subrecipient is a municipality, community, nonprofit organization, private enterprise, or other entity that enters into an assistance agreement with AML to receive funding for a project.

Beneficiaries of AML assistance agreements, using Bipartisan Infrastructure Law (BIL) funds, signed on or after November 15, 2021 must implement Davis-Bacon requirements for projects receiving funding. In order to be compliant with Davis-Bacon, an entire project must abide by Davis-Bacon requirements, even if the project is only partially funded by AML or other federal funding sources.

Davis-Bacon requires contractors and subcontractors on projects receiving AML funding to pay all laborers and mechanics at prevailing wage rates for similar job types in the same county. Laborers and mechanics must be paid weekly and without unauthorized deductions, and must be compensated at an overtime rate of pay for hours worked in excess of forty hours in a work week. Subrecipients are required to monitor Davis-Bacon compliance by reviewing payroll records and conducting employee interviews.

2. APPLICABILITY

WHO: EMPLOYEES COVERED BY DAVIS-BACON

Davis-Bacon requirements apply to all prime contract and subcontract laborers and mechanics performing construction, alteration or repair work. Laborers and mechanics are generally those employees who work with their hands, have manual or physical duties, or are in specific trades. Examples of professions covered by Davis-Bacon include, but are not limited to:

- Carpenters
- General Laborers
- Flaggers
- Electricians
- Equipment Operators
- Truck Drivers (excluding owner-operator truck drivers)
- Equipment Owner-Operators (with no employees)
- Welders
- Apprentices, trainees and helpers to the trades
- Supervisors who spend more than 20% of their time performing manual work

Davis-Bacon wage requirements do not apply to most professionals working on the project. Examples of professions not covered by Davis-Bacon include, but are not limited to:

- Architects
- Engineers
- Inspectors
- Concrete testers
- Consultants
- Force Account laborers and mechanics employed by a governmental agency or political subdivision
- Watchmen and guards
- Clerical Staff
- Timekeepers
- Surveyors
- Supervisors who spend less than 20% of their time performing manual work

TRUCK DRIVERS

Truck drivers are covered by Davis-Bacon, except for **owner-operator truck drivers** who own and drive their own truck.

To verify truck driver owner-operator status, a subrecipient should ask the following questions:

- Is the vehicle registered in his name?
- Does he have a business license (if required by the state)?
- Is the insurance or surety in his name?
- Has he secured any other legal or fiduciary responsibility required by owner-operators in the state?

Employees of owner-operator truck drivers and non-owner-operator truck drivers are covered by Davis-Bacon for time spent:

- Working on the site(s) of work
- Transporting materials or supplies between a facility deemed part of the site of work and the actual construction site
- Transporting portions of a building or work between a site where a significant portion of the project is being constructed and the physical place where the building or work will remain
- Loading/unloading materials on the site of work if more than de minimis, such as 15 minutes, or more, at a time merely to pick up or drop off materials or supplies

NOTE! Davis-Bacon applicability depends on the actual work an individual performs, not his or her title.

The use of owner-operators on a Davis-Bacon-covered project can raise some tricky questions, particularly when it comes to completing certified payroll records. Completing payroll records correctly depends on the type of owner-operator working on the project:

TRUCK DRIVERS

- AML **does not** enforce Davis-Bacon compliance for **OWNER-OPERATOR TRUCK DRIVERS**. Therefore, payroll records for owner-operator truck drivers **do not** need to include the rates of wages paid or hours worked, only the notation “TRUCK DRIVER - OWNER OPERATOR” in the Work Classification column.

EQUIPMENT OPERATORS

- AML **does not** enforce Davis-Bacon compliance for **EQUIPMENT OWNER-OPERATORS** who have employees on site and is performing bona-fide management of those employees. Therefore, payroll records for equipment owner-operators **do not** need to include the rates of wages paid or hours worked, only the notation “EQUIPMENT - OWNER OPERATOR” in the Work Classification column.
- AML **does** enforce Davis-Bacon compliance for equipment owner-operators who do not have employees on site and therefore are not supervising. Therefore, payroll records for equipment owner-operators **do** need to include the hours worked and the rates of wages paid (i.e., the billing rate).

Questions have been raised of whether owner-operators may self-certify (that is, complete and sign their own payroll records) or whether they must be on the contractor’s payroll for purposes of Davis-Bacon compliance. The answer depends on whether the owner-operator is a **bona fide subcontractor** on the project.

- If the owner-operator is a **bona fide subcontractor**, he may complete and sign his own payroll records. The subcontractor’s payroll records should be submitted weekly to the prime contractor, who should review them prior to submitting them (along with all other payroll records) to the subrecipient.

A **bona fide subcontractor** is any person (other than an employee) or firm who has agreed, either verbally or in writing, to perform any of the work required under the contract. The contractor must include the Davis-Bacon contract clauses (29 CFR 5.5(a)(1) through (10)) and the applicable wage determinations in all subcontracts.

- If the owner-operator is **not** a bona-fide subcontractor, and instead is hired as an employee by the contractor or a subcontractor and carried on their payroll, the owner-operator **may not** complete and sign his own payroll records. The contractor or subcontractor for whom the owner-operator is working should prepare the payroll.

WHERE: LOCATIONS COVERED BY DAVIS-BACON

Davis-Bacon only applies to laborers and mechanics employed directly upon the site of the work. The “site of work” is defined as:

- The physical place(s) where the construction is called for in the contract and where the constructed facility will remain after work has been completed; and,
- Any other site where a significant portion of the building or work is constructed, provided that such a site is established specifically for the performance of the contract or project.

The site of work may also include job headquarters, tool yards, batch plants, borrow pits, and similar facilities if they are located adjacent (or nearly so) to the site of work and dedicated exclusively (or nearly so) to the performance of the contract or project. As a general rule of thumb, if the facility was in operation before the opening of the project bid and will continue to operate after the project is complete, it is considered a pre-existing facility. A pre-existing facility is not included in the site of work for Davis-Bacon purposes, even if operations will be dedicated exclusively to the contract covered by Davis-Bacon for a period of time. Determining the site of work is one of the most complex aspects of Davis-Bacon compliance, so it is advisable to contact Department of Labor for guidance on any unclear situations.

WHEN: TIME COVERED BY DAVIS-BACON

Prevailing wage requirements only apply to the hours an employee spends working on the site of the project that is covered by Davis-Bacon. Subcontract employees must only be paid at the Davis-Bacon wage rate for the time they spend executing the subcontracted work on the project site. A subcontractor who works for one week on the Davis-Bacon covered project, then returns several months later to complete an additional week of work, must only submit payroll records for the two weeks spent working on the Davis-Bacon covered project; not for the months in between.

3. WAGE DETERMINATIONS

WAGE RATES AND WAGE DETERMINATIONS

The Department of Labor (DOL) establishes a prevailing wage rate for all classifications of laborers and mechanics on a county-by-county basis in each of four construction types. The four construction types are:

- **Building:** Sheltered enclosures that house persons, machinery, equipment, and apartment buildings over four stories.
- **Residential:** Single family houses, townhomes, and apartment buildings up to four stories.
- **Highway:** Roads, highways, sidewalks, parking areas, and other paving work not incidental to other construction.
- **Heavy:** Projects that can't be classified as Building, Residential, or Highway. Heavy construction is often further distinguished on the basis of the characteristic of particular projects, such as dredging, water and sewer lines, dams, and flood control projects. This will be the primary determination used on the AML projects.

If work in a second construction type exceeds either \$2.5 million or 20% of the total construction costs, multiple wage determinations are required.

When multiple wage determinations are used on a construction project, the employee must be paid based on the construction type he was working under at the time the work occurred.

RULES OF WAGE DETERMINATIONS

- Each wage determination includes wage rates for several work classifications based on location and construction type. If an employee performs more than one job function, works in more than one location, or works on more than one type of project, he must be paid the correct wages for the hours worked under each set of conditions.
- Davis-Bacon wage determinations are the minimum amount that a laborer or mechanic must be paid per hour. Employers may pay higher wages if they choose.
- Employees should be paid the correct wage for the work actually performed, regardless of skill level or job title. **This is based on 15 minute increments.** If a general laborer operates a bulldozer for fifteen minutes, he should receive fifteen minutes worth of equipment operator wages.

If an employee performs several different job functions on a project, some employers prefer to pay the employee the highest wage rate for all work performed, rather than calculating several different rates. However, payroll records must still list the actual job classification applicable for all time the employee works.

Figure 1 below illustrates how wages are paid for an employee who splits his time between more than one job classification or between more than one construction type.

Job Classification



General Laborer
Wage: \$20/hour



Equipment Operator
Wage: \$30/hour

Construction Type



Building Wage:
General Laborer
\$20/hour



Heavy Wage:
General Laborer
\$30/hour

Figure 1

In the example of working different job classifications, if the employee split their 40 hour week between the two classifications, the employee would earn \$1,000 for the week (20 hours at \$20.00 per hour as a general laborer plus 20 hours at \$30.00 per hour as an equipment operator).

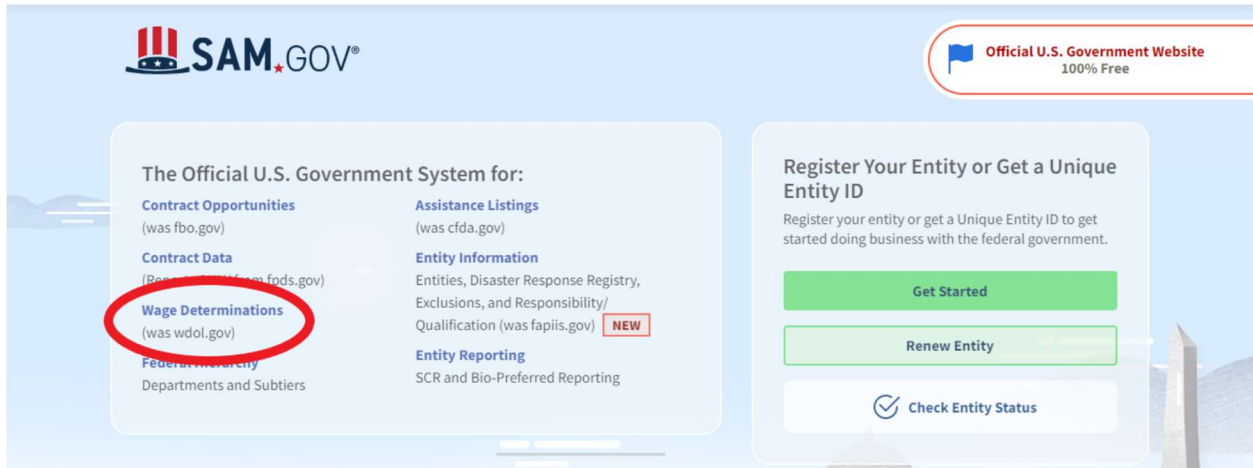
For the example of working the same job classification under different construction types, if the employee split their 40 hour week between the two types, the employee would earn \$1,000 for the week (20 hours at \$20.00 per hour as a laborer under the building classification plus 20 hours at \$30.00 per hour as a laborer under the heavy classification).

For construction type, the Department of Labor **does not** allow multiple wage determinations to be used if one construction type is incidental to the other, making up less than 20% of the project cost or \$2.5 million dollars.

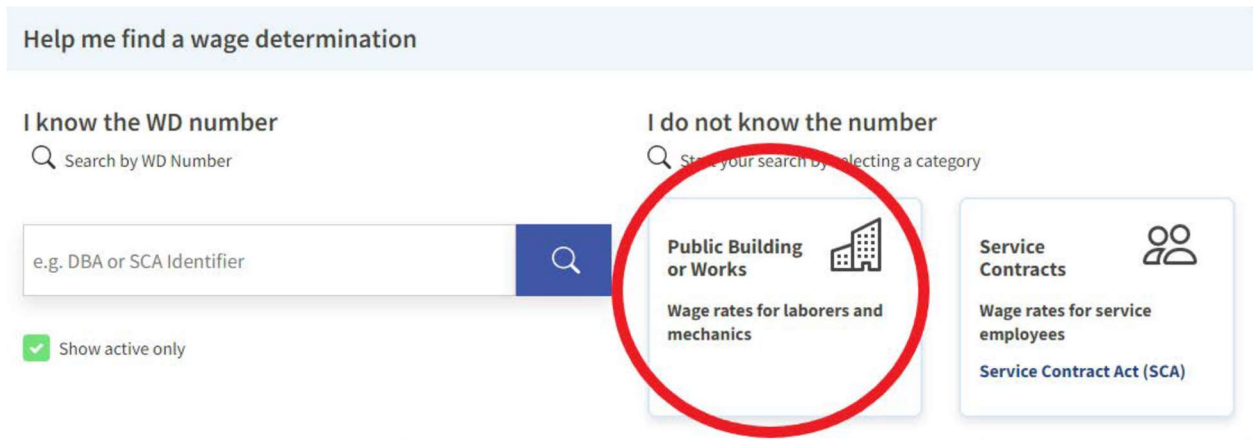
FINDING WAGE DETERMINATIONS

AML subrecipients are responsible for locating the correct wage determination(s) and including them in the bid specifications and construction contract.

The Department of Labor's wage determination database is available online at www.sam.gov. Immediately prior to publishing the advertisement for bids, subrecipients should access the database by clicking "Wage Determinations" in the middle of the www.sam.gov homepage.



After clicking this link, subrecipients should click "Public Building or Works" in the middle of the Wage Determinations page.



This link will open a search page where project-specific information can be selected. Subrecipients should begin by selecting the state and county where the project will be constructed and remain. Next, use the guidelines on page 5, Wage Rates and Wage Determinations, to select the applicable construction type.

If the project will be constructed in more than one county or will involve more than one construction type repeat this process for each county and construction type, if allowed. All applicable wage determinations should be included in bid specifications and contracts.

REQUESTING ADDITIONAL WAGE CLASSIFICATIONS

If the wage determinations found on www.sam.gov are missing a wage rate needed for the specific job classification, construction type and/or project location, it will be necessary to seek a conformance from DOL. A conformance is a customized wage rate negotiated by the contractor and his or her employee(s) and approved by Department of Labor, and is only valid for the particular project for which it is granted.

The conformance process should be initiated after the bid is awarded, but before work has started on the project. Once the bid is awarded, the subrecipient should ask the winning bidder to review the wage determination to assess whether any job classifications necessary for the completion of the project are missing from the wage determination.

The contractor for the construction contract initiates the conformance request by completing a Standard Form 1444, Appendix A, which can be downloaded at <http://www.gsa.gov/forms-library/request-authorization-additional-classification-and-rate> and clicking on SF1444-13f.pdf. The following is the process that should be used by AML subrecipients to request a conformance from Department of Labor:

- Contractor completes Standard Form 1444 and submits it to the subrecipient
 - Subrecipient submits the request to the state AML office
 - State AML office submits the request to DOL
- The 1444 form may be submitted to DOL via email to:
DBAConformance@dol.gov
- DOL responds to the state AML office within 30-45 days of the request
 - State AML office informs the subrecipient of DOL's decision to approve, modify or deny the request
 - Subrecipient informs contractor of DOL's decision and if necessary, informs contractor to pay restitution to effected employee(s)

On the SF 1444, the contractor will list the work classification required for the project, as well as a proposed wage rate for that work classification. The contractor, and the employee that the conformance is sought for, are required to sign the SF 1444. Alternately, the SF 1444 may be signed by a representative of the employee(s), such as a union. The employee (or his representative) must also indicate whether he agrees with the proposed wage rate, and a statement recommending a different rate if he does not agree with the proposed rate. The contractor or subrecipient should submit the SF 1444 to the state program office, which will direct the form to the appropriate DOL representative. DOL will typically respond to a conformance request within 30-45 days either accepting the proposed wage rate, or suggesting an alternate wage rate. A copy of the conformance letter should be maintained with Davis-Bacon records.

NOTE! DOL usually recommends a conformance rate equivalent to the lowest skilled (not general) wage rate for the county and construction type.

UNDERSTANDING WAGE DETERMINATIONS

Each wage determination includes two pieces of information for each job classification it applies to: rate and fringe. Rate is generally given in a dollar value. Fringe can be given in a dollar value, as a percentage of the value of the rate, or may be blank (indicating a value of zero).

General Decision Number:	KY20230047	01/06/2023
State:	Kentucky	
Construction Type:	Heavy	
County:	Franklin County	
	Rates	Fringes
Laborer: Common or General	\$10.00	\$1.00

Figure 2


The prevailing wage that must be paid is the sum of the rate and the fringe, and can be paid in any combination of cash and benefits.

For the prevailing wage shown in Figure 2, the following are examples of combinations that meet prevailing wage requirements:

- \$11.00 Cash Wages + \$0.00 Fringe Benefits
- \$10.00 Cash Wages + \$1.00 Fringe Benefits
- \$8.00 Cash Wages + \$3.00 Fringe Benefits
- \$12.00 Cash Wages + \$2.00 Fringe Benefits (totaling higher than prevailing wage)

Portions of the prevailing wage not paid in cash can be paid by the employer through contribution to a bona fide fringe benefits plan. Acceptable types of fringe benefits plans include:

- Health insurance
- Life insurance
- Disability insurance
- Dental insurance
- Tuition assistance
- Retirement plans
- Apprenticeship costs
- Sick leave
- Paid vacation days or holidays



In order for fringe benefit contributions to count toward Davis-Bacon requirements, the funds must be paid **irrevocably** to a third-party trust.

The following examples do not qualify as fringe benefits:

- Deductions required by law, such as FICA, worker's compensation, and unemployment benefits
- Uniforms
- Travel time

If fringe benefits are paid in cash wages, they must be paid weekly. If paid in the form of a benefits plan, fringe contributions can be deposited into the plan as rarely as quarterly. Credit for contributions made to fringe benefit plans is allowed based on the effective annual rate of contributions or costs incurred for hours worked during the year by an individual. In practice, annualization limits the Davis-Bacon Act credit to an amount equal to the hourly cost of the fringe benefit averaged over all hours an individual laborer or mechanic works during a year or other representative period (including both Davis-Bacon Act and non-Davis-Bacon Act hours). This method ensures that Davis-Bacon Act work is not used as the sole or disproportionate source of funding for a fringe benefit plan that provides benefits or coverage to an employee for all hours (both Davis-Bacon hours and non-Davis-Bacon hours) that the employee works. The hourly value of the fringe benefit contribution is calculated by dividing the annuitized amount of the contribution by the number of annuitized hours the employee worked on all Davis-Bacon and non-Davis-Bacon projects. The following scenario illustrates this calculation:

In a given year, John Smith works 2,000 hours for Construction Firm A, including:

- 400 hours for Project Y, which received AML funding and therefore requires Davis-Bacon wage rates be paid.
- 1,600 hours for Project Z, which has not received federal funding and Davis-Bacon does not apply.

In that given year, Construction Firm A pays \$6,000 in health insurance premiums on behalf of John Smith.

The hourly bona fide fringe benefit value of this health insurance premium is \$3/hour. This is calculated by dividing the total value of the benefit contribution (\$6,000) by the total number of hours worked in the period of time covered by the contribution (2,000). The divisor must include all hours worked for Construction Firm A, regardless of whether those hours were on projects where Davis-Bacon applies.

Contractors should keep documentation on file verifying that fringe contributions were deposited on behalf of employees, such as a statement from the plan administrator. AML subrecipients will be responsible for verifying the contractor's fringe benefit contributions, a process described in the Compliance Oversight chapter of this handbook.

INCORPORATING WAGE DETERMINATIONS INTO BIDS AND CONTRACTS

The DOL may change a wage determination (called a "modification") any week, and those changes are released each Friday. Constantly changing wage rates could cause major headaches for subrecipients and contractors trying to stick to a project budget, so DOL developed policies that allow contractors to "lock in" a wage determination for bid specifications and contracts. These are sometimes referred to as the 10-Day Rule and the 90-Day Rule.

THE 10-DAY RULE

During development of the bid specifications, the subrecipient should use www.sam.gov to find all applicable wage determinations for the county and construction type of the proposed project. These wage determinations should be printed and included in the bid specifications. Recall that each wage determination will list several types of job classifications for the location and construction type; it is advisable to include all job classifications available in the specifications so that bidding contractors will have a large pool to use in selecting the types of jobs they expect to use on the project. During the bid

advertisement period, the subrecipient must monitor www.sam.gov for modifications. If DOL modifies the wage determination more than 10 days before the end of the bid period (bid opening), the bid specifications must be amended with the new wage determination. If DOL modifies the wage determination less than 10 days before bid opening, the subrecipient can retain the original wage determination and the bid specifications do not need to be amended.

THE 90-DAY RULE

Once the bids have been opened, the wage determinations included in the bid specifications remain valid for the project as long as the contract is awarded within 90 days. If the contract is not awarded within 90 days, any DOL modifications to the wage determination become effective unless the subrecipient obtains an extension from DOL. If the contract is awarded within 90 days, the wage determinations from the bid specifications are “locked in” for the life of the contract, and do not need to be changed if DOL issues a modification unless the contracting officer chooses to modify the contract to include additional, substantial construction, alteration, and/or repair work not within the scope of work of the original contract, or to add an additional time period not originally obligated, including where an agency exercises an option provision to unilaterally extend the term of a contract, in which case the most recent version of any applicable wage determination(s) must be incorporated into the contract.

DEBARMENT/SUSPENSION

During the bid period, there is one more reason for subrecipients to visit www.sam.gov.

This website contains a record of all businesses that have been excluded (debarred) from doing business with the federal government. Subrecipients are responsible for checking the winning bidder against the System for Award Management (SAM) listings, and for requiring the prime contractor to do the same for all subcontractors.

4. APPRENTICES AND TRAINEES

APPRENTICES

Apprentices and trainees are the only categories of laborers and mechanics that may be paid less than full Davis-Bacon wages. Apprentices may be paid less than the full Davis-Bacon wages for the work they perform if they are: a) individually registered in an apprenticeship program registered with the Department of Labor, Office of Apprenticeship Training, Employer and Labor Services, b) registered with a state apprenticeship agency recognized by the Department of Labor, or c) employed in the first 90 days of probationary employment and certified by the Office of Apprenticeship Training, Employer and Labor Services as eligible for probationary employment as an apprentice. Trainees must be registered in a program recognized by DOL's Employment and Training Administration.

Figure 3 contains a list of all state apprenticeship agencies and indicates whether or not they are recognized by the U.S. Department of Labor. The list of DOL-approved state agencies may also be found at www.apprenticeship.gov/about-us/apprenticeship-system. Registration in an apprenticeship program from a state listed in the "Not Recognized" column is **not** sufficient to meet federal Davis-Bacon requirements. Apprentices in these states must either be registered with a plan approved by the U.S. Department of Labor or paid full Davis-Bacon wages.

STATE APPRENTICESHIP AGENCIES: DOL RECOGNITION STATUS

RECOGNIZED:		NOT RECOGNIZED:	
<ul style="list-style-type: none">• ALABAMA• ARIZONA• CONNECTICUT• DELAWARE• DC• FLORIDA• HAWAII• KANSAS• KENTUCKY• LOUISIANA• MAINE• MARYLAND• MASSACHUSETTS• MINNESOTA• MONTANA	<ul style="list-style-type: none">• NEVADA• NEW MEXICO• NEW YORK• NORTH CAROLINA• OHIO• OREGON• PENNSYLVANIA• RHODE ISLAND• TENNESSEE• VERMONT• VIRGINIA• WASHINGTON• WISCONSIN	<ul style="list-style-type: none">• ALASKA• ARKANSAS• CALIFORNIA• COLORADO• GEORGIA• IDAHO• ILLINOIS• INDIANA• IOWA• MICHIGAN• MISSISSIPPI• MISSOURI	<ul style="list-style-type: none">• NEBRASKA• NEW HAMPSHIRE• NEW JERSEY• NORTH DAKOTA• OKLAHOMA• SOUTH CAROLINA• SOUTH DAKOTA• TEXAS• UTAH• WEST VIRGINIA• WYOMING

Figure 3

Every apprentice employed under a bona fide apprenticeship program (except for those in the first 90 days of probationary employment) should be individually listed on an apprenticeship plan for that program. A fictional example of an apprenticeship plan is shown in Figure 4 on the next page. The apprenticeship plan sets the wages that the apprentices must be paid, generally as a percentage of the prevailing wage for that category of work commensurate with experience. The apprenticeship plan also establishes the maximum number of apprentices that may be employed on the project by setting a prescribed ratio of apprentices to journeymen.

The following conditions apply to all ratios:

- Ratios are specific to work classification. For example, a journeyman plumber may not fulfill the ratio for apprentice carpenters.
- The journeyman and apprentice(s) must be working at the same time. There must be a journeyman working the same hours on the same days as the apprentice(s).
- A working foreman, supervisor or owner may be counted as a journeyman as long as he spends the majority of his time at the job site.
- If the number of apprentices exceeds the allowed ratio, the extra apprentices must be elevated to full Davis-Bacon wages. These apprentices cannot then be counted as journeyman for the purposes of the ratio. The first apprentice on the job is the one who should keep apprentice status.
- If a contractor has both an apprentice and a trainee program, the trainees and apprentices must be counted together in determining the ratio (ie., the journeymen may not be counted twice).

Contractors working outside of the locality in which their apprenticeship program is registered must follow the ratio and wage rate standards of the locality where the project is taking place. If there is no registered program in the locality of the project establishing applicable apprentice wage rates and ratios, the rates and ratios under the contractor's registered program apply.

TRAINEES

Trainees must be registered in a program certified by the Department of Labor's Employment and Training Administration; state apprenticeship agencies have no jurisdiction over trainee programs. Trainee programs will specify the percentage of full journeyman rate that must be paid to trainees, as well as the amount of fringe benefits. If the program does not mention fringe benefits, the full amount listed on the wage determination for the job classification must be paid. Trainees working on the job site in excess of the ratio prescribed in the certified program must be paid full prevailing wages for their job classification.

SUBRECIPIENT RESPONSIBILITIES

The grant condition requires subrecipients to verify apprentice and trainee registrations and certifications, and to confirm that contractors and subcontractors are using the correct ratios. **These reviews should be conducted according to the same schedule that the subrecipient established for interviews and payroll spot checks.** Additional reviews should be conducted as necessary in response to complaints or risks of noncompliance.

The process for reviewing apprentice and trainee registrations and ratios is described in Section 8 of this handbook, Compliance Oversight.

KENTUCKY STATE APPRENTICESHIP AGENCY

JOHN DEERE
GOVERNOR



BETHANY BRUNNER
GOVERNOR

The following apprentice(s) are registered with the State Apprenticeship Council, Labor and Industrial Division Kentucky State Apprenticeship Agency under the Kentucky Joint Apprenticeship and Training Committee for the Carpentry Industry.

Issued: July 29, 2016

Program: 016
Trade: Carpentry

Apprentice Name	SSN	Effective	Expires	Training Period
Jose Iglesias	XXX-XX-2309	3/31/16	10/31/16	7 th
Joseph Merko	XXX-XX-1125	3/31/16	10/31/16	1 st
Harold Carnash	XXX-XX-2785	3/31/16	10/31/16	1 st
Christopher Wright	XXX-XX-9716	3/31/16	10/31/16	2 nd
Benjamin Hopper	XXX-XX-8569	3/31/16	10/31/16	3 rd
Daniel Williams	XXX-XX-1136	3/31/16	10/31/16	6 th

Period Of Training	1 ST	2 ND	3 RD	4 TH	5 TH	6 TH	7 TH	8 TH	9 TH	10 TH
Percentage of Wage	50%	55%	60%	65%	70%	75%	80%	85%	90%	95%

And All Fringe Benefits Through The Duration Of The Program

RATIO: The maximum allowable ratio of Apprentices to Journeymen under this program is 1:1 on any given job.

RATIO: Employers should be aware that when Apprentices are employed on Federal Projects covered by the Federal Davis-Bacon Act, regulations under that act state that the ratio of Apprentices on such jobs cannot be greater than the contractor's total allowable workforce ration.

CERTIFIED BY: Harlon Switzer
Harlon Switzer, State Apprenticeship Council Director

Figure 4

5. OVERTIME PAYMENTS

OVERTIME LAW SUMMARY

Subrecipients must comply with the Fair Labor Standards Act which mandate overtime pay for hours worked in excess of forty. Subrecipients must include language in construction contracts requiring contractors and subcontractors to pay one and a half times the basic pay rate for all hours worked in excess of forty hours during a workweek. Below are some basic guidelines for payment of overtime:

- Overtime requirements apply to hours over forty worked on contracts covered by Davis-Bacon. If an employee works forty hours on a contract covered by Davis-Bacon and additional hours on a noncovered contract (for instance, for a separate project not receiving AML funds), overtime pay is still required.
- Overtime requirements apply to prime contracts as well as subcontracts.
- A “workweek” is seven consecutive 24-hour periods, and can include nights and weekends.
- Overtime requirements do not rely on the same “site of work” limitations that Davis-Bacon requirements do. Overtime requirements extend to work that is off-site, but is performed in support of the project, such as mobilization, fabrication and traveling to the site of work.
- If workers have worked at several different job classifications during a week, they should be paid using either an average overtime rate based on a “weighted average” of base rates for all hours worked, or by the “rate in effect” overtime appropriate for the job that was being done during those overtime hours. If an employer elects to use the “rate in effect” method of calculating overtime, workers must be notified that this is the case prior to the start of work.
- In addition, if the “rate in effect” method is used, the “Rate in Effect” form, Appendix B, must be filled out and submitted to the subrecipient prior to the start of work.
- If an employer is paying a higher base rate than listed in the wage determination (not including fringe paid as cash), the time and a half overtime rate should be calculated based on this higher amount, rather than the amount from the wage determination.

CALCULATING OVERTIME PAY

Section 3 of this handbook explained that wage rates from www.sam.gov are the combination of a base rate and a fringe rate. This distinction is important for calculating overtime pay, as CWHSSA requires payment of one and a half times the base rate plus the regular fringe rate. Figure 5, on the next page, provides an example to help illustrate this calculation under various scenarios.

General Decision Number:	KY20230047	01/06/2023
State:	Kentucky	
Construction Type:	Heavy	
County:	Franklin County	
	Rates	Fringes
Power Equipment Operator - Group 1	\$10.00	\$1.00
Laborer: Common or General	\$8.00	\$2.00

Figure 5

In this fictional example, the wage determination sets a base rate of \$10 and a fringe rate of \$1 for an equipment operator working on a heavy construction project in Franklin County, KY, and a base rate of \$8 and fringe rate of \$2 for a general laborer working on the same type of project in the same location. The following demonstrates appropriate overtime calculations for several possible situations:

Example 1

Hours worked in a workweek: 50 hours worked as an equipment operator

Prevailing wage paid as: \$10 base and \$1 fringe per hour

	Base (Cash) Rate	Fringe (Benefits) Rate	Total Value
Straight Pay	\$10 X 40 hours = \$400	\$1 X 40 hours = \$40	\$440
Overtime Pay	\$15 X 10 hours = \$150	\$1 X 10 hours = \$10	\$160
Total Pay	\$550	\$50	\$600

In Example 1, the base pay for the 10 hours of overtime worked is time and a half the base rate (\$10 X 1.5). The employer must still pay fringe on all 50 hours worked, but time and a half **does not** apply to the fringe rate.

Example 2

Hours worked in a week: 50 hours worked as an equipment operator

Wages paid as: \$12 base and \$1 fringe per hour

	Base (Cash) Rate	Fringe (Benefits) Rate	Total Value
Straight Pay	\$12 X 40 hours = \$480	\$1 X 40 hours = \$40	\$520
Overtime Pay	\$18 X 10 hours = \$180	\$1 X 10 hours = \$10	\$190
Total Pay	\$660	\$50	\$710

In Example 2, the contractor is paying a higher base rate than is required by the wage determination (\$12 per hour instead of \$10 per hour). When a contractor pays a higher base rate as the normal course of business, this higher rate becomes the new base rate on which overtime is calculated. Therefore, the overtime rate is calculated as time and a half \$12 (\$18), rather than time and a half the \$10 rate from the wage determination. The employer must still pay fringe on all 50 hours worked, but time and a half **does not** apply to the fringe rate.

Example 3

Hours worked in a workweek: 20 hours, as an equipment operator, followed by 24 additional hours as a general laborer. Wages paid as: \$10 cash and \$1 benefits for hours worked as an equipment operator, \$8 cash and \$2 benefits for hours worked as a general laborer.

There are two possible ways of calculating the rate to be paid for the four hours of overtime worked, the “weighted average” method or the “rate in effect” method.

Using the “**weighted average**” method: the standard method of calculating overtime when two job classifications are in effect is to use the weighted average of the two base rates. In this case:

$$\begin{aligned} 20 \text{ hours} \times \$10.00 &= \$200 \text{ (as an Equipment Operator)} \\ 24 \text{ hours} \times \$8.00 &= \underline{\$192 \text{ (as a General Laborer)}} \\ \hline \$392/44 \text{ hours} &= \$8.91 \text{ weighted average rate} \end{aligned}$$

	Base (Cash) Rate	Fringe (Benefits) Rate	Total Value
Straight Pay (Operator - 20 hours)	\$10 X 20 hours = \$200	\$1 X 20 hours = \$20	\$220
Straight Pay (Laborer - 24 hours)	\$8 X 24 hours = \$192	\$2 X 24 hours = \$48	\$240
Overtime Pay (Weighted Average)	\$8.91/2 X 4 = \$17.82	-	\$17.82
Total Pay	\$409.82	\$68	\$477.82

Using the “**rate in effect**” method: the general laborer overtime rate could be paid for those 4 overtime hours because this is the job that the worker was performing during the overtime hours. If this method is used, the worker **must** be notified before to the start of work.

	Base (Cash) Rate	Fringe (Benefits) Rate	Total Value
Straight Pay (Operator)	\$10 X 20 hours = \$200	\$1 X 20 hours = \$20	\$220
Straight Pay (Laborer)	\$8 X 20 hours = \$160	\$2 X 20 hours = \$40	\$200
Overtime Pay (Laborer)	\$12 X 4 = \$48	\$2 X 4 hours = \$8	\$56
Total Pay	\$408	\$68	\$476

NOTE! If fringe is paid in the form of contributions to a benefits plan, the contractor must calculate the total value of contributions to the fringe benefits plan over all hours worked during the period (straight time and overtime), and ensure that the hourly value of the fringe contributions meets or exceeds the fringe value stated in the wage determination.

6. PAYROLL RECORDS AND REPORTING

BASIC GUIDELINES FOR PAYROLL REPORTS

Payroll reports play an important role in ensuring Davis-Bacon compliance. Prime contractors are required to collect payroll for all laborers and mechanics working on the job site and provide payroll reports to the subrecipient. They are also required to collect this information from subcontractors. Subrecipients must keep these records on file for three years after project completion, but only have to submit them to the state program office if specifically requested.

Payroll reports SHOULD:

- Use form WH-347 form, Appendix C, or equivalent. Employers may generate payroll reports in any format, including their current payroll system, as long as all of the same information the WH-347 requires is provided.
- Be submitted to the subrecipient within 7 days of the regular payment date of the payroll period.
- Account for all weeks of construction. Payroll reports do not need to be submitted for weeks in which no contract work was performed; however, the contractor should submit a “No Work Statement” (Appendix D) for weather delays or other breaks in construction.
- List all laborers and mechanics that performed work on the project during the week indicated by the payroll report.
- Be collected from all subcontractors for weeks that subcontract work was performed on the project.
- List straight and overtime hours worked per day on the project. Hours worked by laborers/mechanics on other projects not covered by Davis-Bacon do not need to be reported.

Keep in mind that for Davis-Bacon purposes, payroll reports do not need to show hours or pay rates for employees who are not laborers or mechanics, such as clerical employees or non-working supervisors. However, these employees may be included on payroll reports if it is easier administratively.

WAGE RESTITUTION

When underpayments of wages have occurred, the contractor/subcontractor must pay back wages or monetary relief, known as restitution, to the affected workers, including interest. The Davis-Bacon Act establishes interest to be calculated on back wages or monetary relief at the rate established in the Internal Revenue Code (26 U.S.C. § 6621) and will be compounded daily. Wage restitution must be made promptly and in the full amounts due, less permissible and authorized deductions.

Upper-tier subcontractors (in addition to prime contractors) may be liable for lower-tier subcontractors' violations. Both prime contractors and any responsible upper-tier subcontractors are required to pay back wages on behalf of their lower-tier subcontractors. Lower-tier subcontractors' violations may subject prime and upper-tier contractors to debarment in appropriate circumstances. Prime contractors are responsible for back wages of subcontractors regardless of intent, but upper-tier subcontractors must have some degree of intent (recklessness, knowledge) in order to be held liable for back wages of their lower-tier subcontractors.

SAMPLE PAYROLL

Fringe benefit contributions can be shown separately from the base rate in the Rate of Pay box. This allows the overtime rate to be calculated more easily.

(1)		(2)	(3)	(4) DAY AND DATE							(5)	(6)	(7)	(8) DEDUCTIONS					(9)
NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER		NO. OF FRINGE BENEFITS EXEMPTIONS	WORK CLASSIFICATION	S	M	T	W	T	F	S	TOTAL HOURS	RATE OF PAY	GROSS AMOUNT EARNED	FICA	WITH-HOLDING TAX	401(K)	OTHER	TOTAL DEDUCTIONS	NET WAGES PAID FOR WEEK
ABBOT, JAMES 1221	o	CARPENTER	o	1.0	1.0	1.0	1.0	1.0	1.0	5.00	17.00	\$565.00	\$14.10	\$47.00	\$25.00			\$86.10	\$478.90
			s	8.0	8.0	8.0	8.0	8.0	40.00	10.00 2.00	\$565.00								
BRADLEY, THOMAS 6755	o	CARPENTER	o									\$288.00	\$7.20	\$24.00			\$31.20	\$388.80	
			s	8.0	8.0	8.0			24.00	10.00 2.00	\$420.00								
IGLESIAS, JOSE 2309	o	APPRENTICE CARPENTER	o									\$400.00	\$12.00	\$40.00	\$20.00			\$72.00	\$328.00
			s	8.0	8.0	8.0	8.0	8.0	40.00	8.00 2.00	\$400.00								
GARAMOND, HENRY 4457	o	ELECTRICIAN	o					2.0	2.0	4.00	19.50	\$638.00	\$19.14	\$50.00				\$69.14	\$568.86
			s	8.0	8.0	8.0	8.0	8.0	40.00	11.00 3.00	\$638.00								

Payrolls should include an identifying number for all employees, such as the last four digits of the employee's social security number.

Overtime hours and pay rate are listed separately from straight time, but are included in the Gross Amount Earned sum.

If an employee works part time on a project covered by Davis-Bacon and part time on a non-Davis-Bacon project, the Gross Amount Earned can be split to show this. The amount in the upper left shows earnings for hours worked on the Davis-Bacon project, and the amount in the lower right shows all hours worked on all projects.

7. POSTERS REQUIRED AT THE SITE OF WORK

The Davis-Bacon grant condition requires two items to be posted at the site of the work: the wage determinations used in the bids and contracts for the project, and the Davis-Bacon poster (Form WH-1321), Appendix E, in all relevant languages.



The WH-1321 posters can be downloaded at www.dol.gov/agencies/whd/posters.

Both posters, and the wage determinations, should be protected from the weather and displayed in a place that is accessible to laborers and mechanics. Posters should not be kept in a construction trailer that is locked at all times or at a central office that is rarely visited by laborers or mechanics working on the project site.

8. COMPLIANCE OVERSIGHT

SUBRECIPIENT COMPLIANCE RESPONSIBILITIES

Subrecipients bear much of the responsibility for ensuring compliance with Davis-Bacon. Furthermore, subrecipients have a vested interest in ensuring that Davis-Bacon compliance is met. If the correct Davis-Bacon wage rates are not included in bids and contracts, the subrecipient is required to notify the contractor to compensate the employee for any wage increases resulting from DOL's revisions to the correct wage determination. If Davis-Bacon wages are included in bids and contract amounts, but the contractor is not paying his employees what they are due, this may mean that the subrecipient's valuable funds are being used improperly.

The following tasks make up the subrecipient's Davis-Bacon compliance oversight role and may be performed by the subrecipient or by a designated representative such as a consultant:

- Review Payroll Reports for Contractor and Subcontractors
- Verify Fringe Benefit Contributions
- Check Apprentice/Trainee Registrations
- Conduct Employee Interviews and verify the Davis-Bacon posters and wage determinations correctly are posted at the job site.

REVIEWING PAYROLL REPORTS

Subrecipients are responsible for reviewing payroll reports, both contractors and subcontractors, for accuracy. A suggested process for subrecipients to use in reviewing payroll records is included here as a best management practice, but it is up to subrecipients to use a method that makes them most confident that compliance is being met.

- **Check the number** of payroll reports received. Was a payroll report received from every contractor and subcontractor performing contract work on the project at the time?
- **Check the date** of the payroll report to ensure that payroll is being reported on a weekly basis for all weeks of contract work, and that the report was submitted in a timely manner (ideally no more than one week after the regular pay date for the payroll period being reported).
- **Check the numbers** to pick out any obvious math errors or rounded sums. The Gross Amount Earned should reflect the exact multiplication of hours times wages, and should not be rounded up or down.
- **Review the work classifications** listed on the payroll records. Are the types of work classifications and number of employees consistent with what would be expected for the current stage of construction? Are employees with the same work classifications earning similar wages? Are any apprentices or trainees listed on the payroll report? Are all of the work classifications listed on the payroll report also included in the wage determination for the project?
- **If any apprentices or trainees** are listed on the payroll report, verify apprentice/trainee registrations and confirm that the number of apprentices listed on the payroll form is consistent with the ratio in the apprenticeship plan using the process described in Section 4.

- **Review the hours** listed on the payroll report. If overtime hours have been reported, is the overtime rate listed as 1.5X the base wage rate plus the hourly fringe rate?
- **Look over the deductions** listed on the payroll report. Do deductions have missing or questionable explanations?
- **Check the reverse side** of the WH-347 to confirm that it has been digitally signed by the contractor. Proper digital signatures **must** utilize an approved and official digital signature format such as Adobe Acrobat Sign or DocuSign. Hand signed and scanned documents will not be accepted.
- **Also check the reverse side** of the WH-347 to determine whether fringe is paid in cash wages or as contributions to a bona fide plan. If fringe benefits are paid as contributions to a bona fide plan (checkbox [4][a]), verify the contributions using the process described on the following page. If fringe is paid as cash wages (checkbox [4][b]), confirm that the fringe amount from the wage determination is reflected in each employee's Rate of Pay amount.

Red Flags: Payroll Review

- Unusual or very large deductions (i.e., half of pay is diverted to a savings account)
- Too many apprentices/trainees relative to journeymen
- Rounded numbers
- Deductions with no description
- Employees with fewer hours or fluctuating schedules compared to other employees who do similar work
- Job classifications on payrolls not listed in wage determinations
- Large number of general laborers during the construction phase

TYPES OF PERMISSIBLE PAYROLL DEDUCTIONS INCLUDE:

- Social security withholdings
- Deduction for prepaid wages
- Purchases of U.S. Savings Bonds
- Bona fide fringe benefit plan
- Purchase of credit union shares
- Promissory note for a purchase from the employer (i.e., a vehicle)
- Safety equipment (if not required by law for employer to furnish)
- Reasonable cost of board, lodging, or other facilities as permitted by the Fair Labor Standards Act
- Income tax withholding
- Court ordered payments
- Loan repayments
- Charitable donations
- Union fees

Employers should maintain records verifying all deductions.

VERIFYING FRINGE BENEFIT CONTRIBUTIONS

If a contractor pays a portion of prevailing wages in the form of contributions to a benefits plan, subrecipients are responsible for verifying that these contributions were made as claimed. The best way to do this is to ask the contractor to provide an account statement from the benefits plan(s) that he is making contributions to on behalf of his employees. Although some subrecipients may accept documents generated in-house by contractors showing the amount they have contributed to fringe benefit plans, it is advisable for subrecipients to seek additional third-party verification.

Figure 7 shows an example of an account statement from a benefits plan. A contractor generally receives statements from plans on a regular basis, or can easily request a receipt from his plan administrator. These are a strong source of third-party verification that fringe contributions are being fully funded. Note that fringe benefits that are not provided as part of a funded plan (such as vacation or sick leave) require the employer to actively set aside or assign money to employees for those benefits as they are earned to qualify as part of paid wages.



Contractors Retirement Plan Trust

Contractors Retirement Plan Trust
Contribution Summary

Group Account #BG435
Company Name: Acme Construction Co.
Payroll Dates: 08/01/16 - 9/01/16

Termination Codes
1 - TERMINATED EMPLOYMENT
2 - DEATH
3 - DISABILITY
6 - RETIREMENT

Hours and Contribution Report

Name	SSN	# of Hours Worked	Hourly Benefit Cost	Individual Match	Individual Premium	Code	Date
ABBOT, JAMES	1221	165	\$2.00	\$100.00	\$430.00	-	-
BRADLEY, THOMAS	6755	160	\$2.00	-	\$320.00	-	-
IGLESIAS, JOSE	2309	160	\$2.00	\$80.00	\$400.00	-	-
GARAMOND, HENRY	4457	160	\$3.00	-	\$480.00	-	-
AMOUNT OF CHECK:					\$1,630.00		

MAKE CHECKS PAYABLE TO:
Contractors Retirement Plan Trust
123 Labor Road
Benton, AR 72712




PREPARED BY: R. COLEMAN
DATE: 1/14/17

Figure 7

Figure 8 shows how the base rate and fringe rate may be split on the WH-347 payroll form for ease of tracking fringe benefit contributions.

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

PAYROLL
(For Contractor's Optional Use; See Instructions at www.dol.gov/esa/whd/forms/wh347instr.htm)
Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.


U.S. Wage and Hour Division
Rev. Dec. 2008
OMB No.: 1215-0149
Expires: 12/31/2011

NAME OF CONTRACTOR <input checked="" type="checkbox"/> OR SUBCONTRACTOR <input type="checkbox"/>		ADDRESS		PROJECT OR CONTRACT NO.	
ACME CONSTRUCTION CO.		200 HARDY ST. CINCINNATI, OH		CIN-0945	
PAYROLL NO.	FOR WEEK ENDING	PROJECT AND LOCATION			
12	08/14/2016	TREATMENT PLANT, 100 CITY BLVD			

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g. LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF HOURS EMPLOYED	(3) WORK CLASSIFICATION	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK	
			S	M	T	W	T	F	S				FICA	WITH HOLDING TAX	401(K)	OTHER	TOTAL DEDUCTIONS		
			8	9	10	11	12	13	14										
ABBOT, JAMES 1221		CARPENTER	o	1.0	1.0	1.0	1.0	1.0		5.00	17.00	\$565.00							
			s	8.0	8.0	8.0	8.0	8.0		40.00	10.00	2.00	\$565.00	\$14.10	\$47.00	\$25.00		\$86.10	\$478.90
BRADLEY, THOMAS 6755		CARPENTER	o									\$298.00							
			s	8.0	8.0	8.0				24.00	10.00	2.00	\$420.00	\$7.00					
IGLESIAS, JOSE 2309		APPRENTICE CARPENTER	o									\$400.00							
			s	8.0	8.0	8.0	8.0	8.0		40.00	8.00	2.00	\$400.00	\$12.00					
GARAMOND, HENRY 4457		ELECTRICIAN	o				2.0	2.0		4.00	19.50	\$639.00							
			s	8.0	8.0	8.0	8.0	8.0		40.00	11.00	3.00	\$638.00	\$19.50					

Contributions or costs anticipated for bona fide fringe benefits plans or fringe amounts paid as cash

Figure 8

If the contractor has provided benefits, the subrecipient will need to verify that fringe benefit contributions are the correct amounts by comparing the wage determination (Figure 9) with documentation of the fringe contributions (Figure 7).

General Decision Number:	OH100122	03/21/2010	OH122
State:	Ohio		
Construction Type:	Heavy		
Including Water and Sewer Line Construction			
County:	Hamilton County		

	Rates	Fringes
ELECTRICIAN	\$11.00	\$3.00
CARPENTER	\$10.00	\$2.00

Figure 9

Notice that the wage determination does not contain wage rates for an "Apprentice Carpenter" work classification. In order to determine if José Iglesias is being paid the correct wages in the previous example, it will be necessary to review his apprenticeship registration; a process described on the following page.

VERIFYING APPRENTICE AND TRAINEE REGISTRATIONS

Subrecipients are responsible for verifying apprentice and trainee registrations on the same schedule as employee interviews are performed. To conduct this review, it will be necessary to have a copy of the registration programs for all apprentices and trainees working on the project. Contractors should be able to provide updated copies of the programs upon request. The apprenticeship or trainee program will contain a chart showing a percentage of wage rates associated with a time period of training; this chart is used to determine whether apprentices and trainees are being paid the correct percentage of the Davis-Bacon wage rate. Many work classifications have their own programs, so there may be separate plans for electricians, carpenters, plumbers, etc. An example of an apprenticeship plan is shown on page 14. There are three ways that subrecipients will use this plan to perform Davis-Bacon compliance oversight:

1. Verify that all laborers or mechanics classified as apprentices or trainees on payroll reports are included in an approved plan
2. Confirm that apprentices and trainees are being paid the correct wage rates
3. Verify the ratio of apprentices/trainees to journeymen working on the project

In the example apprenticeship plan shown in Figure 4, on page 14, José Iglesias is listed as being in the 7th Training Period of the apprenticeship program. According to the wage chart on the apprenticeship plan, apprentices in their 7th period are due 80% of the full wage, plus fringe benefits. The payroll records in Figure 8 and the fringe benefits statement in Figure 7 show that José is being paid \$8.00 an hour in base wages (80% of the full carpenter rate of \$10.00 listed in the wage determination in Figure 9), plus the full fringe amount of \$2.00 per hour. José has been paid correctly for this period.

Finally, subrecipients can use the information in the program plans to confirm that the number of apprentices or trainees working on the project does not exceed the ratio allowed by the plan. The sample apprenticeship plan in Figure 4 includes an allowable ratio of one apprentice to one journeyman. This ratio may be verified by reviewing payroll reports. Where apprentices or trainees are listed on the payroll report, the number of journeymen listed for the same trade should result in the ratio allowed by the program plan. In addition, the payroll report should verify that the apprentices/trainees and journeymen worked the same hours on the same days. Note that a payroll report will not specifically indicate which employees are journeymen. For instance, if a payroll report lists two employees as “Carpenter” and “Apprentice Carpenter”, the employee described only as “Carpenter” is assumed to be a journeyman.

NOTE: In states where the State Department of Labor is not recognized by U.S. DOL, apprentices must be in an apprenticeship program registered with U.S. DOL. Many times, these apprenticeship programs will be through a trade union. The contractor may need to contact the trade union to find the appropriate ration, and should keep this documentation in his files.

EMPLOYEE INTERVIEWS

Subrecipients are required to periodically interview a sampling of the contractor and subcontractors' employees to determine whether employees are being paid in accordance with Davis-Bacon requirements. **The subrecipient is responsible for setting and following an interview schedule for the project based on its knowledge of the contractors and subcontractors working on the project and their risk for noncompliance with Davis-Bacon.** The initial interviews should be performed within the first 30 days of the start of construction. Additional interviews may be completed at the subrecipient's discretion, and are strongly suggested in the case of questionable payroll reports or employee complaints.

The purpose of the interviews is to confirm that employees are classified as the correct job type and are being paid the correct wages. Interviews also provide an opportunity for employees to report Davis-Bacon complaints or abuses in a confidential setting.

Note! It may be helpful to schedule the employee interviews on pay day, so employees will have access to pay stubs and can provide more accurate answers to interview questions.

Following are some best management practices for conducting employee interviews:

Red Flags: Interviews

Employee refuses to participate in the interview

Employees interviewed are not listed on payroll records for the day of the interview

Stated job type does not match activities observed onsite

Discrepancy between stated wages, wage determination, and/or payroll records

- Interviews should be documented using EEC's Davis-Bacon Act Compliance Review form, Appendix F, or an equivalent form.
- Initial interviews should be performed within the first 30 days of the start of construction.
- Interviews should be confidential and non-disruptive. The contractor or subcontractor should not be present during the interview.
- The number of employees interviewed is at the subrecipient's discretion, but should constitute a reasonable sampling.
- Interviews may be random, or may target specific employees. Subrecipients are advised to interview any employees whose payroll records generated "red flags" during the payroll review.
- A translator may be used to conduct the interviews. If possible, avoid using a translator employed by the contractor or subcontractor.
- Compare the interview forms to payroll records for the same week. Make sure that all employees interviewed are listed on the payroll records for the same day that the interview was conducted, and that their responses to the interview questions are consistent with the information on the payroll report.

AML PROGRAM OFFICE INSPECTIONS

The state program office may conduct periodic inspections to ensure Davis-Bacon compliance. These inspections generally include a visit to the project site, and may include a review of the subrecipient's files. State program staff will generally review the following items:

Documentation Review

- Has the subrecipient collected all payroll reports?
- Does the collection of payroll reports seem generally consistent with the size and progress of the project?
- Do the dates on the first and last payroll reports indicate that employees are paid weekly? Is the variety of job types listed on the payroll reports generally consistent with the project type and construction phase?
- Has the subrecipient collected the Statements of Davis-Bacon Compliance? Does there appear to be one for every week of construction, and are they digitally signed?
- Does the subrecipient have any completed employee interview forms on file?
- Does the interview form indicate any problems, and if so, have they been resolved?
- Are apprentices and trainees listed on the payroll reports? If so, has the subrecipient verified that they are registered?

Project Site Review

- Are wage determinations posted at the project site in a location accessible to laborers and mechanics?
- Is the Davis-Bacon poster (WH-1321) posted at the project site?

9. DOCUMENTS AND FORMS TO BE SUBMITTED TO AML

- **WAGE DETERMINATIONS**

Prior to finalizing the bid specifications, submit a copy of the wage determination (page 7), to either Phil Bowling at phil.bowling@ky.gov or Barry Butcher at barry.butcher@ky.gov.

Per the “10-Day Rule” (page 10), if the wage determination has been modified, submit a copy of the amended wage determination to either Phil Bowling at phil.bowling@ky.gov or Barry Butcher at barry.butcher@ky.gov.

- **CONFORMANCE REQUESTS**

If the prime contractor/subcontractor(s) determines that a wage conformance is needed for the project, send the “Standard Form 1444” (page 8 and Appendix A) to Tina Higgins at tina.higgins@ky.gov.

- **CERTIFIED PAYROLLS**

Submit the first four (4) weeks of certified payrolls (page 8 and Appendix C), or no work statements (page 18 and Appendix D), if applicable, from the contractor/subcontractor(s) to the Davis-Bacon Act Compliance Review officer at eeccpayrollcert@ky.gov.

- **REQUEST FOR PAYMENT**

Requests for payment shall be submitted monthly to either Phil Bowling at phil.bowling@ky.gov or Barry Butcher at barry.butcher@ky.gov. This will include the need to submit a \$0 request if no payment is needed. Below are supplemental documents, for Davis-Bacon compliance, that are to accompany requests for payments.

- **MONTHLY REPORT**

Submit a monthly report detailing the work performed during the billing period.

- **SUBRECIPIENT REPORT OF COMPLIANCE**

Submit the “AML-001 – Subrecipient Report of Compliance with Davis-Bacon Labor Standards Provisions for Federally Assisted Contracts” form (Appendix G) to certify Davis-Bacon compliance.

You may find it useful to use the Davis-Bacon Act Compliance Checklist for Subrecipients (Appendix H) as a tool to insure proper and timely document submission.

10. SUMMARY

If you have never administered a project with Davis-Bacon requirements, it can be overwhelming at first. It is an old law that has been expanded many times throughout the years adding even more requirements. This handbook was developed to familiarize and assist you with these requirements.

It is recommended you read this handbook several times and study the figures and examples. Everything you need to succeed is in this handbook.

However, even the greatest of guidance document will not make you an expert on the subject; that takes practice and repetition. That is why you should feel free to reach out to us if you have any questions, concerns, or need further clarification.

- For Davis-Bacon specific questions, you may contact the Davis-Bacon Act Compliance Review officer at eeccpayrollcert@ky.gov or by calling (502) 782-7024.
- For questions related to the project itself, you may contact either Phil Bowling at phil.bowling@ky.gov or by calling 502-782-2471 or Barry Butcher at barry.butcher@ky.gov or by calling 502-782-9465.

11. APPENDICES

APPENDIX A

STANDARD FORM 1444

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND RATE

**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

Paperwork Reduction Act Statement - This information collection meets the requirements of 44 U.S.C. § 3507, as amended by section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget (OMB) control number. The OMB control number for this collection is 9000-0066. We estimate that it will take .5 hours to read the instructions, gather the facts, and answer the questions. Send only comments relating to our time estimate, including suggestions for reducing this burden, or any other aspects of this collection of information to: U.S. General Services Administration, Regulatory Secretariat Division (M1V1CB), 1800 F Street, NW, Washington, DC 20405.

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, 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 (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 (Service contracts only) <small>(Use reverse or attach additional sheets, if necessary)</small>	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. <input type="checkbox"/> AGREE <input type="checkbox"/> DISAGREE
--	--------------	---

TO BE COMPLETED BY CONTRACTING OFFICER (CHECK AS APPROPRIATE - SEE FAR 22.1019 (SERVICE CONTRACT LABOR STANDARDS) OR FAR 22.406-3 (CONSTRUCTION WAGE RATE REQUIREMENTS))

- 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 3 copies to the Department of Labor)

SIGNATURE OF CONTRACTING OFFICER OR REPRESENTATIVE	TITLE AND COMMERCIAL TELEPHONE NUMBER	DATE SUBMITTED
---	--	-----------------------

APPENDIX B

RATE IN EFFECT

OVERTIME PAYMENT "RATE IN EFFECT" AGREEMENT

**OVERTIME PAYMENT
"RATE IN EFFECT" AGREEMENT**

This document serves as an agreement between the below referenced employer and employee that "rate in effect" will be used as the calculation basis for overtime hours earned in relation to the below named project. Employees will receive overtime pay at a rate of 1.5 times the rate of pay which is in effect at the time in which the overtime hours occur.

EMPLOYER INFORMATION

Employer Name	Phone Number
Employer Address	Contact Email
Project Name/Contract Number	County of Work

EMPLOYER SIGNATURE

Authorized Signature of Employer	Date
Title	

EMPLOYEE INFORMATION

Employee Name	Phone Number
Employee Address	Date of Birth

EMPLOYEE SIGNATURE

Employee Signature	Date

APPENDIX C

WH-347 FORM

CERTIFIED PAYROLL, with instructions

PAYROLL

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



Rev. Dec. 2008

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

OMB No.: 1235-0008
Expires: 07/31/2024

NAME OF CONTRACTOR		OR SUBCONTRACTOR		ADDRESS																
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	OT OR ST.	(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												
			O																	
			S																	
			O																	
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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

Wage and Hour Division

Instructions For Completing Payroll Form, WH-347

- - [WH-347](#) (PDF)
OMB Control No. 1235-0008, Expires 07/31/2024.

General: Form WH-347 has been made available for the convenience of contractors and subcontractors required by their Federal or Federally-aided construction-type contracts and subcontracts to submit weekly payrolls. Properly filled out, this form will satisfy the requirements of Regulations, Parts 3 and 5 (29 C.F.R., Subtitle A), as to payrolls submitted in connection with contracts subject to the Davis-Bacon and related Acts.

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) requires 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.

Under the Davis-Bacon and related Acts, the contractor is required to pay not less than prevailing wage, including fringe benefits, as predetermined by the Department of Labor. The contractor's obligation to pay fringe benefits may be met either by payment of the fringe benefits to bona fide benefit plans, funds or programs or by making payments to the covered workers (laborers and mechanics) as cash in lieu of fringe benefits.

This payroll provides for the contractor to show on the face of the payroll all monies to each worker, whether as basic rates or as cash in lieu of fringe benefits, and provides for the contractor's representation in the statement of compliance on the payroll (as shown on page 2) that he/she is paying for fringe benefits required by the contract and not paid as cash in lieu of fringe benefits. Detailed instructions concerning the preparation of the payroll follow:

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

Address: Fill in your firm's address.

Payroll No.: Beginning with the number "1", list the payroll number for the submission.

For Week Ending: List the workweek ending date.

Project and Location: Self-explanatory.

Project or Contract No.: Self-explanatory.

Column 1 - Name and Individual Identifying Number of Worker: Enter each worker's full name and an individual identifying number (e.g., last four digits of worker's social security number) on each weekly payroll submitted.

Column 2 - No. of Withholding Exemptions: This column is merely inserted for the employer's convenience and is not a requirement of Regulations, Part 3 and 5.

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

Column 4 - Hours worked: List the day and date and straight time and overtime hours worked in the applicable boxes. On all contracts subject to the Contract Work Hours Standard Act, enter hours worked in excess of 40 hours a week as "overtime".

Column 5 - Total: Self-explanatory

Column 6 - Rate of Pay (Including Fringe Benefits): In the "straight time" box for each worker, list the actual hourly rate paid for straight time worked, plus cash paid in lieu of fringe benefits paid. When recording the straight time hourly rate, any cash paid in lieu of fringe benefits may be shown separately from the basic rate. For example, "\$12.25/.40" would reflect a \$12.25 base hourly rate plus \$0.40 for fringe benefits. This is of assistance in correctly computing overtime. See "Fringe Benefits" below. When overtime is worked, show the overtime hourly rate paid plus any cash in lieu of fringe benefits paid in the "overtime" box for each worker; otherwise, you may skip this box. See "Fringe Benefits" below. Payment of not less than time and one-half the basic or regular rate paid is required for overtime under the Contract Work Hours Standard Act of 1962 if the prime contract exceeds \$100,000. In addition to paying no less than the predetermined rate for the classification which an individual works, the contractor must pay amounts predetermined as fringe benefits in the wage decision made part of the contract to approved fringe benefit plans, funds or programs or shall pay as cash in lieu of fringe benefits. See "FRINGE BENEFITS" below.

Column 7 - Gross Amount Earned: Enter gross amount earned on this project. If part of a worker's weekly wage was earned on projects other than the project described on this payroll, enter in column 7 first the amount earned on the Federal or Federally assisted project and then the gross amount earned during the week on all projects, thus "\$163.00/\$420.00" would reflect the earnings of a worker who earned \$163.00 on a Federally assisted construction project during a week in which \$420.00 was earned on all work.

Column 8 - Deductions: Five columns are provided for showing deductions made. If more than five deduction are involved, use the first four columns and show the balance deductions under "Other" column; show actual total under "Total Deductions" column; and in the attachment to the payroll describe the deduction(s) contained in the "Other" column. All deductions must be in accordance with the provisions of the Copeland Act Regulations, 29 C.F.R., Part 3. If an individual worked on other jobs in addition to this project, show actual deductions from his/her weekly gross wage, and indicate that deductions are based on his gross wages.

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

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

Statement Required by Regulations, Parts 3 and 5: While the "statement of compliance" need not be notarized, the statement (on page 2 of the payroll form) is subject to the penalties provided by 18 U.S.C. § 1001, namely, a fine, possible imprisonment of not more than 5 years, or both. Accordingly, the party signing this statement should have knowledge of the facts represented as true.

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

Item 4 FRINGE BENEFITS - Contractors who pay all required fringe benefits: If paying all fringe benefits to approved plans, funds, or programs in amounts not less than were determined in the applicable wage decision of the Secretary of Labor, show the basic cash hourly rate and overtime rate paid to each worker on the face of the payroll and check paragraph 4(a) of the statement on page 2 of the WH-347 payroll form to indicate the payment. Note any exceptions in section 4(c).

Contractors who pay no fringe benefits: If not paying all fringe benefits to approved plans, funds, or programs in amounts of at least those that were determined in the applicable wage decision of the Secretary of Labor, pay any remaining fringe benefit amount to each laborer and mechanic and insert in the "straight time" of the "Rate of Pay" column of the payroll an amount not less than the predetermined rate for each classification plus the amount of fringe benefits determined for each classification in the application wage decision. Inasmuch as it is not necessary to pay time and a half on cash paid in lieu of fringe benefits, the overtime rate shall be not less than the sum of the basic predetermined rate, plus the half time premium on basic or regular rate, plus the required cash in lieu of fringe benefits at the straight time rate. In addition, check paragraph 4(b) of the statement on page 2 the payroll form to indicate the payment of fringe benefits in cash directly to the workers. Note any exceptions in section 4(c).

Use of Section 4(c), Exceptions

Any contractor who is making payment to approved plans, funds, or programs in amounts less than the wage determination requires is obliged to pay the deficiency directly to the covered worker as cash in lieu of fringe benefits. Enter any exceptions to section 4(a) or 4(b) in section 4(c). Enter in the Exception column the craft, and enter in the Explanation column the hourly amount paid each worker as cash in lieu of fringe benefits and the hourly amount paid to plans, funds, or programs as fringe benefits. The contractor must pay an amount not less than the predetermined rate plus cash in lieu of fringe benefits as shown in section 4(c) to

each such individual for all hours worked (unless otherwise provided by applicable wage determination) on the Federal or Federally assisted project. Enter the rate paid and amount of cash paid in lieu of fringe benefits per hour in column 6 on the payroll. See paragraph on "Contractors who pay no fringe benefits" for computation of overtime rate.

Public Burden Statement: We estimate that it will take an average of 55 minutes to complete this collection of information, 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 of information, 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.

Note: In order to view, fill out, and print PDF forms, you need Adobe® Acrobat® Reader® version 5 or later, which you may download for free at www.adobe.com/products/acrobat/readstep2.html.

[Topics](#) [Worker Rights](#) [For Employers](#) [Resources](#) [Interpretive Guidance](#) [State Laws](#) [News](#)



Wage and Hour Division

An agency within the U.S.
Department of Labor

200 Constitution Ave NW
Washington, DC 20210
[1-866-4-US-WAGE](tel:1-866-4-US-WAGE)
[1-866-487-9243](tel:1-866-487-9243)
www.dol.gov

- | | | |
|--------------------------------------|--------------------------------------|---------------------|
| FEDERAL GOVERNMENT | LABOR DEPARTMENT | WHD PORTALS |
| White House | About DOL | YouthRules! |
| Coronavirus Resources | Guidance Search | Wage Determinations |
| Disaster Recovery Assistance Español | | |
| DisasterAssistance.gov | Office of Inspector General | |
| USA.gov | Subscribe to the DOL Newsletter | |
| Notification of EEO Violations | Read the DOL Newsletter | |
| No Fear Act Data | Emergency Accountability Status Link | |
| U.S. Office of Special Counsel | A to Z Index | |

Connect With DOL



APPENDIX D

CONTRACTOR "NO WORK" STATEMENT

IN LIEU OF WH-347 IF NO WORK IS PERFORMED

CONTRACTOR "NO WORK" STATEMENT

There may be instances where a contractor has no workers present on a project for an entire work week or a longer period. A certified payroll report is not required for a week in which a contractor performs no work. **If it is anticipated that a period of no work will occur, please attach a copy of this completed "No Work Statement" to the last payroll stating there is no work anticipated for a given period.**

CONTRACTOR NAME: _____

PROJECT NAME: _____

CONTRACT NUMBER: _____

NO WORK PLANNED FROM: _____ **TO** _____

I do hereby state that I pay or supervise the payment of employees for the above mentioned contractor and that no workers have spent time, or are anticipated to spend time, on the project for the period identified above.

Furthermore, I understand that should work be completed during the above period the contractor is required to pay those laborers and mechanics the required prevailing wage and that a certified payroll will need remitted to EECPayrollCert@ky.gov in order to comply with the provisions of the Davis-Bacon Act.

Name

Title

Authorized Signature

Date

APPENDIX E

FORM WH-1321

DAVIS-BACON POSTERS

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:

**ENERGY AND ENVIRONMENT CABINET
OFFICE OF ADMINISTRATIVE SERVICES
ATTN: DAVIS-BACON COMPLIANCE REVIEWER
PHONE: 502-782-0739
EMAIL: eeccpayrollcert@ky.gov**

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



DERECHOS DEL EMPLEADO BAJO LA LEY DAVIS-BACON

PARA OBREROS Y MECÁNICOS EMPLEADOS EN PROYECTOS DE CONSTRUCCIÓN FEDERAL O CON ASISTENCIA FEDERAL

SALARIOS PREVALECIENTES

No se le puede pagar menos de la tasa de pago indicada en la Decisión de Salarios Davis-Bacon fijada con este Aviso para el trabajo que Ud. desempeña.

SOBRETIEMPO

Se le ha de pagar no menos de tiempo y medio de su tasa básica de pago por todas las horas trabajadas en exceso de 40 en una semana laboral. Existen pocas excepciones.

CUMPLIMIENTO

Se pueden retener pagos por contratos para asegurarse que los obreros reciban los salarios y el pago de sobretiempo debidos, y se podría aplicar daños y perjuicios si no se cumple con las exigencias del pago de sobretiempo. Las cláusulas contractuales de Davis-Bacon permiten la terminación y exclusión de contratistas para efectuar futuros contratos federales hasta tres años. El contratista que falsifique los registros certificados de las nóminas de pago o induzca devoluciones de salarios puede ser sujeto a procesamiento civil o criminal, multas y/o encarcelamiento.

APRENDICES

Las tasas de aprendices sólo se aplican a aprendices correctamente inscritos bajo programas federales o estatales aprobados.

PAGO APROPIADO

Si Ud. no recibe el pago apropiado, o precisa de información adicional sobre los salarios aplicables, póngase en contacto con el Contratista Oficial que aparece abajo:

**ENERGY AND ENVIRONMENT CABINET
OFFICE OF ADMINISTRATIVE SERVICES
ATTN: DAVIS-BACON COMPLIANCE REVIEWER
NUMERO DE TELEFONO: 502-782-0739
CORREO ELECTRÓNICO: eecpayrollcert@ky.gov**

o póngase en contacto con la División de Horas y Salarios del Departamento de Trabajo de los EE.UU.



DIVISIÓN DE HORAS Y SALARIOS
DEPARTAMENTO DE TRABAJO DE LOS EE.UU.

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



APPENDIX F

RECORD OF EMPLOYEE INTERVIEW FORM

EEC'S DAVIS-BACON ACT COMPLIANCE REVIEW, with instructions

Record of Employee Interview

Energy & Environment Cabinet Davis-Bacon Act Compliance Review

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. The information collected ensures compliance with the Federal labor standards through recording interviews with construction workers. The information collected assists EEC 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.

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 EEC 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 EEC to determine if you were paid proper wages under the Davis-Bacon Act, and will limit the ability for EEC 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?	4c. Pay stub?
				Vacation Yes No Medical Yes No Pension Yes No	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**

**Energy & Environment Cabinet
Davis-Bacon Act Compliance Review**

18. Additional Remarks

CONFIDENTIAL

Record of Employee Interview Instructions	Energy & Environment Cabinet Davis-Bacon Act Compliance Review
--	---

Instructions

General:

This form is to be used by Energy and Environment Cabinet (EEC) 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 EEC staff.

Information recorded on the form 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 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).

Instructions For Completing The Form:

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. You may 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., Laborer, Backhoe Operator) – responses such as "worker" 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 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 form shall be compared to the payroll reports. Any discrepancies noted between the form 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.

APPENDIX G

FORM AML-001

SUBRECIPIENT REPORT OF COMPLIANCE WITH DAVIS-BACON LABOR STANDARDS PROVISIONS FOR
FEDERALLY ASSISTED CONTRACTS



**SUBRECIPIENT REPORT OF COMPLIANCE
WITH DAVIS-BACON LABOR STANDARDS PROVISIONS
FOR FEDERALLY ASSISTED CONTRACTS**

This form is to be submitted with each request for reimbursement of funding by the subrecipient and as requested by the Energy and Environment Cabinet during the project.

SUBRECIPIENT NAME			
CONTRACT NUMBER			
PROJECT DESCRIPTION			
BILLING PERIOD		TO	

Subrecipient Statement:

I confirm to the best of my knowledge and belief that we are complying with the requirements of 29 CFR 5.5(a)(1), as referenced in the following requirements of the Davis-Bacon Act and the grant agreement between the Department of Interior (DOI) and the Commonwealth of Kentucky.

Signature (Subrecipient Representative)

Title

Date

Obtaining Wage Determinations

(a) Subrecipients shall obtain the wage determination for the locality in which a covered activity subject to the Davis-Bacon Act (DBA) will take place prior to issuing requests for bids, proposals, quotes or other methods for soliciting contracts (solicitation) for activities subject to DBA. These wage determinations shall be incorporated into solicitations and any subsequent contracts. Prime contracts must contain a provision requiring that subcontractors follow the wage determination incorporated into the prime contract.

(i) While the solicitation remains open, the subrecipient shall monitor <https://sam.gov/content/wage-determinations> weekly to ensure that the wage determination contained in the solicitation remains current. The subrecipients shall amend the solicitation if Department of Labor (DOL) issues a modification up to 10 days prior to the closing date (i.e. bid opening) for the solicitation. If DOL modifies or supersedes the applicable wage determination less than 10 days prior to the closing date, the subrecipient may document that there is not reasonable time to notify interested contractors of the modification and place supporting documentation into the award/project file to be retained.

(ii) If the subrecipient does not award the contract within 90 days of the closure of the solicitation, any modifications or superseding wage determinations at the time of contract award shall be effective unless the Energy and Environment Cabinet, at the request of the subrecipient, obtains an extension of the 90 day period from DOL pursuant to 29 CFR 1.6(c)(3)(iv). The subrecipient shall monitor <https://sam.gov/content/wage-determinations> on a weekly basis if it does not award the contract within 90 days of closure of the solicitation to ensure that wage determinations contained in the solicitation remain current.

(b) If the subrecipient carries out activity subject to DBA by issuing a task order, work assignment or similar instrument to an existing contractor rather than by publishing a solicitation, the subrecipient shall insert the appropriate DOL wage determination from <https://sam.gov/content/wage-determinations> into the ordering instrument.



(c) Subrecipients shall review all subcontracts subject to DBA entered into by prime contractors to verify that the prime contractor has required its subcontractors to include the applicable wage determinations.

(d) As provided in 29 CFR 1.6(f), DOL may issue a revised wage determination applicable to a subrecipient's contract after the award of a contract or the issuance of an ordering instrument if DOL determines that the subrecipient has failed to incorporate a wage determination or has used a wage determination that clearly does not apply to the contract or ordering instrument. If this occurs, the subrecipient shall either terminate the contract or ordering instrument and issue a revised solicitation or ordering instrument or incorporate DOL's wage determination retroactive to the beginning of the contract or ordering instrument by change order. The subrecipient's contractor must be compensated for any increases in wages resulting from the use of DOL's revised wage determination.

Contract and Subcontract Provisions

(a) (3)(i) As to each payroll copy received, the subrecipient shall provide written confirmation in a form satisfactory to the State indicating whether or not the project is compliant with the requirements of 29 CFR 5.5(a)(1) based on the most recent payroll copies for the specified week.

Compliance Verification

(a) The subrecipient shall periodically interview a sufficient number of employees entitled to DBA prevailing wages to verify that contractors or subcontractors are paying the appropriate wage rates. As provided in 29 CFR 5.6(a)(6), all interviews must be conducted in confidence. The subrecipient must use Standard Form 1445 (SF 1445) or equivalent documentation to memorialize the interviews. Copies of the SF 1445 are available from DOL.

(b) The subrecipient shall establish and follow an interview schedule based on its assessment of the risks of noncompliance with DBA posed by contractors or subcontractors and the duration of the contract or subcontract. At a minimum, the subrecipient should conduct interviews with a representative group of covered employees within two weeks of each contractor or subcontractor's submission of its initial weekly payroll data. Subrecipients must conduct more frequent interviews if the initial interviews or other information indicates that there is a risk that the contractor or subcontractor is not complying with DBA. Subrecipients shall immediately conduct necessary interviews in response to an alleged violation of the prevailing wage requirements. All interviews shall be conducted in confidence.

(c) The subrecipient shall periodically conduct spot checks of a representative sample of weekly payroll data to verify that contractors or subcontractors are paying the appropriate wage rates. The subrecipient shall establish and follow a spot check schedule based on its assessment of the risks of noncompliance with DBA posed by contractors or subcontractors and the duration of the contract or subcontract. At a minimum, if practicable the subrecipient should spot check payroll data within two weeks of each contractor or subcontractor's submission of its initial payroll data. Subrecipients must conduct more frequent spot checks if the initial spot check or other information indicates that there is a risk that the contractor or subcontractor is not complying with DBA. In addition, during the examinations the subrecipient shall verify evidence of fringe benefit plans and payments thereunder by contractors and subcontractors who claim credit for fringe benefit contributions.

(d) The subrecipient shall periodically review contractors and subcontractors use of apprentices and trainees to verify registration and certification with respect to apprenticeship and training programs approved by either the U.S Department of Labor or a state, as appropriate, and that contractors and subcontractors are not using disproportionate numbers of, laborers, trainees and apprentices. These reviews shall be conducted in accordance with the schedules for spot checks and interviews described in Item 5(b) and (c) above.

(e) Subrecipients must immediately report potential violations of the DBA prevailing wage requirements to the appropriate DOL Wage and Hour local office listed at <https://www.dol.gov/agencies/whd/contact/local-offices>.

APPENDIX H

DBA COMPLIANCE CHECKLIST

ENERGY AND ENVIRONMENT CABINET
DAVIS-BACON ACT COMPLIANCE CHECKLIST FOR SUBRECIPIENTS



ENERGY AND ENVIRONMENT CABINET DAVIS-BACON ACT COMPLIANCE CHECKLIST FOR SUBRECIPIENTS

Federal funds used for transactions involving contracts exceeding \$2,000 must comply with the prevailing wage requirements of the Davis-Bacon Act. This checklist provides an overview of the requirements established by the Davis-Bacon Act, and is not substitute for the detailed provisions in the U.S. Department of Labor (DOL) regulations implementing Davis-Bacon Act requirements. Subrecipients should keep the completed checklist for their records, but do not need to submit it to the Energy and Environment Cabinet.

CONTRACTOR/SUBCONTRACTOR:	
AWARD NUMBER:	
PROJECT TITLE:	
DATE:	

QUESTION	EXPLANATION/INSTRUCTION	STATUS		
		YES	NO	N/A
VERIFICATION OF WAGE DETERMINATION (WDs)				
<p>1. Was the appropriate wage determination(s) (WD) available from the Department of Labor (DOL) for all of the respective counties where construction will take place and did it contain classifications covering all of the labor categories needed on the project?</p>	<p>At www.sam.gov, DOL provides WDs on a county-by-county basis.</p> <p>You are expected to select the appropriate WD based on type of work, predominantly “Heavy”, for each construction site. (Only under specific circumstances can multiple wage determination be included.)</p> <p>This could mean paying the same employee different rates for time spent performing separate labor categories. Alternatively, you could pay the highest prevailing wage rate at all project work sites, including those with lower wage rates.</p> <p>You should ensure that you have a WD covering each county in which construction occurs, even if you have chosen to pay the highest wage rates at all project work sites.</p> <p>If your project requires additional labor classifications, a Conformance Request using Standard Form-1444 will need to be submitted by the Energy and Environment Cabinet (EEC).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1.(a) If EEC submitted a conformance request on your behalf have they notified you of approval by the DOL?	You must pay the wage and benefit rate proposed in the SF-1444 submitted by the EEC pending a response from DOL. If DOL responds with an approved rate that is higher than the proposed rate, you must pay such rate retroactive to the start of the performance of that labor classification.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Have the project's WDs and a Davis-Bacon poster (WH-1321) been posted at all construction sites?	The WDs (including any classifications added through the Conformance Process) and a Davis-Bacon poster (WH-1321) must be posted at all times by the contractor at all work sites in a prominent and accessible place where it can be easily seen. An electronic version of the WH-1321 poster may be obtained at no charge: www.dol.gov/sites/dolgov/files/WHD/legacy/files/fedprojc.pdf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VERIFICATION OF CERTIFIED PAYROLLS				
3. Is the contractor using form WH-347 to record payroll?	Form WH-347 presents a standardized method of recording payroll, which assists EEC, DOL, and any other entities in verifying Davis-Bacon compliance. The form may be downloaded at: www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh347.pdf Instructions for completing WH-347 can be found at: www.dol.gov/agencies/whd/forms/wh347	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Does the contractor's payroll records include the following for each individual employee:	Form WH-347 can be used to record payroll records. Please ensure that the following information has been included for each individual employee:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.(a) Name?	Each employee's full name must be listed on the row in which his or her wages are recorded. In the case of an audit, this allows EEC, DOL, or other auditors to match employees and interviewees with their reported wages.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.(b) Individual identifying number?	Each employee must also have an individual identifying number. This is often the last 4 digits of that employee's social security number, although contractors will occasionally use unique employee ID numbers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.(c) Labor classification?	The WD labor classification assigned to each employee must be included. If, for instance, employee John Smith's work duties correspond to the "Operator: Excavator" labor classification in the project's WD, "Operator: Excavator" should be listed here. (This is sometimes called "Work Classification" instead of "Labor Classification").	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.(d) Number of hours worked broken down by day?	The certified payroll must show how many hours each employee worked on each day covered by the certified payroll. The contractor should record all hours in excess of 40 as overtime.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.(e) Hourly rate of pay?	This number must be equal to or greater than the prevailing wage established in the project's WD. When recording the base hourly rate, any cash paid in lieu of fringe benefits may be shown separately from the basic rate. For example, "\$12.25/\$3.40" would reflect a \$12.25 base hourly rate plus \$3.40 for fringe benefits.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.(f) Gross amount of standard, overtime, and fringe benefit compensation?	The contractor must record the gross amount earned by each employee prior to deductions for items such as taxes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.(g) Legally permissible deductions for items such as income taxes and social security?	The contractor must record all deductions made from an employee's compensation for items such as income taxes or social security taxes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.(h) Net wages paid?	The contractor must record the net amount paid to each employee after deductions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Do the payroll records include a statement of compliance signed by the person authorized to supervise wages?	As an accompaniment to the certified payroll, an authorized representative of the contractor must sign a statement of compliance that attests to the fact that all employees were paid the amount reflected on the certified payroll, which was not less than the Davis-Bacon prevailing wage. The statement(s) of compliance does not need to be notarized. Required payroll record form WH-347 includes a template version of the statement of compliance and is included on the second page of the form. Signatures on the form must be in an approved digital signature format (e.g. Acrobat Sign, DocuSign, etc.).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Are certified payrolls being submitted within seven days after the regular payment date of the payroll period?	The first four (4) certified weekly payroll statements must be submitted via the EEC payroll certification email, EECPayrollCert@ky.gov , within seven days after the regular payment date of the payroll period.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. Did the contractor submit the "Fringe Benefit Statement" along with the first certified payroll?	In order that the proper Fringe Benefit rates can be verified for checking payrolls on the contract, the hourly rates for Fringe Benefits, subsistence and/or travel on the allowance payment made for employees on the various classes of work must be tabulated on this form. This form must be completed and submitted with the first certified payroll, or when there have been changes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Are subcontractors being used to assist in construction? If so, did you submit the "Subcontractor Identification Form" along with the first certified payroll?	Subcontractors should be listed on the required "Subcontractor Identification Form" and certified payroll(s) should be received during the course of a given project from those identified subcontractors.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Are subcontractors being used to assist in construction? If so, are the subcontractor's certified payrolls included in the files?	All employees working on AML-funded construction sites, not just those employed by the contractor, must be paid at least Davis-Bacon prevailing wages. The contractor should collect and review certified payrolls from all subcontractors whose employees assist in construction work.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. If "No Work" was completed on a construction site during a whole pay period did the contractor complete and submit a "No Work Statement" to support why no certified payrolls were remitted?	Davis-Bacon Act provisions require that a Certified Payroll be submitted weekly; however, if no work was completed for a weekly period, a "No Work Statement" must be submitted in lieu of a Certified Payroll for that given period.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Are you maintaining all certified payrolls for at least three years?	For auditing purposes, maintain all certified payrolls for at least three years after the project is completed. Certification signatures must be original.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
REQUEST FOR PAYMENT				
12. Are requests for payment being submitted on a monthly basis?	Requests for payment are required to be submitted monthly, without exception.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. If no work was performed during a monthly pay period, was a \$0 request submitted?	Since requests for payment must be submitted monthly, if no payment is needed a \$0 pay request must be submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14. Was a monthly report included with the request for payment?	A monthly report detailing the work performed during the billing period must be submitted with each request for payment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Was the "Subrecipient Report of Compliance with Davis-Bacon Labor Standards Provisions for Federally Assisted Contracts" form included with the request for payment?	This form must be submitted with each request for payment to certify Davis-Bacon compliance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

