

Federal Labor Standards Training

Dan Narber
Project Manager

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economic development

Demographics

- » Contracting Agencies
- » Prime Contractors
- » Compliance Officers
- » Experience – Prevailing wage requirements
- » Novices
- » Others

Overview

- » Basics of Prevailing Wage Requirements
 - Federal Statutes
 - Applicability
 - Making Davis bacon Work
 - Requirements
 - Responsibilities
 - Enforcement/Compliance
- » Contractor Responsibilities
- » DOL Updates

Federal Labor Statutes

Major Federal Laws

- » Davis-Bacon and Related Acts (DBRA)
- » Copeland Act (Anti-Kickback Act)
- » Contract Work Hours and Safety Standards Act (CWHSSA)
- » Fair Labor Standards Act (FLSA)

Davis-Bacon Act (DBA)

- » Enacted in 1931, amended in 1935 & 1964
- » Federal construction contracts over \$2,000
- » Applies to construction, alteration and/or repair including painting & decorating of public buildings or public works contracts
- » Requires pay of prevailing wages to all laborers and mechanics employed on site – regardless of any alleged contractual relationship

Davis Bacon Act (DBA)

- » Requires weekly pay to mechanic and laborers
- » Requires posting of applicable wage decision
- » Defines prevailing wage to include fringe benefits
- » Permits withholdings from contractors' payments of wages due

Davis Bacon Act (DBA)

- » Permits payment of wage restitution from withheld amounts
- » Permits contract termination – contractor underpays mechanic and laborers.
- » Permits debarment of persons or firms
 - Disregard for obligations to employees and subcontractors
- » Usually applied through the “Related acts”

Davis Bacon and Related Acts (DBRA)

- » The Davis Bacon Act is applicable to HUD programs by statutory provisions in HUD related Acts, known as Davis Bacon Related Acts (DBRA)
 - The National Housing Act
 - U.S. Housing Act of 1937, as amended
 - The Housing and Community Development Act of 1974, as amended
 - The National Affordable Housing Act of 1990

Copeland Anti-Kickback Act

- » Enacted in 1934
- » Makes it a criminal offense for contractors to demand workers give up any part of earned wages
- » Requires the submission of:
 - Weekly Certified Payrolls
 - Statement of compliance (with each payroll)
- » Allows for civil or criminal prosecution for the “willful” falsification of payrolls
- » Regulates payroll deductions from wages

Contract Works Hours and Safety Standards Act (CWHSSA)

- » Enacted in 1962
- » Applies to contracts of over \$100,000
 - Contract Amount – Prime Contractor
- » Overtime provision – work in excess of 40 hours per week for covered project
- » Liquidated damages - \$10 per day, per worker, per violation

Fair Labor Standards Act (FLSA)

- » Sets the Federal minimum wage and additional overtime requirements
- » Overtime applies to mechanical and laborers working in excess of 40 hours per week.
 - If CWHSSA does not apply, FLSA does
 - DOL enforces FLSA and investigates any violations

Implementing the Basics

Developing and/or implementing strategies and programs to avoid payment of prevailing wages is prohibited.

Applicability

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Davis-Bacon Applicability

- » Davis Bacon Applicability to CDBG
 - Housing and Community Development Act of 1974, Section 110(a)
- » Davis-Bacon applies when federal funds are used to pay for construction contracts of more than \$2,000 in whole or in part

Davis-Bacon Applicability

- » Residential: the property has 8 or more units
 - Property is defined as one or more buildings on an undivided lot or contiguous lots or parcels that are commonly owned and operated as one rental, cooperative, or condominium project

Davis-Bacon Applicability

- » Residential examples – CDBG, NSP, Disaster Recovery
 - Multi-family property has 8 units
 - Davis-Bacon applies to rehabilitation - contracts of \$2,000 or more
 - If windows were being installed in only 3 units for a total of \$2,000 or less, then Davis-Bacon would not apply

Exceptions - CDBG

- » Grantee can pay for non-construction costs without triggering Davis-Bacon
- » Only private funds are used to construct or rehab
- » Demolition, except:
 - If subsequent construction on site is planned as part of the same contract
 - If subsequent construction is contemplated as part of a future construction project under another eligible activity

Exceptions - CDBG

- » Volunteer labor
- » Employees of local grantee
 - Force account labor

Making Davis-Bacon Work

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Labor Standards Compliance Resources

- » CDBG Management Guide
 - Chapter 2
 - Appendix 2
 - Required contract language
- » A Contractor's Guide to Prevailing Wage Requirements for Federally-Assisted Construction Projects
- » Talk to engineer/architect early
- » Talk with your Project Manager

Making Davis Bacon Work

- » Job Sites – Safety, Required Postings
- » Interviews (on-site workers) – HUD Form 11
- » Review of Certified Payrolls – Receive weekly
- » Statement of Compliance – all blocks must be completed
- » Required Reporting – Enforcement Reports
- » Networks – Who are the problems?

Making Davis Bacon Work

- » Designate an individual for compliance monitoring
 - Grant recipient is ultimately responsible overall compliance
 - Prime/general contractor is responsible for full compliance of all subcontractors and lower-tier contracts

Grantee Responsibilities

» Before Construction

- Procurement, bonding, debarment verification, contracting, pre-construction conference

» During Construction

- Employee field interviews, collection and review of weekly CPR's, identification of underpayments, restitution payments and restitution CPR's

» After Construction

- Ensure files are in order

» Maintain all information/files for 5 years

Grantee Responsibilities

» Project Files

– Labor Compliance Administration File

- Procurement
- Wage Determination, additional classification, lock-in
- Bonding
- Contract award documentation
- Construction contract
- Pre-construction conference minutes
- Notice to proceed
- Correspondence
- Notice of completion

Grantee Responsibilities

- » Ensure bid documents, contract and sub contracts contain Federal Labor Standards Provisions (HUD-4010)
- » Ensure bid documents, contract and sub contracts contain applicable wage determination
- » Review certified payroll reports (CPR's) and confirm discrepancies through employee field interviews

Obtain A Wage Determination

- » Requests for Pre-2012 Projects
 - Paper request form
- » 2012 Program Year Projects and Beyond
 - IowaGrants On-line system

Obtain A Wage Determination

- » Request at least 30 days prior to bid advertising date
- » Contact IDED for modifications to wage determination
 - at least 10 working days prior to bid opening
- » Wage determination must be included in all bid documents

Contractor Eligibility

After bid letting:

- » Verify eligibility status of contractors
 - Debarred/Suspended List
 - www.sam.gov
 - Contractor registration number
 - <http://www.iowaworkforce.org/labor/contractor.htm>
- » Inform contractor of his/her responsibilities
- » Required contract language in all contracts
- » Request additional classifications

Additional Classifications

- » Classification not found on wage determination
- » Complete form with contractor's proposed rate of pay
- » Check for possible conformance to existing classifications
- » Department of Labor makes final decision

Examine Weekly Payrolls

- » Proper classification, including group letter (when applicable)
- » Proper wage for work performed
- » Check calculations
- » Verify method of payment for fringe benefits
- » All forms must be certified (signed)

On-site Interviews

- » Form HUD-11
- » Ensure proper classification
- » Observe duties on-site – must match classification
- » Verify the stated wage conforms to weekly payroll form

Record of Employee Interview

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

OMB Approval No. 2501-0009
(exp. 12/31/2013)

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

1a. Project Name			2a. Employee Name																					
1b. Project Number			2b. Employee Phone Number (including area code)																					
1c. Contractor or Subcontractor (Employer)			2c. Employee Home Address & Zip Code																					
			2d. Verification of identification? Yes <input type="checkbox"/> No <input type="checkbox"/>																					
3a. How long on this job?	3b. Last date on this job before today?	3c. No. of hours last day on this job?	4a. Hourly rate of pay?	4b. Fringe Benefits?		4c. Pay stub?																		
				Vacation Yes <input type="checkbox"/> No <input type="checkbox"/>	Medical Yes <input type="checkbox"/> No <input type="checkbox"/>	Pension Yes <input type="checkbox"/> No <input type="checkbox"/>																		
5. Your job classification(s) (list all) --- continue on a separate sheet if necessary																								
6. Your duties																								
7. Tools or equipment used																								
<table border="0"> <tr> <td></td> <td style="text-align: center;">Y</td> <td style="text-align: center;">N</td> <td></td> <td style="text-align: center;">Y</td> <td style="text-align: center;">N</td> </tr> <tr> <td>8. Are you an apprentice or trainee?</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td>10. Are you paid at least time and ½ for all hours worked in excess of 40 in a week?</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>9. Are you paid for all hours worked?</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td>11. Have you ever been threatened or coerced into giving up any part of your pay?</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>								Y	N		Y	N	8. Are you an apprentice or trainee?	<input type="checkbox"/>	<input type="checkbox"/>	10. Are you paid at least time and ½ for all hours worked in excess of 40 in a week?	<input type="checkbox"/>	<input type="checkbox"/>	9. Are you paid for all hours worked?	<input type="checkbox"/>	<input type="checkbox"/>	11. Have you ever been threatened or coerced into giving up any part of your pay?	<input type="checkbox"/>	<input type="checkbox"/>
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12a. Employee Signature			12b. Date																					
13. Duties observed by the Interviewer (Please be specific.)																								
14. Remarks																								
15a. Interviewer name (please print)			15b. Signature of Interviewer		15c. Date of interview																			

Payroll Examination

16. Remarks

17a. Signature of Payroll Examiner	17b. Date
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Previous editions are obsolete

Form HUD-11 (08/2004)

On-site Interviews

- » Ensure the following items are posted at work site in prominent location:
 - Wage determination
 - Federal Labor Standards Provisions (HUD 4010)
 - Labor posters

Back at the Office

- » Cross reference employee interview forms with weekly payrolls
- » Note any discrepancies
- » Contact the contractor to resolve any issues
- » Obtain sufficient documentation for any wage restitution issues

Implementing the Basics

- » Develop an effective compliance management system
 - Processes and procedures
 - Overlaps with procurement
 - Coordination

Implementing the Basics

» Monitoring v. Contract administration

- What are the differences between the two functions?
 - Monitoring from the IEDA perspective
 - Contract administration is compliance with federal labor standards – is the contractor complying with federal labor laws on construction / construction related work, subject to prevailing wages?

» Delegating function

- Contractors?

Enforcement and Compliance

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Required Job Site Postings

- » Davis Bacon Poster
 - Obtain English and Spanish versions
 - Post signs so that all can see
 - Include Authority's compliance officer's contact information in the contact block of these posters
 - Post in a highly visible area protected from the weather elements that is easily accessible and traveled by most workers working at the job site

- » Whose name is added to the poster as the compliance officer for reporting violations?

Required Job Site Postings

» Project Wage Decision

- Approved DOL conformance / additional classifications

» Other DOL Required Posters

- EEO
- FLSA
- OSHA

- DOL website : www.dol.gov – posters are available for downloading

Enforcement

- » Payroll & Document Review
- » Employee Interviews
- » Additional Classifications/Conformances

PAYROLL

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

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

OMB No.: 1235-0008
Expires: 01/31/2015

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 WITH-HOLDING EXEMPTIONS	(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
			OT	1	2	3	4	5	6				7	FICA	WITH- HOLDING TAX	OTHER	TOTAL DEDUCTIONS	
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

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

Date _____

 (Name of Signatory Party) _____ (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by _____ on the _____ (Contractor or Subcontractor); that during the payroll period commencing on the _____ (Building or Work) _____ day of _____, _____ and ending the _____ day of _____, _____, all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

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

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

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

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

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

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

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

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE _____ SIGNATURE _____

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.

Enforcement

- » Establish enforceable procedures/processes
 - Share with applicable entities
- » Identify and document violations
- » Notify the contractor (in writing)
- » State date for completion

Enforcement

- » Investigate and resolve complaints
- » Look for payroll red flags
 - Mis-classifications
 - Apprentices
 - Laborers v. skilled workers
 - Cement mason/concrete finishers
 - Plumbers
 - No 40 hour work weeks

Enforcement

- Not enough employees
- Ghost employees
- Same hours, same rate of pay, same gross, same net
- Non-allowable deductions
- » Ensure restitution, if any, is paid timely
- » Pursue debarment, if necessary
 - Debar locally – (local policies?)
 - Refer to HUD for debarment and or restrictions
- » Determine other action, if necessary

Conformance / Additional Classifications

- » The proposed rate, including bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage decision
 - All Agency Memorandum No. 213

Guidance – Additional Classifications

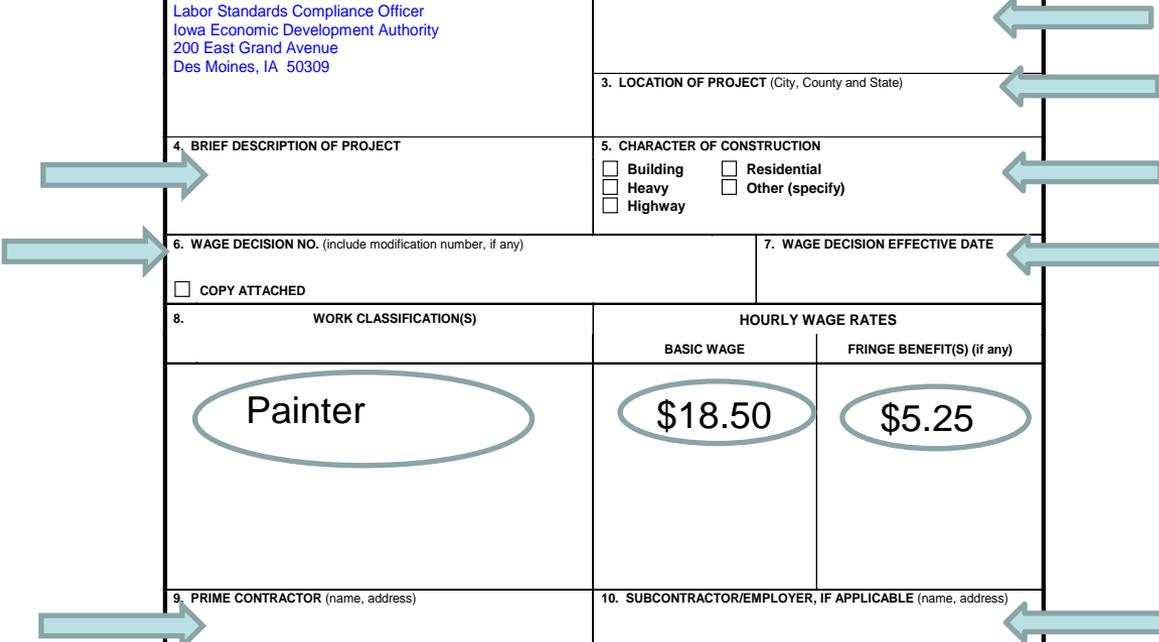
- » Determine if the classification being conformed:
 - is a skilled classification and some of the wage rates for skilled classification, in the wage determination, are lower than the rates on for laborer classifications

- » Action:
 - Use those existing skilled classification rates that are higher than the laborer rates to determine the proposed rate

Guidance – Additional Classifications

- » Determine if the classification being conformed:
 - Is a laborer classification
- » Action:
 - Recommend a wage rate that uses the existing common laborer wage rate as a benchmark

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REPORT OF ADDITIONAL CLASSIFICATION AND RATE		HUD FORM 4230A OMB Approval Number 2501-0011 (Exp. 01/31/2010)
1. FROM (name and address of requesting agency) Labor Standards Compliance Officer Iowa Economic Development Authority 200 East Grand Avenue Des Moines, IA 50309		2. PROJECT NAME AND NUMBER
4. BRIEF DESCRIPTION OF PROJECT		3. LOCATION OF PROJECT (City, County and State)
5. CHARACTER OF CONSTRUCTION <input type="checkbox"/> Building <input type="checkbox"/> Residential <input type="checkbox"/> Heavy <input type="checkbox"/> Other (specify) <input type="checkbox"/> Highway		
6. WAGE DECISION NO. (include modification number, if any) <input type="checkbox"/> COPY ATTACHED		7. WAGE DECISION EFFECTIVE DATE
8. WORK CLASSIFICATION(S)	HOURLY WAGE RATES	
	BASIC WAGE	FRINGE BENEFIT(S) (if any)
Painter	\$18.50	\$5.25
9. PRIME CONTRACTOR (name, address)	10. SUBCONTRACTOR/EMPLOYER, IF APPLICABLE (name, address)	
Check All That Apply: <input type="checkbox"/> The work to be performed by the additional classification(s) is not performed by a classification in the applicable wage decision. <input type="checkbox"/> The proposed classification is utilized in the area by the construction industry. <input type="checkbox"/> The proposed wage rate(s), including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage decision. <input type="checkbox"/> The interested parties, including the employees or their authorized representatives, agree on the classification(s) and wage rate(s). <input type="checkbox"/> Supporting documentation attached, including applicable wage decision.		
Check One: <input type="checkbox"/> Approved, meets all criteria. DOL confirmation requested. <input type="checkbox"/> One or more classifications fail to meet all criteria as explained in agency referral. DOL decision requested.		
Dan Narber _____ Agency Representative <i>(Typed name and signature)</i>		FOR HUD USE ONLY LR2000: Log in: Log out:
_____ <i>Date</i>		515-725-3072 _____ <i>Phone Number</i>



HUD-4230A (8-03) PREVIOUS EDITION IS OBSOLETE

Common Issues and Problem Areas

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Common Questions – Wage Rates

- » Why are the rates so high?
- » Can a contractor appeal a DOL approved rate?
- » Where is the guidance for appealing a wage rate?
- » Why are major crafts/trades missing from wage decisions?

Common Questions

- » How can a contractor estimate the labor costs when the trade / craft is not listed on the wage decision?
- » Why is the trade / craft “not” listed on the wage decision?
- » Why does the DOL restrict when to submit the conformance/request for additional classification?

Self-employed Owners – The Rule

- » Owners of a subcontractor firm who are themselves performing work of laborers and mechanics are entitled to the applicable prevailing wage rate for the classification of the work performed
- » HUD Office of Labor Relations Letter (96-1)

Self-employed Owners – Tips

- » Include in the subcontract:
 - the total hourly prevailing wage rate for the trade, and
 - The estimated number of hours for job completion

- » Develop a system for tracking dates and hours worked on the prevailing wage project for these mechanics and laborers

Independent Contractors

» Payroll submission

- When I submit a payroll that lists 1099 workers and or independent subcontractors, why can I not pay the worker:
 - When and invoice is submitted?
 - When payment is received from the prime contractor?

» Issues: Classification – Mechanic or Labor DBA required payment frequency

Independent Contractors

- » Contracts between sub-tier contractors
 - If a person is a 1099 worker, an independent contractor, is there a requirement for a contract agreement with the sub that hired the 1099 worker?

- » Issue: Liability for non-compliance
Violation – Prime contractor

Independent Contractors

» Retainage / Hold backs

- Can subcontractors withhold money (retainage or hold back) from a 1099 worker's paycheck on a prevailing wage job?

» Issue: Allowable deductions Beneficial to whom

Payroll Issues – Red Flags

» Apprentices

– You notice the following:

- Workers classified as apprentices with a rate of pay lower than the prevailing wage rate

– On the apprenticeship information you notice:

- One worker's beginning date is after the start of his work on the prevailing wage project
- Another worker's ending date is before the start of his work on the prevailing wage project
- No information submitted for one apprentice

» What do you do? What are the rules?

Payroll Issues – Apprentices

» Require the following:

- Individual registration for the apprentice
 - Select pages from the DOL approved apprenticeship program
 - Title page (shows name of the program)
 - Page reflecting ratio of apprentices to journeyman
 - Page reflecting pay scale for apprentices
 - Includes apprenticeship level and percentage of journeyman's rate for each level
 - Page reflecting fringe benefits
 - If silent on fringe benefits, pay full amount of fringe benefit stated on the wage decision
 - Signatory page (reflects signatories to agreement)
- » Absent this information, pay full journeyman's rate

Statement of Compliance

- » Contractor failed to include all required information
 - No information in block 1
 - No sub-block of 4a checked, or wrong block checked
 - No original signature
 - Payroll clerk signed the statement of compliance

- » Why are these red flags?

DOL Updates

» Conformance / Additional Classification Requests

- DOL policy change – March 2013
 - Old: Benchmark based on lowest skilled wage rate
 - New Standard: Reasonable relationship to all wage rates in the decision (skilled to skilled; laborer to laborer)

» Surveyors – DBA applicability

- DOL policy change – March 2013
 - DBA applies if done immediately before or during construction in support of construction crews

Resources

- » CDBG Management Guide
- » A Contractor's Guide to Prevailing Wage Requirements for Federally-Assisted Construction Projects
 - Labor Relations Desk Guide LR01.DG
- » Federal Labor Standards Requirements in Housing and Urban Development Programs (1344.1 Rev. 2)
 - http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/sech/13441
- » DOL Website – Wage Determinations
 - <http://www.wdol.gov/>

Questions?

- » Contact Project Manager
- » Dan Narber
515.725.3072
dan.narber@iowa.gov

THANK YOU!

Superseded General Decision Number: IA20120001

State: Iowa



Construction Types: Heavy and Highway

Counties: Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Crawford, Dallas, Davis, Decatur, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottawattamie, Poweshiek, Ringgold, Sac, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Winneshiek, Woodbury, Worth and Wright Counties in Iowa.

STATEWIDE EXCEPT SCOTT COUNTY HEAVY CONSTRUCTION PROJECTS (Does not include work on or pertaining to the Mississippi or Missouri Rivers or on Water and Sewage Treatment Plants), AND HIGHWAY PROJECTS (does not include building structures in rest areas)



Modification Number	Publication Date
0	01/04/2013
1	05/17/2013
2	06/07/2013



* SUIA2002-003 02/28/2012

	Rates	Fringes
Carpenter & Piledrivermen		
ZONE 1.....	\$ 23.92	9.93
ZONE 2.....	\$ 21.83	9.93
ZONE 3.....	\$ 21.83	9.93
ZONE 4.....	\$ 20.80	8.25
ZONE 5 **.....	\$ 20.25	6.85
Concrete Finisher		
ZONE 1.....	\$ 21.80	7.00
ZONE 2.....	\$ 21.80	7.00
ZONE 3.....	\$ 21.80	7.00
ZONE 4.....	\$ 19.60	5.45
ZONE 5.....	\$ 18.00	6.00



Electricians: (STREET AND HIGHWAY LIGHTING AND TRAFFIC

SIGNALS)		
ZONE 1, ZONE 2 AND ZONE 3...	\$ 20.55	5.70
ZONE 4.....	\$ 19.25	5.70
ZONE 5.....	\$ 17.00	5.70

Ironworkers: (SETTING OF STRUCTURAL STEEL)		
ZONE 1 AND 2.....	\$ 25.05	7.45
ZONE 3.....	\$ 24.75	7.75
ZONE 4.....	\$ 20.65	6.60
ZONE 5 **.....	\$ 20.25	6.10

Laborers:		
ZONE 1 AND ZONE 2		
GROUP A.....	\$ 20.21	7.65
GROUP AA.....	\$ 21.01	7.65
GROUP B.....	\$ 18.33	7.65
GROUP C.....	\$ 15.10	7.65
ZONE 3		
GROUP A.....	\$ 20.21	7.65
GROUP AA.....	\$ 21.01	7.65
GROUP B.....	\$ 18.33	7.65
GROUP C.....	\$ 15.10	7.65
ZONE 4		
GROUP A.....	\$ 17.40	7.65
GROUP B.....	\$ 16.08	7.65
GROUP C.....	\$ 13.20	7.65
ZONE 5		
GROUP A.....	\$ 17.95	6.00
GROUP B.....	\$ 15.20	6.00
GROUP C.....	\$ 14.60	6.00

Power equipment operators:		
ZONE 1		
GROUP A.....	\$ 26.85	12.90
GROUP B.....	\$ 25.25	12.90
GROUP C.....	\$ 22.75	12.90
GROUP D.....	\$ 22.75	12.90
ZONE 2		
GROUP A.....	\$ 26.10	12.90
GROUP B.....	\$ 24.50	12.90
GROUP C.....	\$ 21.95	12.90
GROUP D.....	\$ 21.95	12.90
ZONE 3		
GROUP A.....	\$ 26.70	15.10
GROUP B.....	\$ 24.90	15.10
GROUP C.....	\$ 23.90	15.10
GROUP D.....	\$ 23.90	15.10
ZONE 4		
GROUP A.....	\$ 25.50	8.55
GROUP B.....	\$ 24.36	8.55
GROUP C.....	\$ 22.28	8.55
GROUP D.....	\$ 22.28	8.55
ZONE 5		
GROUP A.....	\$ 22.07	6.80
GROUP B.....	\$ 21.03	6.80
GROUP C.....	\$ 19.70	6.80

GROUP D.....\$ 18.70 6.80

TRUCK DRIVER (AND PAVEMENT MARKING DRIVER/SWITCHPERSON)

ZONE 1.....\$ 19.65	9.60
ZONE 2.....\$ 19.65	9.60
ZONE 3.....\$ 19.65	9.60
ZONE 4.....\$ 19.70	5.35
ZONE 5.....\$ 17.75	5.35

ZONE DEFINITIONS

ZONE 1 - The Counties of Polk, Warren and Dallas for all Crafts, and Linn County Carpenters Only.

ZONE 2 - The Counties of Dubuque for all crafts and Linn County for all Crafts except Carpenters.

ZONE 3 - The Cities of Burlington, Clinton, Fort Madison Keokuk, and Muscatine (and abutting municipalities of any such cities).

ZONE 4 - Story, Black Hawk, Cedar, Jasper, Jones, Jackson, Louisa, Madison and Marion Counties; Clinton County (except the City of Clinton), Johnson County, Muscatine County (except the City of Muscatine), the City of Council Bluffs, Lee County and Des Moines County.



ZONE 5 - All areas of the state not listed above.

LABORER CLASSIFICATIONS - ALL ZONES

GROUP AA: Skilled pipelayer (sewer, water and conduits) and tunnel laborers (zones 1, 2 and 3)

GROUP A - Carpenter tender on bridges and box culverts; curb machine (without a seat); deck hand; diamond and core drills; drill operator on air tracs, wagon drills and similar drills; form setter/stringman on paving work; gunnite nozzleman; joint sealer kettleman; laser operator; pipelayer (sewer water and conduits) Zone 4 & 5; powderman tender; powerman/blaster; saw operator; tunnel laborer (zones 4 and 5).

GROUP B - Air, gas, electric tool operator; barco hammer; carpenter tender; caulker; chain sawman; compressor (under 400cfm); concrete finisher tender; concrete processing materials and monitors; cutting torch on demolition; drill tender; dumpmen; electric drills; fence erectors; form line expansion joint assembler; form tamper; general laborer; grade checker; handling and placing metal mesh, dowel bars, reinforcing bars and chairs; hot asphalt laborer; installing temporary traffic control devices; jackhammerman; mechanical grouter; painter (all except strippers); paving breaker; planting trees, shrubs and flowers; power broom (not self/propelled); power buggyman; rakers; rodman (tying reinforcing steel); sandblaster;

seeding and mulching; sewer utility topman/bottom man; spaders; stressor or stretcherman on pre or post tensioned concrete; stringman on re/surfacing/no grade control; swinging stage, tagline or block and tackle; tampers; timberman; tool room men and checkers; tree climber; tree groundman; underpinning and shoring caissons over twelve feet deep; vibrators; walk behind trencher; walk behind paint strippers; walk behind vibrating compactor; water pumps (under three inch); work from bosun chair.

GROUP C - Scale weigh person; traffic control/flagger, surveillance or monitor, water carrier.

POWER EQUIPMENT OPERATOR CLASSIFICATIONS - ALL ZONES

GROUP A - All terrain (off road) forklift; Asphalt Breakdown Roller (vibratory), Asphalt laydown machine; asphalt plant; Asphalt Screed, bulldozer finish); central mix plant; concrete pump; crane; crawler tractor pulling scraper; directional drill (60,000(lbs) pullback and above); dragline and power shovel; dredge engineer; excavator (over 1/2 cu. yd.) front end loader (4 cy and over); horizontal boring machine; master mechanic; milling machine (over 350 hp); motor grader (finish); push cat; rubber tired backhoe (over 1/2 cu. yd.) scraper (12 cu. yd. and over or finish); Self-propelled rotary mixer/road reclaimers; sidebroom tractor; slipform portland concrete paver; tow or push boat; trenching machine (Cleveland 80 or similar).

GROUP B - Articulated off road hauler, asphalt heater/planer; asphalt material transfer vehicle; Asphalt Roller; belt loader or similar loader; bulldozer (rough); churn or rotarydrill; concrete curb machine, crawler tractor pulling ripper, disk or roller; deck hand/oiler directional drill (less than 60,000(lbs) pullback); distributor; excavator 1/2 cu. yd. and under); form riding concrete paver; front end loader (2 to less than 4 cu. yd.); group equipment greaser; mechanic; milling machine (350hp. and less); paving breaker; portland concrete dry batch plant; rubber tired backhoe 1/2 cu. yd. and under); scraper (under 12 cy), screening, washing and crushing plant (mobile, portable or stationary); shoulder machine; skid loader (1 cu. yd and over); subgrader or trimmer; trenching machine; water wagon on compaction.

GROUP C - Boom & winch truck, concrete spreader/belt placer, deep wells for dewatering; farm type tractor (over 75 hp.) pulling disc or roller; forklift; front end loader (under 2 cu. yd.); motor grader (rough); pile hammer power unit; pump (greater than three inch diameter); pumps on well points; safty boat; self-propelled roller (other than asphalt); self-propelled sand blaster or shot blaster, water blaster or striping grinder/remover; skid loader (under 1 cu. yd.); truck mounted post driver.

GROUP D - Boiler, compressor, cure and texture machine; dow

box; farm type or utility tractor (under 75 hp.) pulling disk, roller or other attachments; group greaser tender; light plants; mechanic tender; mechanical broom; mechanical heaters; oiler; pumps (under three inch diameter); tree chipping machine; truck cranedriver/oiler.

CARPENTERS AND PILEDRIVERMEN, OR IRONWORKERS (ZONE 5)

Setting of structural steel; any welding incidental to bridge or culvert construction; setting concrete beams.

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of "identifiers" that indicate whether the particular rate is union or non-union.

Union Identifiers

An identifier enclosed in dotted lines beginning with characters other than "SU" denotes that the union classification and rate have found to be prevailing for that classification. Example: PLUM0198-005 07/01/2011. The first four letters, PLUM, indicate the international union and the four-digit number, 0198, that follows indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. The date, 07/01/2011, following these characters is the effective date of the most current negotiated rate/collective bargaining agreement which would be July 1, 2011 in the above example.

Union prevailing wage rates will be updated to reflect any changes in the collective bargaining agreements governing the rates.

0000/9999: weighted union wage rates will be published annually

each January.

Non-Union Identifiers

Classifications listed under an "SU" identifier were derived from survey data by computing average rates and are not union rates; however, the data used in computing these rates may include both union and non-union data. Example: SULA2004-007 5/13/2010. SU indicates the rates are not union majority rates, LA indicates the State of Louisiana; 2004 is the year of the survey; and 007 is an internal number used in producing the wage determination. A 1993 or later date, 5/13/2010, indicates the classifications and rates under that identifier were issued as a General Wage Determination on that date.

Survey wage rates will remain in effect and will not change until a new survey is conducted.



WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISION