

Division of Energy, Housing and Community Resources

Pre-Construction Checklist for Contractors

GRANTEE/UGLG NAME: Ozaukee County, WI
DEHCR GRANT AGREEMENT #: CDBG-CV 21-19

PRE-CONSTRUCTION CHECKLIST FOR CONTRACTORS

MEETING LABOR STANDARDS CONTRACT REQUIREMENTS

INTRODUCTION

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

EXPLANATORY NOTES

The word "employer" as used below refers to the project contractor, each sub-contractor, or each lower-tier sub-contractor. Payrolls and other documentary evidence of compliance are required to be sent to the recipient for review (all to be submitted through the project contractor). The delivery procedure is as follows:

1. Each lower-tier sub-contractor, after careful review, submits the required documents to the respective sub-contractor.
2. Each sub-contractor, after checking his/her own and those of each lower-tier sub-contractor (if applicable), submits the required documents to the contractor.
3. The contractor, after reviewing all payrolls and other documentation, including his/her own, and correcting violations where necessary, submits payrolls to the recipient.

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

Complete the information below for numbers 1 through 6, sign this sheet, keep a copy for file records, and submit the original to the designated project supervisor. This should be done 21 days before the work begins.

BEFORE CONSTRUCTION BEGINS EACH EMPLOYER HAS:

1. Not been debarred or otherwise made ineligible to participate in any federal or federally-assisted project.
2. Received appropriate contract provisions covering labor standards requirements.
3. Reviewed and understands all labor standards contract provisions.
4. Received the applicable wage decision as part of the contract.
5. Requested through the recipient and received the minimum wage for each classification to be worked, which was not included on the wage rate by the additional classification process and before allowing any such trade(s) to work on the project.
6. Requested and received certification of its apprentice program from the State's Bureau of Apprenticeship and Training (recognized by USBAT) and submitted copy thereof to the recipient prior to employment on the project. Likewise, "trainee" program certification from USBAT, if applicable, must be submitted.

(Contractor Signature)

(Title)

(Date)

(Location of Project: City, County, State)

(Contract Number)

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AT CONSTRUCTION START, THE CONTRACTOR HAS:

1. Notified sub-contract award recipient of construction start date in writing.
2. Placed each of the following on a bulletin board prominently located on the project site which can be seen easily by the workers (and replaced if lost or unreadable any time during construction):
 - Applicable Wage decision(s)
 - *Notice to Employees* (WH 1321)
 - English: <https://www.dol.gov/whd/regs/compliance/posters/fedprojc.pdf> (see end of checklist)
 - Spanish: <https://www.dol.gov/whd/regs/compliance/posters/davispan.pdf> (see end of checklist)
3. Before assigning each project worker to work, obtained worker's full name and has assigned each employee an individual identification number (for payroll purposes).
4. Obtained a copy of each apprentice's certificate with the apprentice's registration number and his/her years of apprenticeship from the state BAT.
5. Informed each worker of:
 - His/her work classification (journeymen or job title) as it will appear on the payroll in the wage decision or through the additional classification process.
 - His/her duties of work.
 - The USDOL's requirement on this project that he/she is designated as being a journeymen, an apprentice, or a laborer.
 - If journeymen, he/she is to be paid journeyman's minimum wage rate or more;
 - If apprentice, he/she is to be paid not less than the apprentice's rate for the trade based on his/her year of apprenticeship; or
 - If laborer, he/she is to do laborer's work only--not use any tool or tools of the trade--and not perform any part of a journeyman's work--and is to be paid the laborer's minimum wage rate or more.
6. Understands the requirements each laborer or mechanic who performs work on the project in more than one classification within the same workweek shall be classified and paid at the highest wage rate applicable to any of the work which he/she performs unless the following requirements are met:
 - Accurate daily time records shall be maintained. These records must show the time worked in each classification and the rate of pay for each classification.
 - The payroll shall show the hours worked in each classification and the wage rate paid for each classification.
7. Has informed each worker of his/her hourly wages (not less than the minimum wage rate for his/her work which is stated in the wage rate), including:
 - Time and one-half for all work over 40 hours in any workweek (see Contract Work Hours and Safety Standards Act).
 - Fringe benefits, if any (see wage decision for any required).
 - Deductions from his/her pay.
8. Has informed each worker that he/she is subject to being interviewed on the job by the recipient or a HUD, USDOL, or other U.S. government inspector, to confirm that his/her employer is complying with all labor requirements.
9. Has informed each journeyman and each apprentice that a journeyman must be on the job at all times when an apprentice is working and verifying the ratio of journeyman to apprentice through the indenture papers.

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DURING CONSTRUCTION - EACH EMPLOYER:

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

Available from:

Superintendent of Documents <http://www.dol.gov/whd/forms/wh347instr.htm> -- Instructions
Government Printing Office <http://www.dol.gov/whd/forms/wh347.pdf> -- Form
Washington, D.C. 20402

Note: Contractors who wish to purchase the forms are urged to submit their orders promptly because the Superintendent of Documents takes six weeks to fill orders. It is permissible for contractors to reproduce the forms if they wish.

Some employers place all project workers on Payroll Form WH-347. The recipient does not need to review those project workers listed on the payroll who perform work which is descriptive of any of the following job titles which are exempt from labor requirements: project superintendent, project engineer, messenger, clerical workers, timekeepers, bookkeepers, payroll clerks, and Supervisory foreman (*less than 20 percent of time as a working foreman*).

Any alternate payroll form used should be cleared with the Labor Standards Officer before the employer starts work on the project. A project printout by computer, for example, is acceptable provided that all data shown and required on the front and back of Payroll Form WH-347 is on, or included with, payroll submitted to recipient.

B Front Page of Payroll (Form WH-347) <http://www.dol.gov/whd/forms/wh347.pdf>

1. Name of Contractor or Subcontractor. Name of employer, showing whether contractor or sub-contractor.
2. Address. Street address or P.O. Box, City, State, and Zip Code of Employer.
3. Payroll Number. Each weekly payroll is numbered in sequential order (starting with Payroll No. "1" for the employer's first workweek on the project).

If employer's workers perform no physical work on the project during workweek, he/she has submitted a "no work" letter for that workweek.

Payroll of employer's final workweek on the project (completion of his work) is marked "Final."
4. For Week Ending. The last date of the workweek is stated in this "column."
5. Project and Location. Name of project and city in which the project is located.
6. Project or Contract Number. Include the contract number provided by the recipient.
7. Column 1 – Name and Individual Identifying Number of Worker, as it appears on his/her pay check e.g. the last four digits of the Social Security number or other unique identification number.
8. Column 2 - Number of Withholding Exemptions is for employer's convenience, it is not required by HUD to be completed.

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9. Column 3 - The Work Classification (job title) for the worker as included in the Wage Rate and denotes the work that worker actually performed. If the job title corresponds to a job classification with multiple group numbers in the Wage Decision, then provide a detailed job title and group number (e.g. Backhoe Operator =/+ 130,000 lbs [Group #3]) versus only listing "Operator."

Note: If the applicable classification is not included in the wage rate, the contractor should call the recipient immediately, and request classification by Additional Classification process.

- a. Apprentice. If worker is an apprentice, his/her State BAT registration number and year of apprenticeship is included in this column, the first time the apprentice's name appears on the payroll.
- b. Split Classification. If worker has performed work in more than one class of work during the workweek, such as carpenter and laborer, the division of work will be shown on separate lines of the payroll.
- Accurate daily time records show the exact hours of work performed daily in each class of work.
 - Each class of work he/she performed is stated in Column 3 in separate "columns."
 - His/her name is repeated in corresponding "area" in Column 1.
 - The breakdown of hours worked daily under each work classification is stated in Column 4, and total for week in Column 5.
 - The applicable wage rate for each classification of work is stated in Column 6.
 - The payroll is signed by the employer or legally authorized official of the employer.
 - If the above is not done, the worker is paid at least the highest minimum wage rate of all of the classes of work performed for all hours worked.

Average Pay of Two Classes of Work Not Accepted. The employer shall not pay a "semi-journeyman" or semi-skilled laborer the average of journeyman's and laborer's rates. The actual hours each worker uses tools of trade (journeyman) and each hour he/she does not use tools of the trade (laborer) must be recorded in separate "blocks" in Column 3 of the payroll.

Helper. The work classification of "helper" **is not accepted** by the Department of Housing and Urban Development unless included in the wage rate issued by the Secretary of Labor for the project. Any employee listed as "helper" in absence of such classification in wage rate **must be paid** the journeyman's rate for hours he/she uses tools of the trade.

10. Column 4 - Hours Worked, Each Day and Date, for workweek is stated.

Overtime Hours ("O"), if any, are stated separately from straight hours ("S")--over 40 hours in any workweek.

11. Column 5 - Total Hours worked during the workweek are stated (the sum of sub columns in Column 4)--straight and overtime hours recorded separately.

12. Column 6 - Rate of Pay, not less than the minimum wage for the work classification (see Wage rate).

The Overtime Rate of Pay is not less than one and one-half times the worker's basic (straight) hourly rate of pay (Contract Work Hours Safety Standards Act). Overtime rate is not paid on fringes.

Apprentices. If a copy of the apprentice's registration certificate from the State BAT has not been submitted to recipient by employer (through contractor), the apprentice must be paid journeyman's rate.

Piece Worker. Piece work must be stated in Column 6 at an hourly rate, the gross pay for the workweek (work on the project) divided by the total number of hours worked on the project during the workweek.

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13. Column 7 - Gross Amount Earned equals straight hours shown in Column 5 times straight rate of pay shown in Column 6, plus overtime hours (if any) shown in Column 5 times overtime rate of pay shown in Column 6.
14. Column 8 - Deductions. Each deduction made is required by law, or voluntarily authorized by the worker in writing before the workweek began, or provided in a bargaining agreement to be deducted from the respective worker's pay.
15. Column 9 - Net Wages stated are Column 7 minus total deductions shown in Column 8.

C. Back of Payroll (Payroll Form WH-347). Each employer has:

1. Completed all blank spaces and understands the penalties for falsification.
2. Checked Item 4 if fringe benefits are included in the wage rate for any of his/her workers.
 - 2(a). if fringe benefits are paid to approved fund(s), or
 - 2(b). if paid directly to each affected worker--included in paycheck for the workweek-his/her paycheck representing at least the pay of the applicable minimum wage rate plus the amount of required fringe benefits.
3. Manually signs the payroll in the "area" marked signature, and state his/her title.
4. The person who signs the payroll is the employer or an official of the employer who is legally authorized to act for the employer.

D. Weekly Payroll Review. Each employer has promptly:

1. Reviewed the weekly payroll for compliance with all labor requirements (using this check list) and made necessary corrections.
2. Each Lower-Tier Sub-contractor has submitted his/her weekly payroll or "no work" letter to the respective sub-contractor, which must be received within three (3) calendar days from the last date of the workweek.
3. Each sub-contractor has received a payroll or "no work" letter from each of his/her lower-tier sub-contractors, reviewed each and his/her own payroll, made necessary corrections, and submitted all of such payrolls to the contractor, which must be received within five (5) calendar days from the last date of the workweek.
4. Contractor has received a payroll or "no work" letter from each sub-contractor and each lower-tier sub-contractor monitored each including his/her own payroll, made necessary corrections, and collectively submitted them to the recipient within seven (7) working days of the last date of the respective workweek.

Payrolls and other documentary evidence of compliance are required to be sent to the UGLG's Labor Standards Officer for review (all to be submitted through the project contractor).