

## ATTACHMENT 7-I: PRE-CONSTRUCTION MEETING ITEMS TO BE DISCUSSED

- A. Requirements and penalties of the Davis-Bacon Act.
- B. Requirements and penalties of the Contract Work Hours and Safety Standards Act.
- C. Requirements and penalties of the Copeland Anti-Kickback Act.
- D. Discussion of the Wage Decision.
  - 1. Trade classifications.
  - 2. Missing classifications.
  - 3. Missing classifications that can be confirmed.
  - 4. Employment of Apprentices.
    - a. Proper papers from state or U.S. Department of Labor (USDOL) required.
    - b. Allowable ration of Apprentices to Journeymen.
    - c. Apprentice supervision by Journeymen required at all times.
  - 5. Truck drivers, employed by the contractor, delivering materials, and spending more than an incidental amount (more than 20 percent) of their time on the job site, are covered.
  - 6. Requesting additional classifications--procedures and information required.
- E. Proper Certification.
  - 1. Each sub-contractor is covered, regardless of the amount of the sub-contract.
  - 2. Each sub-contractor must have a written contract.
  - 3. Requirements governing owner-operators. Questionnaire required for subs without a Federal Employer Identification Number (FEIN).
  - 4. Prime Contractor is responsible for ensuring that sub-contractors are not debarred from working on federal projects.
- F. Collect FEIN for each contractor.
- G. Discuss the requirement to post the wage rate, additional classifications, and Davis-Bacon posters on the project site. They must be protected from the weather and visible to the public.
- H. Weekly Payroll Submission.
  - 1. Payrolls must be submitted weekly to the prime contractor, who must submit them to the UGLG's labor standards officer within seven (7) working days of the end of the payroll period.
  - 2. Statement of Compliance (back of WH 347 **OR** WH 348) must be completed and submitted with each payroll.
  - 3. Payroll Completion.
    - a. Recommend form WH-347. Alternate forms are allowed but must be cleared with the Labor Standards Officer. The form must contain the contractor's name.
    - b. Each weekly payroll must be numbered in sequential order. No work payrolls or no work letters are recommended for weeks in which no works occurs.
    - c. Project and location must be identified on the payroll.

- d. Each employee's individual identification number (i.e., the last four digits of the employee's Social Security number or other unique identification number assigned to the employee by the employer) must appear on the payroll for the first week that they work.
- e. Completion of the withholding exemptions column is not required.
- f. Work classification must conform to the trades listed on the wage rate or Additional Classification.
- g. Apprentice indenture papers should be attached to the first payroll that he/she appears.
- h. Employees working split classifications--hours and wages for each classification must be identified on the payroll. Average pay of the two classes is NOT acceptable.
- i. The work classification of "helper" is not accepted by the Department of Administration – Division of Energy, Housing and Community Resources (DEHCR) and/or the Department of Housing and Urban Development (HUD) unless it is listed on the original wage rate.
- j. Straight and overtime hours worked each day must be reported. Emphasize again the penalties for violation of CWHSS Act. Only overtime on the CDBG job needs to be reported.
- k. Rates of Pay.
  - 1) Not less than the minimum wage for each classification and must include base rate plus fringe benefits.
  - 2) Overtime rate is one and one-half times the **base rate actually paid** plus the straight time value of fringe benefits (if paid in cash) for all hours over 40 in a work week.
  - 3) Apprentice wage rate will be established by the step level of the apprentice based on the journeymen rate in the wage rate.
  - 4) Apprentices must receive the fringe benefits specified in their indenture. If the indenture does not specify, then they must receive the full value states in the wage rate.
  - 5) Piece work--must be stated as an hourly rate and a copy of the pay stub showing piece rate and number of units must be submitted.
- l. Gross amount earned--must be shown as CDBG Gross/Total earnings for the week.
- m. Deductions
  - 1) Must be recorded on the certified payroll.
  - 2) Must include an itemized list of deductions for each employee with the certified payroll (for the first payroll on which the employee appears; and any subsequent payrolls if the deduction type or amount changes for the employee). Deduction amounts must be listed on the certified payroll. If deductions are not itemized on the certified payroll, the itemization must be provided on a separate record signed by the authorized employer representative.
  - 3) Written authorizations for all "other" deductions (i.e., deductions excluding those required by state and federal laws) must be maintained in the contractor's file. All documentation related to employee payroll deductions must be available and provided upon request to the Unit of General Local Government (UGLG) [the CDBG grantee], the Labor Standards Officer, DEHCR, HUD or USDOL.
  - 4) Proper documentation of all deductions must be maintained in the labor standards compliance file (and provided upon request).

- n. Net wages--enter the amount of the employee's net check.
- o. Fringe Benefits.
  - 1) Check box 4(a) if benefits are paid to approved funds and submits evidence of the value of the fringe benefits.
  - 2) Check box 4(b) if fringe benefits are paid in cash.
  - 3) List any exceptions to whichever box is checked.
  - 4) Must include with the certified payroll an itemized list of fringe benefits and the cash value of each benefit, as applied to calculate the hourly fringe benefits rate, for each employee. The itemized list of fringe benefits must be included on the certified payroll record or provided on a separate record signed by the authorized employer representative. All documentation related to fringe benefits paid to employees and payments made by the employer into qualifying fringe benefits plans must be available and provided upon request to the UGLG [the CDBG grantee], DEHCR, HUD or USDOL.
- p. Signature--payrolls must be manually signed by the employer or an official of the employer who is authorized to sign.
- I. Time cards, signed by the employees, must be retained for the term specified in the *Grant Agreement* between DEHCR and the UGLG.
- J. Payrolls records must be retained for the term specified in the *Grant Agreement* between DEHCR and the UGLG.
- K. Employer must inform each employee that they are subject to being interviewed on the job by the recipient, state, HUD, or the USDOL concerning wages, hours and duties.
- L. Review the process to be used to secure payments for work.
- M. Other CDBG Program Requirements (Contract language and Specifications):
  - 1. Record of Debarment.
  - 2. Disclosure of Potential Conflicts of Interest in Contracting.
  - 3. Lobbying Certification and Disclosure of Lobbying Activities
  - 4. Minority Business
  - 5. Section 3 Contracting, Hiring, Tracking and Reporting. Section 3 Firms, Section 3 New Full-Time Hires, Employee Income Certifications, Section 3 Reports.
  - 6. Equal Employment Opportunity.
- N. Failure to comply with aforementioned items may result in a delay in payment by the municipality or the contractor's ineligibility for payment.