

# **2013 Roadway Construction Webinar**

**Davis – Bacon Compliance**

# Current Wage Determinations

## (Posted 9/30/2011)

- Significant increase in wage rates from prior wage decisions
- Worker classifications decreased from 41 to less than 30.
- 13 different regions – Previously 2 regions statewide (metro and rural)

# Certified Payroll Reviews

- Contractor is required to submit weekly payrolls consecutive from date construction begins thru the acceptance date
- FAP-1: Form used to document receipt of payrolls, period of time, contractor and subcontractors and whether active or inactive
- FAP Forms for Certified Payrolls may be found in Division 1 of the Construction Manual



# Certified Payrolls

- Site of Work
  - Project limits
  - Location dedicated only for the project  
(i.e. borrow/waste pits)

# Certified Payrolls

- **Payroll Exemptions**

- Truck drivers, who come on the “site of work” to deliver or pick up construction materials.
- Project engineers, surveyors, quality control or quality assurance inspectors and contract compliance inspectors are not usually considered to be laborers or mechanics.
- Bridge Replacement Projects on roadways classified as a local roadway or rural local collector. (Look for a “BRZ” federal aid number & Project Special Provision.)

# Wage Rates & Contract Administration

- Review Certified Payrolls to make sure that the workers' pay rates are at or above the prevailing wage rates listed for their classifications.
- Ensure workers are properly classified based on work they perform.
- Conduct Wage Rate Interviews to verify data on payrolls.

# Wage Rates & Contract Administration

- If a worker's classification is not listed in the contract, the contractor should make an additional classification request.



# Additional Classification Requests

- Contractor Request: He completes Form 1444 – Request for Authorization of Additional Classification and Rate and submit it to the RE.
- The RE should review the information provided and write a memo to the SCE forwarding the completed form.
- The SCE will send the completed form by email to the USDOL Wage & Hour Division for approval.

<https://connect.ncdot.gov/projects/construction/Pages/Construction-Resources.aspx>

# Certified Payroll Reviews

- **Payroll violations:**
  - Don't return payroll to Contractor.
  - Seek guidance from the Division Engineer.
  - Notify the Contractor of the error – use FAP-2 Form letter which details corrective actions.
  - Document resolution of the violation (Form FAP-3).

# FAP-2

Form FAP-2

Project Number: \_\_\_\_\_

F. A. Number: \_\_\_\_\_

County: \_\_\_\_\_

Description: \_\_\_\_\_

Subject: Wage Violation

Contractor: (Name and Address)

Gentlemen:

Upon review of (Name of Contractor) payroll, for the week ending \_\_\_\_\_, the following discrepancy was found. (Description of discrepancy)

In view of the errors or violations noted above, it will be necessary for you to investigate and report your findings to this office. If the error or violation has resulted in an underpayment to an employee, it will also be necessary for you to do the following:

1. Ascertain the correct amount of any pay that is due the employee and make payment.
2. Prepare a corrected payroll.
3. Prepare a letter of explanation, giving your reasons in detail why the underpayment occurred. Do not use such phrases as "due to error" or "due to oversight," without further explanation. An example of an appropriate explanation is as follows: "The total hours worked were incorrectly added on the foreman's time card and the payroll clerk failed to catch the error."
4. List corrective measures you have taken to prevent a reoccurrence. This must also be in detail. An example of an appropriate explanation is as follows: "All transferred data from time cards and payroll calculations are now being double checked by a second person."
5. Transmit the corrected payroll, your letter of explanation, and evidence of payment, where underpayment has occurred. Evidence of underpayment may be a copy of the canceled check to the employee or a copy of a statement signed by the employee stating that he has received the underpayment. This statement shall also show the amount of payment received by the employee

Yours very truly,

Resident Engineer

cc-(Division Engineer)  
(State Construction Engineer)

# FAP-3

Form FAP-3
Project Number: _____ F. A. Number: _____ County: _____
Description: _____
Subject: Status of Wage Violation
MEMORANDUM TO: (Name) Division Engineer
FROM: (Name) Resident Engineer
By letter dated (date), (Contractor's name) was advised of the wage violation(s) committed. I have since received a letter of explanation from the Contractor including verification that proper payment has been made.
I have reviewed the violation and have determined the following:
(1) The classification of each employee involved is correct and the correct wages have been paid. (2) The employee(s) involved have been interviewed and now feel that they receive their proper wages. (3) Other: (Explain)
It is my judgment that the underpayment was non-willful and the violations were caused inadvertently, notwithstanding the exercise of due care.
cc: (State Construction Engineer)
Attachments

# Wage Interview Forms

- English and Spanish versions
- Conduct interviews at least once per quarter (based on calendar year).
- At least one employee of the prime and each sub should be interviewed during the life of the contract.

**Wage Interview Form**

Contract Number: \_\_\_\_\_

Division and County: \_\_\_\_\_

Prime or Subcontractor: \_\_\_\_\_

Company Name: \_\_\_\_\_

North Carolina Department of Transportation

Subject: Interview of Wages and Hours

First and Last Name: \_\_\_\_\_

Street Address \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_

Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Name of Company your employer: \_\_\_\_\_

How long have you worked for this company? \_\_\_\_\_

Date you were hired? \_\_\_\_\_

Job Classification \_\_\_\_\_

Hourly Wage \_\_\_\_\_

Are you paid by check or paid in cash? \_\_\_\_\_

Are taxes deducted from your pay? \_\_\_\_\_

Who pays you? \_\_\_\_\_

Do you work more than 40 hours per week? \_\_\_\_\_

Do you receive over-time pay for working more than 40 hours? \_\_\_\_\_

Who is your supervisor? \_\_\_\_\_

1-57

# OLG Training

- Conducting Training in Each Division
- Bonnie Tanner, DBE Compliance Specialist  
(919) 707- 4588  
[bttanner@ncdot.gov](mailto:bttanner@ncdot.gov)

**Questions?**