

FAP-2 – Example Letter to the Contractor

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)