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| --- |
| Appendix H – Labor Standards Administration Checklist |
| Name of Grantee: |
| Name of Subrecipient (if applicable): |
| Grant Numbers and/or Program Income Reviewed: |
| Staff Consulted: |
| Name(s) of Reviewer(s) |  | Date |  |

**NOTE: All questions that address requirements contain the citation for the source of the requirement (statute, regulation, handbook, Labor Relations Letter, NOFA, or grant agreement). If the requirement is not met, the reviewer must make a “finding” of noncompliance.** Questions that do not contain the citation for the requirement do not address requirements but are included to assist the reviewer in understanding the Grantee’s program more fully and/or to identify issues that, if not properly addressed, could result in deficient performance. Negative conclusions to these questions may result in a "concern" being raised, but not a "finding.”

**Instructions:** Section A covers the Grantee's compliance with Davis-Bacon and Related Acts (DBRA) elements. Section B summarizes the reviewer’s determinations regarding the Grantee’s need for technical assistance and/or training in this program function.

**Review Documents:** Reviewer should request the following documents for review:

* Copy of the wage decision used on the project
* Sample of weekly payrolls (Maximum of 5-10% should be sufficient based on number of contractors and sub-contractors, as well as length of project)
* Copy of contracts for the sampled certified weekly payrolls
* Sampling of completed interview forms (at least some interviews must coincide with the submitted certified payrolls)
* Source documentation for any bona fide fringe benefits or deductions.
* Documentation of apprenticeship enrollment, if applicable.

**Questions:**

1. **Labor Standards Administration and Enforcement**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **1** | Is Davis-Bacon applicable to this CDBG project? |  |  |  |  |  |  |  |
|  | Yes |  | No |  |  |  |
| **Describe Basis for Conclusion:** If “No”, go past question 17 to part B: Summary. |
| **2** | Does the Grantee have staff designated for labor standards administration and enforcement?**Handbook 1344.1 REV-3, Paragraph 1-6(B)** |  |  |  |  |  |  |  |
|  | Yes |  | No |  | N/A |  |
| **Describe Basis for Conclusion:**  |
| **3** | If the answer to #2 is no, does the Grantee use a qualified labor standards consultant to assist with administration and enforcement?**Handbook 1344.1 REV-3, Paragraph 1-6(B)** |  |  |  |  |  |  |  |
|  | Yes |  | No |  | N/A |  |
| **Describe Basis for Conclusion:**  |
| **4** | Based upon your review, if an activity is covered by DBRA, is the assigned wage decision and HUD-4010, “Federal Labor Standards Provisions,” incorporated into each bid specification and all contracts and subcontracts?**Handbook 1344.1, REV-2, Paragraph 1-5(B)(4)** |  |  |  |  |  |  |  |
|  | Yes |  | No |  | N/A |  |
| **4a** | Was the correct wage decision type used on the project? |  |  |  |  |  |  |  |
|  | Yes |  | No |  | N/A |  |
| **Describe Basis for Conclusion:** |
| **5** | Was the wage decision applicable on the date of bid opening used? **29 CFR 1.6(c)(3)(i)** and **Handbook 1344.1, REV-3, Paragraph 3-10(A)** |  |  |  |  |  |  |  |
|  | Yes |  | No |  | N/A |  |
| **5a** | If not, did the Grantee document that the wage decision was “locked-in” and the date?**29 CFR 1.6(c)(3)(i)** and **Handbook 1344.1, REV-3, Paragraph 3-10(A)** |  |  |  |  |  |  |  |
|  | Yes |  | No |  | N/A |  |
| **Describe Basis for Conclusion:**  |
| **6** | Based on your review, did the Grantee review the contract and/or subcontract scope of work compared to the payrolls, to ensure the correct wage rate classifications (carpenter, laborer, electrician, etc.) were used for the work performed under the contract? |  |  |  |  |  |  |  |
|  | Yes |  | No |  | N/A |  |
| **Describe Basis for Conclusion:** |
| **7** | Based upon your review, are all contractor/subcontractor payrolls (WH-347 or equivalent) being submitted weekly? **29 CFR 5.5(a)(3)(ii)** |  |  |  |  |  |  |  |
|  | Yes |  | No |  | N/A |  |
| **Describe Basis for Conclusion:**  |
| **8** | Based upon your review, do all contractor/subcontractor payrolls include a signed Statement of Compliance (found on pg. 2 of the WH-347 form)? **NOTE:** The DOL does not accept the statement of compliance utilized by California DIR.**Handbook 1344.1, REV-3, Paragraph 4-3(D)** |  |  |  |  |  |  |  |
|  | Yes |  | No |  | N/A |  |
| **Describe Basis for Conclusion:**  |
| **9** | Based on your review, did the Grantee collect source documentation for all deductions not required by law (SS, federal tax, state tax, workers comp, etc.)? |  |  |  |  |  |  |  |
|  | Yes |  | No |  | N/A |  |
| **Describe Basis for Conclusion:**  |
| **10** | Based upon your review, is there evidence that all contractor and subcontractor payrolls are being reviewed for employer compliance (wage rates, fringe, overtime, deductions)? **Handbook 1344.1, REV-3, Paragraph 5-2(A)** |  |  |  |  |  |  |  |
|  | Yes |  | No |  | N/A |  |
| **Describe Basis for Conclusion:**  |
| **11** | Based upon your review, are on-site employee interviews conducted with a cross section of contractors and employees?**Handbook 1344.1, REV-3, Paragraph 5-9(C)** |  |  |  |  |  |  |  |
|  | Yes |  | No |  | N/A |  |
| **Describe Basis for Conclusion:**  |
| **12** | Did any contractors or subcontractors use apprentices? **If no, skip to Question #13** |  |  |  |  |  |  |  |
|  | Yes |  | No |  | N/A |  |
| **13** | If yes, was proper documentation provided to verify enrollment in apprenticeship program and appropriate wage? **Handbook 1344.1, REV-3, Paragraph 5-10(G)** |  |  |  |  |  |  |  |
|  | Yes |  | No |  | N/A |  |
| **Describe Basis for Conclusion:**  |
| **14** | Describe any wage discrepancies/violations of labor standards and how they were resolved.**Handbook 1344.1, REV-2, Paragraph 10-3(B)** |
| **Describe Basis for Conclusion:**  |
| **15** | Does the Grantee have documentation that the required posters and wage determination were displayed at the jobsite?**Handbook 1344.1, REV-3, Paragraph 1-6(B)(6)** |  |  |  |  |  |  |  |
|  | Yes |  | No |  | N/A |  |
| **Describe Basis for Conclusion:**  |
| **16** | Based upon your review, are semi-annual Labor Standards reports being submitted to HCD in a timely manner?**Handbook 1344.1, REV-2, Paragraph 10-3(B)** |  |  |  |  |  |  |  |
|  | Yes |  | No |  | N/A |  |
| **Describe Basis for Conclusion:**  |
| **17** | Based upon your review, are enforcement reports submitted to HUD whenever an employer underpays workers by $1,000 or more, or when determined to be willful?**Handbook1344.1 REV-2, Paragraph 10-2(A)(1)** |  |  |  |  |  |  |  |
|  | Yes |  | No |  | N/A |  |
| **Describe Basis for Conclusion:**  |

1. **Summary**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **1** | Based on your review of the Grantee’s performance, is there a need for technical assistance concerning Davis-Bacon prevailing wage applicability or labor standards administration and enforcement? (If yes, describe the need(s) below.) |  |  |  |  |  |  |  |
|  | Yes |  | No |  | N/A |  |
| **Describe Basis for Conclusion:**  |