

B-16: LABOR STANDARDS ENFORCEMENT REPORT

LGR _____ File: _____ FY _____ Labor

Labor Standards Enforcement Report

Required when any contractor has restitution of \$1,000 or more.

1. Grantee Name & LCDBG Contract # _____
2. Report Number _____
3. Prime Contractor _____
4. Project Type _____
5. Effective Wage Decision(s) _____
6. Restitution Paid under Davis-Bacon _____
7. Restitution Paid under CWHSSA _____
8. Liquidated Damages Paid _____
9. How was underpayment(s) discovered? _____
10. Were any violations willful?
If yes, explain. _____
11. Current status of corrective actions taken
or in progress. Explain briefly. _____
12. Prepared by Whom & Date Prepared _____

Attachments

13. If Liquidated Damages were calculated, provide the following attachments:

- (a) copy of the communication from the grantee’s Labor Compliance Officer to the contractor(s) explaining the calculation of Liquidated Damages and the contractor’s responsibility to pay or request a waiver Attached? _____ Yes _____ No _____ Not applicable
- (b) copy of the contractor(s) response. If the contractor’s response involves a wire transfer, a statement on the progress of the wire transfer should be included.
Attached? _____ Yes _____ No _____ Not Applicable

14. Attach a Schedule of Restitution due or paid and a calculation of Liquidated Damages, if any. A sample format providing column headings is shown by items 15-21. The preparer must add rows as necessary. (A separate wider page layout in “landscape” view would allow more room for data entry).

15. Contractor Prime or Sub	16. Employee Name	17. Date	18. Payroll #	19. Davis-Bacon Restitution	20. CWHSSA Restitution	21. Liquidated Damages

Instructions for the Labor Standards Enforcement Report (Exhibit B-16)

Item # and Description	<u>Instructions</u>
1,2. Name, Contract	Name of local government, Six digit LCDBG Contract Number
2. Report Number	Sequentially numbered under the LCDBG contract. Begin with #1.
3. Prime Contractor	Name of one prime contractor only. Do not list any subcontractor in item 4. If there is more than one prime, then prepare multiple reports.
4. Project Type	Examples: fire station, water well, sewer lines
5. Effective Wage Decision(s)	The locked in wage decision that governed the project. Example: LA 08-06, dated 2/8/08, Mod 0
6. Restitution Paid Under Davis-Bacon	Amount associated with this report actually paid. Example: 52 hours worked, underpaid \$1.00 per hour, Restitution of \$52 paid under Davis Bacon
7. Restitution Paid Under CWHSSA	Amount associated with this report actually paid. Example: 52 hours worked, underpaid \$1.00 per hour, Restitution of \$6 paid under CWHSSA
8. Liquidated Damages paid	Total of amounts paid (not just calculated but paid) by wire transfer (\$10 per person, per day, for each day with overtime underpayments)
9. How was the underpayment(s) discovered?	Indicate who found the underpayment and a description of the occasion(s). Example: John Doe during routine payroll review.
10. Were any violations willful? If yes, explain.	Check “yes” or “no” and explain any yes answer. This answer will be from the point of view of the person preparing this report who will often be the grantee’s Labor Compliance Officer (LCO)
11. Current status of corrective actions...	Whether completed or in progress. Example: Restitution complete. Liquidated Damages in progress.
12. Prepared by Whom & Date Prepared	Preparer is usually the grantee’s LCO. Date is when wage restitution and action for Liquidated Damages has been completed or nearly completed.
13. (a)—Attachment: Communication to the Contractor	If Liquidated Damages are involved, a written communication must be sent from the grantee’s LCO to the prime and may be copied to any relevant sub containing the following: calculation Liquidated Damages and an explanation calling for the contractor to pay or request a waiver of Liquidated Damages.
13. (b)—Attachment: Contractor’s Response	If Liquidated Damages are involved, the contractor who underpaid, whether a prime or a sub, is the preferred respondent. The response will be a letter requesting a waiver or agreeing to pay. If “pay” is the choice the current status of the wire transfer process should be stated on the attachment.
14. Attachment—Schedule	Schedule of Restitution (for any wage underpayment) and any Liquidated Damage (regarding overtime) calculation. This schedule pertains to all relevant amounts whether paid or unpaid.
15. Contractor	Contractor who underpaid—whether prime or sub.
16. Employee Name	Employee name as listed on the payroll.
17. Date(s)	Each date on which an underpayment occurred.
18. Payroll #	Payroll number covering the date(s) listed under 17.
19. Davis-Bacon Restitution	Amount(s) of DB restitution due for the date(s) listed under 17.
20. CWHSSA Restitution	Amount(s) of CWHSSA restitution due for date(s) listed under 17
21. Liquidated Damages Calculation	Corresponding to the date(s) listed under 17. Liquidated Damages Calculation: \$10 per person, per day, for each day of deficiency.