UIDA Business Services
A Non-Profit Arm of the National Center for American Indian Enterprise Development

American Indian Procurement Technical Assistance Center (AIPTAC)
Regulated Wage Rates: Agenda

- Beyond minimum wage
- Davis-Bacon Act: Wages in the construction industry
- Service Contract Act: Wages in the “blue collar” industries
- Walsh-Healey Public Contracts Act: Wages in manufacturing
- Copeland Act Anti-Kickback Certification
- Applicability to federally-funded local government contracts
- Applicability to federally-funded Tribal government contracts
- State and local governments may have similar laws

This is a simple overview and may not cover all variations you could encounter. Please contact your PTAC advisor with any questions.
Beyond Minimum Wage

- Federal Dept of Labor establishes minimum rate
- Federal Dept of Labor establishes prevailing rate
- Some local governments establish “living wage”
- Federal contracts specify which rules to use
- Your employees might have different pay rates for different days of the week for different tasks
- You must maintain detailed weekly reports
Construction: Davis-Bacon Act

- Wages & benefits very similar to union rates
- Wage determination based on research by county
- [http://www.wdol.gov/](http://www.wdol.gov/) (see screen shot or live link)
- Select state & county where jobsite is located
- Select type of work, it picks the right WD#
- Results on screen, also printer-friendly version
- Notice fringe benefits & instructions at the end
Selecting DBA Wage Decisions

Select DBA WD by number:

(Enter WD number in the following format: two letter abbreviation for the state and the number of the WD. For example, VGA, NOT VA030003 or MD50 NOT MD030050.)

Search

OR

Browse by state/territory

OR

By Selection criteria beginning with:

State: NEW MEXICO
Country: San Juan
Construction Type: All Construction Types
WD Number: NM2

Search

Back
Service Contract Act

- Wages & benefits very similar to union rates
- Wage determination based on research by county
- [http://www.wdol.gov/](http://www.wdol.gov/) (see screen shot or live link)
- Ask Contracting Officer in writing for WD#.
- If you know how to answer the questions, you can get it on this site.
- Very complicated but lots of resources there.
- See the link for printer friendly version & user guide
Wage Determinations OnLine.gov

Providing public access to federal wage determinations and related information

WDOL.gov is part of the Integrated Acquisition Environment, one of the 12 Governmentwide initiatives in the Acquisition Management Agenda. It is a collaborative effort of the Office of Management and Budget, Department of Labor, Department of Defense, General Services Administration, Department of Energy, and Department of Commerce.

Selected SCA WDs
- Selecting SCA WDs
- Edit
- Archived WDs
- WDs due to be revised

Selecting SCA WDs
Select state & county where the services are to be performed then click Continue.
If you do not find the locality listed, please request a WD by e-98.

WDOL User's Guide: Sec. D.5.a

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Walsh Healy Public Contracts Act

- Refers to Federal contracts in excess of $10,000 for the manufacturing or furnishing of materials, supplies, articles, or equipment to the U.S. government or the District of Columbia
- Includes most assembling work as a form of manufacturing
- Prohibits employment of youth under 16 and convict labor
- Website is [http://www.dol.gov/whd/contracts/pca.htm](http://www.dol.gov/whd/contracts/pca.htm)
- Within Department of Labor, wages & benefits are ruled by Wage & Hour Division, and health & safety is ruled by OSHA.
- Certain contracts are exempt, including “open market” items
Copeland Anti-Kickback Act

- Prohibits taking back, or deducting, any of the employee’s paycheck, except certain permitted items like health & welfare benefits, taxes, pension
- Requires weekly reporting of all workers’ pay on the Federally-funded project
- Requires executive certification every week that the wages reported are accurate.
- Subject to field audit by DOL at any time.
- Get the form at: http://www.dol.gov/whd/forms/wh347.pdf
# Payment Record Form

**U.S. Department of Labor**  
**Wage and Hour Division**

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>NAME OF CONTRACTOR</td>
<td>OR SUBCONTRACTOR</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>PAYROLL NO.</td>
</tr>
<tr>
<td>PROJECT AND LOCATION</td>
<td>PROJECT OR CONTRACT NO.</td>
</tr>
</tbody>
</table>

**Legends:**
- **WORK CLASSIFICATION:**
  - **H:** Hourly Worker  
  - **S:** Semi-Weekly Worker  
  - **W:** Weekly Worker  
  - **P:** Payroll Worker  

**GROSS EARNED:**
- **HOURS WORKED EACH DAY**
- **TOTAL HOURS**

**DEDUCTIONS:**
- **FICA**
- **W-2 HOURLY TAX**
- **OTHER**
- **TOTAL DEDUCTIONS**

**NET WAGES PAID FOR WEEK**

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**Public Burden Statement:**
We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S5902, 200 Constitution Avenue, N.W., Washington, D.C. 20210.
Date____________

I, __________________________________________ ______________________
(name of signatory party) (title)
do hereby state:

1) That I pay or supervise the payment of the persons employed by ______________________ on the
(Contractor or Subcontractor)
_________________________ that during the payroll period commencing on the
(Building or Work)
_________________________ day of __________________ and ending the __________________ day of __________________,
all persons employed on said project have been paid the full weekly wages earned, that no rebates have been
or will be made either directly or indirectly from or in lieu of the full
_________________________ weekly wages earned by any person, and that no deductions have been made either directly or indirectly
from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part
34.229 CFR 6.22 Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (40 Stat. 948,


(Contractor or Subcontractor)

(2) That any payroll otherwise under this contract required to be submitted for the above period are
correct and complete, that the wage rates for laborers or mechanics contained therein are not less than the
applicable wage rates contained in any wage determination incorporated into this contract, that the
classifications set forth therein for each laborer or mechanic conform to the work he performed.

(3) That any apprentices employed in this period are duly registered in a bona fide
apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of
Apprenticeship and Training, United States Department of Labor, if no such recognized agency exists in a
State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:
(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐ — in addition to the basic hourly wage rates paid to each laborer or mechanic in the
above referenced payroll, payments of fringe benefits as listed in the contract

have been or will be made to appropriate programs for the benefit of such
employees, except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☐ — Each laborer or mechanic listed in the above referenced payroll has been paid, as
indicated on the payroll, an amount equal to the sum of the applicable
basic hourly wage rate plus the amount of the required fringe benefits as listed
in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

<table>
<thead>
<tr>
<th>EXCEPTION (CRAFT)</th>
<th>EXPLANATION</th>
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REMARKS:

NAME AND TITLE: ____________________________

SIGNATURE: ____________________________

THE WILLFUL FALSIFICATION OF ANY OF THE INFORMATION SUBMITTED MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 201 OF TITLE 18 AND SECTION 315 OF TITLE 21 OF THE UNITED STATES CODE.
Assume that any federally-funded contracts must comply.

The solicitation always contains the labor requirement, so study it carefully.

Ask your PTAC counsellor to help you find the part that tells you whether it applies to any contract.

Submit questions to the contracting officer in writing and allow plenty of time for the answer.
Resources

- Videos on each topic
  
  http://edg1.vcall.com/DOL_Ondemand/DOL/Webcasts.htm

- NEW MEXICO: Celina Bussey, Cabinet Secretary
  Department of Work Force Solutions
  401 Broadway, N.E., Albuquerque, NM 87102
  (505) 841-4400, www.dol.state.NM.us

- ARIZONA: Laura McGrory, Director
  Industrial Commission of Arizona
  800 West Washington Street, Phoenix, AZ 85007
  (602) 542-4515, http://www.ica.state.AZ.us

- Do not try to be an expert on Labor Rates & Laws. Get help.
State & Local Regulations

- Most states, counties, cities, etc., have passed some kind of similar legislation or ordinance regulating worker wages, hours, and benefits.
- Some of these laws apply at the site of work and some apply at the company headquarters, so be sure to check with a local expert in both places.
- Tribal law is different, so be sure to ask before making a commitment.
Conclusion

- Contracts in the public-sector marketplace almost always contain protections for workers in addition to Equal Employment Opportunity and other familiar requirements, so expect it and plan for it.
- Your PTAC helps you with anything related to doing business in the public-sector.
- If you are not in the Southwest or Navajo Nation BIA Regions, please visit [http://www.aptac-us.org/new/](http://www.aptac-us.org/new/) and click on your state. If you in our region, here we are:
Locations

- **Marietta, GA:**
  George Williams, georgew@uida.org, 770-494-0117
  Barbara Williams, bwilliams@uida.org, 770-494-5785

- **Ocean Springs, MS:**
  Jeanne Turner, jturner@uida.org, 228-818-2303

- **Herndon, VA:**
  Cris Pierce, cpierce@uida.org, 703-561-4415

- **Window Rock, AZ:**
  Cyndi Jarvison, cjarvison@uida.org, 928-871-7377

- **Albuquerque, NM:**
  Tim Armijo, tarmijo@uida.org, 505-724-3584
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