



# 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/> (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

Wage Determinations Online

Wage Determinations OnLine.gov  
 Providing public access to federal wage determinations and related information.

WDO.gov is part of the Integrated Acquisition Environment, one of the 8 Government initiatives in the President's 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.

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Service Contract Act	Davis-Bacon Act	Related Information
<ul style="list-style-type: none"> <li>Selecting SCA WDs</li> <li>e98</li> <li>Archived WDs</li> <li>WDs due to be revised</li> </ul>	<ul style="list-style-type: none"> <li>Selecting DBA WDs</li> <li>Archived WDs</li> <li>WDs due to be revised</li> </ul>	<ul style="list-style-type: none"> <li>Agency Labor Advisors</li> <li>Library</li> <li>DOL Wage and Hour Website</li> </ul>

**CAUTION:** Users should note that the only WDs applicable to a particular solicitation or contract are those that have been incorporated by the contracting officer in that contract action.

### 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, VA3, NOT VA030003 or MD150 NOT MD030150.)

OR

Browse by [state/territory](#)

OR

**By Selection criteria beginning with:**

State:

County:

Construction Type:  (Types of Construction Under DBA)

WD Number:





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View the latest modifications and additions to the Davis-Bacon Database.

View the modifications or additions to Davis-Bacon Wage Determinations due to be issued and published on WDO.gov.

View Archived Wage Determinations

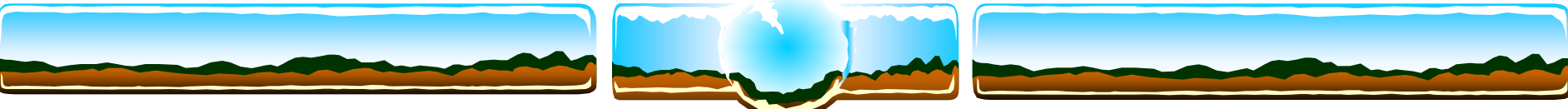
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# Service Contract Act

- ❖ Wages & benefits very similar to union rates
- ❖ Wage determination based on research by county
- ❖ <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




[←](#) [→](#) <http://www.wdol...> [Wage Determinations Online](#)

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PTAssist

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**CAUTION:** Users should note that the only WDs applicable to a particular solicitation or contract are those that have been incorporated by the contracting officer in that contract action.

### 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. B.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>
- ❖ 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>

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

**PAYROLL**

(For Contractor's Optional Use; See Instructions at [www.dol.gov/whd/forms/wh347nstr.htm](http://www.dol.gov/whd/forms/wh347nstr.htm))



Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

NAME OF CONTRACTOR <input type="checkbox"/> OR SUBCONTRACTOR <input type="checkbox"/>		ADDRESS		OMB No.: 1235-0008 Expires: 01/31/2015
PAYROLL NO.	FOR WEEK ENDING	PROJECT AND LOCATION	PROJECT OR CONTRACT NO.	

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF MINUTE DEDUCTIONS	(3) WORK CLASSIFICATION	(4) DAY AND DATE HOURS WORKED EACH DAY	(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§30.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "submit weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.31(a)(3)(ii) require contractors to submit weekly to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

**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 S3502, 200 Constitution Avenue, N.W., Washington, D.C. 20219

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 on behalf of said

\_\_\_\_\_ from the full \_\_\_\_\_  
(Contractor or Subcontractor)

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 3123 C.F.R. Subtitle A, issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 848, 63 Stat. 109, 72 Stat. 967, 76 Stat. 357, 40 U.S.C. § 3142), and described below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) That any payrolls 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 the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above 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, or 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 listed 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 not less than 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

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE

SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE INFORMATION MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. (SEE SECTION 1061 OF TITLE 18 AND SECTION 251 OF TITLE 31 OF THE UNITED STATES CODE)



# Applicability to State & Tribal Work

- ❖ 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](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](http://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/> and click on your state. If you in our region, here we are:



# Locations

❖ **Marietta, GA:**

**George Williams, [georgew@uida.org](mailto:georgew@uida.org), 770-494-0117**

**Barbara Williams, [bwilliams@uida.org](mailto:bwilliams@uida.org), 770-494-5785**

❖ **Ocean Springs, MS:**

**Jeanne Turner, [jturner@uida.org](mailto:jturner@uida.org), 228-818-2303**

❖ **Herndon, VA:**

**Cris Pierce, [cpierce@uida.org](mailto:cpierce@uida.org), 703-561-4415**

❖ **Window Rock, AZ:**

**Cyndi Jarvison, [cjarvison@uida.org](mailto:cjarvison@uida.org), 928-871-7377**

❖ **Albuquerque, NM:**

**Tim Armijo, [tarmijo@uida.org](mailto:tarmijo@uida.org), 505-724-3584**





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