

U. S. DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

WASHINGTON

14 NOV 1977

MEMORANDUM NO. 129

FOR: ALL GOVERNMENT CONTRACTING AGENCIES OF THE
FEDERAL GOVERNMENT AND THE DISTRICT OF COLUMBIA

FROM: SECRETARY OF LABOR *Ray Marshall*

SUBJECT: Enforcement of the Davis-Bacon and Related Acts

On September 16, 1974, the Secretary of Labor issued All Agency Memorandum No. 118 to stress the need for each contracting agency to improve its enforcement activity under the Davis-Bacon and related acts. The 1974 Memorandum expressed the hope that American workers could look forward to a period of meaningful enforcement activity by each contracting agency to protect their statutory rights. Unfortunately since then there has been an even greater decline on the part of the contracting agencies in fulfilling their enforcement responsibilities.

President Truman sent Reorganization Plan No. 14 to the Congress in 1950 to insure uniform enforcement of the protections afforded construction workers by contracting agencies awarding Davis-Bacon contracts. This Plan gives the Secretary of Labor the responsibility for prescribing appropriate standards and uniform regulations in order to achieve adequate enforcement of this labor standard. Enforcement responsibility remained with the contracting agencies.

I am, therefore, requesting that you assist me by insuring that those staff members to whom Davis-Bacon and related acts responsibility has been assigned make certain that laborers and mechanics receive the wages prescribed by the law. Since contractors should also be protected from unknowingly incurring large back wage liabilities, it is important that your agencies advise them at preconstruction

conferences of the obligations to which they are contractually committed. It is equally important that each contracting agency diligently review the certified payrolls and conduct on-site compliance visits to construction sites.

Because of the desire of this Department to fulfill its oversight responsibilities under Reorganization Plan No. 14, in the near future we will meet with representatives of all contracting agencies to discuss the enforcement problems that have emerged with respect to the Davis-Bacon and related acts. Appropriate solutions will be developed to guarantee a full enforcement effort by all responsible agencies. Details for the conference will be forwarded to you soon.

My concern is that the current decrease in the level of enforcement of labor standards protections legislated by the Congress might be misinterpreted as an attempt to not honor the intent of these laws. I want to avoid such a misunderstanding and know that I can depend upon your assistance to remedy this matter of joint concern.