

U. S. DEPARTMENT OF LABOR
WAGE AND HOUR AND PUBLIC CONTRACTS DIVISIONS
OFFICE OF THE ADMINISTRATOR
WASHINGTON
20210

July 17, 1968

MEMORANDUM # 77

TO : AGENCIES ADMINISTERING STATUTES REFERRED TO IN 29 CFR,
SUBTITLE A, PART 3

FROM : Clarence T. Lundquist, Administrator *CL*
Wage and Hour and Public Contracts Divisions

SUBJECT : 1. Amendment, 29 CFR, Part 3.3(b), Weekly Statement
of Compliance

2. Form WH-347, Optional Payroll Form
Form WH-347-Inst., Instruction Sheet for Form WH-347
Form WH-348, Statement of Compliance

1. Paragraph (b) of 29 CFR 3.3 requires that a "weekly statement with respect to the payment of wages" accompany payrolls submitted to contracting agencies in connection with work performed on contracts subject to the Davis-Bacon Act and various related statutes. On July 17, 1968, a revision of paragraph (b) of 29 CFR 3.3 will appear in the Federal Register. This amends the text of the weekly statement to include information as to the payment of fringe benefits. However, the text of the statement will no longer appear in 29 CFR 3.3(b); it is contained in new Forms WH-347 and WH-348.

2. Form SOL-184, previously used by contractors on an optional basis to report weekly wages paid, has been replaced by Form WH-347, also optional. The text of the "weekly statement with respect to the payment of wages" appears on the reverse side of this new optional payroll form. A contractor may use the new payroll form or an appropriate payroll form of his own choice. If he uses his own payroll form, he must attach a copy of the weekly statement using either new Form WH-348, on which the weekly statement is printed separately, or any form with the identical wording. An instruction sheet, Form WH-347-Inst., is provided to assist contractors in completing Form WH-347, the payroll form.

3. The new forms will be available for purchase from the Superintendent of Documents, Government Printing Office, Washington, D. C. 20402, on July 12, 1968. Form WH-347, the optional payroll form, will be printed in pads of 100 (including one copy of the instruction sheet, Form WH-347-Inst.,

with each pad) and will cost \$1.75 per pad. Form WH-348, the "weekly statement with respect to payment of wages", will also be printed in pads of 100, and will cost \$1.25 per pad.

4. Attached for information is a copy of each new form, WH-347, WH-347-Inst., and WH-348. The Department of Labor will not stock these forms.

Attachments 3

STATEMENT OF COMPLIANCE

Date _____

do hereby state:

(Name of signatory party)

(Title)

(1) That I pay or supervise the payment of the persons employed by _____ on the _____; that during the payroll period commencing on the _____ day of _____, 19____, and ending the _____ day of _____, 19____, 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 to or on behalf of said _____ from 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 3 (29 CFR Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948.63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. 276c), 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 WILFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE

INSTRUCTIONS FOR PREPARATION OF STATEMENT OF COMPLIANCE

This statement of compliance meets needs resulting from the amendment of the Davis-Bacon Act to include fringe benefits provisions. Under this amended law, the contractor is required to pay fringe benefits as predetermined by the Department of Labor, in addition to payment of the minimum rates. The contractor's obligation to pay fringe benefits may be met by payment of the fringes to the various plans, funds, or programs or by making these payments to the employees as cash in lieu of fringes.

The contractor should show on the face of his payroll all monies paid to the employees whether as basic rates or as cash in lieu of fringes. The contractor shall represent in the statement of compliance that he is paying to others fringes required by the contract and not paid as cash in lieu of fringes. Detailed instructions follow:

Contractors who pay all required fringe benefits:

A contractor who pays fringe benefits to approved plans, funds, or programs in amounts not less than were determined in the applicable wage decision of the Secretary of Labor shall continue to show on the face of his payroll the basic cash hourly rate and overtime rate paid to his employees, just as he has always done. Such a contractor shall check paragraph 4(a) of the statement to indicate that he is also paying to approved plans, funds, or programs not less than the amount predetermined as fringe benefits for each craft. Any exception shall be noted in Section 4(c)

Contractors who pay no fringe benefits:

A contractor who pays no fringe benefits shall pay to the employee and insert in the straight time hourly rate column of his payroll an amount not less than the predetermined rate for each classification plus the amount of fringe benefits determined for each classification in the applicable wage decision. Inasmuch as it is not necessary to pay time and a half on cash paid in lieu of fringes, the overtime rate shall be not less than the sum of the basic predetermined rate, plus the half time premium on the basic or regular rate plus the required cash in lieu of fringes at the straight time rate. To simplify computation of overtime, it is suggested that the straight time basic rate and cash in lieu of fringes be separately stated in the hourly rate column, thus \$3.25/.40. In addition, the contractor shall check paragraph 4(b) of the statement to indicate that he is paying fringe benefits in cash directly to his employees. Any exceptions shall be noted in Section 4(c).

Use of Section 4(c), Exceptions

Any contractor who is making payment to approved plans, funds, or programs in amounts less than the wage determination requires is obliged to pay the deficiency directly to the employees as cash in lieu of fringes. Any exceptions to Section 4(a) or 4(b), whichever the contractor may check, shall be entered in Section 4(c). Enter in the Exception column the craft, and enter in the Explanation column the hourly amount paid the employees as cash in lieu of fringes, and the hourly amount paid to plans, funds, or programs as fringes.