PREVAILING WAGE SEMINARS
DBA/DBRA
Certified Payrolls
Certified Payrolls

• **Two separate contract clause requirements apply to “certified payrolls” for a project:**

  • The contractor shall submit weekly for any week in which any contract work is performed a copy of all payrolls. 29 C.F.R. § 5.5(a)(3)(ii)(A)

  • Each weekly payroll submitted must be accompanied by a “Statement of Compliance.” 29 C.F.R. § 5.5(a)(3)(ii)(B)
Certified Payrolls

- Weekly payrolls must include specific information as required by 29 C.F.R. § 5.5(a)(3)
- Weekly payroll information may be submitted in any form desired
  - Optional Form WH-347 is available for this purpose
  - The WH-347 form, with instructions, is at: http://www.dol.gov/whd/forms/wh347instr.htm
Certified Payrolls

• Weekly, the contractor must submit “a copy of all payrolls” to:
  • The federal agency; or
  • If the federal agency is not a party to the contract, to the applicant, sponsor, or owner for transmission to the federal agency). 29 C.F.R. § 5.5(a)(3)(ii)(A)
The certification “Statement of Compliance” attached to each weekly payroll must be:

- On page 2 of the WH-347 Form “Payroll (For Contractors Optional Use)”;
- On any form with identical wording
The properly signed “Statement of Compliance” submitted or transmitted to the appropriate federal agency certifies that:

- The payroll for the payroll period contains the information required to be provided
- The appropriate information is being maintained
- Such information is correct and complete
- Each laborer or mechanic has been paid the full weekly wages earned; and
- Each laborer or mechanic has been paid not less than the applicable wages, as specified in the applicable wage determination incorporated into the contract.
“Statement of Compliance”

• Must be executed by the contractor or subcontractor or by an authorized officer or employee of the contractor or subcontractor who supervises the payment of wages. 29 C.F.R. § 3.3(b)

• Each weekly statement must be delivered or mailed by the contractor or subcontractor, within seven days after the regular payment date of the payroll period, to a representative of a Federal or State agency contracting for or financing the building or work. 29 C.F.R. § 3.4(a)
Availability of Certified Payroll

• The contractor or subcontractor shall make the records required available for inspection, copying, or transcription by authorized representatives of the contracting agency or the Department of Labor.

• If the contractor or subcontractor fails to submit the required records or to make them available, the Federal agency may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to suspend any further payment, advance, or guarantee of funds.

• Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.
The signature on each weekly “Statement of Compliance” may be either an original handwritten or an electronic signature.

A contracting agency or prime contractor may permit or require contractors to submit the weekly payrolls, each with the accompanying “Statement of Compliance” through an electronic system.
Photocopies or “pdf” copies of the “Statement of Compliance,” faxed “Statements of Compliance,” or an electronically scanned “Statement of Compliance” e-mailed to an agency do not satisfy the requirement that each “Statement of Compliance” be:

- “signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract”
Certified Payrolls & Electronic Signatures


  • WHD affirms that the use of electronic signatures is sufficient for compliance purposes under the Copeland Act
WHD encourages all government agencies to:

- submit certified payrolls electronically or allow access to appropriate agency approved limited access Web-based portals providing the required information and certification

Some agencies and contractors have set up systems to comply electronically.

Contracting agencies determine electronic submission options.
Certified Payrolls &
Electronic Signatures

• Web-based systems for the electronic submission of certified payrolls;
  • Often include compliance monitoring tools; and
  • Can improve efficiency in the review of data reported, as well as reducing recordkeeping burdens and storage expenses
Certified Payrolls & Signatures

• The importance of the “Statement of Compliance” requirement is clear in that;
  • “The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.”  29 C.F.R. § 5.5(a)(3)(ii)(D) and reiterated at FAR 48 C.F.R. § 52.222-8(b)(4)
Certified Payroll Exercise

- The following slide contains a sample certified payroll to review and discuss. This sample certified payroll contains several omissions and indications of potential violations.
- The following information from the WD may be helpful in reviewing the sample certified payroll:
  - Bricklayers: Base Hourly Wage Rate (BHR) - $12.00, Fringe - $5.46
  - Carpenters: BHR - $13.35, Fringe - $4.63
  - Laborers, Unskilled: BHR - $10.65, Fringe - $3.65
  - Sheet Metal Workers: BHR - $15.24, Fringe - $2.87
# Certified Payroll Exercise

### Payroll Sheet:

<table>
<thead>
<tr>
<th>ME AND INDIVIDUAL IDENTIFICATION NUMBER</th>
<th>WORK CLASSIFICATION</th>
<th>S M T W T F S</th>
<th>NET HOURS WORKED</th>
<th>TOTAL RATE OF PAY</th>
<th>GROSS AMOUNT EARNED</th>
<th>WITHHOLDING TAX</th>
<th>DEDUCTIONS</th>
<th>WITHHOLDING TAX</th>
<th>DEDUCTIONS</th>
<th>OTHER</th>
<th>PAYROLL DEDUCTIONS</th>
<th>TOTAL EARNED</th>
<th>PAYROLL PAID FOR WEEK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anderson, Joseph</td>
<td>Carpenter</td>
<td>1 1 1 1 1 1</td>
<td>5</td>
<td>35.96</td>
<td>67.43</td>
<td>179.80</td>
<td>17.98</td>
<td>265.21</td>
<td>633.79</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bedwell, Thomas</td>
<td>Carpenter</td>
<td>1 1 1 1 1 1</td>
<td>5</td>
<td>20.03</td>
<td>61.45</td>
<td>163.87</td>
<td>16.39</td>
<td>341.71</td>
<td>477.64</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Larson, Todd</td>
<td>Carpenter</td>
<td>1 1 1 1 1 1</td>
<td>5</td>
<td>20.03</td>
<td>47.56</td>
<td>126.83</td>
<td>12.69</td>
<td>187.08</td>
<td>447.07</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>O'Brian, Tom</td>
<td>Apprentice Carpenter</td>
<td>8 8 8 8 8</td>
<td>40</td>
<td>12.64</td>
<td>37.92</td>
<td>101.12</td>
<td>10.11</td>
<td>149.15</td>
<td>356.45</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roberts, Gordon</td>
<td>Apprentice Carpenter</td>
<td>8 8 8 8 8</td>
<td>40</td>
<td>12.64</td>
<td>37.92</td>
<td>101.12</td>
<td>10.11</td>
<td>149.15</td>
<td>356.45</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Snyder, Hammond</td>
<td>Trainee Carpenter</td>
<td>8 8 8 8 8</td>
<td>40</td>
<td>12.64</td>
<td>37.92</td>
<td>101.12</td>
<td>10.11</td>
<td>149.15</td>
<td>356.45</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clements, Paul E.</td>
<td>Bricklayer</td>
<td>6 6 6 6 7 6</td>
<td>31</td>
<td>17.46</td>
<td>40.61</td>
<td>108.30</td>
<td>10.83</td>
<td>259.24</td>
<td>282.29</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cunningham, Christopher</td>
<td>Bricklayer</td>
<td>6 6 6 6 7 6</td>
<td>32 ½</td>
<td>17.46</td>
<td>42.60</td>
<td>113.60</td>
<td>11.36</td>
<td>210.16</td>
<td>357.54</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Classification</td>
<td>S M T W T F S</td>
<td>0 0 0 4 4 4 4</td>
<td>20</td>
<td>14.30</td>
<td>21.45</td>
<td>57.20</td>
<td>5.72</td>
<td>84.37</td>
<td>201.63</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>---------------------</td>
<td>---------------</td>
<td>----------------</td>
<td>------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
<td>------</td>
<td>-------</td>
<td>--------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burke, James P.</td>
<td>Unskilled laborer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burns, John N.</td>
<td>Unskilled laborer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peterson, Arnold</td>
<td>Unskilled laborer Plumber</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mascola, Anthony</td>
<td>Sheet Metal Worker</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nulty, James</td>
<td>Sheet Metal Worker Helper</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

October 12, 2009  Project #: ACE352 / 1250 5th Avenue  ACE-GC-4561
October 12, 2009

Hale N. Hardee

(Chair of Governing Party)

1. That any or all of the payment of the persons employed by Hale N. Hardee Construction Co., Inc., (contractor or subcontractor) on the 6-Story Office Building that during the payroll period commencing on the 8th day of October, 2008 and ending the 12th day of October, 2008, all persons employed on said project have been paid the full weekly wages earned, that no reductions have been or will be made either directly or indirectly as to the behalf of said employees, and that the contractor or subcontractor has used good faith efforts to ensure that all employees have been paid the full weekly wages earned.

Hale N. Hardee Construction Co., Inc.

(Contractor or Subcontractor)

2. That any payroll otherwise submitted for the above payroll are correct and complete, that the wages paid to the laborers or mechanics stated therein are not less than the applicable wage rates contained in the pay agreements incorporated into the contract, that the classifications and forms shown for each labor or mechanic conform with the work performed.

3. That any provisions employed in the above payroll are duly registered in a payroll enforcement program approved by the Bureau of Laborers' and Mechanics' Compensation, United States Department of Labor, or by any recognized agency in a state, and registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

4. That:

WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

Any additional payments made to each laborer or mechanic listed in the above referenced payroll, represents fringe benefits as defined in the contract or regulations. Any additional payments made for the benefit of such employees, except as noted in a section 4(b) below.

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 hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in a section 4(c) below.

EXCEPTIONS

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>EXPLANATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>(a)</td>
</tr>
<tr>
<td>(b)</td>
<td>(b)</td>
</tr>
</tbody>
</table>

Hale N. Hardee, President

Printed Name and Title

Signature

The undersigned, hereby agrees that the statements herein made and signed are true and correct.

The undersigned, hereby agrees that the statements herein made and signed are true and correct.

The undersigned, hereby agrees that the statements herein made and signed are true and correct.

The undersigned, hereby agrees that the statements herein made and signed are true and correct.

The undersigned, hereby agrees that the statements herein made and signed are true and correct.

The undersigned, hereby agrees that the statements herein made and signed are true and correct.

The undersigned, hereby agrees that the statements herein made and signed are true and correct.

The undersigned, hereby agrees that the statements herein made and signed are true and correct.

The undersigned, hereby agrees that the statements herein made and signed are true and correct.

The undersigned, hereby agrees that the statements herein made and signed are true and correct.

The undersigned, hereby agrees that the statements herein made and signed are true and correct.

The undersigned, hereby agrees that the statements herein made and signed are true and correct.

The undersigned, hereby agrees that the statements herein made and signed are true and correct.

The undersigned, hereby agrees that the statements herein made and signed are true and correct.

The undersigned, hereby agrees that the statements herein made and signed are true and correct.

The undersigned, hereby agrees that the statements herein made and signed are true and correct.

The undersigned, hereby agrees that the statements herein made and signed are true and correct.

The undersigned, hereby agrees that the statements herein made and signed are true and correct.

The undersigned, hereby agrees that the statements herein made and signed are true and correct.

The undersigned, hereby agrees that the statements herein made and signed are true and correct.
This presentation is intended as general information only and does not carry the force of legal opinion.

The Department of Labor is providing this information as a public service. This information and related materials are presented to give the public access to information on Department of Labor programs. You should be aware that, while we try to keep the information timely and accurate, there will often be a delay between official publications of the materials and the modification of these pages. Therefore, we make no express or implied guarantees. The Federal Register and the Code of Federal Regulations remain the official source for regulatory information published by the Department of Labor. We will make every effort to keep this information current and to correct errors brought to our attention.