

## Sample Notice of Determination to Assess Liquidated Damages

Date

Construction Company

Address

Dear \_\_\_\_\_:

A review of payrolls submitted for the above Texas Community Development Block Grant Program (CDBG) contract indicates your firm has violated the Contract Work Hours and Safety Standards Act (CWHSSA).

CWHSSA requires that employees be compensated at the rate of one and one-half times the general wage rate, as established by the Department of Labor (DOL), for all hours required or allowed to work in excess of 40 hours a work week. Failure to comply with CWHSSA compels the assessment of liquidated damages at the rate of \$25.00 per day per worker for each overtime violation.

During construction for this CDBG contract, your company failed to compensate ## employees for hours worked in excess of 40 hours per week on ## occasions. These violations make your company liable, to the Department of Labor for liquidated damages in the amount of \$\$\$\$. A check made out to **the Texas Department of Agriculture** for this amount may be mailed to our agency for processing.

However, HUD Handbook 1344.1 (5-12(B)) allows for a request for waiver or reduction for the determined amount of liquidated damages can be submitted. It must be made within sixty (60) days of the date of this letter or the determination will be final. The only grounds for requesting a waiver or reduction are the following: (1) the computation of liquidated damages is incorrect, or (2) the violation occurred inadvertently notwithstanding the exercise of due care. If such a request is filed based on one or both of these grounds, a written statement explaining why a waiver or reduction is justified must be included in the request. Written notice with the final determination on the request for waiver or reduction will be forwarded to you by TDA.

If you do not intend to contest the liquidated damages determination, please notify me in writing within ten (10) days of receipt of this letter. If you have any questions or need to request additional information concerning this matter, please contact \_\_\_\_\_, Labor Standards Officer for this project, at (555) 555-5555.

Sincerely,

Mayor or Judge

cc: Labor Standards Officer