

Preconstruction Conference Report

A704

Grant Recipient: _____ TxCDBG Contract No: _____

Date: _____ Time: _____

Location: _____

A preconstruction conference was held at the above date, time and place; a copy of the sign-in sheet for attendees is attached.

The following subjects were discussed:

This project is subject to the Davis-Bacon Act (DBA), Copeland Act, Contract Work Hours Safety Standards Act (CWHSSA), and the Fair Labor Standards Act (FLSA). DBA specifies the minimum wages to be paid the various classes of laborers and mechanics employed on the project. The Copeland Act prohibits kickbacks being paid by the employee to the employer and sets the requirement for submission of payrolls on a weekly basis. CWHSSA sets a uniform standard of a 40-hour work week with time and a half the basic rate of pay for all work in excess of 40 hours. FLSA sets out the requirement for payment of minimum wages, maximum hours, overtime pay, child labor standards and prohibits wage discrimination on the basis of sex.

The requirements for compliance with these acts include:

- The suggested payroll form is the WH-347. Any other payroll used must contain the same information and be accompanied by a WH-348, Statement of Compliance. Payrolls must contain an original signature by the owner, partner, officer or individual authorized in writing by one of the above.
- Payrolls must be original and must be submitted weekly within 7 days following the end of the work week to the labor standards officer. A pay period is seven consecutive days.
- Payrolls should be numbered consecutively, with the first one being marked "initial" and the last being marked "final".
- All persons working on the job site must be shown on the payroll. The address and identification number (ex. last four digits of social security number) of the worker must be shown on the first payroll on which that individual appears.
- Payment of overtime at 1.5 times the regular rate of pay must be made for all hours in excess of 40 hours in a 7 day work week.
- The rate of pay must be at least equal to that in the wage decision that is contained in the contract documents. The decision that is applicable to this project is.
- Only deductions that are required by law, or voluntarily authorized by the workers in accordance with Copeland Act, may be made from paychecks of the workers. Authorization by the employee for all deductions not required by law must be submitted.
- Apprentices may be employed on the project, however, they must be certified by the Bureau of Apprenticeship & Training and the ratio of apprentices to journeymen must not be exceeded. A certificate for each apprentice must be included in the local files.
- Employees must be classified in accordance with the applicable wage decision. Unless a "helper" classification is found in the decision, "helpers" may not be used on the project. Employees must be classified and paid based on the work they perform. Generally speaking, only journeymen may use the tools of a trade.
- Any classification that does not appear on the wage decision must be requested through the CDBG Labor Standards Specialist and approved by the U.S. Department of Labor prior to the use of that classification on the project.
- The wage decision, posters, and any additional classifications provided must be posted in a prominent place on the job site for the duration of the construction project.

- Liquidated Damages may be assessed for failure to pay the proper overtime rate. The liquidated damages liability equals \$25 per day per worker per violation. Additionally, wage restitution must be made to any worker who is underpaid.
- Failure to comply with the labor standards requirements can result in the withholding of sufficient payments to insure the proper payment of all workers and any liquidated damages.
- The general contractor will be required to certify that all laborers and mechanics employed on the project (including those employed by subcontractors) have been paid hourly rates as prescribed by the applicable laws.
- If the owner of a company performs work on the project, the owner must list him/herself on the payroll and must show the hours worked each day and total hours for the week.
- Any person who is employed on a piece-work basis must be shown on the payroll. The hours worked each day and total hours for the week must be shown. The hourly rate of the piece worker must equal or exceed the prescribed hourly rate for the particular work classification.
- Sub-contractors must be cleared prior to the execution of the sub-contract, and any sub-contracts must include the labor standards provisions (HUD 4010) and the applicable wage rate.
- In accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended by the Housing and Community Development Act of 1992, if an executed contract exceeds \$100,000, Section 3 goals and reporting apply and the Contractor must report all new employment, contracting, or training opportunities directly related to the TxCDBG-funded project to the Grant Recipient.
- Subcontracts that exceed \$100,000 must also report all new employment, contracting, or training opportunities directly related to the TxCDBG-funded project to the prime contractor to be included in the prime's report to the Grant Recipient.
- Prime and subcontractors are encouraged to hire Section 3 residents when feasible.

The person who will monitor this project for compliance with the labor requirements is: _____

Additional items addressed at the conference included: _____

Prepared by: _____

Date: _____