

CITY OF AUSTIN PRESENTS



Your **partner** in capital project delivery!

Wage Rates and Payroll Reporting Section 00830



PURPOSE

- Provide an overview of our prevailing wage requirements and compliance processes.
- Identify key areas that affect the contractors' success in complying with the terms of their contract.



DAVIS-BACON ACT

The source of our program

The Act requires that contractors pay their laborers and mechanics minimum wages that are “based upon the wages that will be determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics”.



SECTION 00830

- When bidding a project, carefully review Section 00830 of the Bid Documents – titled “Wage Rates and Payroll Reporting”
- Rates change! Always check the contract.
- Make sure your subs understand 00830 and prevailing wage

Bidding Requirements, Contract Forms Conditions of the Contract
WAGE RATES AND PAYROLL REPORTING
 Section 00830BC

Bidding Requirements, Contract Forms Conditions of the Contract
WAGE RATES AND PAYROLL REPORTING
 Section 00830HH

PREVAILING WAGE RATE DETERMINATION

BUILDING CONSTRUCTION TYPE

COUNTY NAME : TRAVIS

Wages based on DOL General Decision: TX130017 01/04/2013 TX17

CLASSIFICATION	RATE	FRINGES	TOTAL WAGE
Bricklayer (Excluding Caulking & Waterproofing)	\$ 13.25	\$ -	\$ 13.25
Caulkers	\$ 13.05	\$ -	\$ 13.05
Carpenter *	\$ 20.25	\$ 7.15	\$ 27.40
Carpenter (Formbuilding Only)	\$ 13.20	\$ -	\$ 13.20
Cement Mason/Concrete Finisher	\$ 10.22	\$ -	\$ 10.22
Electrician **	\$ 26.18	\$ 6.66	\$ 32.84
Elevator Mechanic*** (< 5 yrs experience)	\$ 38.22	\$ 23.535	\$ 61.76
Elevator Mechanic*** (> 5 years experience)	\$ 38.94	\$ 23.535	\$ 62.48
Floor Layer: Carpet (Soft) Floor	\$ 10.00	\$ -	\$ 10.00
Glaziers	\$ 18.37	\$ 6.43	\$ 24.80
HVAC Mechanic (Excluding Duct or Pipe Work)	\$ 11.83	\$ 1.14	\$ 12.97
Iron Workers - Structural (Excluding Metal Bldg. Erection)	\$ 20.55	\$ 4.40	\$ 24.95
Iron Worker - Reinforcing	\$ 10.00	\$ -	\$ 10.00
Laborer (Common)	\$ 7.57	\$ -	\$ 7.57
Laborer (Brick Tender)	\$ 8.00	\$ -	\$ 8.00
*Lead Paint & Asbestos Abatement	\$ 12.17	\$ -	\$ 12.17
Millwright	\$ 20.56	\$ 7.15	\$ 27.71
Painter - Brush	\$ 10.06	\$ 0.31	\$ 10.37
Painter - Drywall Finishing	\$ 9.00	\$ -	\$ 9.00
Painter - Spray	\$ 9.70	\$ 0.19	\$ 9.89
Pipefitter (Including HVAC Work)	\$ 26.25	\$ 10.18	\$ 36.43
Plumber (Excluding HVAC Work)	\$ 26.25	\$ 10.18	\$ 36.43
Power Equipment Operator - Backhoe	\$ 11.11	\$ 1.92	\$ 13.03
Power Equipment Operator - Crane	\$ 12.50	\$ 2.03	\$ 14.53
Power Equipment Operator - Front End Loader	\$ 11.33	\$ -	\$ 11.33
*Roofer	\$ 13.80	\$ -	\$ 13.80
*Roofer - Metal	\$ 14.05	\$ -	\$ 14.05
Sheet Metal Worker (Including HVAC Duct Work)	\$ 24.30	\$ 10.18	\$ 34.48
Sprinkler Fitter	\$ 14.00	\$ -	\$ 14.00
Tile Setter	\$ 13.00	\$ 1.55	\$ 14.55
Tile Setter - Finisher	\$ 10.00	\$ -	\$ 10.00
Truck Driver (Lowboy)	\$ 8.00	\$ -	\$ 8.00
Waterproofer	\$ 12.13	\$ -	\$ 12.13

<http://www.wdol.gov/wdol/scafiles/davisbacon/tx.html>

* See Page 2 for Additional Wage Information

Note: *Lead Paint & Asbestos Abatement and Roofer Classifications have been added to this Prevailing Wage

Wage Rates Payroll Reporting
Building Construction Trades

Rev. Date 01-04-13

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PREVAILING WAGE RATE DETERMINATION

HEAVY AND HIGHWAY CONSTRUCTION

COUNTY NAME: TRAVIS

Wages based on DOL General Decision:TX130016 01/04/2013 TX16

Classification	Wage Rate	Classification	Wage Rate
Agricultural Tractor Operator	\$ 12.69	Laborer, Utility	\$ 12.27
Asphalt Distributor Operator	\$ 15.55	Loader/Backhoe Operator	\$ 14.12
Asphalt Paving Machine Operator	\$ 14.36	Mechanic	\$ 17.10
Asphalt Raker	\$ 12.12	Milling Machine	\$ 14.18
Boom Truck Operator	\$ 18.36	Motor Grader Operator - Fine Grade	\$ 18.51
Broom or Sweeper Operator	\$ 11.04	Motor Grader Operator - Rough	\$ 14.63
Cement Mason/Concrete Finisher	\$ 12.56	Painter - Structures	\$ 18.34
Concrete Pavement Finishing Machine Operator	\$ 15.48	Pavement Marking Machine Operator	\$ 19.17
Crane, Hydraulic 80 tons or less	\$ 18.36	Pipelayer	\$ 12.79
Crane, Lattice Boom, 80 tons or less	\$ 15.87	Reclaimer/Pulverizer	\$ 12.88
Crane, Lattice Boom, over 80 tons	\$ 19.38	Reinforcing Steel Setter	\$ 14.00
Crawler Tractor	\$ 15.67	Roller Operator, Asphalt	\$ 12.78
Directional Drilling Locator	\$ 11.67	Roller Operator, Other	\$ 10.50
Directional Drilling Operator	\$ 17.24	Scraper Operator	\$ 12.27
Electrician	\$ 26.35	Servicer	\$ 14.51
Excavator, 50,000 lbs. or less	\$ 12.88	Spreader Box Operator	\$ 14.04
Excavator, over 50,000 lbs.	\$ 17.71	Structural Steel Worker	\$ 19.29
Flagger	\$ 9.45	Traffic Signal Installer/Light Pole Worker	\$ 16.00
Form Builder/ Setter, Structures	\$ 12.87	Trenching Machine Operator, Heavy	\$ 18.48
Form Setter - Paving & Curb	\$ 12.94	Truck Driver Tandem Axle Semi-Trailer	\$ 12.81
Foundation Drill Operator,		Truck Driver, Lowboy-Float	\$ 15.66
Truck Mounted	\$ 16.93	Truck Driver, Single Axle	\$ 11.79
Front End Loader Operator, 3CY or less	\$ 13.04	Truck Driver, Off Road Hauler	\$ 11.88
Front End Loader Operator, over 3 CY	\$ 13.21	Truck Driver, Single or Tandem Axle Dump Truck	\$ 11.68
Laborer, Common	\$ 10.50	Welder	\$ 15.97
		Work Zone Barricade Servicer	\$ 11.85

<http://www.wdol.gov/wdol/scafiles/davisbacon/tx.html>

The Wage Compliance information detailed below was excerpted from General Decision TX20070043 or other DOL sources.

1. Additional Trade information:

Unlisted classifications needed for work not listed within the scope of the classifications listed may be added upon the advance approval of Contract Procurement. CONTRACTOR shall submit to City of Austin Contract Procurement the following: classification, a bona fide definition of work to be performed and a proposed wage with sample payrolls conforming to area practice prior to the start of the job for that type of work. Proposed trade may not be performed by any trade already listed.

2. Wages

For overtime, the basic hourly rate listed in the contract wage determination must be used in computing pay obligations.

Wage Rates Payroll Reporting
Heavy and Highway

Rev. Date 01/11/2013

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PREVAILING WAGES

- Classifications
 - The nature of the work
 - No “Helpers”
 - Split classifications
 - Multiple wage determinations **(5 ft. rule for Building)**

PRIME CONTRACTOR WAGE CHECKLIST

Solic. # _____

Project: _____

I, _____ on behalf of _____
(Contractor Representative) (Contractor)

acknowledge that I have completed the following tasks prior to the start of construction work:

(check each box once completed then sign and date below)

1	<input type="checkbox"/>	Review the provided prevailing wage rates and confirm that they are the same as those in your contract; notify CMD if there are any additional classifications that are needed to perform the work
2	<input type="checkbox"/>	Check Subcontractor Expenditure Report (subK) for accuracy; ensure that all subcontractors listed match the approved Compliance Plan from SMBR
3	<input type="checkbox"/>	Collect the following from all subcontractors on the project and provide to CMD:
	<input type="checkbox"/>	Workers' Compensation Certificate
	<input type="checkbox"/>	Proof of registration for all Apprentices who will be working on the project
	<input type="checkbox"/>	Form SF1413 <i>(federally-funded projects only)</i>
4	<input type="checkbox"/>	Provide electronic copies of the pre-con wage handouts to all subcontractors covered by Davis-Bacon, and ensure they fill out the 'wage checklist' for subs
5	<input type="checkbox"/>	Display all wage-related posters at the job site where visible to workers
6	<input type="checkbox"/>	Fill out Employee Certification and Payroll Deduction Authorization Forms for all workers that will be present at the work site, and have workers sign and date their forms
7	<input type="checkbox"/>	Check your payroll reports to make sure they include all information required by the City, and that the classifications are consistent with those on the prevailing wage rate determination(s) & accurately reflect the work being done
8	<input type="checkbox"/>	On <i>federally-funded projects</i> , verify the validity of each worker's Social Security Number through e-verify ; notify all subcontractors to do the same.

The project records *(including certified payroll and certifications for the prime and all subcontractors)* _____
will be available for review at the following location: _____

Signature

Date

RETURN COMPLETED CHECKLIST TO CMDWAGECOMPLIANCE@AUSTINTEXAS.GOV

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SUBCONTRACTOR WAGE CHECKLIST

Solic. # _____

Project: _____

I, _____ on behalf of _____
(Subcontractor Representative) (Subcontractor)

acknowledge that I have completed the following tasks prior to the start of construction work:

(check each box once completed then sign and date below)

1	<input type="checkbox"/>	Review the contract's prevailing wage rates and notify the Prime Contractor if there are any additional classifications that are needed to perform your work
2	<input type="checkbox"/>	Provide the following to the Prime Contractor:
	<input type="checkbox"/>	Workers' Compensation Certificate <i>(identify Prime and Project Name)</i>
	<input type="checkbox"/>	Proof of registration for all Apprentices who will be working on the project
	<input type="checkbox"/>	Form SF1413, filled out <i>(federally-funded projects only)</i>
3	<input type="checkbox"/>	Fill out Employee Certification and Payroll Deduction Authorization Forms for all workers that will be present at the work site, and have workers sign and date their forms
4	<input type="checkbox"/>	Check your payroll reports to make sure they include all information required by the City, and that the classifications are consistent with those on the prevailing wage rate determination(s) & accurately reflect the work being done

EXEMPT SUBCONTRACTORS

Any subcontractors performing the following types of work are exempt from Davis-Bacon and do not need to comply with the prevailing wage requirements (unless noted):

- a. Professional Services, such as: Surveying, Photography, Testing, Engineering, Architecture/Design *(unless they perform duties as laborers or mechanics)*
- b. Traffic Service Companies and Equipment Rental Companies which rent equipment to the prime contractor and perform only incidental functions at the site in connection with delivery of the equipment *(on site repair work is not exempt)*
- c. Off-site Fabrication *(unless site of fabrication is in a facility dedicated to the project)*
- d. Material suppliers (ie, the manufacture and delivery to the work site of supply items, when accomplished by bona fide material suppliers operating facilities serving the public in general, and where time spent on site is minimal)
- e. Technicians *(unless they perform duties as laborers or mechanics)*

Signature

Date

RETURN COMPLETED CHECKLIST TO THE PRIME CONTRACTOR



PRECONSTRUCTION PACKET

Required Posters provided to Contractor

- Wage scales from Project Manual Section 00830
- Workers' Compensation – English & Spanish
- Texas Payday Law Notice – English & Spanish
- Contact & Wage Dispute Notice – English & Spanish
- Equal Employment Opportunity Notice
- Title VI
- Rest Break – English & Spanish
- Additional posters for federally-funded projects



RECORD KEEPING

- Certified payroll reports
- Signed wage compliance statement
- Employee certifications
- Payroll deduction authorization
- Fringe benefits
- Apprentices

WEEKLY PAYROLL
(For Contractor's Optional Use: See Instructions)

NAME OF CONTRACTOR <input type="checkbox"/> OR SUBCONTRACTOR <input type="checkbox"/>		ADDRESS										PAGE ____ OF ____ SHEETS								
PAYROLL No.		FOR WEEK ENDING		PROJECT AND LOCATION						PROJECT/CONTRACT NO.										
(1) NAME AND ADDRESS OF EMPLOYEE	(2) WORK CLASSIFICATION	Overtime or Straight Time	(3) DAY AND DATE							(4) TOTAL HOURS	(5) RATE OF PAY/FRINGES	(6) GROSS AMOUNT EARNED - THIS JOB/ALL JOBS	(7) DEDUCTIONS - BASED ON GROSS WAGES FOR ALL PROJECTS					(8) NET WAGES PAID FOR WEEK		
			Wed	Thu	Fri	Sat	Sun	Mon	Tue				FWH	MCARE	FICA	*OTHER	TOTAL DEDUCTIONS			
			HOURS WORKED EACH DAY																	
	OT											/					#1			
	ST											/					#2			
	OT											/					#3			
	ST											/					#4			
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* THIS COLUMN SHOULD MATCH THE PAYROLL AUTHORIZATION FORM.

- Required fields
- No standard form
- No SSNs

Employee Certification

Project Name: _____ Solicit. #: _____

Contractor: _____

Subcontractor: _____

Employee: _____ Pay rate: \$ _____ / hr

Instructions: Check the box next to each classification that you will be performing on this project. The wage rate listed next to each classification is the *minimum* hourly rate of pay that an employee must be compensated for performing that type of work.

Note: The prevailing wage rates listed below are applicable to this project ONLY.

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Truck Driver (Lowboy)	\$ 8.00	\$ -	\$ 8.00
Waterproofor	\$ 12.13	\$ -	\$ 12.13

Mi firma certifica que la información proporcionada arriba es correcta y que he recibido una copia de este documento. Si mi empleador me pide que realizar otro oficio que no está seleccionado antedicho, el empleador debe pagarme la tasa aplicable, o más alto, para esa clasificación.

(Firma del Empleado)

(Fecha)

(Firma del testigo)

(Fecha)

(Teléfono del Empleado)

(Nombre impreso del testigo)

- Form provided at pre-construction meeting
- Rates from contract (project-specific)
- Check all applicable classifications
- Signed by employee and witness
- English and Spanish versions available

Payroll Deduction Authorization Form

This is authorization for
(Esta es autorización para)

_____ *Name of Contractor (Nombre del Contratista)*

to deduct from my paycheck the amount of \$ _____
(a deducir de mi cheque de pago de la cantidad de)

Payment Type (Tipo de Pago)	Deduction Amount (\$) (Cuanto para Deducción)	Frequency: <i>check which applies</i> (Frecuencia: <i>que se aplica una</i>)			
		One Time Only (una vez solamente)	Weekly (cada semana)	Bi-Weekly (cada dos semanas)	Monthly (cada mes)
Loans (Prestados)					
Retirement (Retiro)					
Advance on Wages (Deniro avanzar de pago)					
Savings (Ahorros)					
Savings Bonds (Enlance que ahorra)					
Uniforms (Uniformes)					
Credit Union/Bank (Banco o unión de crédito)					
Profit Sharing (Distribución de Beneficios)					
Donations (Donaciones)					
Insurance Premiums (Primas de seguro)					
Union Dues (Pagos de la union)					
Child Support (Manutención de Niños)					
Other - Specify (Otro - Especifique)					

- If an employee has deductions on the payroll, they must fill out this form along with the employee certification.
- List of all permitted deductions from wages under 29 CFR 3.5

Employee's Signature: _____
(Firma del Empleado)

Date: _____
(Fecha)

Employee's Printed Name: _____
(Nombre impreso del Empleado)

Project Name: _____
(Nombre del Proyecto)

Job Classification: _____
(Clasificación del Proyecto)

Hourly Base Wage: \$ _____ (THIS PROJECT ONLY)
(Pago por Hora) (ESTE PROYECTO SOLAMENTE)



FRINGE BENEFITS

- The Davis-Bacon Act and 29 CFR 5.23 list fringe benefits to be considered. Examples are:
 - Life Insurance
 - Health Insurance
 - Pension
 - Vacation
 - Holidays
 - Sick Leave
- The following are NOT allowable fringe benefits:
 - Use of a truck
 - Periodic bonuses
 - Any benefit required by federal, state or local law such as: workers compensation, unemployment compensation, or social security contributions



APPRENTICES

- Must be enrolled in DOL-approved apprenticeship program prior to starting work
- Hourly rate based on percentage of contract's Journeyman rate, per the worker's level in apprentice program.
- Follow apprentice program's rule for approved Ratios
- Required documentation for apprentices
 - DOL enrollment – “RAPIDS” online
 - Current level in program and percentage of pay
 - List of fringe benefits, if applicable



RECORD KEEPING

- Records availability
 - 2 working days (*includes all subcontract records*)
- Records retention
 - 3 years after substantial completion



SITE VISITS

- Initial visit within 5 weeks of NTP
- Visit may include the following:
 - Check for wage postings
 - Perform record spot-checks
 - Observations
 - Conduct employee interviews
- Follow-up visits



WAGE AUDITS

- Federally-funded projects

- Contractor is informed at preconstruction meeting that all payroll information must be provided at the beginning of the project
- Payrolls must be submitted weekly to the City
- All employees must be paid not less than once weekly for the work performed the previous week
- Federal audits are completed on a quarterly basis and continue throughout the duration of the project
- Contractor is responsible for using the E-verify online program to confirm the Social Security numbers of all workers (including subs)

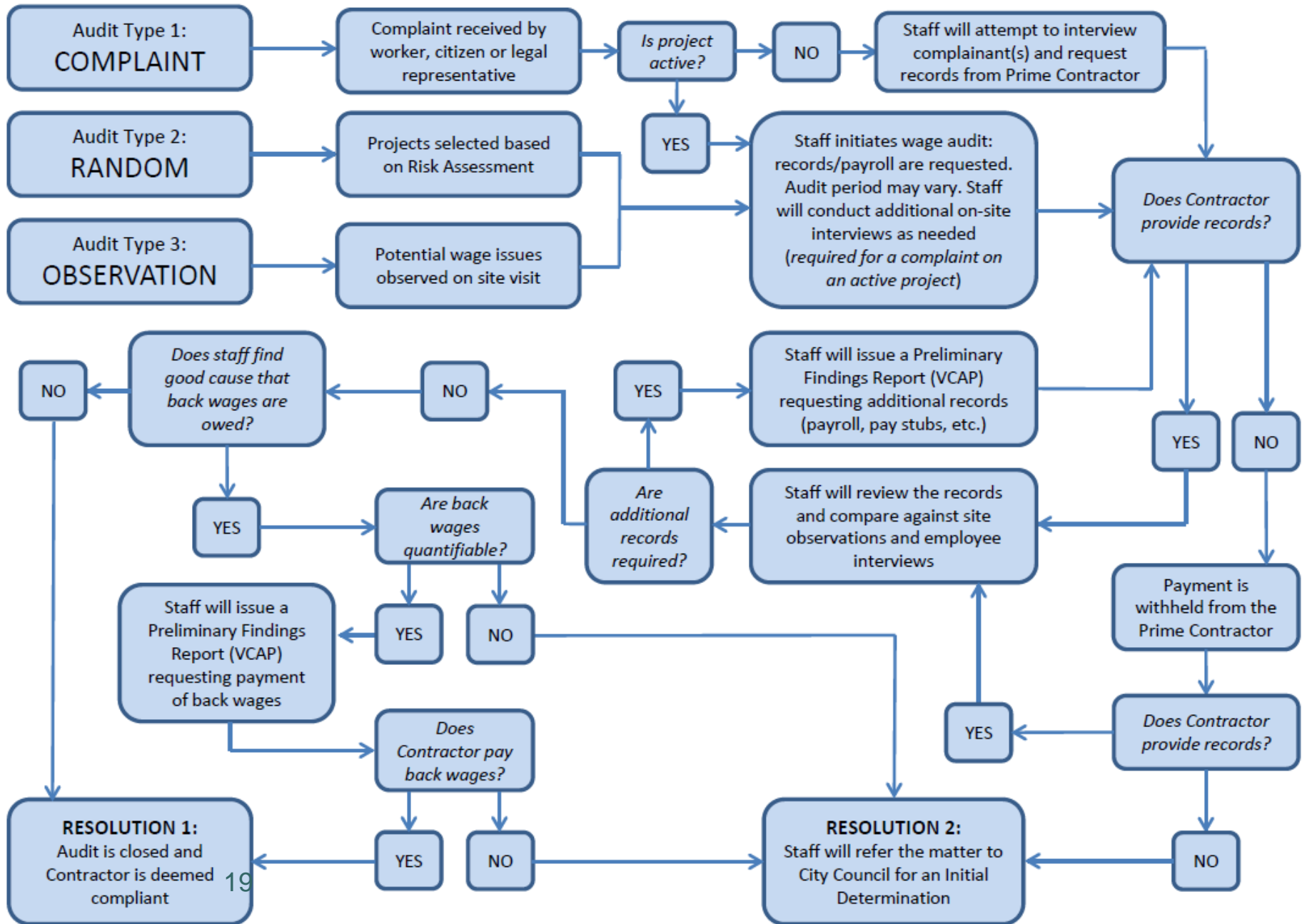


WAGE AUDITS

- Other causes for audit:

- **Random** – projects selected using Risk Assessment method
- **Observation** – based on site observations/interviews by City staff
- **Complaint** – based on receipt of complaint from worker or other outside party

City of Austin - WAGE AUDIT PROCESS





PRIME-SUB RELATIONSHIP

○ Prime's Responsibilities

- Subcontractor's compliance with contract
 - Section 00700, Article 6.4.4: "CONTRACTOR shall be fully responsible to OWNER for all acts and omissions of the Subcontractors, Suppliers and other persons and organizations performing or furnishing any of the Work under a direct or indirect contract with CONTRACTOR just as CONTRACTOR is responsible for CONTRACTOR's own acts and omissions."
- Collecting records from subcontractor
- Payment to subcontractor within 10 calendar days of receiving payment from City
 - Exception: Prime may withhold payment from sub, ONLY if that amount is first withheld from the Prime by the City of Austin as a result of non-compliance with the Contract by the sub



CONTRACT VIOLATIONS

- Administrative Violations

- Failure to display posters
- Failure to provide records

- Wage Violations

- Back wages owed to one or more worker due to underpayment, misclassification, etc.



SANCTIONS AND PENALTIES

What happens if a Contractor violates the Conditions of the Contract?

- Funds may be withheld from Prime Contractor, who can then withhold funds from the subcontractor, until the matter is resolved.
- A Contractor or Subcontractor who violates their contract may be required to pay, under state Statute 2258, assessed fees in addition to any back wages due.
- Confirmed Retaliation taken by Contractor against employees who provide information during an interview or investigation on wages received may result in suspension or debarment from consideration of award on future City projects.



SANCTIONS AND PENALTIES

What happens if a Contractor is unable to pay the affected workers?

- Scenario 1: The Contractor refuses to pay the back wages owed
 - The City will retain the amount owed to the worker(s)
 - The matter will be taken to City Council for an initial determination, where the Contractor will either settle with the worker(s) or go to arbitration
- Scenario 2: The Contractor agrees to pay the back wages owed, but the worker(s) cannot be located or the check does not clear
 - The City will retain the amount owed to the worker(s)
 - The amounts will be moved to an unclaimed funds account



MOST COMMON ISSUES OF NON-COMPLIANCE

- Required forms are not available to Owner in a timely manner upon request.
- Postings weren't displayed properly on-site.
- Workers performed duties under more than one classification without recording time on each classification and/or without paying the higher wage rate of the multiple classifications



MOST COMMON ISSUES OF NON-COMPLIANCE

- Weekly payroll reports weren't kept or provided in a timely manner upon request by Owner of contract, including failure to provide documentation from subcontractors
- Employees' duties were misclassified.
- Contractor paid straight time for overtime hours worked.



OTHER CONTRACTUAL REQUIREMENTS

- OSHA Training and Cards
- Workers Compensation Coverage and Certificates
- Rest Break Ordinance



FREQUENTLY ASKED QUESTIONS

1. Q. Will an audit cause work to stop?

A. No. Employees will not all be interviewed at the same time; others may continue to work while interviews are taking place.

2. Q. What if workers are performing the duties of two classifications?

A. Contractor may choose to keep records of the time employees worked at each classification and pay workers accordingly, or the employees must be paid the higher wage of the multiple classifications.

3. Q. Where should records be retained for three years?

A. The contractor must decide where to store and retain payroll records. The contractor is required to retain payroll records for three years after completion of the contract, and responsible for providing copies of records to Owner within two (2) working days if requested.



FREQUENTLY ASKED QUESTIONS

4. Q. Are subcontractors required to fill out the required documents?

A. Yes. The contract requires that the Employee Certification form be filled out and signed by each of the contractor's AND subcontractors' employees. It is strongly recommended that these be filled out prior to the employee beginning work on the site.

5. Q. Is the contractor allowed to choose which workers will be interviewed?

A. No. It is at the discretion and authority of the contract owner/auditor to decide which employees will be interviewed.

6. Q. Are workers allowed to decline interviews?

A. No. Employees must participate when asked to interview by the COA auditor. At this point the contractor should have notified the employees of periodic audits, and instructed them to participate.

Q & A





WHOM TO CONTACT

Contract Management Department

Contract Administration Division

City of Austin

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