

Prevailing Wage

- ▶ The hourly wage, usual benefits and overtime, paid to the majority of workers, laborers, and mechanics within a particular area.
- ▶ Established by regulatory agencies for each trade and occupation, employed in the performance of public work.
- ▶ Determined annually on July 1, and effective through June 30 in NYS.
- ▶ Determined by virtue of collective bargaining agreements between labor organizations and employees of the private sector.



History of Prevailing Wage

- ▶ In an effort to get Americans back to work during the Great Depression, Congress passed the **Davis–Bacon Act** of 1931, signed into law by President Herbert Hoover
- ▶ This federal law established the requirement for paying the local prevailing wages on public works projects for laborers and mechanics.
- ▶ It applies to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works.



Public Works

- ▶ A public entity must be a party to a contract involving the employment of laborers, workers or mechanics.
- ▶ The contract must concern a public work project.
- ▶ To be public work, the project's primary objective must benefit the public.
- ▶ Under NYS labor law: no laborer performing public work shall work more than 8 hours per day or 5 days per week, except in cases of "extraordinary emergency."

Article 8 Section 220, NYS Labor Law



Certified Payroll

- ▶ Certified payrolls are original payrolls or transcripts thereof, subscribed and affirmed as true under the penalty of perjury.
- ▶ Original payrolls or transcripts are required to be preserved for five years from the date of completion of work.



Certified Payroll Compliance

- ▶ This compliance is a **legal obligation** that the SCWA is required to abide by as described by the NYS Department of Labor Law (Article 8 & (Section 220).
- ▶ Predominantly all of the **Prevailing Wages** are determined by collective bargaining agreements.



Certified Payroll Compliance

- ▶ We are **mandated** to collect certified payrolls and review them for facial validity.
- ▶ SCWA is the Contracting Agency also known as the Department of Jurisdiction.



**STATE OF NEW YORK
DEPARTMENT OF LABOR
BUREAU OF PUBLIC WORK**

CASE ID #

PCR #
OFFICIAL USE ONLY

CERTIFICATION OF OFFICER OF CONTRACTOR OR SUBCONTRACTOR

I, _____, am an officer with the title
NAME OF OFFICER
of _____ in the firm of _____
and am authorized by that firm to sign and swear to the validity and accuracy of the statements below:

(1) I pay or supervise the payment of laborers, workers and mechanics employed by _____ on the _____ day of _____ 20____ and ending the _____ day of _____ 20____, all laborers, workers and mechanics employed on said project were paid the wages and supplements recorded as earned on the attached payroll records. No deductions have been made either directly or indirectly from the wages and supplements other than deductions shown on the payroll records.

(2) The payroll records submitted for the above period and attached hereto are correct and complete. The number of hours shown for each employee reflects the actual hours worked by that employee. The classification shown for each employee is accurate and conforms with the work he or she performed.

Signed _____

Title of Officer _____

Name of Firm _____

Address _____

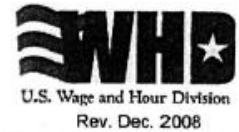
Sworn to before me this _____ day of _____ 20____

NOTARY PUBLIC OR OFFICIAL AUTHORIZED TO ADMINISTER OATHS

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE SIGNATORY OF THIS CERTIFICATION AND CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION.

PAYROLL

(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)



Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

NAME OF CONTRACTOR OR SUBCONTRACTOR

ADDRESS

OMB No.: 1235-0008
Expires: 01/31/2015

PAYROLL NO

FOR WEEK ENDING

PROJECT AND LOCATION

PROJECT OR CONTRACT NO

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK	
			HOURS WORKED EACH DAY										FICA	WITH- HOLDING TAX	OTHER	TOTAL DEDUCTIONS			
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W. Washington, D.C. 20210

THIS CERTIFICATION MUST BE COMPLETED ON EACH WEEKLY PAYROLL FORM USED BY THE CONTRACTOR OR SUBCONTRACTOR

Date _____

I _____
 (Name of signatory party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by _____

 (Contractor or Subcontractor)

_____, that during the payroll period commencing on the _____

day of _____, 20____, and ending the _____ day of _____ 20____
 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
 (Contractor or Subcontractor)

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 Articles 8 and 9 and described below:

(2) That any payrolls submitted for the above period are correct and complete; that the wage rates for laborers, workers, 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, worker or mechanic conform with the work he/she 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, worker 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).

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

- Each laborer, worker, 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:

SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE ARTICLES 8 AND 9.

WEEKLY PAYROLL

For Contractor's Optional Use. The use of this form meets payroll notification requirements; as stated on the Payroll Records Notification.

NAME OF CONTRACTOR <input type="checkbox"/>		SUBCONTRACTOR <input type="checkbox"/>		ADDRESS					
FEIN	FOR WEEK ENDING	PROJECT AND LOCATION				PROJECT OR CONTRACTOR NO.			

(1) NAME, ADDRESS, AND LAST 4 DIGITS OF SOCIAL SECURITY NUMBER OF EMPLOYEE	(2) NO. OF WITH- HOLDINGS	(3) WORK CLASSIFICATION	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK
			ST or OT	HOURS WORKED EACH DAY									FICA	WITH- HOLDING Tax	OTHER	TOTAL DEDUCTIONS		
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Keywords
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AP-Certified Payroll - 12/26/2018

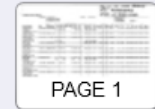
| 2 Pages

2 Notes

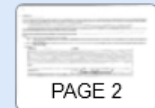
Notes

Document Type
 AP-Certified Payroll
Document
 AP-Certified Payroll - 12/26/2018

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*CHASTER ST. LAKE GROVE
P.O. 450
ORDER NO. 166*

Certified Payroll Report

Contractor: PAT NOTO, INC.
30 WISCONSIN COURT
BAY SHORE, NY 11706

Project: SCWA #7413

Employee Name	SSN	Work Classification	Pay Type	Hours Worked by Day							Timesheet Hours	Paid Hours	Pay Rate	Job Fringe Rate	Total Gross Pay	Total Security	Total Federal	Total State	Total Other	Total Deduct	Net Pay		
				Thu	Fri	Sat	Sun	Mon	Tue	Wed													
Driver/Foreman		OT		8.00	8.00			8.00	8.00	40.00	40.00	61.50	2,531.25	0.00	2,531.25	0.00	43.35	385.50	183.26	229.25	838.96	2,082.50	
Operator Hours		RT		8.00	8.00			8.00	8.00	40.00	40.00	61.60	2,484.00	0.00	2,802.95	0.00	40.64	527.00	176.06	265.45	1,006.15	1,793.40	
Grease Time		RT		0.50	0.50			0.50	0.50	2.50	2.50	86.14	338.55	0.00	3,802.55	0.00	40.64	527.00	176.06	265.45	1,009.15	1,793.40	
DT				1.00						1.00	1.00	123.30			737.60		46.73	10.69	48.00	38.02	108.50	240.44	497.16
Operator Hours		RT		8.00	8.00			8.00	8.00	40.00	40.00	61.60	2,484.00	0.00	5,339.35	0.00	77.42	567.00	186.95	121.00	952.37	4,386.98	
Grease Time		RT		0.50	0.50			0.50	0.50	2.50	2.50	86.14	215.33	0.00	5,339.35	0.00	77.42	567.00	186.95	121.00	952.37	4,386.98	
Driver		RT		8.00	8.00			8.00	8.00	40.00	40.00	52.00	2,382.00	0.00	2,392.00	148.30	34.69	198.90	134.97	223.96	730.92	1,652.08	
OT				2.00				1.00		4.00	4.00	78.00			1,844.00		114.33	26.73	149.00	96.32	270.00	656.38	1,187.62
Operator Hours		RT		8.00	8.00			8.00	8.00	40.00	40.00	61.60	2,484.00	0.00	2,879.35	166.12	38.89	447.00	165.31	256.25	1,073.54	1,806.81	
Grease Time		RT		0.50	0.50			0.50	0.50	2.50	2.50	86.14	215.33	0.00	2,879.35	166.12	38.89	447.00	165.31	256.25	1,073.54	1,806.81	



Current Queue

SER Review Queue

Tasks



Approved



Rejected

Related Items

Display Template ▾ Filter ▾ Tasks ▾ Execute Script Task ▾

Icon	Document Type	SCWA PO Number	SCWA Ver
	AP-Eng Vendor Invoice	4500052566	00001018
	AP-Certified Payroll	4500052566	00001018
	AP-Notary Certificate	4500052566	00001018

<No Template>

SES Work Folder Filter | 3 Items

View Primary Document

Clerk of the Works

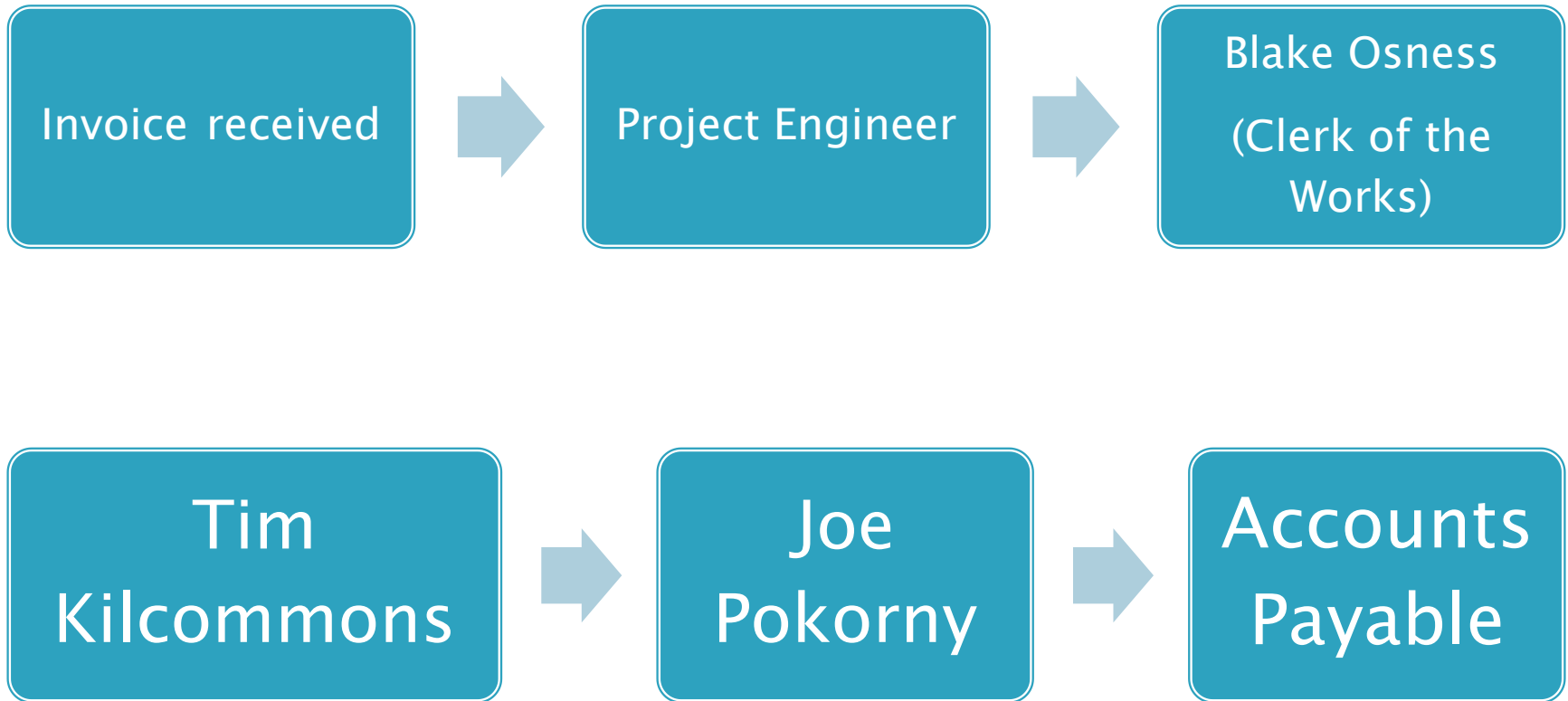
- ▶ Every SCWA vendor or contractor is under contract obligation to follow the rules set forth.
- ▶ It is my role to ensure vendors are in compliance with their SCWA contract.
- ▶ The Clerk of the Works ensures protocol is followed by:
 - Contractors
 - Contractor's employees
 - SCWA departments



Workflow

- ▶ All certified payroll and notary certificates are attached to the invoice and routed to Clerk of the Works for approval.
- ▶ Accounts payable works closely with Clerk of the Works to resolve any discrepancies in the certified payroll or notary certificates before the contractor is paid.

Workflow [Engineering]



Manual vs. Automatic Process

- ▶ With the manual process, C/M certified payroll was separated from the service entry sheet and the review process by the Clerk of the Works occurred later.
- ▶ The automated process holds the *contractor accountable at the beginning* of the process because Accounts Payable is reviewing the package.
- ▶ AP ensures dates on the invoice match the dates on the certified payroll.
- ▶ The documents are all related and stay together throughout the workflow.
- ▶ Retrievable by multiple departments.
- ▶ **The Clerk of the Works is now able to audit the wages on all of the certified payrolls, before the payment is made. Any problems are addressed right away.**



Certified Payroll & Notary Certificate

NYS DOL Requirement – Prevailing Wage

Manual Process

- ▶ Package separated by department.
- ▶ Contractor sometimes submitted certified payroll separately.
- ▶ No way of knowing if reviewed by Clerk of the Works.

Automated Process

- ▶ Documents remain together.
- ▶ Contractor accountability from the beginning.
- ▶ 100% reviewed by Clerk of the Works prior to payment.



Amended Wage Adjustment

- ▶ Each calendar quarter, the law requires liable employers to report their payroll and pay unemployment insurance contributions.
- ▶ Amendments to a report must be made in the quarter in which the error is made.



Enforcement

- ▶ NYS Department of Labor is the enforcement agency.
- ▶ NYS DOL can inform the Clerk of the Works of potential suspicious activity from contractors
- ▶ NYS DOL conducts routine inspections of contractors.
- ▶ Consistent dialogue with Clerk of the Works.



Prosecution

- ▶ NYS District Attorney's Office is the prosecution agency in labor matters.
- ▶ Penalties vary by case, whether the defendant willfully or unwittingly violated the law, etc.
- ▶ Penalty may be interest up to **16%** from the date of underpayments to the date of restitution and a penalty of up to **25%** of the wages, supplements and interest due.
- ▶ Possible **jail time**.



Questions?

