



"keeping it fair, for contractors and workers"

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Via e-mail: WHDPRAComments@dol.gov

Mary Ziegler, Director
Division of Regulations, Legislation and Interpretation
Wage and Hour Division
U.S. Department of Labor
Room S-3502
200 Constitution Ave. NW
Washington, DC 20210

Re: Control No. 1235-0008
Comments on Davis-Bacon Certified Payroll submissions

Dear Ms. Ziegler:

I am the Executive Director for the Indiana-Illinois-Iowa Foundation for Fair Contracting ("III FFC"). The III FFC is a labor-management organization established to support, promote, and encourage fair contracting by providing a "level playing field" in the public construction arena for contractors, workers, and taxpayers. To this end, the III FFC monitors certain public construction projects from inception to completion. By these activities, the III FFC enhances opportunities in support of fair bidding for responsible contractors, ensures the fair payment of wages and fringe benefits to employees, and protects taxpayer dollars.

The III FFC submits the following comments supporting the collection of information on certified payroll records submitted by contractors and subcontractors performing work on federally financed or assisted construction contracts.

The basic elements of effective DBRA and Copeland Act enforcement are reporting, reviewing, and investigating. Submission of certified payroll records and a signed "Statement of Compliance" is critical to effective enforcement of the Davis-Bacon and Related Acts (DBRAs) and Copeland Act by helping ensuring transparency when contractors report wage and fringe benefit payments on DBRA-covered projects. These records give the U.S. Department of Labor (USDOL) and contracting agencies the opportunity to review the wage information to better ensure compliance. If a concern is identified, certified payroll records are essential to an efficient investigation.

Certified payrolls are critical to agency functions because they give the USDOL and awarding agencies the opportunity to spot-check DBRA compliance without having to physically visit jobsites or contract contractors unless a concern is identified. The practical significance of this information collection is that the transparency required on certified payroll records encourages DBRA compliance by providing information in an organized and consistent format. Thus, allowing initial compliance review to begin in an office rather than out in the field.

Certified payroll records are also relied on by compliance organizations, such as the III FFC, to "red flag" compliance issues and bring these concerns to the contracting agency or Department for enforcement. For example, an III FFC monitor may visit a construction site and observe 5 workers on the jobsite, including 2 operating engineers, 2 laborers and 1 truck driver. If a review of certified payroll records (obtained through a Freedom of Information Act request) lists only 3 employees, or lists 4 laborers and 1 operating engineer, this is a red flag. Similarly, certified payroll records that are incomplete, report unusual hours, or list wage rates and benefits less than the wage determination, may indicate that a contractor does not understand the DBRA requirements or is intentionally non-compliant.

Where there is a "red flag" the Department can investigate further by visiting the jobsite or addressing concerns with the contractor. Without certified payrolls to review, effective compliance monitoring would require the USDOL and awarding agencies to spend significant resources indiscriminately monitoring jobsites and investigating contractors instead of focusing efforts on contractors with problems identified on the payroll submissions.

Increased use of electronic forms and reporting are likely to decrease the burden on contractors providing certified payroll information. An electronic version of Form WH-347 is available online and allows contractors to save data. Electronic recordkeeping, and Form WH-347 in particular, minimize the burden on contractors required to provide the records; contractor information such as name, address, project, location, contract number, and certain employee information will remain the same throughout the course of a project. This information can be saved as a template for each weekly submission, decreasing preparation time.

Further, upon information and belief, many governmental accept electronic submission of certified payroll records (e.g. via e-mail) and it is likely that electronic submission will become increasingly common in the future. This will also decrease the burden on contractors by minimizing packaging and postage costs.

For the above reasons, the III FFC supports continued collection of certified payroll information and the USDOLs request for approval to extend this information collection requirement.

Very truly yours,



Marc R. Poulos
Executive Director