

August 6, 2014

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

RE: *Proposed Extension of the Approval of Information Collection Requirement that Contractors and Subcontractors on Federal and Federally Assisted Construction Subject to Davis Bacon Labor Standards Submit Weekly Certified Payroll in Accordance with the Copeland Act. **Control Number 1235-0008***

Dear Director Ziegler:

The Fair Contracting Foundation of Minnesota (FCF) is a construction industry sponsored non-profit association that monitors legal compliance in Minnesota's construction industry. We submit this letter in strong support of the extension of the approval of the information collection requirement for all contractors working on Davis-Bacon construction projects.

The U.S. Department of Labor is charged with the responsibility of enforcing the Davis-Bacon Act that has ensured high standards and quality construction on federally funded projects for over 80 years. Their enforcement efforts are primarily complaint driven, meaning individuals need to come forward and file a complaint. The single greatest impetus for a complaint is when a contractor's payroll submissions are inconsistent with a worker's paycheck. This evidence is forever lost if the contractors are not required to submit weekly certified payroll. In turn, enforcement of this law is significantly reduced, if not nearly eliminated.

Furthermore, the certified payroll submission requirement requires the contractor to affirm the wages that they are paying. This affirmation, if proven false, is strong and valuable evidence that the contractor is committing fraud on the government.

Lastly, the payroll submission requirement educates and deters contractors from unlawful wage activity. If payroll is no longer collected some contractors will unwittingly make payment errors because they've had no reason to explore this legal requirement. Less scrupulous contractors, however, might become undeterred

in cheating the workers out of Davis-Bacon wages because enforcement is impractical without payroll submission and post hoc explanations could serve as a defense if the Department of Labor were to ever investigate.

In summary, the requirement for certified payroll from the contractors on Davis-Bacon projects often creates the impetus for valid complaints when there are inconsistent records. The same payroll, if collected, gives the DOL solid self-incriminating evidence that can be used to enforce the law. In addition and perhaps the greatest reason yet to keep the payroll submission requirement is that it serves as a natural check against wage theft on federal projects.

FCF of Minnesota requests that the Wage and Hour Division of the U.S. DOL extend the approval of the information collection requirement that all contractors on Federal Davis-Bacon construction projects submit weekly certified payroll. If you have any questions or I can be of assistance in this request, please contact me.

Best Regards,

A handwritten signature in cursive script that reads "Mike Wilde".

Mike Wilde
FCF Executive Director
mwilde@fcfmn.org