

UNITED STATES VIRGIN ISLANDS HOUSING FINANCE AUTHORITY



Community Development Block Grant- Disaster Recovery (CDBG-DR) Community Development Block Grant- Mitigation (CDBG-MIT) Labor Standards Policy and Procedures VERSION 1.0

The policies and procedures stated in this manual are current as of 5/20/2024. This Manual represents the current version of the Labor Standards policies which shall provide general guidance for the CDBG-DR/MIT Programs. All manuals will be reviewed periodically and will be updated. Therefore, you are strongly urged to visit our website <https://cdbgdr.vihfa.gov/> to ensure that you have the latest version.

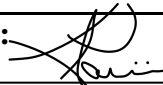
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VERSION NUMBER	DATE REVISED	DESCRIPTION
1.0	9/1/2023	Combined DBRA and Section policy into one policy.
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1.0. Background

The Virgin Islands Housing Finance Authority (VIHFA) is the administering agency of a multifaceted effort to rebuild and restore the communities of the United States Virgin Islands after the devastation sustained during Hurricanes Irma and María on September 6 and September 20, 2017. The Community Development Block Grant - Disaster Recovery (CDBG-DR) funds received by VIHFA from the United States Department of Housing and Urban Development (HUD) are to fund the unmet needs for the recovery activities. In recovery activities of the territory, CDBG-DR has placed requirements for recipients of these funds to ensure that those from economically disadvantaged backgrounds have a fair chance at employment and fair livable wages in the reconstruction of the territory. For those reasons, the Davis Bacon and Related Acts and the Section 3 of the Housing and Urban Development Act of 1968 are imposed and required in our programs.

As recipients of CDBG-DR funds, VIHFA and its contractors and subcontractors working within CDBG-DR Programs are subject to the requirements of the Davis- Bacon Act of 1931 (DBA), 40 U.S.C. § 3141 *et seq.*, which guarantees fair wages, benefits, and overtime to employees while working on government-funded construction, alternation, or repair projects in excess of \$2,000.

Additionally, VIHFA CDBG-DR complies with the Section 3 of the Housing and Urban Development Act of 1968 which is to “ensure that employment and other economic opportunities generated by certain U.S. Department of Housing and Urban Development (HUD) financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed to low and very low income individuals, especially recipients of government assistance for housing and to businesses which provide economic opportunities to low and very low income individuals.”

All of our home reconstruction and other public construction projects are to include requirements of both DBRA and Section 3 into their respective programs and projects.

2.0. Scope

This document sets forth the policy governing the labor compliance rules and requirements regarding Section 3 Rule requirements as well as Davis Bacon and Related Acts Requirements (DBRA). These guidelines are intended to aid VIHFA staff, subrecipients, contractors, and subcontractors in complying with and provide program activity guidance in the implementation and monitoring for adherence to Section 3 and DBRA requirements from program implementation to closeout and should not be construed as exhaustive instructions. All activities must comply with the policies hereby stated. In addition, all program staff must adhere to established program procedures and all federal and state laws and regulations in effect, as applicable, in the execution of program activities.

VIHFA may amend this policy as necessary to ensure continued compliance with HUD’s requirements and/or to reflect updated Section 3 and DBRA guidance.

3.0. Definitions and Acronyms

Apprentices - Refers to: (i) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor (DOL), Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency² recognized by the Bureau, or (ii) a person in the first ninety (90) days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. 29 C.F.R. § 5.2(n)(1).

Best Efforts - Contractor provides their best effort and greatest extent feasible to meet Section 3 plan goals. Reported results will be compared to the outcome metrics defined in the benchmark notice.

- VIHFA program staff will evaluate the level of effort expended by contractors that fail to meet the benchmark safe harbor, and thus will ensure that the statutory terms are being properly enforced.
- VIHFA has decided not to distinguish between the two terms, but rather focus on the outcomes produced toward meeting the Section 3 benchmarks and goals.

Building or Work - Includes construction activity as distinguished from manufacturing, furnishing of materials, or servicing and maintenance work. The terms include without limitation, buildings, structures, and improvements of all types, such as bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, canals, dredging, shoring, rehabilitation and reactivation of plants, scaffolding, drilling, blasting, excavating, clearing, and landscaping. The manufacture or furnishing of materials, articles, supplies or equipment (whether or not a Federal or State agency acquires title to such materials, articles, supplies, or equipment during the course of the manufacture or furnishing, or owns the materials from which they are manufactured or furnished) is not a building or work within the meaning of the regulations in this part unless conducted in connection with and at the site of such a building or work as is described in the foregoing sentence, or under the United States Housing Act of 1937 (Housing Act of 1937), 42 U.S.C. § 1437 et seq., and the Housing Act of 1949, 42 U.S.C. § 1441 et seq., in the construction or development of the project. 29 C.F.R. § 5.2(i).

Business Concern – a business entity formed in accordance with State law, and which is licensed under State, county, or municipal law to engage in the type of business activity for which it was formed.

Business Owner - The term “employee employed in a bona fide executive capacity” includes any employee who owns at least a bona fide twenty percent (20%) equity interest in the enterprise in which the employee is employed, regardless of whether the business is a corporate or other type of organization, and who is actively engaged in its management. 29 C.F.R. § 541.101.

Construction, Completion, or Repair - All types of work done on a particular building or work at the site thereof, including, without limitation, altering, remodeling, painting, and decorating, the transportation of materials and supplies to or from the building or work by the employees of the construction contractor or construction subcontractor, and the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of the building or work, by persons employed at the site by the contractor or subcontractor. 29 C.F.R. § 5.2(j).

Contract - Any prime contract which is subject wholly or in part to the labor standards provisions

of any of the acts listed in 29 C.F.R. § 5.1 and any subcontract of any tier thereunder, let under the prime contract. A State or local Government is not regarded as a contractor under statutes providing loans, grants, or other Federal assistance in situations where construction is performed by its own employees. However, under statutes requiring payment of prevailing wages to all laborers and mechanics employed on the assisted project, such as the Housing Act of 1937, State and local recipients of Federal- aid must pay these employees according to Davis-Bacon labor standards. 29 C.F.R. § 5.2(h). It is important to distinguish that an independent contractor may be covered by DBRA if the job performed is related directly to the CDBG-DR project.

Contractor - Any entity entering a contract with:

- A recipient to perform work in connection with the expenditure of public housing financial assistance or for work in connection with a Section 3 project; or
- A subrecipient for work in connection with a Section 3 project

Davis-Bacon Act - Federal law requiring payment of local prevailing wages and fringe benefits as determined by the DOL on certain federally funded projects.

Davis-Bacon and Related Acts - Those Acts extend the Davis-Bacon Act provisions to Federal agencies that provide financial assistance for public works construction through grants, loans, guarantees, and insurance.

Employment Opportunities Generated by Section 3 Covered Assistance – Employment opportunities generated by the expenditure of Section 3 covered public assistance (i.e., operating assistance, development assistance and modernization assistance, (as described in Section 135.3 (a) (1)). With respect to Section 3 covered housing and community development assistance, this term means all employment opportunities arising in connection with Section 3 covered projects (as described in Section 135.3 (a) (2)), including management and administrative jobs. Management and administrative jobs include architectural, engineering, or related professional services required to prepare plans, drawings, specifications, or work write-ups; and jobs directly related to administrative support of these activities, e.g., construction manager, relocation specialist, payroll clerk, etc.

Fringe Benefits - Health insurance premiums, retirement contributions, life insurance, vacation, and other paid leave as well as some contributions to training funds. Fringe benefits do not include employer payments or contributions required by other Federal, State, or local laws, such as the employer’s contribution to Social Security or some disability insurance payments.

- The fringe benefits enumerated in the Davis-Bacon Act include medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing; unemployment benefits; life insurance, disability insurance, sickness insurance, or accident insurance; vacation or holiday pay; defraying costs of apprenticeship or other similar programs; or other bona fide fringe benefits. Fringe benefits do not include benefits required by other Federal, State, or local law. 29 C.F.R. § 5.2(p).

Helper - A distinct classification of “helper” will be issued in wage determinations (WD) applicable to work performed on construction projects covered by the labor standards provisions of the Davis-Bacon and Related Acts only where (i) The duties of the helper are clearly defined and distinct from those of any other classification on the wage determination; (ii) The use of such helpers is an established prevailing practice in the area; and (iii) The helper is not employed as a trainee in an informal training program. A “helper” classification will be added.

HUD Handbook - HUD Handbook No. 1344.1 REV-2 entitled Federal Labor Standards Requirements in Housing and Urban Development Programs. This Handbook prescribes the

policies, procedures and responsibilities of HUD Office of Labor Relations staff and program participants in the administration and enforcement of labor standards provisions related to HUD programs. This issuance contains twelve chapters and associated appendices dealing, primarily, with labor standards matters relating to the Davis-Bacon and Related Acts. The issuance also addresses the procedures and responsibility of HUD Office of Labor Relations Staff, public housing agencies and Tribally designated housing entities in the administration and enforcement of labor standards provisions relating to prevailing wage rates determined by HUD pursuant to the U.S. Housing Act of 1937 and the Native American Housing Assistance and Self Determination Act of 1996 (each as amended).

Labor Hours - The number of paid hours worked by persons on a Section 3 project or by persons employed with funds that include public housing financial assistance (24 CFR 75.5).

Laborer - Workers whose duties are manual or physical in nature (including those workers who use tools or who are performing the work of a trade), as distinguished from mental or managerial. The term laborer or mechanic includes apprentices, trainees, helpers, and, in the case of contracts subject to the Contract Work Hours and Safety Standards Act (CWHSSA), 40 U.S.C.

Low-Income Person – A person as defined in Section 3(b)(2) of the 1937 Act, at or below 80% AMI. Note that Section 3 worker eligibility uses individual income rather than family/household income.

Material Supply Contracts - Contracts for the purchase of products and materials, including, but not limited to, lumber, drywall, wiring, concrete, pipes, toilets, sinks, carpets, and office supplies.

New Hires – full-time employees for permanent, temporary, or seasonal employment opportunities recently hired.

Prevailing Wage - The wage paid to the majority (more than fifty percent (50%)) of the laborers or mechanics in the classification on similar projects in the area during the period in question. 29 C.F.R. § 1.2(a)(1).

Professional Services - Non-construction services that require an advanced degree or professional licensing, including, but not limited to, contracts for legal services, financial consulting, accounting services, environmental assessment, architectural services, and civil engineering services.

Property - One or more buildings on an undivided lot or on contiguous lots or parcels that are commonly owned and operated as one rental, cooperative or condominium project.

Public Housing Financial Assistance - Assistance as defined in 24 CFR Part 75.3(a)(1).

Public Housing Project - defined in 24 CFR 905.108.

Public building/Public Work - Includes building or work, the construction, prosecution, completion, or repair of which, as defined above, is carried on directly by authority of or with funds of a federal agency to serve the interest of the general public regardless of whether title thereof is in a Federal agency. 29 C.F.R. § 5.2(k).

Recipient - Any entity that receives directly from HUD public housing financial assistance or housing and community development assistance that funds Section 3 projects, including, but not limited to, any State, local government, instrumentality, PHA, or other public agency, public or private nonprofit organization.

Section 3 - Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u).

Section 3 Covered Contracts – a contract or subcontract (including a professional service contract) awarded by a recipient or contractor for work generated by the expenditure of Section 3 covered assistance, or for work arising in connection with a Section 3 covered project.

- Section 3 covered contracts do not include contracts awarded under HUD's procurement program, which are governed by the Federal Acquisition Regulation (FAR). Section 3 covered contracts also do not include 22 contracts for the purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 covered contract.

Section 3 Covered Project - the construction, reconstruction, conversion or rehabilitation of housing (including reduction and abatement of lead-based paint hazards), other public construction which includes buildings or improvements (regardless of ownership) assisted with housing or community development assistance.

Section 3 Resident – a public housing resident or an individual who resides in the metropolitan area or nonmetropolitan county in which the Section 3 covered assistance is expended and who is a low-to very low-income person.

Section 3 Utilization Plan - A comprehensive document that identifies the goals, objectives, and actions that will be implemented by Awardees and/or Contractors to ensure compliance with the requirements of Section 3. The plan identifies a list of strategies to be adopted for compliance with the stated employment, training, and contracting goals.

Section 8 Assisted Housing - Housing receiving project-based rental assistance or tenant-based assistance under Section 8 of the 1937 Act.

Service Area/Neighborhood - An area within one mile of the Section 3 project or, if fewer than 5,000 people live within one mile of a Section 3 project, within a circle centered on the Section 3 project that is sufficient to encompass a population of 5,000 people according to the most recent U.S. Census.

Site of Work - Is the physical place or places where the building or work called for in the contract will remain; and any other site where a significant portion of the building or work is constructed, provided that such site is established specifically for the performance of the contract or project. 29 C.F.R. § 5.2(l)(1). It is the place where the Davis-Bacon wage rates apply. It can include other adjacent or virtually adjacent property used by a contractor or subcontractor in the construction of the project.

Small Public Housing Authority (PHA) - A public housing authority that manages or operates fewer than 250 public housing units.

Subcontractor - Any entity that has a contract with a contractor to undertake a portion of the contractor's obligation to perform work in connection with the expenditure of public housing financial assistance or for a Section 3 project.

Subrecipient - A subrecipient, as defined by 24 CFR 570.500(c), is a public or private nonprofit agency, authority, or organization, or a for-profit agency assisted under 24 CFR 570.201(o) receiving CDBG funds from the grantee or another subrecipient designated by a grantee to receive CDBG funds to carry out CDBG-eligible activities.

Targeted Section 3 Worker- has the meanings provided in 24 CFR Part 75.11, 75.21, or 75.29, and does not exclude an individual that has a prior arrest or conviction.

Trainee - A person registered and receiving on-the-job training in a construction occupation under a program which has been approved in advance by the U.S. DOL, Employment and Training Administration, as meeting its standards for on- the-job training programs and which has been so certified by that Administration. 29 C.F.R. § 5.2(n)(2).

Volunteer - An individual who performs service for a public or private entity for civic, charitable, or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered, on a HUD-assisted or insured project which is subject to a requirement to pay prevailing

wage rates.

Wages - The basic hourly rate of pay; any contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a bona fide fringe benefit fund, plan, or program; and the rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing bona fide fringe benefits to laborers and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan of program, which was communicated in writing to the laborers and mechanics affected.

Wage determination (WD) - A list of wage rates and fringe benefit rates for each classification of laborers and mechanics determined by DOL to be prevailing in a given area for a particular type of construction. The wage determination includes the original decision and any subsequent decisions modifying, superseding, correcting, or otherwise changing the provisions of the original decision. 29 C.F.R. § 5.2(q).

Youth Build Programs – Community Based Pre-Apprenticeship programs that provide job training and educational opportunities for at risk youth between the ages of 16-24 where they learn vocational skills in construction, as well as in other in-demand industries that include healthcare, information technology, and hospitality.

4.0. Davis Bacon and Related Acts

The federal Davis-Bacon Act of 1931 and Related Acts (DBRA) include roughly sixty (60) statutes that contain prevailing wage provisions requiring contractors and subcontractors working on federally funded jobs/projects to pay their laborers wages and benefits no less than what others pay their workers for similar projects, locally. Minimum Davis-Bacon wages are “based on the wages the Secretary of Labor determines to be prevailing for the corresponding classes of laborers and mechanics employed on the project of a character similar to the contract work” in that local area (40 U.S.C. 3142). In other words, the U.S. Department of Labor (DOL) sets Davis-Bacon wages and maintains them over time. The wage determinations are published online at [SAMS.gov](https://www.dhs.gov/sams). Each wage determination lists a base rate and a fringe rate to be paid for each worker classification.

The Office of Davis-Bacon and Labor Standards (DBLS) is responsible for HUD’s overall compliance with the federal prevailing wage requirements applicable to HUD-funded programs. [Title I of the Housing and Community Development Act of 1974](#) requires the payment of local prevailing wage rates (which are determined by the U.S. Department of Labor (DOL)) to all workers on HUD-funded construction projects, which may include CDBG-DR and CDBG-MIT, (referred to as HUD-funded or funds in this document) in excess of \$2,000 for the following types of projects:

- Construction, alteration, or repair (including painting and decorating) of public buildings or public works.
- Residential construction which consists of projects involving the construction, alteration, or repair (including painting and decorating) of eight (8) or more separate, contiguous single-family houses operated by a single entity as a single project, or eight (8) or more units in a single structure. ([42 USC §5310](#); [40 USC §3142\(d\)](#)).

The Davis-Bacon and Related Acts (DBRA) apply 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, public works, or residential

construction of eight (8) or more separate, contiguous single-family houses operated by a single entity as a single project, or eight (8) or more units in a single structure.

VIHFA, partner agencies, and subrecipients of HUD funds shall comply with HUD and DOL ensuring contractor compliance with federal statutes. All contracts and subcontracts subject to Davis Bacon and Related Acts (DBRA) requirements shall contain the following provisions, taken from [Federal Labor Standards Provisions, Form HUD-4010](#).

Exceptions

The following contracts and activities are exempt from Davis-Bacon labor standards requirements except where indicated:

- Prime Construction contracts of \$2,000 or less.
- Single Family, Owner-Occupied Residences.
- Rehabilitation of residential properties containing fewer than eight (8) units.

4.1. Davis Bacon and Related Acts Objectives

VIHFA has established the following objectives to administer and enforce Davis- Bacon requirements:

1. Apply prevailing wage requirements properly - Make certain that prevailing wage and reporting standards are applied where required. Ensure that any exemptions, exceptions, or limitations are identified.
2. Support labor standards compliance - Provide training, technical support, and oversight to program participants, including contractors and subcontractors, to ensure that program participants understand their obligations under Federal labor standards.
3. Monitor contractor compliance - Conduct reviews of certified payroll submissions and other information to ensure that employers comply with labor standards requirements including the payment of prevailing wages to laborers and mechanics.
4. Investigate probable violations and complaints – Thoroughly explore any evidence of violations, especially allegations of underpayment. Ensure full resolution of substantiated violations.
5. Pursue debarment and other available sanctions against repeat labor standards violators - Implement a no-tolerance policy toward employers and any other program participants who repeatedly violate prevailing wage requirements and/or fail to properly carry-out their labor standards responsibilities.

4.2. Roles and Responsibilities

4.2.1. VIHFA

As the grantee, VIHFA will execute oversight and monitoring of the applicable programs for Davis-Bacon by exercising the following functions outlined in this list of key responsibilities and actions related to labor standards compliance for the CDBG-DR/ MIT, and EGrid programs:

1. Designate staff to ensure labor standards compliance by reviewing certified payrolls weekly and coordinating with the Program Manager for recipient feedback.

2. Confirm and integrate project-specific labor standards provisions, including Davis- Bacon wages and reporting, into construction contracts.
3. Facilitate a pre-construction kickoff conference with contractors and provide technical support on prevailing wages and reporting matters to recipients and contractors.
4. Oversee compliance through periodic spot-check reviews of certified payrolls, enforcing penalties for violations, and identifying willful breaches through checks and employee interviews.
5. Maintain comprehensive records, transmit enforcement reports to DOL and HUD, mandate labor standards clauses in CDBG-DR-funded contracts, and establish a responsive complaints process while monitoring subrecipient and contractor performance.

4.2.1.1. Labor Compliance Specialist

The Labor Compliance Specialist plays a crucial role in overseeing labor compliance within the CDBG- DR/MIT and EGrid Programs, ensuring adherence to federal and local regulations for HUD labor standards. Serving as the main contact for Davis-Bacon and Related Acts (DBRA) reporting and compliance, this specialist is the central point of contact for VIHFA and all program-related entities. Duties include:

1. Offers pre-construction labor standards advice to contractors and project principals, ensuring compliance with contractor eligibility requirements.
2. Ensures that the wage determinations are selected for construction contracts.
3. Collaborates with the Director of Planning and Construction and Compliance and monitoring Senior Manager to establish and implement compliance policies and procedures in line with federal and local labor regulations.
4. Monitors weekly submission of Certified Payroll Reports (CPRs) and associated records, addressing discrepancies with staff and contractors.
5. Conducts investigations into alleged contractors or labor violations, facilitating compliance and project completion.
6. Offers technical assistance and training to subrecipients, program managers, and staff.
7. Submits Semi-Annual Labor Standard Enforcement Report(HUD form 4710)

For inquiries, Subrecipients, contractors, subcontractors, and others can contact VIHFA's Labor Compliance Specialist at: dr_compliance@vihfa.gov.

4.2.1.2. Program Staff

The program staff consists of the Director of Program, Program Managers, as well as staff. The Program Manager and staff will complete and assess each project utilizing the Labor Standard Record. to determine if the project is applicable to Davis Bacon and if certified payrolls are required. Additionally, complete the Construction Completion Certificate

The Program Staff duties encompass:

1. Collection and Tracking of Certified Weekly Payrolls: Regularly collect and closely monitor certified weekly payrolls submitted by prime contractors and subcontractors. Certified payrolls detail hours worked, wages paid, and pertinent worker information. Update Davis Bacon Certified Payroll Tracker.

2. **Timely Reminders of Payroll Deadlines:** Send reminders to subrecipients/contractors' subcontractors ahead of payroll deadlines. Address past due or missing payrolls promptly to maintain accurate tracking and oversight of the project.
3. **Categorization and Filing of Payrolls:** Ensure systematic and organized filing of certified weekly payrolls for easy reference, adhering to labeling conventions.
4. **Maintenance Labor Compliance Files:** Maintain well-organized individual project compliance files containing relevant labor regulations and payroll documents for audit or review purposes.
5. **Documentation of Communication:** Keep detailed records of correspondences with subrecipients/ contractors, documenting meetings, agreements between both parties, and resolution of issues.
6. **Monthly Status Reporting:** Compile payrolls from prime contractors and subcontractors. These compiled payrolls must be attached to the Monthly Status Report for review by Compliance and monitoring.
7. **Contract Maintenance:** Ensure all Prime contractors' and subcontractors' contracts are maintained in the project files including any modifications and amendments.

4.2.2. Subrecipient Responsibilities

All Subrecipients participating in CDBG-DR/MIT and EGrid projects which are applicable to Davis-Bacon requirements will perform the following:

1. Designate staff to review and enforce proper wage rates, offer feedback to contractors, and submit accurate payrolls to VIHFA.
2. Submit Monthly Status Report to VIHFA program staff.
3. Ensure certified payroll submission for covered contracts, and. provide feedback, rectify underpayments, and conduct enforcement measures when necessary.
4. Provide oversight and management of all construction contracts to ensure that the scope of work, project timeline, and deliverables are met.
5. Provide training, and technical assistance, and adhere to VIHFA's record-keeping standards.
6. Maintain meticulous documentation for internal and external monitoring visits, in accordance with VIHFA's recording requirements.
7. Ensure all contracts include provisions from Federal Labor Standards Provisions, Form HUD-4010.

4.2.3. Construction Contractor's Responsibilities

To ensure compliance with CDBG-DR programs, construction contractors will perform the following:

1. Attending pre-construction kickoff conferences with VIHFA for Davis-Bacon training and labor standards. Actively engage in training and seek technical assistance before and during construction.
2. Use the DOL's Wage and Hour Division Payroll Form WH-347 to record and submit certified weekly payroll or other approved format by VIHFA.
3. Maintain consistent compliance throughout the project, documenting adherence to Davis-

Bacon and Related Acts regulations:

- a. Keep employment records for laborers and mechanics.
 - b. Submit detailed certified payroll reports.
 - c. Document fringe benefit programs. (i.e. insurance, per diem, meals, uniforms, housing)
 - d. Provide weekly payroll reports with a Statement of Compliance, using original hand-signed signatures. VIHFA will only accept electronic signatures approved by HUD payroll system vendors.
 - e. Display the Davis-Bacon Employee Right and Virgin Islands minimum Wage Poster at the work site.
 - f. Ensure both prime contractors and subcontractors certify payrolls by signing the Statement of Compliance on form WH-347 and submitting it to the subrecipient.
4. Prime contractors hold responsibility for subcontractors' compliance with federal labor standards.
 5. Maintain relevant payroll records and supporting documents for at least three years after project completion.

4.2.4. Delineation of Duties and Responsibilities

Program Staff	VIHFA Labor Compliance Specialist
<ul style="list-style-type: none"> ✓ Completes Labor Standards Prequalification form. ✓ Assigns Labor Standards Officer ✓ Review Monthly Status Report ✓ Ensures Monthly Certified Payrolls submission and review. ✓ Follows up with Subrecipients for project status updates. ✓ Enforces oversight and resolution of disputes. ✓ Prepares monitoring documents. ✓ Maintains Labor Compliance Record and project files. ✓ Collects, tracks, and categorizes Certified Weekly Payrolls 	<ul style="list-style-type: none"> ✓ Conducts Pre-bid construction conference. ✓ Conduct Contractor Kick-off meeting ✓ Selects Wage determination. ✓ Verifies Contractor Standing ✓ Monitors the submission of weekly Certified Payroll Reports (CPR's) ✓ Reviews Payrolls for discrepancies ✓ Provides Technical Assistance and training to Program Subrecipients, and Contractors. ✓ Conducts Site visits and Employee interviews. ✓ Conducts Monitoring

5.0. Davis Bacon and Related Acts and Section 3 Rules Alignment

Compliance with Section 3 must be achieved through consistency with the requirements of Davis-Bacon as both require tracking of labor hours. Davis Bacon's certified weekly payroll can be utilized to track Section 3 labor hours by contractors who identified Section 3 workers on a contract. Certain construction contracts are subject to compliance with the requirement to pay

prevailing wages determined under the Davis-Bacon Act (40 U.S.C. 3141 et seq.) and implementing U.S. Department of Labor regulations in 29 CFR Part 5. Additionally, certain HUD-assisted rehabilitation and maintenance activities on public housing projects are subject to compliance with the requirement to pay prevailing wage rates, as determined or adopted by HUD, to laborers and mechanics employed in this work. (24 CFR § 965.101). For additional guidance on Davis- Bacon see VIHFA Davis Bacon Policy and Procedures, <https://cdbgdr.vihfa.gov/>.

6.0. Section 3 Rules

Section 3 is a provision of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) regulated by 24 CFR 75. Section 3 regulations ensure that employment and other economic opportunities generated by certain Housing and Urban Development (HUD) financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons. VIHFA CDBG-DR/MIT and EGrid uses HUD annual income limits to determine Section 3 income qualifications for the territory.

On April 4, 2019, HUD proposed a rule to update the Section 3 regulations. The proposed rule incorporated a change from tracking the number of Section 3 qualified new hires in public housing financial assistance and Section 3 projects to tracking the total labor hours worked. Additionally, HUD issued a proposed benchmark notification. The proposed benchmark notification included a proposed benchmark number and the methodology for determining the benchmarks.

The benchmark for Section 3 workers is set at 25% or more of the total number of labor hours worked by all workers on a Section 3 project. The benchmark for Targeted Section 3 workers is set at 5% or more of the total number of labor hours worked by all workers on a Section 3 project.

6.1. Section 3 Objectives

VIHFA has established the following objectives to administer and comply with Section 3:

- Support labor standards compliance - Provide training, technical support, and oversight to program participants, including contractors and subcontractors, to ensure that program participants understand their obligations under Federal labor standards.
- Monitor contractor(s) compliance - Monitoring contractor compliance on a regular basis; assisting and actively cooperating with the Secretary of HUD in obtaining contractor compliance; penalizing noncompliance; and refraining from entering contracts with any contractor who has previously failed to comply with the requirements of Section 3.
- Facilitate the award of contracts to Section 3 business concerns: Assist contractor with information regarding local Section 3 Business Concerns.
- Investigate probable violations and complaints
- Recordkeeping- Maintained documentation to support all actions taken to comply with the requirement of Section 3. Report Quarterly Section 3 data for eligible activities in the Disaster Recovery Grant Reporting (DRGR) System
- Inform contractors about the HUD Section 3 Opportunity Portal:

<https://hudapps.hud.gov/OpportunityPortal/>

6.2. Section 3 Projects

Section 3 projects are housing rehabilitation, housing construction, and other public construction projects assisted under HUD programs that provide housing and community development financial assistance when the total amount of assistance to the project exceeds a threshold of \$200,000. The threshold is \$100,000 where the assistance is from the Lead Hazard Control and Healthy Homes programs, as authorized by Sections 501 or 502 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 or 1701z-2), the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.); and/or the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 et seq.).

A Section 3 project is the site or sites together with any building(s) and improvements located on the site(s) that are under common ownership, management, and financing. A Section 3 project meets the requirements regardless of whether the project is fully or partially assisted under HUD programs that provide housing and community development financial assistance.

A recipient is any entity that receives directly from HUD public housing financial assistance or housing and community development assistance that funds Section 3 projects, including, but not limited to, any State, local government, instrumentality, Public Housing Authority, (PHA), or other public agency, public or private nonprofit organization. It does not include contractors or any intended beneficiary under the HUD program to which Section 3 applies, such as a homeowner or a Section 3 worker.

The following is a list of examples of program funds applicable to Section 3:

- Community Development Block Grant (CDBG)
- HOME Investment Partnership
- Housing Trust Fund (HTF)
- Neighborhood Stabilization Program Grants (NSP 1, 2 & 3)
- Housing Opportunities for Persons with AIDS (HOPWA)
- Emergency Solutions Grants (ESG)
- University Partnership Grants
- 202/811 Grants
- Lead Hazard Control Grants (\$100,000 threshold)
- Healthy Homes Production Grants (\$100,000 threshold)
- Rental Assistance Demonstration (RAD) ([website, www.hud.gov/rad/](http://www.hud.gov/rad/))

Section 3 requirements do not apply to:

- Material (Only) Contracts or those contracts that do not require any labor— 24 CFR § 75.3(b)
- Indian and Tribal Preferences – 24 CFR § 75.3(c), and
- Section 8 Project-based voucher or project-based rental assistance housing payment contracts
- Other HUD assistance and other Federal assistance not subject to Section 3 24 CFR §75.3 (d).¹

Section 3 is triggered when the normal completion of construction and rehabilitation projects creates the need for new employment, contracting, or training opportunities. The Section 3 regulations should not be construed to mean that recipients are required to hire Section 3 residents or award contracts to Section 3 businesses other than what is needed to complete covered projects/activities. If the expenditure of covered funding does not result in new employment, contracting, or training opportunities, the requirements have not been triggered.

The requirements of Section 3 only apply to the portion(s) of covered funding that were used for projects/activities involving housing construction, rehabilitation, demolition, or other public construction. However, for financial assistance that is not subject to Section 3, recipients are encouraged to consider ways to support the purpose of Section 3.

6.3. Roles and Responsibilities

6.3.1. Labor Compliance Specialist

The Labor Compliance Specialist plays a crucial role in overseeing compliance by ensuring adherence to federal and local regulations for HUD labor standards. Serving as the main contact for Section 3 reporting and compliance. Duties include:

1. Offers pre-construction Section 3 training to contractors and project managers, ensuring compliance with contractor eligibility requirements.
2. Provides technical assistance to subcontractors and contractors to maintain compliance with Section 3 requirements.
3. Collaborates with programs and internal departments: Procurement, Legal, and Compliance and Monitoring to ensure consistent alignment with federal and local labor regulations.
4. Monitors monthly submission of Monthly Status Reports (MSRs) and the performance of Subrecipient and contractors by examining employment and contract records for evidence of actions taken to train and employ Section 3 residents and to award contracts to Section 3 businesses.
5. Conducts investigations into alleged contractors or labor violations, including a complaint alleging systemic problems, evidence of potential noncompliance noted during routine monitoring, and indications of noncompliance found in required reports.
6. Maintain and provide contractors with a registry of local small and disadvantaged business concerns, compiled from various sources, including community organizations, and public or private institutions serving the project area.
7. Conducts Site Inspections to ensure compliance with Section 3 requirements
8. Conducts outreach efforts to target Section 3 workers for contractors needed section workers to meet the requirements. Performs all Section 3 Qualitative Efforts.

9. Prepares Section 3 Annual Summary Report (Form HUD-60002) in accordance with 24 CFR Part 135.90.

6.3.2. Senior Compliance and Monitoring Manager

The Senior Compliance and Monitoring Manager responsibilities include:

1. Oversees the Labor Compliance Unit and ensures compliance with Section 3 Rules and Requirements.
2. Implement Section 3 Rules policy and procedures.
3. Collaborates with programs and internal departments: Procurement, Legal, and Compliance and Monitoring to establish and implement compliance policies and procedures aligned with federal and local labor regulations.
4. Prepare Section 3 quarterly report

6.3.3. Director- Policy, Procedures, and Regulatory Services

The Director of Policy, Procedures, and Regulatory Services oversees the entire compliance and monitoring roles and responsibilities to include compliance with labor regulations such as the Section 3 rules and requirements. Responsibilities also include:

1. Ensure collaboration with internal units for Section 3 alignments and compliance.
2. Create Section 3 policy and procedures.
3. Enter the Section 3 quarterly report data into DRGR quarterly.

6.3.4. Program Management/Staff

1. Contractor Management: Manages Project contracts, ensuring the scope of work is performed and activities are carried out as specified in the contractual agreement. Track start and end dates of work for each contract.
2. Self-Certification Forms: Manages the distribution and collection of Section 3 Self Certification forms from Subrecipient. Ensure that the forms are completed accurately and submitted on time.
3. Monthly Tracking: Review the submission of the Monthly Section 3 Project Employee List from all contractors. Verify accurate labor hour documentation in the tracker and address discrepancies. Promptly address compliance issues and work with contractors on corrective actions
4. Monthly Reporting: Review the Subrecipient's Monthly Status Report (MSR) for compliance with the Section 3 reporting requirement. Ensuring that the applicable section in the report is completed. If necessary, collaborate with subrecipients or contractors to address inaccuracies identified in the report. Ensure accurate, reliable, and verifiable data reporting.
5. Recordkeeping Requirement: Maintain organized records for compliance, self- certification,

labor hours, and outreach. Ensure documentation is audit ready.

6. Site Visits: Conduct regular inspections to verify compliance and gather information.

6.3.5 Subrecipients/Partner Agency

All subrecipients are required to follow the requirements and instructions provided by VIHFA. These established guidelines will be used to assist the program with complying with Section 3 rules. Under the CDBG-DR/MIT and EGrid programs, these are projects that have a scope of construction (housing or other public construction), rehabilitation, and/or demolition. Subrecipient duties include:

1. Procurement and Contract – ensure that the CDBG-DR/MIT and EGrid Federal Riders including the Section 3 clause, are included in all CDBG-DR/MIT and EGrid funded contracts; provide contractors with the Section 3 Appendices (as applicable), Section 3 Business Certification Form, and collect their completed reporting forms for all open, applicable contracts.
2. Recruitment Strategies: Develop strategies with contractors that will specifically target Section 3 residents and Section 3 Business Concerns.
3. Self-Certification Form: Manages the distribution and collection of Section 3 Self - Self-Certification forms from contractor(s) Submit the Section 3 monthly Employee Listing to the VIHFA program Manager.
4. Monitoring: Ensure that the Contractor and Subcontractor are compliant with Section 3 reporting requirements. Periodically review the benchmarks with contractors and subcontractors to ensure that requirements are understood.
5. Recordkeeping Requirement: Maintain organized records for compliance, self-certification, labor hours, and outreach. Ensure documentation is audit ready.
6. Subrecipients/Partner Agencies will complete all reporting forms and submit them to VIHFA by the due date.
7. Monthly Status Report: Provides updates on Section 3 labor hours and recruitment on MSRs.

6.3.6. Contractors

All Prime and Subcontractors working on projects funded or assisted by HUD are required to comply with Section 3 requirements.

1. Identify Section 3 workers: Estimate their total labor hours expected and identify Section 3 workers and Targeted Section 3 worker hours expected to be generated from the initial contract.
 2. Self-Certification Forms for Section 3 Workers: Contractors must ensure that every worker
-

on the job completes a Self-certification form. This form is used to verify whether the worker qualifies as a Section 3 worker based on their low- income status or residency in HUD-assisted housing. The form typically collects information about the worker's income level, housing status, and other relevant details. This step is crucial to identify and track Section 3 workers accurately.

3. **Use of Certified Weekly Payrolls:** To accurately capture the labor hours worked by Section 3 workers, contractors are required to use the Certified Weekly Payrolls Form WHD 347. These payrolls provide a record of the hours worked by each Section 3 worker along with their corresponding wages and other relevant details. Using certified weekly payrolls ensures accuracy and transparency in reporting labor hours and wages.
4. **Monthly Reporting of Labor Hours:** Once Section 3 workers are identified through the self-certification process, contractors have an ongoing obligation to track and report the labor hours worked by these individuals on the Monthly Section 3 Employee List Report. The tracker helps demonstrate the contractor's compliance with Section 3 requirements and their commitment to providing employment opportunities to targeted individuals with a goal of 25% of all labor hours from Section 3 Low-income workers on a project.
5. **Recruitment Strategies:** Document the qualitative efforts made to provide low and very low-income persons with employment and training opportunities. See 24 CFR 75.26 for a list of qualitative efforts. This information must be provided to the subrecipient monthly.
6. **Monthly Status Report (MSR):** Contractors are mandated to submit monthly reports that detail the labor hours worked by Section 3 workers during that month. These reports should include information about each worker, the number of hours worked, the tasks performed, and the wages paid.

6.4. Employment, Training, and Contracting Goals

6.4.1. Safe Harbor Benchmarks

VIHFA can meet the Safe Harbor determination by certifying they have followed the required prioritization of effort and have met or exceeded the applicable Section 3 benchmarks. VIHFA will comply with the Section 3 benchmark requirements to attain Safe Harbor Compliance.

Contractors and Subcontractors will prioritize hiring effort for Section 3 workers, Targeted Section 3 workers, and Section 3 business concerns at the time their contract is executed. The vendor and subrecipient have acknowledged acceptance of the Section 3 requirements at 24 CFR Part 75 upon the successful execution of the contract or subrecipient agreement.

If VIHFA's subrecipients, contractors, or subcontractors do not meet the safe harbor requirements, they must provide evidence demonstrating they have made qualitative efforts to assist low and very low-income persons with employment and training opportunities. The VIHFA Compliance Department will monitor all qualitative efforts reported by contractors and Subrecipients.

VIHFA encourages contractors and/or subcontractors to make every effort to meet Section 3

benchmarks by utilizing existing qualified employees and by giving hiring priority to qualified eligible Section 3 workers and Targeted Section 3 workers. The safe harbor benchmark goals are as follows:

6.4.1.1. Public Housing Financial Assistance (24 CFR Part 75.9)

The benchmarks for Section 3 projects (housing rehabilitation, housing construction, and other public construction projects, such as demolitions, assisted under HUD programs that provide public housing financial assistance where the amount of assistance to the project exceeds a threshold of \$200,000) are:

1. Twenty-five percent (25%) or more of the total number of labor hours worked by all workers employed with public housing financial assistance in the Public Housing Authority's (PHA) fiscal year are Section 3 workers. This percentage is calculated as follows:

$$\underline{\text{Section 3 Labor Hours/Total Labor Hours} = 25\%}$$

2. Five percent (5%) or more of the total number of labor hours worked by all workers employed with public housing financial assistance in the PHA's fiscal year are Targeted Section 3 workers, as defined at 24 CFR Part 75.11.³ This percentage is calculated as follows:

$$\underline{\text{Targeted Section 3 Labor Hours/Total Labor Hours} = 5\%}$$

6.4.1.2. Housing and Community Development Financial Assistance

Most VIHFA CDBG programs to include CDBG-DR/MIT and EGrid projects will fall under this type of assistance and include housing rehabilitation, housing construction, and other public construction projects, such as demolitions. Section 3 Benchmarks for these projects are those that exceeds a threshold of \$200,000 are:

1. Twenty-five percent (25%) or more of the total number of labor hours worked by all workers on a Section 3 project are Section 3 workers. This percentage is calculated as follows:

$$\underline{\text{Section 3 Labor Hours/Total Labor Hours} = 25\%}$$

2. Five percent (5%) or more of the total number of labor hours worked by all workers on a Section 3 project are Targeted Section 3 Workers, as defined in 24 CFR Part 75.21. This percentage is calculated as follows:

$$\underline{\text{Targeted Section 3 Labor Hours/Total Labor Hours} = 5\%}$$

6.4.2. Certification of Prioritization of Effort For Employment, Training, and Contracting Employment and Training

To meet the benchmarks outlined above, subrecipients, contractors, and subcontractors are required to make their best efforts to provide employment and training opportunities to Section 3 workers in the priority order listed below:

1. Persons residing in public or assisted housing.
2. Persons in the area where HUD financial assistance is expended.
3. Participants in HUD Youth Build programs; or
4. All other residents who meet the income guidelines for Section 3 preference (refer to Section 3 Income Limits)

6.4.3. Contracting

VIHFA will encourage contractors and subcontractors to make their best efforts to award contracts and subcontracts to Section 3 business concerns. A business concern is:

1. At least fifty-one (51%) percent or more owned by Section 3 residents,
2. Whose permanent, full-time employees include persons, at least thirty (30%) percent of whom are currently Section 3 residents, or within three years of the date of first employment with the business concern were Section 3 residents, or
3. Provides evidence of a commitment to subcontract in excess of twenty-five (25%) percent of the dollar award of all subcontracts to be awarded to a Section 3 business concern. If a contract is equal to \$1,000,000, the contractor must subcontract in excess of 25 percent, or greater than \$250,000, to a Section 3 Business as defined in 1 or 2 in this part.

Businesses that believe they meet the Section 3 Business requirements may self-register in the HUD Business registry: <https://portalapps.hud.gov/Sec3BusReg/BRegistry/>

A Section 3 business concern can use the HUD Section 3 Opportunity Portal to search for contracts, job positions, and training at <https://hudapps.hud.gov/OpportunityPortal/>

6.5. Section 3 Worker and Targeted Section 3 Worker Certification

A Section 3 Worker is :

Any worker who currently fits or when hired within the past five years fit at least one of the following categories, as documented:

1. The worker's income for the previous or annualized calendar year is below the income limit established by HUD.
2. The worker is employed by a Section 3 business concern.
3. The worker is a Youth Build participant.

The status of a Section 3 worker shall not be negatively affected by a prior arrest or conviction. Nothing in this part shall be construed to require the employment of someone who meets this definition of a Section 3 worker. Section 3 workers are not exempt from meeting the qualifications of the position to be filled.

For a worker to qualify as a Targeted Section 3 worker, one of the following must be maintained:

1. A worker's self-certification of participation in public housing or Section 8-assisted housing programs or choice voucher.
2. Certification from a PHA, or the owner or property manager of project-based Section 8-assisted housing, or the administrator of tenant-based Section 8-assisted housing that the worker is a participant in one of their programs.
3. An employer's certification that the worker is employed by a Section 3 business concern: or
4. A worker's certification that the worker is a Youth Build participant.

All Prime and Subcontractors shall submit the Section 3 Worker Self- Certification form (linked here [Section 3 Self Certification Form](#)) to VIHFA. The Compliance Department will review all submissions and determine if the information provided qualifies the individual as a Section 3 worker or a Targeted Section 3 Worker. VIHFA will not review submissions for individuals with a hire date greater than five (5) years, at the time of certification submission.

To verify a Target Section 3 worker's residence is within one mile of the work site or if there are less than 5,000 individuals who live within one mile of the work site, the VIHFA Compliance and Monitoring Department's Labor Compliance Unit may contact the employer or the worker to collect the following records if necessary:

- Proof of occupancy
- Proof of Income
 - Most recent W-2
 - Recent paystubs (within the most recent 30 days of certification))
 - Proof of public assistance
 - Completed Zero Income Statement
- Proof of public assistance
- Proof of participation in a federally assisted program such as Youth Build.
- Proof of participation in a state or local assistance program, or other programs that assist low- or very-low-income persons.

VIHFA Compliance Unit may contact the individual workers to confirm certification eligibility. All individuals submitting their information into the self-certification form acknowledge that Personal Identifiable Information (PII) and their basic information (name, email, and phone number) may be shared with subrecipients, contractors, and other entities seeking to hire Section 3 certified individuals.

6.5.1. Projects Involving Multiple Sources of Funding

In cases where Section 3 covered projects include multiple sources of funds, including public housing financial assistance, and housing and community development assistance, the PHA is required to follow the definition of Targeted Section 3 workers and priorities as outlined in subpart B of 24 CFR Part 75. For housing and community development financial assistance.

6.6. Section 3 Business Concern Certification

A Section 3 Business Concern shall complete VIHFA's Section 3 Business Certification Form
A Section 3 business concern meets one or more of the following criteria:

1. At least fifty-one percent (51%) of the business is owned and controlled by low- or very low- income persons; or
2. At least fifty-one percent (51%) of the business is owned and controlled by current public housing residents or residents who currently live in Section 8- assisted housing; or
3. Over seventy-five percent (75%) of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers.
4. The status of a Section 3 business concern shall not be negatively affected by a prior arrest or conviction of its owner(s) or employees.
5. Nothing in this part shall be construed to require the contracting or subcontracting of a Section 3 business concern. Section 3 business concerns are not exempt from meeting the specifications of the contract.

6.7. Outreach Efforts For Employment and Training

To educate and inform subrecipients, contractors, and subcontractors, VIHFA's Compliance Department will provide training and technical assistance on a regular basis.

Contractors and subcontractors should employ several active outreach strategies to notify Section 3 workers and Target Section 3 workers of Section 3 job opportunities, including:

1. Clearly indicating Section 3 eligibility on all job postings
2. Work with the Labor Compliance Specialist to connect Section 3 workers and Targeted Section 3 utilizing the Section 3 Opportunity Portal to find qualified candidates.
3. Establish and maintain a current list of Section 3 eligible applicants.

6.8. Outreach Efforts for Contracting

When contracting opportunities arise in connection with the use of HUD-provided funds, such as CDBG-DR, EGrid, or CDBG-MIT, VIHFA will notify Section 3 Business Concerns of Section 3 contracting opportunities. VIHFA will also include Section 3 language to all RFPs, procurement documents, bid offerings, and contracts. Regarding Section 3 Language Requirement for all

contract, subrecipient, and/or other agreements, VIHFA will include Section 3 language in all of them to ensure compliance with regulations in 24 CFR Part 75. This language includes outreach efforts to attract Section 3 workers for opportunities on the contracts/projects.

Outreach efforts include:

- Contact and provide local community organizations with job postings for Section 3 eligible applicants; and
- Coordinate a programmatic ad campaign, which results in widespread job posting across diverse ad networks including, but not limited to:
 - Advertising job opportunities via social media, such as LinkedIn and Facebook.
 - Advertising job opportunities via flyer distributions, mailings, and posting ads in common areas of public housing developments and area public housing management offices.
- Contact resident councils, resident management corporations, and neighborhood community organizations to request their assistance in notifying residents of available training and employment opportunities.

6.9. Section 3 Reporting

VIHFA, as the grantee for CDBG-DR/MIT and EGrid, is required to report compliance with Section 3 rules (24 CFR Part 75) in the Disaster Recovery Grant Reporting (DRGR) System. HUD has performance measures in DRGR to allow grantees to report Section 3 labor hours. In addition, these performance measures provide identifiable metrics for reporting on compliance with Section 3 requirements and will enhance both HUD's and grantees' ability to demonstrate how employment and other economic opportunities are generated by HUD financial assistance.

Section 3 final rule aims to make Section 3 goals and reporting more meaningful and more aligned with statutory requirements. For a comparison of the Section 3 old rules to the new rules see Appendix B.

7.0. Operating Policy and Procedures

7.1. Construction Projects

A construction project covered by federal labor standards, including infrastructure and housing, requires a series of nine (9) specific actions by labor standards, compliance, and procurement personnel.

7.1.1. Pre-Construction

7.1.1.1. Pre-Bid Conference

A pre-bid construction conference will be held with the subrecipient, property developer or owner, engineer, architect, prime contractor, subcontractor(s), inspector(s), LCS, and all applicable

Category	Description	Form
Pre-Construction	<ul style="list-style-type: none"> ➤ Pre-Bid Conference ➤ Construction Contract Awarded. ➤ Contractors Kick off Meeting. 	Labor Standards Record
During Construction	<ul style="list-style-type: none"> ➤ Certified Weekly Payrolls ➤ Site Visits & Employee Interviews ➤ Technical Assistance and Training 	Davis Bacon Certified Weekly Payroll Tracker
Post Construction	<ul style="list-style-type: none"> ➤ Construction Completion ➤ Final Wage Compliance ➤ Recordkeeping Requirement 	Construction Completion Certificate Final Wage Compliance Report

agencies prior to the start of construction. VIFHA will document and retain pre- construction conference minutes, including a list of attendees and an outline of the required federal/state labor requirements.

The pre-construction conference shall include:

- Discussion about prime and subcontractors' responsibilities and obligations.
- Explanation of federal, state, local, and program guidelines.
- Coverage of construction scope, project timeline, payment requests, labor standards, penalties, insurance delivery, wage determinations, and compliance assistance.
- Confirm the Contractors Eligibility Status

Prior to the award or execution of any construction contract funded using HUD funds, the LCS must verify that neither the prime contractor(s) nor any of their subcontractors are listed as “debarred” in the System for Award Management (SAM) at SAM.gov. All contractors must be verified through SAM.gov prior to any formal action authorizing the award of the construction contract to the contractor.

7.1.1.2. Construction Contract Awarded

Each construction contract subject to Davis-Bacon labor standards requirements must include provisions containing labor standards compliance clauses (HUD Form 4010) and a Davis-Bacon wage determination.

7.1.1.3. Labor Standards Pre-Construction Conference

The Labor Standards Pre-Construction Conference will be held with contracts that are awarded the contracts to provide a detailed briefing of key compliance requirements under Davis Bacon and the legal framework, utilizing, the Pre-Construction Conference Report, and discuss the following topics.

Introduction and Overview: Summarize the project's scope, and objectives, and stress the significance of adhering to labor standards.

Legislative Framework: Explain the Davis-Bacon Act (DBA), Copeland Act, Contract Work Hours Safety Standards Act (CWHSSA), and Fair Labor Standards Act (FLSA) and their impact on the project and workforce.

Wages and Classifications: Explain the required VI minimum wages and prevailing wages for laborer and mechanic classes as per DBRA. Describe how to determine and apply wage classifications.

Kickbacks and Payroll: Explain Copeland Act's kickback prohibition and weekly payroll submission requirement. Outline proper payroll format, including WH-347 form, authorized signatures, and timely submission.

Work Hours and Overtime: Discuss CWHSSA's 40-hour work week and overtime pay for hours beyond 40. Explain calculating and recording overtime hours and rates

7.1.1.4. Labor Standards Record Form

The Subrecipient's Program manager will complete the Labor Standards Record, listing the prime and subcontractors performing work per project. This information is relevant for each construction contract over \$2,000.

This information should be submitted for each prime construction contractor and must reflect all subcontractors who have contracted with the prime contractor. If subcontractors change during the construction period, the information should be updated to reflect the change in subcontractors. The Labor Standards Record must be updated to reflect new subcontractors on the project and amends to the scope of work.

Select the Wage Determination

The LCS must obtain the applicable wage determination(s) for each specific HUD funded program, including CDBG-DR and CDBG-MIT construction contracts, where Davis-Bacon and Related Acts (DBRA) regulations apply. The Wage determinations for the Virgin Islands can be found at SAM.gov and are required to be incorporated as exhibits to the contract and posted at the job site, they are listed below.

US Virgin Islands Wage Determination Categories

<p>General Decision Number: VI20230001 01/06/2023</p>	<p>Residential Construction</p>	<p>Residential projects include the construction, alteration, or repair of single-family houses or apartment buildings of no more than four stories in height. This includes all incidental items such as site work, parking areas, utilities, streets, and sidewalks.²</p>
<p>General Decision Number: VI20230001 01/06/2023</p>	<p>Building Construction</p>	<p>Building construction is generally the construction of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment, or supplies. It includes structures, residential structures, the installation of utilities, and the installation of equipment, both above and below grade level, as well as incidental grading, utilities, and paving. Additionally, such structures need not be “habitable” to be building construction. The utilization of heavy machinery and/or equipment does not generally change the project’s character as a building.</p>
<p>General Decision Number: VI20230002 01/06/2023</p>	<p>Highway Construction</p>	<p>Highway projects include the construction, alteration or repair of roads, streets, highways, runways, taxiways, alleys, trails, sidewalks, paths, parking areas, and other similar projects not incidental to residential, building, or heavy construction.</p>
<p>General Decision Number: VI20230002 01/06/2023</p>	<p>Heavy Construction</p>	<p>Heavy projects are those projects that are not properly classified as either building, highway or residential. Unlike these classifications, heavy construction is not a consistent classification. Because of this catch-all nature, projects within the heavy classification may sometimes be distinguished based on their particular project characteristics, and separate schedules issued. For example, separate schedules may be issued for dredging projects, water and sewer line projects, dams, major bridges, and flood control projects.</p>

7.2. During Construction

7.2.1. Certified Weekly Payrolls- Davis Bacon Certified Payroll Tracker

Certified weekly payrolls must be submitted by contractors to the subrecipient or their VIHFA program representative by the preceding Monday. A weekly certified payroll form WH-347 must be completed by each prime and subcontractor, and submitted to the subrecipient, beginning with the first week in which construction begins on the project and for every week thereafter until project completion. If there are no hours worked subject to DBRA compliance, then Form WH-347 should be submitted with a vertical line struck through it. Failure to submit certified payrolls in a timely manner may result in the issuance of a non-compliance notice from VIHFA.

The Subrecipient and program staff must review the payroll submissions in a timely manner. The subrecipient will submit Davis Bacon Certified Payroll Tracker to the VIHFA LCS. This tracker is completed by the subrecipient stating that all payrolls for the prime and subcontractors have been reviewed for the time period covered in the monthly, and weekly certified payroll report for all prime and subcontractors are kept in the local Subrecipient Agreement files.

The LCS will utilize the Verification of Certified Payrolls Checklist to complete audits of all weekly payrolls. The Payroll Review will include the following:

Worker Information: Ensure workers, workdays, classification, and pay rates are accurately listed on the payroll.

Wage Compliance: Pay workers at or above minimum and prevailing wages. Fringe benefits are paid according to the contractor's approved pay plan.

Deductions and Authorizations: Review employee payroll deduction authorizations to verify that deductions are authorized.

Accurate Calculations: Verify that calculated weekly amounts match hours and wage rates.

Overtime Payment: Ensure that overtime is paid only for hours over 40 hours per week at 1.5 times the regular rate. Review overtime compensation for consistency.

Statement of Compliance: Prime contractors and subcontractors must sign the Statement of Compliance. Submit the signed Statement with Form WH-347 to the subrecipient.

7.2.2. On-Site Interviews and Inspections

The Labor Compliance Specialist or other designated inspectors must conduct on-site visits at construction project sites for Section 3 or where Davis Bacon has been triggered. These visits must include employee interviews regarding wages and employment conditions with 10% percentage of workers randomly chosen. The same workers should not be chosen on repeat visits. The labor compliance specialist/inspector will notify the subrecipient of any discrepancies or errors discovered during the site visit and will provide instructions regarding steps that must be taken to correct discrepancies.

Employee interviews should be representative of all classifications of workers on the project and documented on the HUD 11 Form. The number and quality of interviews documented should reflect the LCS's diligence in ensuring that workers are paid, at least, the minimum prevailing wage rates established, the interviews are confidential, and the worker will be asked the type of work they perform and their rate of pay. Employee participation in the interviews is voluntary. If an employee declines to participate, the interviewer should document the file accordingly.

Signage

The prime contractor must post a copy of the wage determination and both English and Spanish at the job site in a place that is easily accessible to all construction workers employed on the project. Copies of the DOL Davis-Bacon poster entitled “Employee Rights under the Davis- Bacon Act, are provided in Appendix C.

7.2.3. Technical Assistance and Training

The Labor Compliance Specialist (LCS) assumes a crucial role in delivering comprehensive technical assistance and training concerning the Davis-Bacon and Labor Standards Acts to subrecipients, program managers, and contractors. With a deep understanding of the regulatory landscape, the LCS will employ a proactive approach to support stakeholders in upholding wage requirements and labor standards. Through structured training modules and personalized guidance, the LCS will foster a clear understanding of prevailing wage rates, labor classifications, and record-keeping obligations. By fostering collaborative relationships and maintaining up-to-date knowledge of evolving regulations, the Labor Compliance Specialist will contribute significantly to the success of federally funded projects while ensuring equitable labor practices and regulatory compliance.

7.3. Post Construction

7.3.1. Submit Certificate of Construction Completion

The Certificate of Construction Completion is a vital document in the VIHFA labor standards construction project file and a formal declaration submitted at the project's end, signifying readiness for handover. The Certificate is jointly signed by the Engineer, Contractor, and Subrecipient. Its main purpose is to comprehensively review the project, confirming alignment with plans, specs, and changes. It affirms successful execution of the project's scope, meeting requirements, and final payment.

7.3.2. Submit Final Wage Compliance Report

The Final Wage Compliance Report serves as a comprehensive document that ensures adherence to labor laws, regulations, and guidelines within the context of construction contracts. This form is to be submitted for every construction contract exceeding \$2000 in value.

Its primary purpose is to monitor and confirm compliance with labor standards, particularly focusing on wage restitution, proper wage rates, overtime payments, liquidated damages, and rectification of any violations that might have occurred during the project. Once completed and submitted, the form becomes a record of the project's compliance history, which can be used for auditing, verification, and legal purposes.

7.3.2.1. Restitution for Underpayment of Wages

Where underpayments of wages have occurred, the prime contractor must pay wage restitution to the affected workers or direct their subcontractor to do so. Wage restitution must be paid

promptly in the full amounts due, less any permissible and authorized deductions in accordance with HUD Handbook 1344.1 Chapter 5.

Notification to the Prime Contractor

The LCS must notify the prime contractor, in writing, of any underpayments found during their review of the prime contractor or subcontractor payroll as well as any other reviews. The notice must describe the underpayments related to Davis Bacon Wage Decisions and provide instructions for computing and documenting the restitution to be paid. The prime contractor and/or its subcontractors are allowed two (2) pay periods to pay restitution to all workers affected, during which time all workers must be paid the correct base, fringe, and overtime rates to avoid further restitution payments. The prime contractor will provide corrected certified payroll forms for the period cited and proof that the restitution has been made to all affected workers to the designated LCS. For underpayments related to overtime, see “overtime and underpayment” below.

If proof of restitution has not been provided, VIHFA reserves the right to withhold payment in the amount sufficient to satisfy the restitution and may require additional documentation before the full reimbursement requests can be processed.

7.3.2.2. Computing Wage Restitution

Wage restitution may be computed as follows:

- Total hours worked times (x) adjustment rate (Davis Bacon rate minus (-) rate paid) = wage restitution due; or
- Total wages earned minus (-) total wages paid = wage restitution due.

Overtime and Underpayment

Overtime hours are defined as all hours worked on the work site in excess of forty (40) hours in any work week. Overtime hours must be paid at no less than one and one-half times the regular rate of basic pay plus the straight-time rate of any required fringe benefits. Overtime pay (1/2 time pay) is not applied to fringe benefits.

If workers do not receive overtime pay of at one-half times the regular rate of basic pay for any overtime hours worked on the project, the following will occur:

- If the project is greater than \$100,000 and is therefore subject to Contract Work Hours and Safety Standards Act (CWHSSA) overtime requirements, the employer will be asked to pay wage restitution for all overtime hours worked on the project;
- The employer or its subcontractors will also be liable to liquidated damages per the construction services contract.

NOTE: The prime contractor is responsible and will be held liable for any wage restitution that is due to any worker employed in the construction of the project, including workers employed by subcontractors.

7.3.2.3. Labor Disputes

The labor standards clauses in the CDBG-DR, EGrid, or CDBG-MIT Subrecipient Agreement and DOL regulations provide for administrative review of issues by VIHFA where there is a difference of views between the subrecipient and any employer. The most common situations include:

- Findings of underpayment: Compliance reviews and other investigations may result in findings of underpayment. The employer will have an opportunity to provide additional information to the LSO that may explain apparent inconsistencies and/or resolve the discrepancies.
- Withholding: The VIHFA may cause withholding of payments due to the prime contractor to ensure the payment of wages which are believed to be due and unpaid, for example, if wage underpayments or other violations are not corrected within thirty (30) days after notification to the prime contractor.
- It is the goal of VIHFA to complete compliance actions and resolve any disputes before project completion and final payments are made. However, if corrective actions or disputes continue after the project is completed, VIHFA will secure funds as a retainer a resolution are made prior to close-out of project.
- Contractors and/or subcontractors that are found by the Secretary of Labor to be in aggravated or willful violation of the labor standards provisions of the Davis-Bacon and Labor Standards (DBLS) will be ineligible (debarred) to participate in any future federal contracts for up to three (3) years. Debarment includes the contractor and/ or subcontractor and any firm, corporation, partnership, or association in which the contractor and/or subcontractor has a substantial interest. Debarment proceedings can be recommended by the VIHFA or can be initiated by the Department of labor (DOL) on its motion.
- Debarment proceedings are described in 29 CFR §5.12.

To file a complaint, laborers, subrecipients, contractors, subcontractors, and others can contact VIHFA's Labor Compliance Specialist at: dr_compliance@vihfa.gov.

7.3.3. Recordkeeping Requirements

In order to demonstrate Davis-Bacon compliance, subrecipients must maintain a file with the following documentation for each construction contract (see Appendix D: Laws, Regulations, and Links of this document for links to online forms as well as Appendix A: Forms for VIHFA forms) for a minimum of three (3) years after the completion date of applicable project:

VIHFA preserves and retains standard compliance documents for a period of five (5) years following the completion of work. VIHFA follows the guidelines outlined in Labor Relations Letter 2006-02, to minimize the risk of improper and/or unnecessary disclosure. Guidelines include:

- Keep sensitive materials private at all times (in a locked file cabinet, not left in areas accessible to the public);
- Do not include Social Security Numbers on documents and records unless it is necessary.
- Do not disclose the identity of any informant unless it is necessary and only if authorized

by the informant.

- Dispose of documents and records containing sensitive information responsibly.

7.5. HUD Reporting Requirements

VIHFA must report to HUD on all DBRA-regulated contracts awarded and, on all enforcement, actions taken every six (6) months. Semi-annual labor reports are due to HUD in April (for the period October 1 through March 31) and in October (for the period April 1 through September 30). VIHFA monitors its subrecipients for completion of the reports. The Semi-Annual Labor Standards Enforcement Report form (HUD-4710) and Instructions (HUD-4710) are available on HUD's website.

Local authorities and subrecipients must retain a copy of the Semi-Annual Enforcement Report in their files. VIHFA will collect the reports from its subrecipients and compile a comprehensive report covering all the Davis-Bacon construction activity and any enforcement action.

Closeout Procedures (Post Construction)

- To ensure proper closeout of project files, collect certified payrolls, related documents, and proof of Davis-Bacon compliance, including payroll records, certified reports, and evidence of fringe benefit payments.
- Submit Final Reports: Send the last certified payroll reports and compliance statements to VIHFA.
- Audit, Correct, and Archive: Address any issues with compliance, collaborating with program staff and subrecipients for corrections. Keep all certified payroll records for the required three-year period.
- Inform Stakeholders: Notify contractors, subcontractors, and project management about completion of Davis-Bacon certified payroll procedures and any unresolved compliance problems.

By following these steps, construction projects can effectively complete Davis- Bacon certified payroll procedures, adhering to regulations and maintaining organized records for future needs.

8.0. Reporting

8.1. Monthly Reporting

Monthly reporting is required by subrecipients. They must report on Section 3 hours, accomplishments, and efforts. They must all satisfy all certified payrolls and upload all files for the month.

8.2. Quarterly Reporting

Quarterly VIHFA will report on Section 3 accomplishment for the CDBG-DR/MIT activities in HUD Disaster Recovery Grant Reporting System (DRGR).

8.3. Annual Reporting

Upon the completion of any project valued at more than \$200,000, VIHFA's Labor Compliance Specialist will conduct a final review of the project's overall performance and compliance and submit HUD Form 6000 annually.

9.0. Record Keeping and Retention

Subrecipients are required to maintain documentation to demonstrate compliance with the regulation and are responsible for ensuring that their contractors and subcontractors also maintain similar records. This includes documentation that shows hours worked by Section 3 workers, Targeted Section 3 workers, and any qualitative efforts to comply with Section 3. These records must be maintained for a period of (5) five years after grant close-out.

The list below provides examples of documents that must be maintained. Refer to 24 CFR 75.32 for a comprehensive description of the recipients' recordkeeping responsibilities.

1. An employer's certification that the worker's income from that employer is below the income limit when based on an employer's calculation of what the worker's wage rate would translate to if annualized on a full-time basis; or
2. An employer's certification that the worker is employed by a Section 3 business concern.
3. Procurement records, to identify the dollar amount of each covered contract awarded during the time span under review.
4. Copies of bid solicitations, to ensure that Section 3 applicability is referenced.
5. Contract documents, to ensure that they include a Section 3 clause in contracts awarded.
6. Minutes, sign-in sheets, agendas, or other relevant evidence from pre- construction meetings, to determine if Section 3 requirements were discussed with prospective bidders.
(g) Plans for meeting or exceeding benchmarks by recipients and contractors (i.e., contractors' proposals or business utilization plan)
7. Labor hour records of recipients and contractors, to determine the percentage of Section 3 workers and Targeted Section 3 workers in comparison to total labor hours.
8. Lists of Section 3 workers and businesses maintained by the recipient, to
9. determine the extent to which the recipient is attempting to provide economic opportunities to prospective beneficiaries.
 - a. Lists of Section 3 workers or Targeted Section 3 workers employed by the recipient and/or its contractors during the period under review. This information should include the name of a low- or very low-income individual; address; telephone number; date hired; position; and status (employed, terminated, etc.).
10. Correspondence or other records from Section 3 workers and businesses regarding training, employment or contracting opportunities (including Section 3 grievances), to determine how those inquiries were addressed or resolved.
11. Evidence of outreach efforts, to determine how Section 3 workers or businesses were targeted or recruited for employment, training, or contracting opportunities.
12. Evidence that developers, contractors, or subcontractors posted signs regarding job vacancies and/or subcontracting opportunities at the job.
13. Other relevant data that may demonstrate Section 3 compliance by the recipient.

9.0. Labor Complaints

VIHFA, in compliance with HUD regulations, has established the following process for resolution of complaints regarding Section 3 non-compliance. Complaints should be submitted to VIHFA as follows:

Email: cdbginformation@vihfa.gov

Complaint Form: <https://cdbgdr.vihfa.gov/home/citizens-complaint/>

Mailing Address:

Virgin Islands Housing Finance Authority

Community Development Block Grant-Disaster Recovery Program

ATTN: Citizen Complaints- Labor

1000 Beltjen Road ICMC Annex, 2nd Floor St. Thomas, VI 00802

If the complainant is unable to submit a complaint in writing (this could be due to a disability and/or other special circumstances), the complaint should be formalized as a written complaint through an interview process. If requested, the complaint may be submitted verbally via:

- Telephone: (340)715-5902
- In person at:
St. Croix
Virgin Islands Housing Finance Authority Disaster Recovery Division (St. Croix)
100 Lagoon St. Suite 4 St. Croix, VI00840-3912

St. Thomas

Virgin Islands Housing Finance Authority

Community Development Block Grant-Disaster Recovery Program ATTN: Compliance and Monitoring

1000 Beltjen Road ICMC Annex, 2nd Floor St. Thomas, VI 00802

Complaints must be filed within 30 calendar days after the complainant becomes aware of the alleged violation. An investigation will be conducted if the complaint is found to be valid. VIHFA will conduct an informal, but thorough investigation affording all interested parties, if any, an opportunity to submit testimony and/or evidence pertinent to the complaint. VIHFA will provide written documentation detailing the findings of the review. The findings and or response with next steps will be made available no later than fifteen (15) business days after the filing of the complaint. A written complaint must contain:

- Name and address of the person filing the complaint.
- Name and address of the subject of the complaint (Worker or Contractor)
- Description of acts or omissions in alleged violation of Section 3
- Statement of corrective actions sought.

VIHFA will provide a timely response to every labor related complaint and will adhere to the guidelines set in the Citizen Complaint Policy and Procedure.

Appendix A: All Forms

Appendix: Forms

1. Pre-Construction Conference Report
2. Labor Standards Record
3. Davis Bacon Certified Weekly Payroll Tracker
4. Certificate of Construction Completion
5. Final Wage Compliance Report
6. Verification of Certified Payrolls Checklist
7. Certified Weekly Payroll Form WHD 347
8. How to Fill out WHD 347
9. Section 3 Self Certification Form
10. Section 3 Monthly Section 3 Employee List
11. Section 3 Business Concern
12. Employee Interview HUD 11
13. Employee Rights Virgin Islands Minimum Wage Poster
14. Employee Rights Davis Bacon Act English Poster
15. Employee Rights Davis Bacon Act Spanish Poster



Virgin Islands Housing Finance Authority Pre-Construction Conference Report

This Form should be completed by the Subrecipient's Designated Labor Standards Officer.

Subrecipient: Contract Number:

Date: Time:

A **Pre-Construction 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, and child-labor standards and prohibits wage discrimination on the basis of sex. The requirements for compliance with these legislative acts include:

<input type="checkbox"/>	The suggested payroll form is the WH-347 . Payrolls must contain an original signature by the owner, partner, officer or individual authorized in writing by one of the above.
<input type="checkbox"/>	Payrolls must be original and must be submitted weekly within seven days following the end of the work week to the labor standards officer. A pay period is seven consecutive days.
<input type="checkbox"/>	Payrolls should be numbered consecutively, with the first one being marked "initial" and the last being marked "final".
<input type="checkbox"/>	All persons working on the job site must be shown on the payroll. The address and identification number (ex. last four of social security number) of the worker must be shown on the first payroll on which that individual appears.
<input type="checkbox"/>	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 seven-day work week.
<input type="checkbox"/>	The rate of pay must be higher than VI minimum wage and in accordance with prevailing wages. The Wage determination that is contained in the contract documents. The decision that is applicable to this project is _____.
<input type="checkbox"/>	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.
<input type="checkbox"/>	Any classification that does not appear on the wage determination must be requested through the VIHFA Labor Standards Specialist and approved by the U.S. Department of Labor prior to the use of that classification on the project.
<input type="checkbox"/>	The wage determination, posters, and any additional classifications provided must be posted in a prominent place on the job site for the duration of the construction project.
<input type="checkbox"/>	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.
<input type="checkbox"/>	The general contractor will be required to certify that all laborers and mechanics employed on the project have been paid hourly rates as prescribed by the applicable laws.
<input type="checkbox"/>	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.

<input type="checkbox"/>	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.
<input type="checkbox"/>	Subcontractors must be cleared prior to the execution of the subcontract, and any subcontracts must include the labor standards provisions (HUD 4010) and the applicable wage rate.

<input type="checkbox"/>	For Subrecipients that 1) have a new construction, rehab or demolition of housing, infrastructure or public facilities project; and 2) where the estimated cost of that approved project exceeds \$200,000; and 3) where the Subrecipient has a specific award letter dated on or after November 30, 2020, to the greatest extent feasible and consistent with existing Federal, state and local laws and regulations, the Subrecipient shall ensure that 25% of the total number of hours worked is performed by Section 3 workers and 5% by targeted Section 3 workers (as defined in 24 C.F.R. §75.21).
<input type="checkbox"/>	For Subrecipients that 1) have a new construction, rehab or demolition of housing, infrastructure or public facilities project; and 2) where the executed contract exceeds \$100,000; and 3) where the Subrecipient has a specific award letter dated before November 30, 2020, the Subrecipient shall adhere to the Section 3 goals and reporting requirements found in 24 C.F.R. Part 135 and shall, to the greatest extent feasible and consistent with existing Federal, state and local laws and regulations, ensure that 30% of new employees are Section 3 residents and that 10% of all construction contracts are awarded to Section 3 firms and 3% of non-construction contracts are awarded to Section 3 firms.
<input type="checkbox"/>	For Subrecipients with a project-specific award letter dated before November 30, 2020, all subcontracts that exceed \$100,000 must also report all new employment, contracting, or training opportunities directly related to the VIHFA-funded project to the prime contractor to be included in the prime's report to the grantee.
<input type="checkbox"/>	Prime and subcontractors are encouraged to hire Section 3 worker when feasible.

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

Additional items addressed at the Pre-Construction Conference:

Prepared by:
LSO Name

Date:

Signature of Labor Standards Officer

LSO Phone:

LSO Email:

****Submit to VIHFA prior to start of construction****

***Disclaimer:** VIHFA has made every effort to ensure the information contained on this form is accurate and in compliance with the most up-to-date CDBG-DR and/or CDBG-MIT federal rules and regulations, as applicable. It should be noted that the VIHFA assumes no liability or responsibility for any error or omission on this form that may result from the interim period between the publication of amended and/or revised federal rules and regulations and the VIHFA standard review and update schedule.*



Labor Standards Record Form

Subrecipient:	
Program:	
Project Title:	
Project Budget:	
Project Location:	
Project Start Date on Contract:	
Actual Start Date:	
Project End Date:	
Scope of Work from Contract	
Prime Contractor:	

Question	Explanation/Instruction			
Project Applicability	Is this a Construction Project?		Check All that Apply	
1. Is this project for construction, alteration, and/or repair (including painting) of buildings or construction type improvements related to the following types of facilities and infrastructure?	Buildings	<input type="checkbox"/>	Breakwaters/Levees/Canals	<input type="checkbox"/>
	Residential Homes	<input type="checkbox"/>	Dredging/Shoring	<input type="checkbox"/>
	Structures	<input type="checkbox"/>	Rehabilitation/Painting/Scaffolding	<input type="checkbox"/>
	Heavy Generators	<input type="checkbox"/>	Landscaping/Land Clearing	<input type="checkbox"/>
	Power Plants/Powerlines	<input type="checkbox"/>	Excavating/ Digging/Blasting	<input type="checkbox"/>
	Highways/Streets/Roads	<input type="checkbox"/>	Docks/ Ramps/ Piers	<input type="checkbox"/>
	Tunnels/Sewers	<input type="checkbox"/>	Airports/Railways/Terminals	<input type="checkbox"/>
	If Project type is not listed, explain:			

Wage Determination	Type	General Decision Number
<input type="checkbox"/>	Building & Residential Construction	VI20230001
<input type="checkbox"/>	Heavy & Highway Construction	VI20230002

Question	Explanation/Instruction			
Project Applicability		Check (X) All the Types of Construction Workers (Laborers or Mechanics) on Project		
2. What type of Construction workers will be on this project? The following are some of the construction workers classifications of laborers or mechanics covered under the Davis Bacon Act for certified weekly payrolls.	Carpenters	<input type="checkbox"/>	Concrete Mason	<input type="checkbox"/>
	Electricians/Linemen	<input type="checkbox"/>	Concrete Finisher	<input type="checkbox"/>
	Plumbers	<input type="checkbox"/>	Bricklayer	<input type="checkbox"/>
	Ironworkers	<input type="checkbox"/>	Pipefitter	<input type="checkbox"/>
	Flaggers	<input type="checkbox"/>	Longshoremen	<input type="checkbox"/>
	Craftsmen	<input type="checkbox"/>	Power Equipment Operators	<input type="checkbox"/>
	Welders	<input type="checkbox"/>	Heavy Equipment Operators	<input type="checkbox"/>
	Roofer	<input type="checkbox"/>	Laborer	<input type="checkbox"/>
	Painter	<input type="checkbox"/>	Boilermaker	<input type="checkbox"/>
	HVAC/Refrigeration	<input type="checkbox"/>	Title setter	<input type="checkbox"/>
	Elevator Mechanic	<input type="checkbox"/>	Glazier/ Glass installer	<input type="checkbox"/>
	Flooring Installer	<input type="checkbox"/>	Cable/Solar Installer	<input type="checkbox"/>

If Labor type is not listed above, explain:

Not Covered under Davis Bacon: Architects, Engineers, Construction Manager, Supervisors, Foremen, Owner operator of Subcontractor. Cost Estimator, Timekeepers, Survey Crew, Safety Manager, Material Suppliers, Employees of Public utilities, Inspectors, Workers performing exploratory drilling or environmental studies. Owner-operators of trucks.

Question	Explanation/Instruction	Status	
		Yes	No
5. Is this project over 2,000?	The Davis Bacon Act applies to construction contracts exceeding \$2,000.	<input type="checkbox"/>	<input type="checkbox"/>
6. Is this project over \$200,000?	Section 3 applies to all projects and activities involving housing construction, rehabilitation, or other public construction that is funded with covered HUD funding, over \$200,000.	<input type="checkbox"/>	<input type="checkbox"/>
7. Is this contract for residential construction of more than 8 Units?	Davis-Bacon applies to the rehabilitation of residential property only if the property contains 8 or more units. Residential property that contains 7 or fewer units is exempt. Example of 8+ properties are 5 townhouses side by side consisting of 2 units each 3 apartment buildings consisting of 5 units on same parcel 8 single family houses located on contiguous lot	<input type="checkbox"/>	<input type="checkbox"/>

Checked Yes(s), on the prequalification checklist, then this is a Construction project under Davis Bacon and Section 3 for Labor Standards Administration. Proceed to complete the following Subcontractor Listing. **All Subcontractor contracts must be provided to Labor Compliance Specialist.**

If you selected **all No(s)/ NAs**, your project does not qualify for Davis Bacon & Section 3, proceed to sign and date form.

List all Contractors	Scope of work from Contract	Job Status		
		Not Started	Actual Start Date	End Date
		<input type="checkbox"/>		
		<input type="checkbox"/>		
		<input type="checkbox"/>		
		<input type="checkbox"/>		
		<input type="checkbox"/>		
		<input type="checkbox"/>		
		<input type="checkbox"/>		
		<input type="checkbox"/>		
		<input type="checkbox"/>		
		<input type="checkbox"/>		

Program Manager: _____ Signature: _____ Date _____



Virgin Islands Housing Finance Authority

Certificate of Construction Completion

Subrecipient: Contract No.: Date:

This is to certify that a final inspection of the project described below was conducted on

Contract was entered into on Between and
Date Subrecipient

Contractor for the construction of

This is to certify that:

1. The work has been completed in accordance with the plans and specifications and all addenda, change orders, and supplemental agreements thereto, with the following exceptions:

2. The sum of , deducted from the final payment to the Contractor is a fair and equitable settlement for the foregoing excepted work.

3. The Contractor has presented on behalf of itself and its sureties, satisfactory evidence that he or she will repair, replace or make good any faulty workmanship and/or materials discovered in the work within a period of from this date, as provided in the Contract.

- 4. Amount of Original Contract:
- Cumulative Change Orders:
- Final Amount of Contract:
- Less Previous Payments:
- Less Deductions (from #2 above):
- FINAL PAYMENT (Balance):

5. The Final Payment in the amount above is now due and payable.

6. Final Quantities:

DRGR Activity Number (provided by VIHFA Program Manager)	Project Name	Description

DRGR Activity Number (provided by VIHFA Program Manager)	Project Name	Activity Description

Verified by:

Engineer's Signature

Contractor's Signature

Subrecipient's Signature

Engineer's Name and Title (Printed)	Contractor's Name and Title (Printed)	Subrecipient Name and Title (Printed)
Firm	Firm	Subrecipient

****Submit to VIHFA upon construction completion****

Disclaimer: The VIHFA has made every effort to ensure the information contained on this form is accurate and in compliance with the most up-to-date CDBG-DR and/or CDBG-MIT federal rules and regulations, as applicable. It should be noted that the VIHFA assumes no liability or responsibility for any error or omission on this form that may result from the interim period between the publication of amended and/or revised federal rules and regulations and VIHFA's standard review and update schedule.



Virgin Islands Housing Finance Authority

Final Wage Compliance Report

SUBMIT ONE FOR EACH CONSTRUCTION CONTRACT OVER \$2,000

Subrecipient:		Contract Number:	
Construction		Contract Amount:	

Prime Contractor:

Sub-Contractor(s):

PART I - Wage Restitution

Were any workers paid less than the Davis-Bacon rates that applied to this project? Yes No

Were any workers paid less than the correct overtime payments? Yes No

If YES, liquidated damages at the rate of \$31 for each calendar day for each worker must be calculated and the contractor notified of his liability. Provide information concerning the nature of the overtime violations. This should include:

Company Name	Names of Affected Employees	Amount of Davis- Bacon Restitution Paid	Amount of CWHSSA (overtime) Restitution Paid	Davis- Bacon Wage Violation?(Yes or No)	CWHSSA (overtime) Violation? (Yes or No)

PART II - Liquidated Damages

Attach copies of all correspondence relative to any Liquidated Damages (i.e. letter from subrecipient to company assessing liquidated damages, copies of payrolls showing discrepancies, copies of evidence of back wages paid like canceled checks or other acceptable evidence, and copy of waiver request letter).

Did the Contractor seek a reduction or waiver of the liquidated damages?

Yes	No
-----	----

If YES, was the request approved?

Yes, reduction	Yes, Waiver
----------------	-------------

Total amount of Liquidated Damages paid:
 Number of workers owed restitution but unfound:
 Total restitution owed to unfound workers:

Submitted by:

Labor Standards Officer Printed Name:	
Labor Standards Officer Signature:	
Date:	

****Submit to VIHFA upon construction completion****



Verification of Certified Payrolls Checklist

Subrecipient:	
Contractor/Subcontractor:	
Project Title:	
Date of Review :	
Name of Reviewer:	
Weeks Reviewed	

Question	Explanation/Instruction	Status		
		Yes	No	N/A
Verification of Certified Payrolls				
5. Are you maintaining all certified payrolls for at least three years?	For auditing purposes, maintain all certified payrolls for at least three years after the project is completed. Certification signatures must be original.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Are you using subcontractors to assist in construction, and are the subcontractor's certified payrolls included in the files?	All laborers working on VIHFA -funded construction sites, not just those employed by you, must be paid at least Davis-Bacon prevailing wages. You should collect certified payrolls from all subcontractors whose laborers assist in construction work.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Do you (and any subcontractors) use optional form WH-347 to record payroll?	Form WH-347 (or a payroll form of choice, provided it contains all of the information required on WH-347) presents a standardized method of recording payroll, which assists NTIA, DOL, and any other entities in verifying Davis-Bacon compliance. The form may be downloaded at http://www.dol.gov/whd/programs/dbra/wh347.htm . DOL's instructions for completing WH-347 can be found at http://www.dol.gov/whd/forms/wh347/instr.htm .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Do your payroll records include the following for each individual laborer:	Though you are not required to use WH-347 to record payrolls, certain information must appear in your payroll records. Ensure that the following has been included for each individual laborer:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Name?	Each laborer's full name must be listed on the row in which his or her wages are recorded. In the case of an audit, this allows VIHFA, DOL, or other auditors to match employees and interviewees with their reported wages.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Individual identifying number?	Each laborer must also have an individual identifying number. This is often the last 4 digits of that employee's social security number, although awardees and subcontractors will occasionally use unique employee ID numbers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Labor classification?	The WD labor classification assigned to each laborer must be included. If, for instance, employee John Smith's work duties correspond to the "Electrician" labor classification in the project's WD, "Electrician" should be listed here. (This is sometimes called "Work Classification" instead of "Labor Classification").	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Number of hours worked broken down by day?	The certified payroll must show how many hours each employee worked on each day covered by the certified payroll. You, and any subcontractors, should record all hours in excess of 40 as overtime.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question	Explanation/Instruction	Status		
		Yes	No	N/A
Verification of Certified Payrolls				
f. Gross amount of standard, overtime, and fringe benefit compensation?	You, and any subcontractors, must record the gross amount earned by each employee prior to deductions for items such as taxes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Legally permissible deductions for items such as income taxes or social security?	You, and any subcontractors, must record all deductions made from an employee's compensation for items such as income taxes or social security taxes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Net wages paid?	You, and any subcontractors, must record the net amount paid to each employee after deductions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Do your payroll records include a statement of compliance signed by the person authorized to supervise wages?	As an accompaniment to the certified payroll, an authorized representative from your project must sign a statement of compliance that attests to the fact that all laborers were paid the amount reflected on the certified payroll, which was not less than the Davis-Bacon prevailing wage. Any subcontractors must also have an authorized representative sign such a statement for their payrolls. The statement(s) of compliance does not need to be notarized. If you, or any subcontractors, are using WH-347, a template version of the statement of compliance is included on the second page of the form.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Are laborers being paid weekly?	The Davis-Bacon Act requires that all laborers are paid weekly. As most modern payrolls are bi-weekly, it can be challenging for awardees and subcontractors to meet this requirement. Determine whether you, or any subcontractors, pay laborers working on VIHFA construction sites weekly.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Have the proper counties been selected for each WD?	Ensure that the WDs chosen by you match the county or counties in which VIHFA -funded construction will occur. Be aware that some counties will have different wage rates within them (e.g., a county could have a different rate in the northern half than in the southern half).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Cross reference your WD and certified payrolls. Did the gross compensation paid to each laborer meet or exceed the minimum combination of base rates and fringe benefits?	Review your, and any subcontractor's, certified payrolls to ensure that all laborers are paid adequate wages under Davis-Bacon.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Do the WD and certified payrolls reconcile with the WD included in the construction contract?	A construction contract must include information on the WD and labor categories that will carry out the work specified in the contract. Ensure that the WD and payroll records being maintained by you correlate to the information included with the construction contract.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Do you maintain evidence of wage verification interviews with your laborers and subcontractor's laborers?	DOL Davis-Bacon regulations require interviews with the laborers and mechanics performing the contract or project work. Ensure that you have conducted and documented wage verification interviews with your laborers and subcontractor's laborers. Documentation verifying that wage verification interviews took place may include SF-1445. See www.gsa.gov/portal/forms/download/12BF5D0E2DC4484685256CBC0062F375	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.



Rev. Dec. 2008

NAME OF CONTRACTOR <input type="checkbox"/> OR SUBCONTRACTOR <input type="checkbox"/>				ADDRESS						OMB No.:1235-0008 Expires: 07/31/2024									
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	OT OR ST.	(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		
			o																
			s																
			o																
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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

Date _____

I, _____ (Name of Signatory Party) _____ (Title)

do hereby state:

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

_____ on the _____ (Contractor or Subcontractor)

_____ ; that during the payroll period commencing on the _____ (Building or Work)

_____ day of _____, _____, and ending the _____ day of _____, _____,

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 Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers 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 or mechanic conform with the work he 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 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) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

- Each laborer 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:

NAME AND TITLE

SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 3729 OF TITLE 31 OF THE UNITED STATES CODE.

How to Correctly Fill Out a WH-347 Payroll Form

The completion of the WH-347 Payroll Form is optional; contractors may utilize their own payroll system as long as it conforms to the WH-347 Payroll Form and contains all the necessary information. If you utilize WH-347 Payroll Form as a pdf, saving it electronically aids in making any needed corrections.

Check one of the boxes and list name of contractor or subcontractor

The last day of the three payroll period.

Fill out completely with contractor or subcontractor address

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

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

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

WHD
U.S. Wage and Hour Division
Rev. Dec. 2008

NAME OF CONTRACTOR OR SUBCONTRACTOR

Sample Construction Company

ADDRESS 385 West Drive, Madison WI 53703

OMB No.: 1215-0149
Expires: 12/31/2011

PAYROLL NO. 8

FOR WEEK ENDING 04/24/2010

PROJECT AND LOCATION
Robin Street Apartments, Delafield WI 53018

PROJECT OR CONTRACT NO.
3000

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF HOLDING 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	State with-holding tax	Medicare	OTHER		TOTAL DEDUCTIONS
			Sun	Mon	Tue	Wed	Thu	Fri	Sat										
Alex Driver - #####	2	Power Equipment Bull Dozer Group	18	19	20	21	22	23	24	2.00	\$62.83	\$1,422.84	\$161.00	\$185.15	\$156.97	\$50.31	\$85.00	\$0.43	\$1,374.03
			8.00	8.00	5.00	6.00				27.50	\$132.1565	\$2,012.46							

Payrolls must be numbered sequentially and should be based on the weeks worked under a contract.
Type the word "Final" when the last payroll is submitted for the project.

Indicate the days and dates of the pay period. (should match week ending directly above)

The name and location of project.

The prime contractor should include the project number as listed in the loan

List each worker's name.
Only laborers and mechanics performing construction work under the contract should be listed.

Please note: Business Owners need only include their name, work classification including "owner" and the daily total hours worked.

Specify the job classification located in the contract wage decision and/or the corresponding job title.

List hourly wage rate and fringes paid in cash (not those paid to plans)

Specify the net amount paid to the employee for the pay

(For Contractor's Optional Use; See Instructions at www.dol.gov/esa/whd/forms/wh347instr.htm)
Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.



Company Name		ADDRESS 385 West Drive, Madison WI 53703																					
FOR WEEKENDING 04/24-25/10		PROJECT AND LOCATION Robin Street Apartments, Delafield WI 53018																					
PROJECT OR CONTRACT NUMBER 3000																							
(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF PLANS IDENTIFIED	(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						
			Sun	Mon	Tue	Wed	Thu	Fri	Sat				FICA	WITHH.	DEDUCTIONS	TOTAL DEDUCTIONS							
Alex Driver - #####	2	Power Equipment Bull Dozer Group 2	q					2.00		2.00	\$62.83	\$1,422.84						\$161.00	\$338.43	\$1,374.03			
Jason Worker - #####	2	General Laborer	q							4.00	\$45.25	\$1,810.00						\$136.06	\$457.71	\$1,233.07			
Shawn Worker - #####	3	Carpenter	q					1.50		1.50	\$60.19	\$90.28						\$121.00	\$49.31	\$1,406.18			
		Apprentice Carpenter 1st 6 mo. at 40%	q							40.00	\$32.72	\$1,308.80						\$85.18	\$307.71	\$757.01			
		Plumber	q							20.00	\$67.88	\$1,357.60						\$105.41	\$90.50	\$26.62	\$307.71	\$757.01	
Roy Munch - #####	5	Steamfitter	q							20.00	\$69.13	\$1,382.60						\$163.46	\$147.11	\$118.51	\$51.08	\$480.16	\$1,563.04
Bart Turner - #####	1	Power Equipment Rotary Drill Group 4	q							24.00	\$60.80	\$1,459.20						\$113.45	\$142.48	\$122.33	\$35.98	\$415.93	\$1,023.27

Must accurately reflect overtime and straight time hours worked under the contract.

Specify the total overtime and straight time hours worked on the project.

Specify the gross earnings for the hours worked under the contract.

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 (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 week to 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 for compliance with the Davis-Bacon Act. Public Burden Statement

Date 04/28/2010

I, Tiffany Payer Payroll Supervisor
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by
Sample Construction Company on the
(Contractor or Subcontractor)

Robin Street Apartments, Delafield WI; that during the payroll period commencing on the
(Building or Work)
18 day of 4, 2010, and ending the 24 day of 4, 2010,

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

Sample Construction Company 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 Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

Alex Driver - ##### - other deductions - \$85 for child support

Explanation of "other"

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers 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 or mechanic conform with the work he 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 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) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

- Each laborer 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
Power Equipment Rotary Drill Group 4	paid directly to plan: health & dental at \$12.50 per hour and Pension at \$6.25 per hour

Explanation of exception to fringe benefits

REMARKS:

NAME AND TITLE
Robert Sample, Owner

SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.



CDBG-DR FUNDED PROGRAMS SECTION 3 WORKER AND TARGETED SECTION 3 WORKER CERTIFICATION FORM

CDBG-DR HUD FUNDED PROGRAMS SECTION 3 WORKER AND TARGETED SECTION 3 WORKER CERTIFICATION FORM

The purpose of this form is to comply with Section 3 of the HUD Act of 1968 employer certification requirements listed in 24 CFR § 75.31. To qualify as a Section 3 worker, the United States legal resident's annual income must not exceed the HUD income limits for the year before the worker was hired, or the individual's current income annualized on a full-time basis for the year must be below the HUD income limit. Additionally, an individual can qualify as a Section 3 worker and Targeted Section 3 worker if they are an employee of a Section 3 Business Concern. To qualify as a Targeted Section 3 worker, an employer can confirm that the employee lives within the service area or neighborhood of the project. **Worker's response is voluntary, confidential, and has no effect on their employment.**

Section 3 Worker and Section 3 Targeted Worker Definitions

A Section 3 Worker is any worker who currently or when hired, within the past five years: has an income below the income limit established by HUD for the previous or annualized calendar year; or is employed by a Section 3 business concern; or is part of a Youth Build program.

A Targeted Section 3 worker means a Section 3 worker who is living in the service area of a Section 3 project (within one mile of the Section 3 project, if fewer than 5,000 people live within one mile of a Section 3 project), or when hired within the past five years lived in the service area of the project.

A Section 3 Business Concern is 51% or more owned and controlled by low or very-low income persons; or over 75% of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers; or 51% or more owned and controlled by current residents of public housing or Section 8-assisted housing.

Eligibility for Section 3 Worker or Targeted Section 3 Worker Status

A Section 3 worker seeking certification can self-certify and submit this form to the recipient contractor or subcontractor, that the person is a Section 3 worker or Targeted Section 3 worker as defined in 24 CFR Part 75. Enter the appropriate information to confirm the Section 3 worker or Targeted Section 3 Worker status. Forms that are not completed or are partially missing information will be returned to the individual for completion.

A. Please provide the following information about the business/employer.

Employer/Business Information	
Name of Business	
Point of Contact Name	
Physical Address	
Email	
Phone number	

B. Please provide the following information of the Section 3 worker or Targeted Section 3 worker.

Worker Information	
Name	
Physical Address	
Mailing Address (if different)	
Email	
Phone number	
Island	

C. To qualify as a Section 3 Worker, you must select **one or more** of the following requirements **OR** have your employer certify that you are employed by a Section 3 Business concern.

- Income for the previous calendar year is below the HUD income limit
- Employed by a Section 3 business concern
- A YouthBuild Participant

D. *If applicable*, please indicate below which requirement you meet to be considered a Targeted Section 3 worker. If you select “Living within the service area or neighborhood of the project,” that selection will have to be confirmed by your employer. If you do not meet any of these requirements, you may leave this section blank.

- Living within the service area or neighborhood of the project (requires employer confirmation)
- Employed by a Section 3 business concern
- YouthBuild participant

2023 Individual Household and Income Levels

HUD has released and made available the 2022 HUD Household Income Limits for the US Virgin Islands to be used with the CDBG-DR Program. The current individual income limit is set to **\$55,550.00**. Choose one (1) option from the boxes below to indicate the amount of income you earned in the **previous year**. It is required to submit evidence to demonstrate that you comply with the Income Limit selected.

- | | | |
|----------------------------|----------------------------|---------------------------|
| Less than \$10,000 | \$30,001 - \$40,000 | More than \$60,000 |
| \$10,001 - \$20,000 | \$40,001 - \$50,000 | |
| \$20,001 - \$30,000 | \$50,001 - \$60,000 | |

Supporting Evidence of Section 3 Worker Status

Please confirm which type of evidence you are providing.

<input type="checkbox"/>	Copies of Tax Returns/W2 confirming income levels.
<input type="checkbox"/>	Proof of residency.
<input type="checkbox"/>	Receipt and proof of public assistance.
<input type="checkbox"/>	Evidence of participation in a public assistance program.
<input type="checkbox"/>	Evidence of employment within the last six-months.
<input type="checkbox"/>	Evidence of participation in a Youth Build program.
<input type="checkbox"/>	Other: _____

Final Certifications

<input type="checkbox"/> I understand that VIHFA/Subrecipient will review this Section 3 Worker Certification form and supporting documentation upon receipt. If the form is incomplete or the supporting documentation is not provided or is not clear, I understand that it is my responsibility to provide any additional documents within thirty (30) calendar days of receipt of a written request for information from VIHFA/Subrecipient. I understand that failure to respond to a request for additional information after thirty (30) calendar days will result in the dismissal of my submission.
<input type="checkbox"/> I certify, under the penalty of perjury, that my answers are true and complete to the best of my knowledge. I understand that false or misleading information in this certification or other information provided to any possible employing contractor or subcontractor may result in job termination or prosecution.
<input type="checkbox"/> I authorize my information shared in this form to be added to a database of Section 3 Workers. I understand being on this list may provide additional employment opportunities, however inclusion on that list does not guarantee employment. I acknowledge only my information in this form will be shared with VIHFA/Subrecipient staff, developers and contractors working on Section 3 covered projects.

Signature:

Date:

Residents completing and submitting a Section 3 Worker Self-Certification Form with the supporting documentation for VIHFA can send the information to:

- **Via email at:** Section3@vihfa.gov

- **In writing at:** Virgin Islands Housing Finance Authority
Attn: CDBG-DR Compliance & Monitoring
3202 Demarara Plaza Suite 200
St. Thomas, VI 00802

- **In Person:** Virgin Islands Housing Finance Authority
ICMC Annex
Beltjen Road, Suites 1 & 2
St. Thomas, VI 00802

FOR ADMINISTRATIVE USE

Is the employee a Section 3 worker based upon their self-certification? YES NO

Is the employee a Targeted Section 3 worker based upon their self-certification? YES NO

Was this an applicant who was hired as a result of the Section 3 project? _____

If yes, what is the name of the company? _____

What was the date of hire? _____

EMPLOYERS MUST RETAIN THIS FORM IN THEIR SECTION 3 COMPLIANCE FILE FOR FIVE YEARS.

Certifying Officer's Name: _____ **Date:** _____

Title: _____

Monthly Section 3 Project Employee List



Reporting MONTHLY: From: _____ To: _____

Instructions: List all the employees anticipated to work on this project.

1. Indicate the Employee's Current Individual Annual Income. (For example \$15 per hour multiplied by 2080 hrs. = \$31,200)
2. Indicate the Employee's Total Labor Hours Worked for this Reporting MONTH.
3. Indicate if the Employee is a Section 3 Worker. An employee is a Section 3 Worker if their Current Individual Income is \$58,750 (\$26.00/hr) or less.

Business									
Project									
Start Work									
	Employee First	Employee Middle Name	Employee Last Name	Employee Identification Number (Last 4 SSN or Employee ID)	Employee Hire Date	\$1.00 Employee Current Individual Annual	2. Labor Hours Worked on this Project this Month	3. Is Employee a Section 3 Worker? Yes or No (25% Goal)	4. Is Employee a Targeted Section 3 Worker? Yes or No (5% Goal)
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
Total Labor Hours Worked									
Total Labor Hours Worked by all									
% of Total Labor Hours Worked by all Section									
Total Labor Hours Worked by all Section 3									
% of Total Labor Hours Worked by all Section 3 Targeted Workers									

Name and Title of Authorized _____

Signature: _____

Date: _____

The employer certifies that the employee(s) marked "Yes" in column H meet(s) the Section 3 Worker definition 24 CFR Part 75.75.

I affirm that the information above is true, complete, and correct to the best of my knowledge and belief. I agree to provide documents verifying this information if requested.

I understand that businesses who misrepresent themselves as Section 3 Business Concerns and report false information to Virgin Islands Housing Authority



**CDBG-DR FUNDED PROGRAMS
SECTION 3 BUSINESS CONCERN
SELF-CERTIFICATION FORM**

This form is for businesses seeking Section 3 Business Concern status.

Instructions

1. Complete “Table A: Business Information”.
2. Choose from “**1 Business Ownership**” or “**2 Labor Hours for the Business**”, as applicable.
3. Complete “3. Signature”.
4. Provide supporting evidence as an attachment to this form; otherwise, this form alone will be insufficient to evaluate your Section 3 Business Concern status. At least one (1) document must be provided as evidence of business ownership.
5. Visit the U.S. Department of Housing and Urban Development (**HUD**) Section 3 Business Registry to register your business: <https://portalapps.hud.gov/Sec3BusReg/BRegistry/RegisterBusiness>

Table A. Business Information

Instructions: Complete all areas of the table below	
Business Name	
Point of Contact Name	
Point of Contact Email	
Point of Contact Phone	
Address of Business	
Business Federal ID#	
Business Type	Corp. Partnership Sole Proprietorship Other: _____
Industry Area (NAICS Code)	

1: Business Ownership

If at least **fifty one percent (51%)** of the business is owned and controlled by low- or very low-income persons, complete sections 1A and 1B on the next page. Please, be sure to attach respective documents.

Section 1A	Section 1B
<p>Verification Section 3 Status</p> <p><input type="checkbox"/> I am the sole owner of this business or one (1) of a group of owners of this business as a low or very low income person and hold at least fifty-one percent (51%) ownership.</p> <p style="text-align: center;">OR</p> <p><input type="checkbox"/> I am the sole owner of this business or one (1) of a group of owners of this business who are current public housing residents or residents who currently live in Section 8-assisted housing and hold at least fifty-one percent (51%) ownership.</p> <p style="text-align: center;">AND</p> <p><input type="checkbox"/> I will be submitting my Section 3 Worker Self-certification form.</p> <p><input type="checkbox"/> I am submitting evidence of my Low- or Very-Low Income Status.</p> <p><input type="checkbox"/> I am submitting evidence of my public housing/ Section 8-assisted housing status.</p>	<p>Evidence of Business Ownership</p> <p>I am attaching the following:</p> <p><input type="checkbox"/> A copy of the business’s Articles of Incorporation.</p> <p><input type="checkbox"/> A copy of the business’s By-laws.</p> <p><input type="checkbox"/> Evidence of my fifty-one percent (51%) ownership of the business; or evidence that combined owners who are residents of public housing or Section 8-assisted housing comprise fifty-one percent (51%) of ownership.</p> <p><input type="checkbox"/> Business Certificate.</p> <p><input type="checkbox"/> Partnership Agreement.</p>

2: Labor Hours for the Section 3 Workers in the Business

If the business has Section 3 workers perform over **seventy five percent (75%)** of the labor hours performed for the business over the prior three (3)-month period, complete sections 2A and 2B.

Section 2A	Section 2B
<p>Verification of Labor Hours</p> <p>My total business workforce currently produces _____ of total labor hours.</p> <p><input type="checkbox"/> I am affirming that at least seventy five percent (75%) of my total number of labor hours were performed by Section 3 Workers.</p>	<p>Evidence of Section 3 Workers Labor Hours</p> <p><input type="checkbox"/> I am attaching the roster of all my full-time or part-time, permanent workforce and labor hours.</p> <p style="text-align: center;">AND</p> <p><input type="checkbox"/> I am attaching the completed Section 3 Worker Self-certification Form for each of my employees who qualify as a Section 3 Worker or Targeted Section 3 Worker and a copy of their timesheets to indicate their Labor Hours performed.</p> <p style="text-align: center;">AND</p> <p><input type="checkbox"/> I certify and confirm that I have reviewed that each of my employees listed as a Section 3 Worker qualify as Section 3 Worker based on their supporting documentation provided and retained on the business file.</p>

3: Signature

As the authorized representative of my business, I am certifying the information provided on this form is true and accurate under penalty of perjury.

I would like to be placed on a list for contractors to receive my information for open job opportunities and receive notifications about upcoming networking events.

I understand that if this form is provided with incomplete supporting documentation, I will have **thirty (30) calendar days** from the date of submission to provide all requisite paperwork.

Once the **thirty (30) days** period elapsed, the Virgin Islands Housing Finance Authority (VIHFA) will dismiss all self-certifications forms deemed incomplete, if not completed by the contractor.

Signature: _____

Date: _____

Self-Certification Form with the supporting documentation for VIHFA can send the information to:

- **Via email at:** Section3@vihfa.gov
- **In writing at:** Virgin Islands Housing Finance Authority
Attn: CDBG-DR Compliance & Monitoring
3202 Demarara Plaza Suite 200
St. Thomas, VI 00802
- **In Person:** Virgin Islands Housing Finance Authority
ICMC Annex
Beltjen Road, Suites 1 & 2
St. Thomas, VI 00802

Thank you for completing this form.

Please remember to send this form with the correct supporting documentation, as instructed in the sections above.

Frequently Asked Questions (FAQ's)

1. Why is VIHFA providing this form?

VIHFA is the recipient of CDBG-DR funds and would like to engage Virgin Islands Section 3 Business Concerns, who may qualify to participate in contract opportunities for construction and non-construction. VIHFA also wants any subrecipients or contractors working with federal CDBG-DR funding to use this form to identify eligible workers for their new hiring or training opportunities.

2. Should I also use the Section 3 Worker Self-certification form?

Yes. If you are establishing your business as a Section 3 Business Concern due to the ownership as a Section 3 Worker or labor hours for Section 3 workers at your company, then you may need to use the Section 3 Worker Self-certification Form.

3. Will my information become public?

VIHFA will safeguard your information. Only if you choose to be placed on a listing for contracting or hearing about networking opportunities will VIHFA share this with contractors or subrecipients who are looking for candidates. You can always choose to opt out afterwards by writing to our email Section3@vihfa.gov.

4. How many times do I have to complete this form?

One (1) time. If there is a change in your Section 3 status, you must provide an update and/or ask to be removed from our Section 3 Business Concern listing, as appropriate.

END OF FORM

Record of Employee Interview

U.S. Department of Housing and Urban Development Office of Labor Relations

OMB Approval No. 2501-0009
(exp. 12/31/2013)

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. The information is collected to ensure compliance with the Federal labor standards by recording interviews with construction workers. The information collected will assist HUD in the conduct of compliance monitoring; the information will be used to test the veracity of certified payroll reports submitted by the employer. **Sensitive Information.** The information collected on this form is considered sensitive and is protected by the Privacy Act. The Privacy Act requires that these records be maintained with appropriate administrative, technical, and physical safeguards to ensure their security and confidentiality. In addition, these records should be protected against any anticipated threats or hazards to their security or integrity that could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom the information is maintained. **The information collected herein is voluntary, and any information provided shall be kept confidential.**

1a. Project Name			2a. Employee Name		
1b. Project Number			2b. Employee Phone Number (including area code)		
1c. Contractor or Subcontractor (Employer)			2c. Employee Home Address & Zip Code		
			2d. Verification of identification? Yes <input type="checkbox"/> No <input type="checkbox"/>		
3a. How long on this job?	3b. Last date on this job before today?	3c. No. of hours last day on this job?	4a. Hourly rate of pay?	4b. Fringe Benefits?	4c. Pay stub?
				Vacation Yes <input type="checkbox"/> No <input type="checkbox"/> Medical Yes <input type="checkbox"/> No <input type="checkbox"/> Pension Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

5. Your job classification(s) (list all) --- continue on a separate sheet if necessary

6. Your duties

7. Tools or equipment used

CONFIDENTIAL

8. Are you an apprentice or trainee?	Y <input type="checkbox"/>	N <input type="checkbox"/>	10. Are you paid at least time and 1/2 for all hours worked in excess of 40 in a week?	Y <input type="checkbox"/>	N <input type="checkbox"/>
9. Are you paid for all hours worked?	Y <input type="checkbox"/>	N <input type="checkbox"/>	11. Have you ever been threatened or coerced into giving up any part of your pay?	Y <input type="checkbox"/>	N <input type="checkbox"/>

12a. Employee Signature	12b. Date
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13. Duties observed by the Interviewer (Please be specific.)

14. Remarks

15a. Interviewer name (please print)	15b. Signature of Interviewer	15c. Date of interview
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Payroll Examination

16. Remarks

17a. Signature of Payroll Examiner	17b. Date
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Agency Name:	Agency Type: <small>[e.g., CDBG, PHA, TDHE/IHA]</small>	State:	LR2000 Agency ID#: <small>(HUD Use Only)</small>
Period Covered: Check One and Enter Year(s)			
<input type="checkbox"/> Period 1: October 1, to March 31,	<input type="checkbox"/> Period 2: April 1, to September 30,		
Agency Contact Person:	Agency Contact Phone/E-mail:		

PART I – NEW CONTRACTING ACTIVITY*
Pertains ONLY to contracts awarded during the reporting period.

1. Number of prime contracts subject to the Davis-Bacon and Related Acts (DBRA) and/or the Contract Work Hours and Safety Standards Act (CWHSSA) awarded this period
Note: Do not include contracts included in previous semi-annual reports

2. Total dollar amount of prime contracts reported in item 1 above \$

3. List for each contract awarded this period:

Contract Name/Number	Contract Amount	Wage Decision Number	Wage Decision Lock-In Date
EXAMPLE: "Boy's Club Renovation # CD54005-65"	"\$0,000,000.00"	"FL040001/Mod 3, 6/25/04, Building"	"07/02/04 bid open date" ◀ Lock

*Use additional pages if necessary

WHAT IS THE LOCK-IN DATE? For contracts entered into pursuant to competitive bidding procedures, the bid opening date "locks-in" the wage decision **provided** that the contract is awarded within 90 days. If the contract is awarded more than 90 days after bid opening, the contract award date 'locks-in' the wage decision. For contracts, purchase orders or other agreements for which there is no bid opening or award date, use the construction start date as the lock-in date. However, for contracts receiving assistance under Section 8 of the U.S. Housing Act of 1937 or contracts involving a *contract* wage determination, the lock-in rules may vary from above. See Department of Labor Regulations, 29 CFR, Part 1, Section 1.6 and/or HUD Handbook 1344.1, or consult the HUD Davis-Bacon and Labor Standards (DBLS) staff.

WHAT IT ISN'T: Do not use the wage decision publication date, unless that happens to correspond to one of the trigger events described above. If you are not sure about any of this, please feel free to contact the DBLS staff in your state or region.

PART II - ENFORCEMENT ACTIVITY*

Identify all enforcement activity that occurred within this reporting period. Enforcement activity applies to newly awarded contracts listed in Part I and any existing contracts subject to DBRA and/or CWHSSA not previously reported.

1. Number of employers against whom **complaints** were received (list employers and contracts involved below):

Employer	Contract(s)
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2. (a) Number of cases (employers) referred to HUD DBLS staff for investigation or §5.11 hearing (list referrals below):

- (b) Number of cases (employers) referred to the Department of Labor (DOL) for investigation or §5.11 hearing (list referrals below):

Employer	Contract	HUD or DOL	Invest. Or Hearing
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3. (a) **Number of workers for whom wage restitution was collected/disbursed:**
Report only once; if you previously reported workers for whom restitution was collected, do not report the same workers when funds are disbursed. Include workers to whom restitution was paid directly by the employer.

- (b) **Total amount of straight time wage restitution collected/disbursed during this period:**
Report only once; if you report funds collected, do not report the disbursement. Include restitution amounts paid directly by the employer as reported on correction certified payrolls.

- (c) **Total amount of CWHSSA overtime wage restitution collected/disbursed during this period:** *Report only once; if you report funds collected, do not report the disbursement. Include restitution amounts paid directly by the employer as reported on correction certified payrolls.*

- (d) **Total amount of liquidated damages collected:**

* Use additional pages if necessary

EMPLOYEE RIGHTS



UNDER THE FAIR LABOR STANDARDS ACT

THE UNITED STATES VIRGIN ISLANDS DEPARTMENT OF LABOR

MINIMUM WAGE

\$10.50 PER HOUR

BEGINNING JUNE 1, 2018

The law requires employers to display this poster where employees can read it.

Tourist Services and Restaurant Tipped Employees **\$4.20**

(If the hourly wage and tips do not equal \$10.50 the employer shall assure the minimum wage is paid)

OVERTIME PAY

Time and a half the regular rate of pay for work:
Over 8 hours per day
Over 40 hours per week
Any hours on the sixth (6th) and/or seventh (7th) consecutive day

*VARIATION

Tourist and Restaurant Industries Workers are paid:
Overtime on the 6th and 7th day, only if 40 hours were first worked during the first five or six consecutive days.
Overtime on the 7th consecutive day
NOTE: In the tourism and Restaurant industries overtime is exempt on the 6th consecutive day providing 40 hours of work is not exceeded during said work week

CHILD LABOR

Employees under 18 years of age may not work in hazardous occupations.

RECORD KEEPING

Employers are required to maintain accurate records of hours worked by all employees each day and each work week. These records must be maintained and retained for **three (3) years**. These records must be made available to the Department of Labor upon inspection when requested.

ENFORCEMENT

The Virgin Islands Department of Labor is mandated by law to conduct investigations to enforce this legislation. Employers may also be **finned up to \$2,500** for violations of the law.

WRONGFUL DISCHARGE

If discharged, employees may file a Wrongful Discharge complaint with the Department of Labor, within thirty (30) days of the date the employee was discharged.

JOB DISCRIMINATION

Employees who believe they have been discriminated against (refusal to hire or employ or barred or discharged from employment; or in compensation, term, conditions, or privileges of employment, be cause of **race, sex, religion, color or ancestry** may file a complaint with the Department of Labor with **180 days** of the alleged unlawful act(s).

Employees who file complaints or participate in Wage and Hour Investigations are protected from discharge.

EMPLOYEE RIGHTS

UNDER THE DAVIS-BACON ACT

FOR LABORERS AND MECHANICAL

FEDERALLY ASSISTED CONSTRUCTION PROJECTS

PREVAILING WAGES

You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.

OVERTIME

You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.

ENFORCEMENT

Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for up to three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.

APPRENTICES

Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.

PROPER PAY

If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:

or contact the U.S. Department of Labor's Wage and Hour Division.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243
TTY: 1-877-889-5627
www.dol.gov/whd



DERECHOS DEL EMPLEADO

BAJO LA LEY DAVIS-BACON

PARA OBREROS Y MECÁNICOS EMPLEADOS EN PROYECTOS DE CONSTRUCCIÓN FEDERAL O CON ASISTENCIA FEDERAL

SALARIOS PREVALECIENTES

No se le puede pagar menos de la tasa de pago indicada en la Decisión de Salarios Davis-Bacon fijada con este Aviso para el trabajo que Ud. desempeña.

SOBRETIEMPO

Se le ha de pagar no menos de tiempo y medio de su tasa básica de pago por todas las horas trabajadas en exceso de 40 en una semana laboral. Existen pocas excepciones.

CUMPLIMIENTO

Se pueden retener pagos por contratos para asegurarse que los obreros reciban los salarios y el pago de sobretiempo debidos, y se podría aplicar daños y perjuicios si no se cumple con las exigencias del pago de sobretiempo. Las cláusulas contractuales de Davis-Bacon permiten la terminación y exclusión de contratistas para efectuar futuros contratos federales hasta tres años. El contratista que falsifique los registros certificados de las nóminas de pago o induzca devoluciones de salarios puede ser sujeto a procesamiento civil o criminal, multas y/o encarcelamiento.

APRENDICES

Las tasas de aprendices sólo se aplican a aprendices correctamente inscritos bajo programas federales o estatales aprobados.

PAGO APROPIADO

Si Ud. no recibe el pago apropiado, o precisa de información adicional sobre los salarios aplicables, póngase en contacto con el Contratista Oficial que aparece abajo:

o póngase en contacto con la División de Horas y Salarios del Departamento de Trabajo de los EE.UU.



DIVISIÓN DE HORAS Y SALARIOS
DEPARTAMENTO DE TRABAJO DE LOS EE.UU.

1-866-487-9243
TTY: 1-877-889-5627
www.dol.gov/whd



Appendix D: Laws, Regulations, and Links

Title	URL
Davis-Bacon and Labor Standards Agency / Contractor Guide and Contractor Guide Addendum (recommended for inclusion in ITB (Issue to Bid) packages)	Davis-Bacon and Labor Standards: Agency/Contractor Guide (hudexchange.info) Davis-Bacon and Labor Standards: Contractor Guide Addendum (hudexchange.info)
Davis-Bacon Act	40 USC Chapter 31, Subchapter IV
Copeland (Anti-Kickback) Act	18 USC §874 40 USC §3145
Fair Labor Standards Act	29 USC Chapter 8
Title I of the Housing and Community Development Act of 1974	42 USC Chapter 69
Labor Standards; Rate of Wages; Exceptions; Enforcement Powers	42 USC §5310
Rate of Wages for Laborers and Mechanics	40 USC §3142
Rules and Instructions Concerning Davis-Bacon and Other Labor Laws	29 CFR Part 1 29 CFR Part 3 29 CFR Part 5 29 CFR Part 6 29 CFR Part 7
Use of Volunteers on Projects Subject to Davis-Bacon and Hud-Determined Wage Rates	24 CFR Part 70
Federal Labor Standards Requirements in Housing and Urban Development Programs	HUD Handbook
HUD Labor Standards and Related Forms	HUD Forms
DOL Field Operations Handbook - Davis-Bacon and Related Acts and Contract Work Hours and Safety Standards Act	Field Operations Handbook, Chapter 15
System for Award Management	SAM.gov
Davis Bacon and Labor-Related Project Signage	Davis-Bacon Poster (Government Construction)
DOL's Wage and Hour Division Payroll Form	DOL Form WH-347
Federal Labor Standards Provisions	Form HUD-4010
Public Housing: Conditions for contracts over \$250,000	HUD-5370
Public Housing: Conditions for contracts between \$2,000 and \$250,000	HUD-5370-EZ
HUD-4010 Urban Development Federal Labor Standards Provisions	https://www.hud.gov/sites/dfiles/OC/H CO/documents/4010.pdf

