

## **1210 LABOR COMPLIANCE FOR FEDERAL AID PROJECTS**

### **1210-1 General**

ADOT is responsible for enforcing the required contract provisions for Federal Aid Construction Contracts. The responsibility for the inspection and enforcement of labor standards rests mainly with the Resident Engineer. It is to the Resident Engineer's advantage to resolve any questions that may arise as promptly as possible. The Resident Engineer is expected to be familiar with and able to answer inquiries regarding the Federal Aid contract provisions.

Questions regarding Labor Compliance regulations should be directed to:

ARIZONA DEPARTMENT OF TRANSPORTATION  
FIELD REPORTS SECTION  
206 South 17th Avenue, Room 184, Mail Drop 133A  
Phoenix, AZ 85007  
Phone (602) 712-7301; FAX (602) 712-3067

### **1210-2 Federal Labor Acts**

#### **Davis-Bacon Act of 1931 and Davis-Bacon and Related Acts (DBRA)**

All laborers and mechanics working on the construction project are required to be paid unconditionally, and not less than once a week, the wage rates contained in the wage decision incorporated into the contract.

The term "laborer" or "mechanic" include those workers whose duties are manual or physical in nature (who use tools or who are performing work of a trade), as distinguished from mental or managerial. The term includes apprentices, trainees, watchmen or guards. The term does not apply to workers whose duties are primarily administrative, executive, or clerical, rather than manual.

Laborers and mechanics must be properly classified and paid according to work actually performed. Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein – provided the employer's certified payroll reports (CPR) accurately set forth the time spent in each classification.

The wage decision and all approved conformed classifications shall be posted at all times at the site of work in a prominent and accessible place where it can be easily seen by all employees.

#### **The Contract Work Hours and Safety Standards Act (CWHSSA) of 1969**

This Act contains weekly overtime pay requirements and applies to contracts which may require or involve the employment of laborers or mechanics, including watchmen and guards. This Act applies to federally funded construction projects in excess of \$100,000 and also extends to federally-assisted contracts subject to Davis-Bacon and Related Acts (DBRA) wage standards to which the Federal Government is not a direct party.

CWHSSA requires that laborers and mechanics employed on covered contracts be paid not less than one and one-half times their basic hourly rate of pay for hours worked in excess of forty hours in a work week. It also provides for liquidated damages in the sum of \$10 for each calendar day (with respect to each employee violation) where an employee was required or permitted to work overtime hours without the payment of overtime wages required by CWHSSA. The Act also provides health and safety standards on covered construction work which are administered by Occupational Safety & Health Administration (OSHA).

**The Copeland “Anti-Kickback” Act of 1934**

1. Compliance required with the Copeland Act, or “Anti-Kickback Act.”
  - The contractor and subcontractor must submit a weekly statement of wages paid to each employee for work performed in the preceding payroll period
  - Employees must receive the full pay to which they are entitled to for the work performed
  - Employees must be paid on a weekly basis
2. The certified payroll reports shall contain:
  - Employee name and address
  - Correct classification and rate of pay
  - Daily and weekly number of hours worked
  - Deductions made and actual wages paid

The willful falsification of a payroll report or “Statement of Compliance” may subject the employer to civil or criminal prosecution and may also be a cause for debarment.

**1210-3 Certified Payroll Procedures in LCPtracker (Labor Compliance software)**

1. The Resident Engineer’s field office staff must review the certified payroll reports after they are certified by the contractor or subcontractor.
2. When the field office staff discovers repeated violations of Davis-Bacon requirements by the contractor or subcontractor it is considered a non-performance issue.
3. If this pattern is pervasive the construction field office will proceed in the following manner:
  - Part or all of the monthly progress payments will be withheld until the contractor can demonstrate compliance, per Subsection 109.06 and the contract Special Provisions
  - Written notification of discrepancies, along with an expected due date from the contractor, is required. See Exhibit 1210-1 *Delinquent Certified Payroll Letter*.

**Statement of Compliance**

1. The Statement of Compliance is available for electronic signature after a contractor certifies the payroll record. See Exhibit 1210-2 *Statement of Compliance*.
2. If no work was performed, the contractor must submit a Statement of Compliance stating “NO WORK PERFORMED.”



Intermodal Transportation

Douglas A. Ducey, Governor  
 John S. Halikowski, Director  
 Dallas Hammit, State Engineer

Month Day, Year

FirstName LastName

Company Name

Address Line #1 (Second line optional)

City, ST ZIP CODE

RE: PROJECT: (TRACS) (PRJ #)  
 (PROJECT NAME)  
 (LOCATION)

Dear Mr./Ms. LastName:

In accordance with Section 109.06(C) of the project special provisions, the following payrolls are delinquent and payroll retention will be held for

(MONTH) (YEAR) Payrolls if corrected payrolls are not received by: (DATE)

New payrolls with possible retainage:

Company	PR#	End Date	Reason not OK	Comments
(ex. Field Reports, LLC.)	(10)	(ex. 1/01/2015)	(PR not received)	(n/a)

All delinquent or incorrect certified payrolls not submitted within 10 days after this written notification will be subject to \$2,500.00 retention, per payroll, from the next monthly estimate. For each payroll this is not acceptable after the 90-day time frame, the Department will only release \$2,000.00 of the \$2,500.00 retained. The Department will retain the \$500.00 as liquidated damages.

Cutoff date for corrected payrolls: (ex. 1/01/2014)  
 Amount of New Notifications: (ex. \$5,000.00)  
 Amount of Old Notifications: (ex. \$2,500.00)  
**TOTAL OF NOTIFICATIONS (ex. \$7,500.00)**

This is your written notification for the discrepancies for the above referenced project. If you have any questions regarding the above, please do not hesitate to call me at (PHONE #).

Respectfully,

FIRST NAME, LAST NAME  
 TITLE

ARIZONA DEPARTMENT OF TRANSPORTATION  
 206 S. 17th Ave. | Phoenix, AZ 85007 | azdot.gov



Date: Tuesday, January 10, 2012

I, NAME, TITLE hereby state:

(1) That I pay or supervise the payment of the persons employed by PRETEND SUBCONTRACTOR on the TEST PROJECT; that during the payroll period commencing on 10/8/2011 and ending on 10/14/2011 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 PRETEND SUBCONTRACTOR from the full 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. 167, 3145), and described below:

All comments are in the notes on the submitted Certified Payroll Report.

(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:

Any exceptions to the above are reported in the certified payroll in the notes section for the specific individual.

REMARKS:

NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_

Electronic Signature Code: 6027127623-9999901C- ORG-8950-1011412011 12:00:00 AM-RECEIVED-129706999567013621

THE WILLFULL 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.

Exhibit 1210-2 Statement of Compliance

**Certified Payrolls in LCPtracker**

1. Certified payroll reports shall be submitted to the Resident Engineer (via LCPtracker) each week, no later than seven days after the close of the previous work week.
2. Each certified payroll report will be submitted in chronological order, including the work weeks in which no work is performed.
3. Each employee must have a first and last name and employee identification number included on the certified payroll report.
4. Each craft/classification that the employee works in will be reported on the certified payroll report.
5. The basic hourly rate of pay and the subsequent fringe benefit amount included on the certified payroll report must be equal to or greater than the prevailing wage rates required by the applicable wage decision.
6. The certified payroll report entry for each employee must include all hours worked on the project subject to Davis-Bacon prevailing wages, gross pay for those hours worked and the gross pay earned for all hours worked in the work week.
7. The overtime rate paid must be included on the certified payroll report for all hours worked over 40 in any given work week. Fringe benefit amount due will not be included in the calculation of overtime pay, but will be paid for all hours worked in a given work week.

Wage decision prevailing wage			
base	fringe	total	overtime
\$15.00	\$5.00	\$20.00	$[\$15.00 \times 1.5] + \$5.00 = \$27.50$
Contractor employee regular hourly rate of pay			
base	fringe	total	overtime
\$20.00	\$0.00	\$20.00	$\$20.00 \times 1.5 = \$30.00$
Contractor employee regular hourly rate <b>with fringes paid to plan</b>			
base	fringe	total	overtime
\$14.50	\$5.50	\$20.00	$[\$14.50 \times 1.5] + \$5.50 = \$27.25$

8. Any deductions from the employee net or gross pay that are included in the “other deduction” field of the certified payroll report will be noted in the employee payroll record in the notes section at the bottom of the screen. The contractor must upload a copy of a signed Employee Authorization of Deduction form.
9. The fringe benefit portion of the prevailing wage that is paid to the employee in cash instead of contributed into a fringe fund, plan or program may be entered into the “Rate in Lieu of Fringe” field in the employee payroll record.

10. The contractor will include those portions of the fringe benefit due the employees that are contributed into funds, plan and programs on the employee's behalf as "Fringe Contributions paid to others (not the employee) for this project only." The data will be reflected in the section of the certified payroll report as "Deduction, Contribution and Payments".
11. The apprenticeship certificate or trainee agreement must be uploaded by the contractor/subcontractor in the eDocuments field in LCPtracker. The contractor may not include an employee as an apprentice or trainee on the certified payroll report until Field Reports has accepted the certificate/agreement and approved the apprentice/trainee status of the employee in LCPtracker.
12. The contractor/subcontractor must denote that the last certified payroll report submitted is the "final" payroll.
13. The certified payroll must be reviewed by the field office staff for accuracy, compliance with the applicable wage decision and the reporting requirements included in the Contract Special Provisions.
14. The information documented on the contractor employee interview form will be compared with the information included in the corresponding certified payroll reports. The field office staff will address any issues found with the prime contractor. After all issues and discrepancies have been resolved, the field office will upload the contractor employee interview forms into the LCPtracker eDocuments field and provide hard copies to Field Reports.

### **Revisions to Certified Payrolls**

1. Each time a payroll report is rejected by the field office staff, the system opens a dialog box. The reason for the rejection should be included and saved in the dialog box. The system will generate and deliver an email to the applicable contractor/subcontractor. The field office staff should notify the prime contractor when a subcontractor certified payroll report is rejected See Exhibit 1210-3 *Rejected CPR Notice*.
2. Request that the applicable contractor/subcontractor correct the certified payroll reports. The contractor/subcontractor must upload verification of restitution calculations and back wages paid to the underpaid employees.
3. After revisions, provide the appropriate information in the Notes section at the bottom and recertify the payroll.

The screenshot displays the ARIZONA DOT web application interface. At the top, a navigation menu includes links for Contract Compliance, Products Store, Validation Disclosure, eTraining, Support, and Logout. Below this is a secondary menu with buttons for Projects, Certifications (highlighted), Violations, Reports, Admin, eDocuments, and Set Up. The main content area shows a search for 'H123401C - PRETEND PRIME GARCIA CONTRACTING, INC. / FIELD REPORTS 17TH AVE TO MADISON' and a list of contractors, including 'SYLVIA GARCIA PRETEND SUBCONTRACTOR'. A modal dialog box titled 'Rejected CPR Notice Comments' is open, containing two text input fields: 'Rejected CPR Notice Comments' and 'Confidential Rejection Note', both with a character limit of 1025. The dialog also features an 'Ok' button. In the background, a table is partially visible with columns for 'Process Status', 'Select', 'Accept Status', and 'View Details'. The 'Process Status' column shows 'Certified', and the 'Accept Status' column shows 'REJECTED'.

Exhibit 1210-3 Rejected CPR Notice

## 1210-4 Apprentice and Trainee Documentation

### Apprenticeship Programs:

1. Apprenticeship programs are regulated and approved by the Arizona Commerce Authority, the state agency that has been delegated the authority by the U S Department of Labor.
2. Apprenticeship programs issue an "Apprenticeship Certificate" which has been approved by the Arizona Commerce Authority to the laborers and mechanics that are enrolled in the approved programs.
3. The contractors who use apprentices as part of their work force will be responsible to submit those approved apprenticeship certificates to ADOT prior to reporting the hours worked on a project subject to Davis-Bacon prevailing wages.
4. The apprenticeship certificates will include:
  - The level of achievement of the apprentice
  - The approved program in which he is enrolled in
  - The approved apprentice to journeyman ratio that must be met on the project work site
  - Authorizing signatures from the apprenticeship program and the Arizona Apprenticeship Office
  - Certificate expiration date and the expected date of advancement of the apprentice

### Training Programs:

1. Training Programs are developed by individual contractors and are regulated and approved by ADOT's Civil Rights/Business Engagement & Compliance Office and the Regional Federal Highways Administration Civil Rights Office.
2. Contractors issue a "Training Agreement" signed by the contractor training director and the employee who is enrolled in the program.
3. The contractors who use trainees as part of their work force will be responsible to submit those signed training agreements to ADOT prior to reporting the hours worked on a project.
4. The training agreements will include:
  - The level of achievement of the trainee
  - The approved program in which he is enrolled
  - Expiration of the training agreement

## 1210-5 Fringe Benefits

- The Davis-Bacon Prevailing wage is made up of two interchangeable components - a basic hourly rate and a fringe benefit rate.
- The basic hourly rate and the fringe benefit rate listed on the wage decision may be paid entirely in cash wages.
- Contributions made or costs incurred by the contractor for bona fide fringe benefits may be creditable towards fulfilling the requirement or;
- A combination of cash wages paid and bona fide fringe benefit contributions may be used together to meet the total required prevailing wage. See Exhibit 1210-4 *Fringe Plan Information Request Letter*.



Please provide the following information for all benefits that apply to the [Contractor Name](#) company sponsored or union affiliated fringe benefit plans no later than close of business 8/6/2012:

1. Employee handbook or written information that is given to employees which provides a description of the company sponsored benefits employees can participate in when they go to work for the company;
  - a. Medical coverage
  - b. Dental coverage
  - c. Vision coverage
  - d. Life/AD&D coverage
  - e. Vacation time off
  - f. Holiday time off
  - g. Pension / 401k plan
2. Detailed description of the participation levels for both the company and employees for health/welfare benefits. Example: [Contractor Name](#) Corp pays 80% of the cost of medical coverage for the employee only and the employee pays the remaining 20% and for any dependent coverage, etc.
3. Current copies of health care provider's billings; listing participating employees and the monthly premiums paid on their behalf along with copies of cancelled check or electronic funds transfer as proof of payment. [\(please provide an invoice and payment verification for one month from the benefit plan year\)](#)
4. IF APPLICABLE -Record of deposits for Pension / 401k contributions made on behalf of employees, account statement listing participating employees and copy of cancelled check or electronic funds transfer as proof of payment.
5. IF APPLICABLE- Union Employer Reporting Form(s) listing all union employees, total hours worked in the month, contribution levels and copies of cancelled check(s) as proof of payment. [\(please provide an ERF and payment verification for one month from each union trust\)](#)

Electronic documents are acceptable. Please provide them to person requesting [@azdot.gov](mailto:@azdot.gov).

Thank you,

Person Requesting Information  
ADOT Construction-Materials Field Reports

**1210-6 Specific Fringe Benefits**

1. The fringe benefit portion of the required prevailing wages must be paid to the employees for all hours worked under a contract subject to Davis-Bacon.
2. Some of the most common types of fringe benefit plans that are accepted by the Department of Labor as "bona fide" are:
  - Health, Dental and Vision Insurance
  - Pension
  - Life Insurance
  - Accident & Disability insurance
  - Sick Leave
  - Vacation and Holiday
  - Defrayment of costs of apprenticeship or other similar programs
3. If the contractor contributes all or some of the fringe benefit portion of the prevailing wage due the employee into fringe benefit plans and applies those contributions to meet the required prevailing wage:
  - The ADOT Field Reports Office sends the scripted request for information to the contractor
  - The information is forwarded to Field Reports for evaluation
  - Use the creditable amounts calculated by Field Reports, distributed as a fringe plan summary, as a benchmark for evaluation of the certified payroll reports

**1210-7 Overtime, Fringe Benefits and Zone Pay**

Overtime is calculated at one and one-half times the basic rate of pay, plus the fringe benefit requirement for all hours in excess of 40 hours.

Example:           Hourly Rate                    –       \$10.00 per hour  
                           Fringe Benefit Rate           –       \$ 3.00 per hour  
                           Overtime calculation is       –       [\$10.00 x 1.5] + \$3.00 = \$18.00 per hour

If the project Wage Decision indicates an additional amount for Zone Pay, that amount is added to the basic rate of pay.

**Power Equipment Oper Grp 3   Wage Rate = \$17.25   Fringes = \$3.53**  
**Zone 2 – add \$1.00 per hour**

POWER EQUIPMENT OPERATOR 3 = WORKING IN ZONE 2						
FRINGE PAID TO AN APPROVED PLAN						
Basic Wage Rate	+	Zone Pay	=	<u>Straight Time Rate of Pay</u>		
\$17.25	+	\$1.00	=	\$18.25		
Basic Wage Rate	+	Zone Pay	x 1.5	=	<u>Overtime Rate of Pay</u>	
\$17.25	+	\$1.00	x 1.5	=	\$27.38	
POWER EQUIPMENT OPERATOR 3 = WORKING IN ZONE 2						
FRINGES PAID IN CASH						
Basic Wage Rate	+	Zone Pay	+ Fringe Rate	=	<u>Straight Time Rate of Pay</u>	
\$17.25	+	\$1.00	+ \$3.53	=	\$21.78	
Basic Wage Rate	+	Zone Pay	x 1.5	+ Fringe Rate	=	<u>Overtime Rate of Pay</u>
\$17.25	+	\$1.00	x 1.5	+ \$3.53	=	\$30.91

## 1210-8 Back Wage Payments

When ADOT has determined that a contractor must pay compensation to employees that did not receive Davis-Bacon prevailing wages, there are two procedures. The back wage procedures differ depending on whether the contractor and employee are still working on the project or are no longer working on the project.

Back wage procedures when the Contractor & Employee are still working on the project:

- The contractor may include the monies owed to the employee on a future payroll cycle.
- The contractor will include the reason for the underpayment on the employee payroll record as an "edit:" to the certified payroll report where the underpayment occurred.
- The contractor will include the monies owed to the underpaid employee on a current certified payroll report for all hours earned in that work week.
- The contractor will include notes in the employee payroll record to explain the amount of restitution and reference the certified payroll report number where the underpayment was originally made.
- When underpayments have been made the contractor must upload verification of restitution calculations and back wages paid to the underpaid employees working under the contract (i.e., spreadsheet and cancelled paycheck or direct deposit record).

Back wage procedures when the contractor and employee are no longer working on the project:

- The contractor shall issue paychecks to the underpaid employees for the restitution owed.
- The paychecks must be written to "Employee Name or Unclaimed Property," and will include the employees last known address.
- The contractor will provide the back wage checks to ADOT for distribution to the underpaid employees.
- When underpayments have been made the contractor must upload verification of restitution calculations and back wages paid to underpaid employees working under the contract (i.e. spreadsheet and cancelled paycheck or direct deposit record).

## 1210-9 Contractor Employee Interviews

1. The Contract Special Provisions includes direction that the contracting agency must conduct contractor employee interviews (English and Spanish) while the employees are working on the project site of work. The ADOT Inspectors are responsible for conducting the interviews and observing the interviewees as they perform work on the project site. See Exhibit 1210-5 *Employee Interview Form* & 1210-6 *Employee Interview Form (Spanish)*.
2. The interviews should be sufficient in number to establish a degree of adequacy and accuracy of records. The interviews should be representative of all classifications of employees on the project work site. The intent is to interview every employee at least once during the life of the project.
3. The inspector will include the tools and/or equipment used by the employee and the tasks that the employee performs throughout the period of observation.
4. Employees should not be interviewed in the presence of other employees. The interviews are confidential and are never shown to the contractor.
5. The inspector will submit the completed interview forms to the construction office staff and complete the Pen version of the interview form within the same week of the interview.
6. The construction field office staff will review the employee interview forms and compare the information to the applicable certified payroll report.

7. If discrepancies exist between the interview form and the certified payroll, the construction field office staff will work to resolve the differences. In cases where no classification on the assigned wage decision fits the work being performed by an employee, a "Request for Authorization of Additional Classification and Rate" (Conformance Request) should be submitted to the Construction Field Office for review.
8. When all payroll issues have been resolved, the construction field office staff will upload the employee interview forms into LCPtracker eDocuments and forward hardcopies to Field Reports within 2 weeks of the interview date.
9. If there are serious non-compliance issues, the Resident Engineer may contact Field Reports for assistance.



**ARIZONA DEPARTMENT OF TRANSPORTATION  
RECORD OF CONTRACTOR EMPLOYEE INTERVIEW**

Project/TRACS #: \_\_\_\_\_ Interview Date: \_\_\_\_\_  
 Prime Contractor: \_\_\_\_\_ Time: \_\_\_\_\_  
 ADOT Inspector's Name: \_\_\_\_\_

**Questions for the Employee**

Name: \_\_\_\_\_  
 Employer: \_\_\_\_\_  
 Does your paycheck come from that employer?  Yes  No  
 What is your working craft and classification? \_\_\_\_\_ Other \_\_\_\_\_  
 Do you work in more than one classification?  Yes  No  
 Are you paid a different hourly rate for each classification?  Yes  No  
 Are you an apprentice or trainee?  Yes  No  
 What is your hourly wage on this project? \_\_\_\_\_  
 What is your regular hourly wage? \_\_\_\_\_  
 Does your employer offer benefits?  Yes  No  Vacation/Holiday  Health Insurance  Pension  
 Does your employer pay for some or all of your benefits?  Yes  No  
 Do you work more than 40 hours in a work week?  Yes  No  
 Are you paid time and one-half for all overtime hours worked?  Yes  No  
 Are you paid at least once a week?  Yes  No  
 Do you know where the wage rates for this job are posted?  Yes  No  
 Do you believe your employer is paying you the correct wage rate for the work you are performing?  Yes  No  
 If not, what hourly rate do you believe you should be paid? \_\_\_\_\_  
 Would you like to make any comments or do you have any concerns? \_\_\_\_\_

**Inspector's Comments** *(At the time of the employee interview record the following)*

Work being performed by employee: \_\_\_\_\_  
 Type of tools or equipment used by employee: \_\_\_\_\_  
 Make and model of tools or equipment used by employee *(if applicable)*: \_\_\_\_\_  
 Notes: \_\_\_\_\_

<b>Payroll Review</b>		Certified Payroll Report #:	Week End Date:
Classification Required per Wage Decision:			
Base Rate:	Fringe Rate:	= Total Pay:	
Classification shown on Payroll:			
Hourly Rate:	Hourly Cash Fringe:	Hourly Plan Fringe:	=Total Pay:
Verification of Fringe Benefit Plan:	Health & Welfare:	Pension:	All Other:
	Vacation & Holiday:		Training:
Back Wages Owed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, are back wages submitted and uploaded to LCP?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Interview in LCPtracker?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Conformance Request Required?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Date Original to Field Reports:		Date Uploaded to LCP Tracker:	
Date Verified:		Verified by:	



**ARIZONA DEPARTMENT OF TRANSPORTATION  
REGISTRO DE ENTREVISTA DE EMPLEADO CONFORME A CONTRATO**

Proyecto/TRACS #: \_\_\_\_\_ Fecha de la entrevista: \_\_\_\_\_  
 Contratista Principal: \_\_\_\_\_ Hora: \_\_\_\_\_  
 Inspector de ADOT: \_\_\_\_\_

**Cuestionario para el empleado**

Nombre: \_\_\_\_\_  
 Empleador: \_\_\_\_\_

¿Su cheque es expedido por su empleador?  Si  No

¿Cual es su trabajo y clasificación? \_\_\_\_\_

¿Trabaja en más de una clasificación?  Si  No

¿Se le paga diferente por cada clasificación?  Si  No

¿Esta de aprendiz o en entrenamiento?  Si  No

¿Cual es su pago por hora en este proyecto? \_\_\_\_\_

¿Cual es su pago regular por hora? \_\_\_\_\_

¿Su empleador ofrece beneficios?  Si  No  ¿Vacaciones/días feriados?  ¿Seguro?  ¿Pensión?

¿Su empleador paga por algunos/todos sus beneficios?  Si  No

¿Trabaja más de 40 horas por semana laboral?  Si  No

¿Se le paga tiempo y medio por las horas extras?  Si  No

¿Se le paga por semana?  Si  No

¿Sabe en donde se publican los salarios para este trabajo?  Si  No

¿Cree que su empleador le esta pagando el salario justo por el trabajo que usted esta desempeñando?  Si  No

Y si no, ¿que salario por hora cree que le deberían de pagar? \_\_\_\_\_

¿Le gustaría hacer algún comentario o tiene alguna otra inquietud? \_\_\_\_\_

**Inspector's Comments** *(At the time of the employee interview record the following)*

Work being performed by employee: \_\_\_\_\_

Type of tools or equipment used by employee: \_\_\_\_\_

Make and model of tools or equipment used by employee *(if applicable)*: \_\_\_\_\_

Notes: \_\_\_\_\_

<b>Payroll Review</b>		Certified Payroll Report #:	Week End Date:
Classification Required per Wage Decision:			
Base Rate:	Fringe Rate:	= Total Pay:	
Classification shown on Payroll:			
Hourly Rate:	Hourly Cash Fringe:	Hourly Plan Fringe:	=Total Pay:
Verification of Fringe Benefit Plan:	Health & Welfare:	Pension:	All Other:
	Vacation & Holiday:		Training:
Back Wages Owed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, are back wages submitted and uploaded to LCP?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Interview in LCPTracker?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Conformance Request Required?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Date Original to Field Reports:		Date Uploaded to LCP Tracker:	
Date Verified:		Verified by:	

Exhibit 1210-6 Employee Interview Form (Spanish)

## 1210-10 Site of Work, Truck Drivers and Hauling

### Site of Work

1. Davis-Bacon and Related Acts (DBRA) apply to workers on the site of the work.
2. It is limited to the physical place or places where the construction remains after work has been completed.
3. Any other site where a significant portion of the building or work is constructed, provided such site is established specifically for the contract.
4. Site of the work includes fabrication plants, mobile factories, batch plants, borrow pits, tool yards, headquarters, etc. provided they meet the following requirements:
  - Located adjacent or virtually adjacent to the site of the work described above and;
  - Dedicated exclusively to the performance of the contract or project.

### Coverage of truck drivers under Davis-Bacon

1. Truck drivers are covered under these circumstances:
  - For time spent on the site of work;
  - Time spent loading and or unloading material on the site of work;
  - Transporting materials between a facility that is deemed part of the site of work and the project site.
2. Truck drivers are not covered by Davis-Bacon in these circumstances:
  - Material delivery drivers while off of the site of work;
  - Drivers of a contractor or subcontractor while driving between a commercial facility and a site of work covered by Davis-Bacon;
  - Drivers that spend limited time on the site of work for delivery or pick up of materials;
  - A bona fide owner operator must own and drive their own trucks. Certified payrolls are required to show the name of the owner operator, but not wages paid or hours worked;
  - Overtime pay is required for truck drivers, regardless of whether the hours worked on the contract are on or off the site of work.

The Department of Labor has an enforcement position with respect to bona fide owner-operators of trucks who are independent contractors (an owner operator is a person who owns and drives the same truck). Certified payrolls, including the names of such owner-operators, do not need to show the hours worked or rates paid, only the notation "owner-operator." This position does not apply to owner-operators of other equipment (such as bulldozers, backhoes, cranes, welding machines, etc.).

ADOT does not require Owner-Operators to submit certified payrolls, only the completed Subcontract Request Form (SRF).

### 1210-11 Documentation Required for Proof of Owner-Operator

Owner-operators sign the Subcontract Request Form (SRF) certifying that they are a bona fide owner-operator. It is the prime contractor's responsibility to verify current Commercial Driver's License and valid registration.