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**Regional Director**  
**Region IV**

An Intermittent OLR Publication  
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**Upcoming Events**

**Agency Training**— The OLR Web site now includes all training scheduled for agencies and other clients. In Region IV, we do send out invitations, mass emails and faxes to notify potential participants, but please check the site frequently, as there may be training available in a nearby state. The URL is: <http://www.hud.gov/offices/olr/olrtrainingsemi.cfm>

**Upcoming Atlanta Training**

- Oct 20: Public Housing agencies.
- Oct 24: CDBG agencies  
 (Register for these classes online)

**Proverb**

*The best things in life  
 ...Are not things*

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**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Region IV Labor Relations News**



**Semi-Annual Labor Standards Reports...Perennially**

**Main Entry:** semi-an-nu-al  
**Function:** adjective  
**Definition:** occurring every six months or twice a year; semi-an-nu-al-ly adverb  
**Source:** <http://www.merriam-webster.com/>

Close readers of this esteemed publication (yes, the one you are reading), will recall that four years ago we published a cover story article about Semiannual Labor Standards Enforcement Reports. We are not trying to recycle old story ideas; it's just that this topic is our perennial favorite because many agencies struggle to provide accurate reports in a timely fashion. For some agencies, the reports get lost in the shuffle and there are great blank spots on our master ledger of agency compliance. Have you submitted your reports when required? Were the reports timely sent and were they accurate? Do you ask what are we talking about? Please read on, maybe we should report on this subject more often.

**Why? - The Requirement**

Twice each year, in late September and late March, the Office of Labor Relations (OLR), reminds all our client agencies to submit their Semiannual Labor Standards Enforcement Reports. The reports are required by Federal Regulation at Title 29, Part 5.7. All Federal agencies administering programs subject to the Davis-Bacon and Related Acts and Contract Work Hours and Safety Standards Act must furnish a report twice per year concerning contract and enforcement activity to the Department of Labor. Therefore, HUD collects certain information from the agencies in order to submit the appropriate report to the DOL.

**What? – Forms, Format and Information**

The report consists of two parts:

- **Part I** asks that you identify the number and total value of construction contracts awarded during the reporting period. Include only contracts awarded, and identify the contract values (total amount, not the amount of federal funding), along with other specifics for each contract, such as the project name, identifier number if there is one, wage decision incorporated in the contract, the type of wage decision used (Building, Highway, Heavy, Residential, etc.), and the lock-in date (more about that item to follow).
- **Part II** concerns enforcement activity occurring during the reporting period for all contracts, regardless of the contract award date.

Please use the approved form HUD-4710 to submit your reports. You may obtain the form and instructions on our Web-site at <http://www.hud.gov/offices/olr/olrform.cfm>. If you cannot access the Web version, your Specialist can mail or Email a copy of the form to you. You may attach the completed form to an Email message and submit it to us that way.

**How? – Prepare for the Report Continuously**

This is not the kind of report that is easily assembled without planning. If your agency has more than one office or division handling HUD funds which are used for construction or rehabilitation work subject to Davis-Bacon prevailing wage requirements, you should maintain an ongoing system of recording the key bits of information required to be reported. We ask, and the HUD Labor Standards Handbook 1344.1 requires, each agency to designate a person to be responsible for coordinating and overseeing wage compliance. (see Page 3)

## Office of Labor Relations

**Dondra J. Merrell**  
Regional Labor Relations Officer

**Alfreida Doe**  
Program Support Assistant x2605

### Atlanta Staff by State / Function

**Save four digits; dial us direct!**  
Dial (678) 732 + extension:

**Alabama**  
Rhonda Lindquist x2585

**Caribbean**  
Leslie Gibson x2042

**Florida (South)**  
Steve Bales x2039

**Florida (North)**  
Ira Turman x2062

**Georgia**  
Melanie Dalton x2045

**Kentucky / City of Atlanta &  
Atlanta Housing Authority**  
Tony Bacon x2046

**Mississippi**  
Patrick Richards x2710

**North Carolina**  
Jennifer DuPont x2034

**South Carolina**  
Debra Tilley x2003

**Tennessee**  
Deborah Conyers x2044

### For Information on Tribal Authorities Call:

Jennifer DuPont  
All Region IV Tribes in AL, FL,  
MS, NC, & FL  
(678) 732-2034



## Laborer or Mechanic?

You will see the terms “laborers” and “mechanics” throughout the Davis-Bacon Act, the Copeland Act, Department of Labor regulations and guidance, as well as HUD policies regarding workers who must receive prevailing wages under the law. What do these terms mean?

**“Laborers” and “mechanics” mean anyone who is performing construction work on the covered project**, including trade journeymen (carpenters, plumbers, sheet metal workers, etc.), apprentices, trainees, unskilled workers and, for CWHSSA purposes, watchmen and guards. “Laborers” and “mechanics” are the two groups of workers that must be paid not less than Davis-Bacon wage rates. People whose duties are primarily administrative, executive or clerical (job superintendents, office staff, timekeepers, and messengers, etc.) are not “laborers” or “mechanics.”

A frequent question we get from our clients is whether or not a given worker is performing a trade or should be identified as a laborer. And, if the worker is not a laborer, what is the correct classification for that worker? The statutes and regulations speak of “laborers” and “mechanics” without a lot of detail. How can you tell the difference?

The issue can be complicated; however, **in most instances it is a matter of examining the work being performed and the tools used by the individual.** Laborers, for exam-

ple, generally do not use tools except for demolition (sledgehammer) or trenching (shovel). Other than that, “tools of the trade” have long been used as a guide. Is the worker using a tool? If the answer is yes, then he or she is probably a “mechanic” and must receive the wage rate appropriate to the classification associated with the work of that trade. **Years on the job or skill level attained are not relevant to determining whether or not someone is a “mechanic” for Davis-Bacon purposes.**



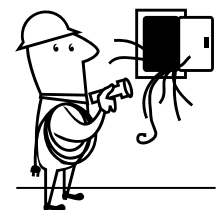
Even with the “tools of the trade” guide, issues arise. For example, what about a worker who pulls wire? Is he an electrician, a laborer, or something else? We examine what the workers actually do and check the wage decision to see if there are clues regarding the classification. If the wage decision includes wages subject to a collective bargaining agreement, we may check the local union agreement to discover work claimed by the trade. The DOL wage survey and area practice ultimately determines the work associated with the trade. In the past, workers who pull wire have been

determined to fall under the electrician classification.

There are some guides published by the Department of Labor that can come in handy, although the area practice established in your community is particularly significant.

The Dictionary of Occupational Titles (DOT) is a guide that helps describe the tasks performed by different trades. It provides descriptions of hundreds of occupations and details the tasks to be performed. The DOT offers a starting place for job definition and can help if you are inquiring about the differences between, say, a bricklayer and a cement mason. The DOT may be found on the Internet at: <http://www.oalj.dol.gov/libdot.htm>

**Caveat:** Occupational information contained in the DOT may not coincide in every respect with the content of jobs as performed in certain localities. You should supplement DOT information with local information detailing jobs within your community. Finally, always contact your labor relations specialist for specific information about work classifications on Davis-Bacon projects.



Yep, he’s probably an electrician

## Semi-Annual Enforcement Reports, continued

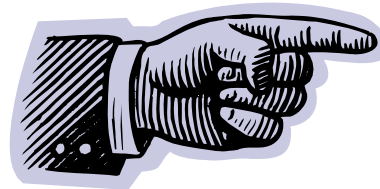
Please maintain accurate records through the year so you can submit your report timely. And remember, the reminder we send is only that. You are responsible for submitting a timely and accurate report.

### Why? (Again) – As in, Why Does This Matter so Much?

Well, we love to hear from you and it's so nice to get a card or letter in the mail. No, that's not it. But we do benefit and so do you. Aside from the fact that the report is required by regulation, and aside from the fact that non-responsive agencies gain just a little more attention when we are planning where to monitor next year, consider these factors.

- ◆ The reports provide an opportunity for assistance and guidance. We review the reports and check project details including the wage decision used, if it is correct for the type of work performed, and if the correct modification was used. If something appears to be amiss, we can discuss with the agency and correct the matter before any more time passes.
- ◆ Failure to respond can and often does affect the rating we and the HUD Program Offices assign as part of our risk assessment and analysis of agency performance.
- ◆ Higher risk assessment scores will generally mean a higher probability we will stop by for a visit and see how things are going (monitoring review).
- ◆ In some mysterious way, the report data helps the DOL determine where to focus its resources to conduct wage surveys and establish wage decisions throughout the nation. Wage decisions for many counties reflect old wage data. Don't you want to reverse this and obtain current wage data for the workers in your community?

See right for Shameless Plug / Not So Subtle Hint



## PHA Maintenance Wage Rates—Heads Up!

**Public Housing Authority Executive Directors:** Each year, coinciding with your housing authority's fiscal year, we issue a set of HUD-determined wage rates for maintenance positions used by your agency. These wage rates are the prevailing hourly wage established for laborers and mechanics performing work on properties subject to an annual contributions contract under the U.S. Housing Act of 1937. These are not Davis-Bacon wages; they are the wage rates which, at minimum, must be paid to all persons performing maintenance ("operations") work on covered properties.

The Office of Labor Relations issues the determinations to the housing authority, **typically addressed to the executive director.** Lots of things pass by the director's desk; however, the prevailing wage determination should be something to which he or she pays particular attention. Although we strive to establish wage rates in collaboration with each housing authority, things happen, and we want the executive director to promptly **contact the responsible labor relations specialist if there are any questions or concerns about classifications and rates found in the determination we issue.**



## HUD Mission

**Increase homeownership, support community development, and increase access to affordable housing free from discrimination.**

### HUD Goals

- 🏠 Increase Homeownership Opportunities
- 🏠 Promote Decent Affordable Housing
- 🏠 Strengthen Communities
- 🏠 Ensure Equal Opportunity in Housing
- 🏠 Embrace High Standards of Ethics, Management, and Accountability
- 🏠 Promote Participation of Faith-Based and Community Organizations

## Reminder... Semi-Annual Reports Are Due

Please don't forget to prepare and submit your Semi-Annual Labor Standards Enforcement Reports for the reporting period April 1—September 30, no later than **Friday Oct 10th.**

Contact your OLR Specialist if you have any questions.



# Privacy Concerns and Certified Payrolls

## Doe Becomes Little

Alfreida Doe, our Program Support Assistant, has changed her identity and has changed her life.

**She got married!**

*We are happy to announce the marriage of Alfreida Doe to Fred Little August 12, 2008*



Alfreida's husband is an accomplished and excellent chef, who relocated to Atlanta from Cincinnati to be with his long-time sweetie.

Do contractors tell you they don't have to or don't want to put their employees' social security numbers (SSN) on Davis-Bacon certified weekly payrolls? Do you wonder about privacy issues and how to respond to the contractors? Labor Relations Letter LR 2006-02 addresses these issues and more.

SSNs must be identified on certified weekly payrolls. There's no way around that (see Federal regulations at Title 29, Part 5, Section 5.5(a)(3)). The need for this information is essential to conducting investigations or tracking down persons due wage restitution.

Local agencies are responsible for safeguarding all personal data, particularly SSNs. Not only do payroll reports include such information, but

other documentation such as employee interviews and notes-to-file may include sensitive data.



With the rise in identity theft and fraud, it is critical HUD and agencies administering HUD programs carefully guard sensitive information so persons or firms to which that information pertains are not unduly exposed to financial or personal risk.

Keep sensitive information secure at all times. Act to prevent unintended disclosure. Files containing sensitive personal data must not be

left in unsecured areas, and documents must be stored in locked file cabinets when not in use. If sensitive data is stored on computers, the agency must take precautions to safeguard the computers through physical and software means (such as encryption or password security measures to limit access to the computers).

Do not include SSNs on documents and records unless it is absolutely necessary. If inclusion of the SSNs are not necessary for the purpose of a particular note or memo, it only poses an added risk for the individual associated with the number. Please contact your specialist concerning security issues, and read Labor Relations Letter 2006-02.

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4ASL



## Attention/Forward to:

**Agency staff responsible for Davis-Bacon & HUD determined prevailing wage enforcement**