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Regional Director
Region VIII

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Winter 2006

Upcoming Events

- **Agency Training**— The OLR Web site now includes all training scheduled for agencies and other clients. In Region VIII, 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/olrtrainingsem.cfm>
- **March Training**— See page 3 for information concerning the Denver workshop.

Semi-Annual Labor Standards Enforcement Reports

Soon and very soon....

Please prepare and submit your reports for the period October 1—March 31 no later than April 7th. Contact your OLR specialist if you have any questions.

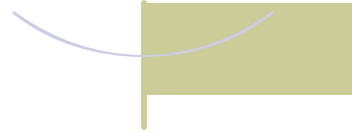
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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Region VIII Labor Relations News



It's No Con – Prison Laborers Due Pay ...

While conducting monitoring reviews, we frequently see prison laborers doing work on HUD-funded projects. Agencies may be using prison labor as a method to reduce costs and help prisoners meet mandatory work requirements while guests of the State or the County.

There is no prohibition against the use of prison inmate labor on maintenance or construction work. At the same time, there is no exemption from the payment of Federal prevailing wage rates to prison inmate laborers or mechanics. However, the OLR staff finds that local agencies do not pay most inmates for the mandatory work required of them. This is a violation of Federal prevailing wage requirements.

The good news is that there are exemptions to these requirements. All of our client agencies should work closely with their OLR representative to determine eligibility. One exemption is based on the use of bona fide "volunteers." One would not normally consider prisoners to be volunteers. Indeed, both the United States Housing Act and the Housing and Community Development Act state that prison inmates shall not be considered "volunteers" based solely on their status as inmates. However, there are limited circumstances under which a prison inmate may be considered a "volunteer" under the exemptions provided by the aforementioned Acts.

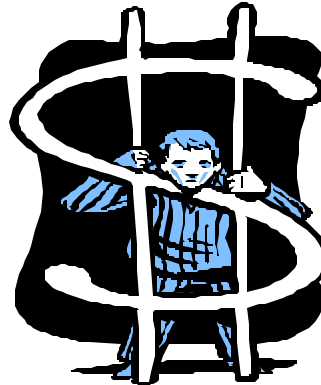
The Federal Bureau of Prisons (BOP) implements a variety of Federal prison inmate work release programs including Short Term Community Based Projects. Inmates

apply for participation privileges and volunteer status. Inasmuch as another Federal agency (i.e., BOP) will have already designated these individuals as "volunteers" for its own purposes, we have determined that such inmates may likewise be considered volunteers for the purposes of the prevailing wage exemption

provisions. Where the use of non-Federal prison inmate "volunteers" is proposed under a State or local program, a proposal must be submitted to the appropriate OLR staff. The proposal must include a full description of the program(s), and intended use and supervision of the inmates.

Lastly, there may be instances where persons convicted of certain offenses may be offered a choice of punishments during their sentencing phase. These

choices may include community service at a public housing development or other sites and may involve work that is covered by Federal prevailing wage requirements. Where such individuals indicate community service as their sentence of choice, they may also be considered volunteers and exempt from prevailing wage requirements. In such cases, a request for approval must be submitted to the appropriate OLR staff. The request must include a written statement from an officer of the Court that the individual has freely chosen a sentence of community service indicating the number of hours, location and any other stipulations on such service. In all cases where prison inmate labor is utilized under the volunteer provisions named above, the responsible agency and/or contractor must follow the guidance and record keeping requirements of 24 CFR Part 70 and Notice 92-01-SL.



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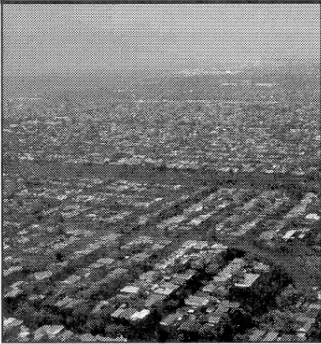

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HUD and Ad Council Launch Campaign to Fight Evacuee Discrimination

**Hurricanes
Don't Discriminate!**





***Don't let housing discrimination
stop you from rebuilding your life!***

***For More Information or to Report
Housing Discrimination
Call HUD at 1-800-669-9777
TTY 1-800-927-9275
or Visit www.hud.gov/fairhousing***



It is illegal to deny housing to anyone because of their race, color, national origin, religion, sex, disability, or familial status (families with children).



“There is hope because there is help”

In the wake of Hurricanes Katrina and Rita, hundreds of thousands of families are working to put their lives back together, and relocation is a large part of that effort. Many of these hurricane victims will immediately experience some form of discrimination during their search for new housing.

The Federal Fair Housing Act was signed over 36 years ago, making housing discrimination illegal. The U.S. Department of Housing and Urban Development (HUD) and the Ad Council have launched a National Campaign designed to increase recognition of fair housing rights and reporting of housing discrimination by making hurricane evacuees aware of housing laws. Those who have witnessed or experienced discrimination are encouraged to report it by calling HUD at 1-(800) 669-9777 or TTY 1-800-927-9275 or visiting www.hud.gov. By making hurricane victims aware of housing discrimination, we can empower them to report it and help stop it.

Staff Spotlight: Jennifer Kauntz

Jennifer Kauntz, (pronounced Counts) works in the Region IV Office of Labor Relations in the Jacksonville Field Office. Jennifer came to HUD in November 2002 after working as a Human Resource Specialist with the Federal Bureau of Prisons.

A graduate of the University of Alaska Fairbanks, she earned her Bachelor of Science degree in Natural Resources Management. While she would have liked to work in the National Parks or with the U.S. Forest Service, providing for her daughter, who was in elementary school at the time, took precedence. She returned home to Colorado where her daughter could attend a school for the deaf and she could find stable, secure, year-round employment. To her great fortune, she began working for the Bureau of Prisons shortly after arriving in Colorado. Jennifer decided to further her education, and in the same year of her daughter's graduation from high school, she earned her Masters Degree in Organizational Management from the University of Phoenix. Jennifer's daughter is now a senior at Gallaudet University in Washington, D.C.

Jennifer loves spending time with her husband, family and friends, and two dogs. She enjoys the outdoors, taking walks, traveling, and reading. For a year and a half, Jennifer volunteered as a Court Appointed Special Advocate in Georgia, helping children removed from their homes due to abuse and neglect, reunite with their families, or find appropriate homes. She

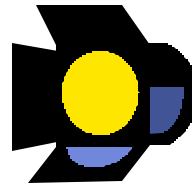
is currently awaiting hospice training and looking forward to this new learning experience.

Jennifer will explore another new experience, albeit on familiar grounds, as she returns to Denver this spring. Effective March 20th, she will begin work at the Denver OLR, where she will work as the Region VIII OLR multi-family coordinator, and will also have responsibilities for the oversight of tribes in the Region and Nebraska.

Since joining the Atlanta family, Jennifer has been a valuable member of our team and

has even made significant contributions to national OLR policy and training programs.

For the time being, Region VIII is still under Dondra Merrell's direction, so Jennifer's transfer remains "in the family." She will wrap up her Georgia and Florida assignments as she makes her transition to Denver.



New FHA Resource Center Up and Running

HUD recently selected Electronic Consulting Services, Inc. (ECS) to operate and manage the FHA's Office of Single Family Housing Client Management Center (CMC).

This center, also known as the FHA Resource Center, began operations February 1, 2006, and will handle approximately one million contacts each year from the general public, real estate professionals, and financial service providers. The contractor will be answering inquiries about FHA programs and processes, collecting appropriate data, and monitoring the quality of service.

All inquiries from consumers concerning single-family FHA programs will be routed to the FHA Resource Center so HUD can assure that the callers receive the latest and most accurate information.

Key contact information is as follows:

For telephone contacts: the new toll-free number, 1-800-CALLFHA (800-225-5342).

For email: use hud@custhelp.com

For TDD/TDY: use 1-877-TDD2HUD (1-877-833-2483)

Certain FHA contacts will not change. The following Single Family Points of Contact are still active, and our clients may continue to use them for the appropriate topics:







National Servicing Center
FHA Mortgage Servicing or Loss Mitigation Issues (888) 297-8685
MIP Refund Center
Mortgage Insurance Refund Information (888) 697-6967.



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

Coming to a PC Near You

The Office of Labor Relations is preparing Web-based modules for basic labor relations training. The modules will be formed around PowerPoint™ presentations, with more in-depth information and built-in self testing similar to our "live" workshops. So, when we can't come to you, you can come to us! This is our first effort at creating self-guided training in Regions IV and VIII, so help us with feedback and suggestions as we create a useful and instructive experience for you and your staff.



Workshop Scheduling

We are analyzing your responses to our recent survey in order to determine training needs for the region. We will contact you soon regarding additional workshop opportunities.

Denver Workshop

The Denver Office of Labor Relations will conduct a basic labor standards workshop for agencies at the Denver Regional Office, 1670 Broadway, **Wednesday March 15th** beginning at 8:30 a.m. Please contact Sandra Antrillo for details on (303) 672-5287, ext. #1.

FYI

Wage Decision Source— The official Web site for obtaining Davis-Bacon wage decisions is <http://www.wdol.gov>.

The Final Rule concerning this, published 8/26/05 in the Federal Register, may be found at

<http://www.wdol.gov/fedreg/fr08262005.pdf>

Davis-Bacon & Disaster—

Relatively few contracts were affected by the brief suspension of Davis-Bacon requirements in the Gulf States (no, none in Colorado!). So please remember that your obligation to enforce prevailing wage requirements remains very much alive! This includes repairs using insurance proceeds.

“The Apprentice” — The Real Deal to Watch

Contractors sometimes identify apprentices on certified payrolls but fail to provide documentation – or the proper documentation – for those apprentices who receive less than the Davis-Bacon wage for the craftwork they perform. Because legitimate apprentices may be paid less than the federal prevailing wage, be sure to determine whether or not apprentices working on projects subject to Davis-Bacon meet apprentice program requirements.

Apprentices must be individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Office of Apprenticeship Training, Employer and Labor Services (OATELS), or with a State Apprenticeship Council recognized by the DOL. Before

submitting payrolls for a job, the participating employer should request that the relevant apprenticeship agency send proofs of enrollment to the contracting agency. Although, as contracting agency you may pursue this information, remember it is incumbent upon the contractor to provide you with the documentation. Absent appropriate documentation from the DOL or the State agency, apprentices may not receive less than the Davis-Bacon wage rate for the work performed.

The contracting agency must obtain a copy of each apprentice or trainee’s registration in an approved program from the DOL (or State agency in the case of Montana). The documentation must include the wage rates and ratio re-

quirements for the craft.

If the ratio of apprentices or trainees-to-journeymen exceed the permissible ratio, the employer must pay wage restitution to any excess apprentices or trainees. Also, any apprentice or trainee not duly registered in an approved program must receive the journeyman’s wage for the work performed.

Check out the complete listing of DOL and State contacts on the DOL Web pages:

http://www.doleta.gov/atels_bat/statecouncils.cfm

http://www.doleta.gov/atels_bat/stateoffices.cfm

Next time, we will examine more closely documentation, ratios and follow up activity.



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Region VIII

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www.hud.gov
www.espanol.hud.gov



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Attention: Labor Relations Officer / Davis-Bacon Enforcement

If you don't know if such a position exists in your agency,
call the Atlanta Office at 404-331-4637