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Region VIII

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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/olrtrainingsemi.cfm>

(Register for classes online)

Proverb

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

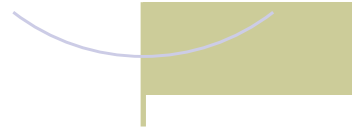
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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Region VIII 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

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Regional Labor Relations Officer

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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

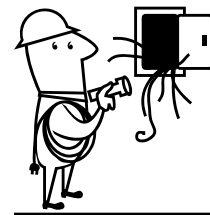
the electrician classification.

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.



Denver Welcomes New Regional Labor Relations Officer

Farewell to Region IV

As Sandra begins her new role, Dondra Merrell, Regional Labor Relations Officer for Region IV ends her role as Acting RLRO for Region VIII. Since February 1, 2005, Dondra managed both Regions IV and VIII. Dondra thanks the Denver OLR staff and the Denver Regional HUD Office staff for their cooperation and assistance in making the assignment a positive experience. As a combined staff, both regions benefited from the arrangement. Denver OLR staff were able to participate in training and monitoring activities in the southeast initiated by Region IV, and Atlanta staff were able to assist Denver staff in completing monitoring and training in Colorado and other states.

Please join us in congratulating Ms. Sandra Antrillo as the new Regional Labor Relations Officer (RLRO) for Region VIII. The appointment was effective September 14, 2008.

Many of you already know Ms. Antrillo, as she has worked for many years in the Office of Labor Relations in Denver. She has served as a labor relations specialist in Denver and she now embarks on a new journey as supervisor over the six-state region, encompassing Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming and Nebraska Indian Programs.

Sandra brings to the position twenty-six years of experience with HUD, seventeen of those years in the Office of Labor Relations enforcing

federal labor standards compliance requirements as they apply to HUD programs.

As the RLRO for Region VIII, Ms. Antrillo is responsible for directing, managing, monitoring and evaluating the work of staff performing labor relations functions and activities throughout the region. She is the principal advisor to the regional administrator on all labor relations issues, advising and representing the Department on such matters pertaining to contractors, labor organizations and local agencies. She will be responsible for the administration of HUD programs to ensure contractor compliance with the labor provisions of applicable laws, and she will be responsible for promoting harmonious labor relations to protect HUD interests.

Sandra is excited about her new position and looks forward to her new role as she serves you in her new capacity.



Sandra Antrillo

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Please Forward to:

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