



# **2023 OBOEC Compliance Contractor Training**



**Jason Johnson, Compliance Specialist Senior –**  
Northeast Region, Eastern Wisconsin Lead,  
**Teresa Rademacher, Compliance Analyst and**  
**Kyle Carver, Compliance Investigations Lead**



# Welcome

- Virtual Housekeeping (TEAMS)
  - Please mute your microphone
  - Place questions in the chat
- Break and Lunch
- Civil Rights Compliance System (CRCS) training this afternoon (1:00pm to 3:00pm)
- Q&A: [Compliance Training Q&A \(wisconsindot.gov\)](https://www.wisconsindot.gov)
- Evaluation



# Hyperlinks

- There are hyperlinks embedded into this PowerPoint presentation that can be used to access online resources or document links.
- Hyperlinks are **blue** and will be underlined.
- All hyperlinks in this presentation are compiled on a resource document alphabetically for your quick reference.
  - <https://wisdot.box.com/s/2xm99ux99m17tv2du0dqe6w7gnx8r7fy>

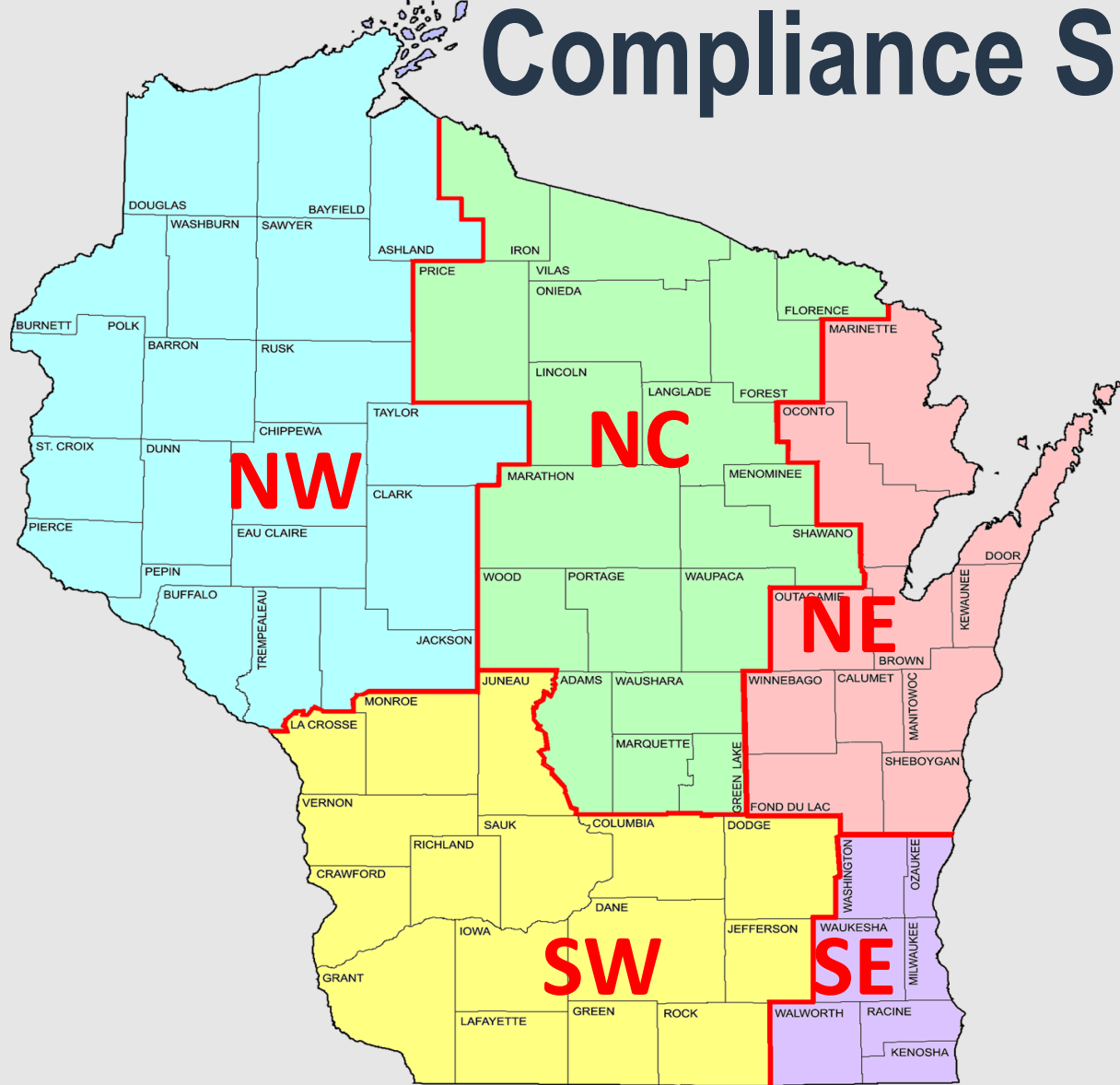


# Introductions Using Chat Feature in TEAMS

- Name
- Company
- Role
- Experience



# Compliance Specialists



## Western Team

**Lead - Laurie Dolsen** (715) 392-7977 (NW)  
 Timothy Alston (608) 242-8040 (SW)  
 Susan Hagan (608) 246-3868 (SW)  
 Malonda Heinkel (608) 266-0459 (NC)  
 Stephanie LaSage (262) 548-5675 (SW)  
 Cua Xiong (Cece) (608) 246-3875

## Eastern Team

**Lead - Jason Johnson** (920) 492-5728 (NE)  
 Xavier Correa-Sosa (262) 521-5347 (SE)  
 Laurie Nelson (262) 548-5938 (SE)  
 Margaret Powers (262) 521-5337 (SE)

## Compliance Investigations (Statewide)

**Lead - Kyle Carver** (262) 548-5634  
 Stephanie LaSage (262) 548-5675

## Compliance Analysts (Statewide)

Teresa Rademacher (920) 492-5657

## Aeronautics (Statewide)

Shannon Clary (608) 264-7607  
 Crystal Wilson (608) 264-8700

<https://wisconsin.gov/Pages/doing-bus/civil-rights/labornwage/contacts.aspx>



# Disclaimer

- The information provided is guidance only and **is not** intended as legal advice.



# Agenda

- WisDOT Projects
- Federally Funded Projects
- Davis-Bacon Federal Wage Determinations
- Contract Additional Special Provisions (ASP's)
- Federal Law Overtime
- Fringe Benefits
- Deductions
- Paying Correctly
- Apprentices
- Job Site Posting Board
- Trucking
- Roles & Responsibilities
- Compliance Investigations
- Questions





# Wisconsin Department of Transportation (WisDOT) Projects



# Let Dates

## 2023 bid lettings information by date

January 10 (December 6, 2022)	February 14 (January 10, 2023)	March 14 (February 7, 2023)	April 11 (March 7, 2023)
May 09 (April 4, 2023)	June 13 (May 9, 2023)	July 11 (June 6, 2023)	August 08 (July 5, 2023)
September 12 (August 8, 2023)	October 10 (September 5, 2023)	November 14 (October 10, 2023)	December 12 (November 7)



# Two Types of WisDOT Projects Based on Funding

- **Federally funded** are projects with any federal funding.
- **State funded** are projects with only state funding.



# Projects with Federal Funding



# Highway Work Proposal

Federal ID Example: WISC 2022160

## HIGHWAY WORK PROPOSAL

Wisconsin Department of Transportation  
DT1502 01/2020 s.66.0901(7) Wis. Stats

Proposal Number: **005**

<u>COUNTY</u>	<u>STATE PROJECT</u>	<u>FEDERAL</u>	<u>PROJECT DESCRIPTION</u>	<u>HIGHWAY</u>
Iowa	5034-00-72	WISC 2022160	Blanchardville - Dane County Line; Sth 78 To Sth 39	CTH F



# Civil Rights Compliance System

## Federal ID Example: WISC 2020078

Project	Payment	Fringe Benefits	Report	TRANS Grad	Apprentice	UCP
Project Details		Project Details				
Edit Project Details		Project Information				
Sublet Approval		Project Name: IH 039, Stevens Point - Wausau; N 2nd St To CTH X				
DBE Commitment Report		Contract ID: 20200310021				
View Rate Sets		Project ID: 1166-00-79				
		Federal Contract Number: WISC 2020078				
		Available for FHWA: Yes				
		Project Description: IH 039, Stevens Point - Wausau; N 2nd St To CTH X				
		Advertising Date: 2/4/2020				
		Bid Opening Date: 3/10/2020				
		Award Date: 3/13/2020				
		Project Start Date: 3/10/2020				
		Estimated Project End Date: 7/17/2020				
		Final Payment Date:				
		Project Archived Date: 10/28/2021				
		Project Cost (\$): \$8,104,296.73				
		Federal Contract Percentage: 89.9%				
		Federal Governing Agency: FHWA				
		Lock Rates: No				
		Prime Contractor: American Asphalt of Wisconsin				
		Local Information				
		Address: Stephanie Jaecks				
		City: (715) 365-5732				
		State: WI				
		Zip: 54501				
		County: Portage				
		Cross County? No				



# State Funded (no federal funding)



# Highway Work Proposal

## Federal ID N/A

### HIGHWAY WORK PROPOSAL

Wisconsin Department of Transportation  
DT1502 01/2020 s.66.0901(7) Wis. Stats

Proposal Number: **002**

<u>COUNTY</u>	<u>STATE PROJECT</u>	<u>FEDERAL</u>	<u>PROJECT DESCRIPTION</u>	<u>HIGHWAY</u>
Juneau	1016-05-70	N/A	Tomah - Mauston; Sth 82 Interchng/B29-36,152-155,157	IH 090





# Civil Rights Compliance System

## Name of project begins with SF



SF, USH 051, Minocqua - Manitowish; Trout River, Culvert Replacement  
Project ID: 1170-20-61

Only DBE  Incomplete  Submitted  Rejected  Accepted  Non-Performance

CPR Log

▶ SHEET PILING SERVICES LLC

Prefix	Prefix Meaning
LP	Local Program
NAHP	Native American Hiring Provision
SF	State Funded
WS	Workshare



# Federally Funded Projects



# The Davis-Bacon Act

## United States Department of Labor (USDOL)

- Applies to contractors and subcontractors performing work on federally funded or assisted contracts in excess of \$2,000.



# Prevailing Wage Requirements

- Pay no less than the prevailing wage rates and fringe benefits listed in the contract's Davis-Bacon wage determination.
- Apprentices – qualifications and pay.
- Pay employees weekly and submit certified payroll reports into CRCS within seven calendar days from the close of the pay period.



# Record Keeping Requirements



- Contractors must maintain detailed employee payroll and basic records for all laborers and mechanics throughout the course of work and for a period of three years from final payment on the project.



# Record Keeping Requirements (continued)

- Employee information, hours of work for each day and week, classifications, rates of pay for each payroll period, reasons for deductions, fringes, etc.
- Contractors must provide records and information to the Prime Contractor and WisDOT staff upon request.
- Helpful resources
  - <https://webapps.dol.gov/elaws/elg/minwage.htm#records>
  - <https://www.dol.gov/agencies/whd/fact-sheets/21-flsa-recordkeeping>
  - <https://dwd.wisconsin.gov/er/laborstandards/permanentrecords.htm>



# Penalties

- May be subject to contract termination and debarment from future contracts for up to three years.
- Contract payments may be withheld.
- Each day that a violation continues is a separate offense.



# Penalties (continued)

- Falsification of certified payroll records or the required kickback of wages may subject a contractor or subcontractor to civil or criminal prosecution.
  - The penalty may be fines and/or imprisonment.

See website for laws, executive orders, and regulations

<https://www.dol.gov/agencies/whd/government-contracts/construction>





# Additional Contract Requirements

## Affirmative Action

- Equal Opportunity Clause, Executive Order 11246.
- Goals for minority participation for each trade (by county).
- Goals for female participation for each trade (6.9%).
- Equal Employment Opportunity is THE LAW posters and supplements.



**FHWA-1273**  
**Revised July 5, 2022\***  
**Federal Highway Administration**

**Required Contract Provision**  
**Federal-Aid Construction Contracts**

<http://www.fhwa.dot.gov/programadmin/contracts/1273/1273.pdf>



## REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Non-segregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
- XI. Certification Regarding Use of Contract Funds for Lobbying
- XII. Use of United States-Flag Vessels:

### ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

### I. GENERAL

- 1. Form FHWA-1273 must be physically incorporated in each

performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract. 23 CFR 633.102(d).

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. 23 U.S.C. 114(b). The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors. 23 U.S.C. 101(a).

**II. NONDISCRIMINATION** (23 CFR 230.107(a); 23 CFR Part 230, Subpart A, Appendix A; EO 11246)

The provisions of this section related to 23 CFR Part 230, Subpart A, Appendix A are applicable to all Federal-aid



# FHWA-1273

- Flow down - FHWA-1273 must be physically incorporated in ALL subcontracts and trucking agreements at every tier.
- References Davis-Bacon and Related Acts (DBRA).
- Covers compliance regarding:
  - Nondiscrimination (EEO), reporting, recruitment, apprentices, on-the-job-training, overtime, wages, withholding, subletting and more.



# FHWA-1273 (continued)

- Non-compliance / Penalties
  - Subject to civil or criminal penalties for falsification of the certification.
  - May be subject to contract termination and debarment from future contracts for up to three years.
  - Each day that a violation continues is a separate offense.



# Equal Employment Opportunity (EEO) Contractor Compliance Program

- In accordance with 23 CFR Part 230, WisDOT is responsible for monitoring contractor's EEO compliance efforts.
- The non-discrimination provisions of FHWA-1273 are applicable to all contractors and subcontractors who hold contracts of \$10,000 or more.
- If you are a contractor with a subcontract value of \$10,000 or more, your firm may be selected for a review.
- WisDOT EEO Technical Assistance Guide ([link](#))



# Compliance Reviews

- A compliance review is a comprehensive assessment of a contractor's employment practices to determine compliance with the EEO/AA contractual obligations.
- It is a “spot check,” designed to ensure compliance with the EEO/AA requirements by identifying and correcting deficiencies or problem areas.
- Cooperation with WisDOT during the review is an additional component of compliance.



# Davis-Bacon Federal Wage Determinations (federally funded projects only)





# Wage Determinations WisDOT Contracts

- **Highway WI10** applies to all highway work and these wages are included in every contract.
- **Heavy WI15** included in contract if there is a bridge or structure over a navigable waterway as defined by USDOL and the US Coast Guard (applies to all work on the bridge/structure from bank to bank).
- **Heavy WI08** included in contract if sanitary sewer and water main work is more than 20% of the contract and will cost more than 1 million dollars.
- **Building** rates included in any contract with a building.



# WI10 Highway Construction

- **Highway Construction (WI10)** includes the construction, alteration or repair of roads, streets, highways, runways, parking areas and most other paving work not incidental to building or heavy construction.

## Highway, Airport Runway & Taxiway Construction

"General Decision Number: WI20200010 01/24/2020

Superseded General Decision Number: WI20190010

State: Wisconsin

Construction Type: Highway

Counties: Wisconsin Statewide.

HIGHWAY, AIRPORT RUNWAY & TAXIWAY CONSTRUCTION PROJECTS (does not include bridges over navigable waters; tunnels; buildings in highway rest areas; and railroad construction)



# WI15 Heavy Construction Projects

## (Excluding Tunnel, Sewer, and Water Lines)

Bridges over navigable water as determined by US DOL and US Coast Guard  
(also includes dams and flood control projects).

"General Decision Number: WI2020015 01/24/2020

Superseded General Decision Number: WI20190015

State: Wisconsin

Construction Type: Heavy

Counties: Wisconsin Statewide.

HEAVY CONSTRUCTION PROJECTS (Excluding Tunnel, Sewer, and Water Lines).



# WI08 Heavy Construction Projects (Sewer, and Water Lines and Tunnel)

"General Decision Number: WI20200008 01/24/2020

Superseded General Decision Number: WI20190008

State: Wisconsin

Construction Types: Heavy (Sewer and Water Line and Tunnel)

Counties: Wisconsin Statewide.

TUNNEL, SEWER & WATER LINE CONSTRUCTION PROJECTS



# Building Construction Projects

- **Building Construction** includes the construction, rehabilitation and repair of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment, or supplies.

**Buildings are numbered based on the county.**

**Included in contracts with a salt shed, utility shed, Safety and Weight Enforcement Facility (SWEF), or other building.**

"General Decision Number: WI20200014 01/24/2020

Superseded General Decision Number: WI20190014

State: Wisconsin

Construction Type: Building

County: Brown County in Wisconsin.

BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including 4 stories)



# Federal Wage Determinations

- **Heavy Construction (WI08 or WI15)** is a comprehensive category which includes those projects which cannot be classified as Building, Residential or Highway; often further distinguished on the basis of the characteristics of particular projects, such as dredging, water and sewer line, dams, major bridges and flood control projects.



# Wage Determinations

- Wage determinations included in the contract remain in effect for **the life of the contract.**
- Wage determinations for multiple counties can apply - use rates for the county in which the work is being performed.
- If a contract contains more than one set of wage rates like Highway and Building, paying the higher of the rates is acceptable.



# Multiple Wage Determinations

- Pay the employee for the classification in the wage determination for work being done.
- Example: laborer working within the footprint of a building, pay the laborer rate in the Building wage determination. A laborer working on the highway, pay the laborer rate in the WI10/Highway wage determination.





# Look for Addendums

- Before a WisDOT project is let there may be a change in the wage determination.
- Go to HCCI Construction Bid Letting.  
<https://wisconsindot.gov/Pages/doing-bus/contractors/hcci/bid-let-2023.aspx>
- Click on let date, will open Bid Letting information.



# Look for Addendums (continued)

Addenda (-soi requires updated schedule of items from [Bid Express™](#))

- [Federal Wage Rate](#) (Jan 6)
- [003-soi](#) (Jan 7)

**Click on Federal  
Wage Rate**

## Federal Wage Rate Addendum #01

### Letting of January 14, 2020

Attached is a copy of the revised WI 10 Highway Davis Bacon Prevailing Wage Rates that are included in proposals 01 – 10, 12, 14, 17, and 20 – 36; WI 8 Heavy (Sewer & Water Line & Tunnel) Davis Bacon Prevailing Wage Rates that are included in proposal 09; and WI 15 Heavy Davis Bacon Prevailing Wage Rates that are included in proposals 4, 5, and 30. These wage rates are effective for all proposals they are included in in the January 14, 2020 letting. The updated wage rates are dated January 3, 2020 and are effective on or after January 13, 2020.

<https://wisdot.box.com/s/fwfyhed4xyoakiw2ufzs7irvo4whskwv>



# Contract Additional Special Provisions (ASP)





# ASP 1



## HCST (Highway Construction Skills Training)

\*Formerly TrANS Program

Federally Funded Projects Only

<https://wisconsin.gov/hccidocs/contracting-info/asp-1.pdf>



# ASP 1 HCST

- **Reimbursement \$5.00 per hour for utilizing eligible HCST graduates and HCST apprentices:**
  - Identify eligibility in the employee's profile in the Civil Rights Compliance System (CRCS).
  - The reimbursement for an eligible HCST graduate is for a maximum of 2,000 hours.
  - The reimbursement for an eligible HCST apprentice is for the entire length of their apprenticeship.



# ASP 1 HCST (continued)

- Reimbursement occurs via WisDOT to the prime contractor, and then the prime to subcontractors.
- HCST providers
  - <https://wisconsindot.gov/Pages/doing-bus/civil-rights/labornwage/hcst-provider.aspx>





# ASP 3

## Disadvantaged Business Enterprise (DBE) Program

Federally Funded Projects Only

<http://wisconsindot.gov/Pages/doing-bus/civil-rights/dbe/contracting-with-dbe.aspx>





EQUALITY

EQUITY





# ASP 3 DBE

## DBE Program Implementation

- Program Goals
  - To increase participation of firms owned by disadvantaged individuals.
  - DBE goal for a contract is listed on the cover of the Highway Work Proposal.
  - In CRCS DBE goal is listed under project details.



# ASP 3 DBE Program Tracking

- DBEs on the approved DBE Commitment form must appear on a Sublet Request form (DT 1925) and Attachment A.
- After 1<sup>st</sup> Tier – enter all DBEs in CRCS in place of sublet request.
- DBEs must be assigned in CRCS – payments to DBEs at all tiers are tracked per ASP7.



# ASP 3 DBE Program Tracking

- CUF- Commercially Useful Function
  - Monitoring for all DBEs on all projects with federal funds
  - Ensures that DBE is in control of their crew, supplies, and equipment
  - Offsite trucking- special attention paid when DBE trucks are only hauling offsite loads (not on project site)
  - Supplies - additional documentation may be requested to substantiate



# DBE Commitment Modification Policy

## Formerly "DBE Replacement Policy"

- Prime informs DBE at least 5 days in advance of reduction
- Prime requests permission from DBE Office in advance of reduction
- Prime is not entitled to payment for unapproved DBE replacement work – prime must have “good cause”
- Prime includes Project Engineer and Compliance Specialist on modification requests to include:
  - Replacement, reduction, termination of DBE Commitment



# DBE Commitment Modification Policy (cont.)

## DBE Good Cause to Modify DBE Commitment

- Failure or refusal to execute contract.
- Failure to perform work meeting industry standards.
- Failure to meet reasonable bond requirements.
- Bankruptcy/insolvency/credit unworthiness.
- Being suspended or debarred.
- Voluntarily withdraws (in writing).
- Ineligible to receive DBE credit for that type of work.
- Other documented good cause (i.e. Emergency/WisDOT change in scope of work).



# DBE Commitment Modification Policy

## Formerly "DBE Replacement Policy"

- Prime contractor required to make good faith effort to find another DBE to perform at least the same amount of work to meet contract goals.
- DBE commitments should be discussed at each weekly meeting.
- Project Engineer should alert the DBE office if changes to the DBE commitment are likely and advise Prime to follow policy.



# DBE Commitment Modification Policy

## Additional DBE Participation

- Additional DBE participation after contract execution?
  - Great! Submit an Attachment A to the DBE Alert email box with full commitment to new DBE
  - Trucking - if trucker is already on commitment (DT1506) you do not need to submit new Attachment A
  - Submitting all DBE participation is important – we can set project goals lower if we document that DBE participation continues



# Good Faith Effort (GFE)

- Bidders are required to demonstrate GFE in meeting DBE goal
  - This is done by meeting the assigned goal OR
  - Demonstrating adequate good faith efforts if bidder did not meet the assigned goal
  - Two phase evaluation process if bidder did not meet the assigned goal
  - Review of bidder's documented efforts which are scored on a rubric
  - Team review of rubric and bidder's achievement to that of other bidders
  - See GFE resources on the [web](#)





# Good Faith Effort (GFE)

- If GFE request is denied, the bidder can request Administrative Reconsideration (appeal)
  - All Administrative Reconsiderations will be scheduled with a Reviewer not involved with the original denial decision
  - If appeal is successful, the contract may be awarded
  - If appeal is unsuccessful, the contract will not be awarded to that bidder



# WisDOT DBE Program Contacts

**Madalena Maestri, EdD** – DBE Program Chief

(608) 267-2093

[madalena.maestri@dot.wi.gov](mailto:madalena.maestri@dot.wi.gov)

**Maria Rojas** – DBE Utilization Engineer

(608) 266-8680

[maria.rojas@dot.wi.gov](mailto:maria.rojas@dot.wi.gov)

**Kathleen Panak** – GFE Analyst

(414) 750-7396

[kathleen.panak@dot.wi.gov](mailto:kathleen.panak@dot.wi.gov)

**Benjie Hayek** – DBE Program Engineer

(608) 712-8915

[benjie.hayek@dot.wi.gov](mailto:benjie.hayek@dot.wi.gov)

DBE Website: <https://wisconsindot.gov/DBEcontracting>

Email: [DBE\\_Alert@dot.wi.gov](mailto:DBE_Alert@dot.wi.gov)





# ASP 4

## Prompt Payment

Federal and State Funded Projects

<http://wisconsindot.gov/hcciDocs/contracting-info/asp-4.pdf>



# ASP 4 Prompt Payment

## Payment to 1<sup>st</sup> Tier Subcontractors

- Within 10 calendar days of receiving a progress payment for work completed by a subcontractor, pay the subcontractor for that work.
- The prime contractor may withhold payment to a subcontractor if, within 10 calendar days of receipt of that progress payment, the prime contractor provides written notification to the subcontractor and the department documenting "just cause" for withholding payment.



# ASP 4 Prompt Payment

## Payment to 1<sup>st</sup> Tier Subcontractors (continued)

- The prime contractor is not allowed to withhold retainage from payments due subcontractors.



# ASP 4 Prompt Payment

## Payment to Lower-Tier Subcontractors

- Ensure that subcontracting agreements at all tiers provide prompt payment rights to lower-tier subcontractors that parallel those granted first-tier subcontractors in this provision.



# ASP 4 Prompt Payment Payment Issues

- Your first attempt to resolve an issue is between the subcontractors and the Prime.
- Contact the Prime Contractor before contacting WisDOT.
- Our contract is with the Prime only which is responsible for all subcontractors.
- If the issue remains unresolved, inform WisDOT project staff.



# ASP 4 Prompt Payment

## Payment Withholding

This special provision does not limit the right of the department, prime contractor, or subcontractors at any tier to withhold payment for work not acceptably completed or work subject to an unresolved contract dispute.

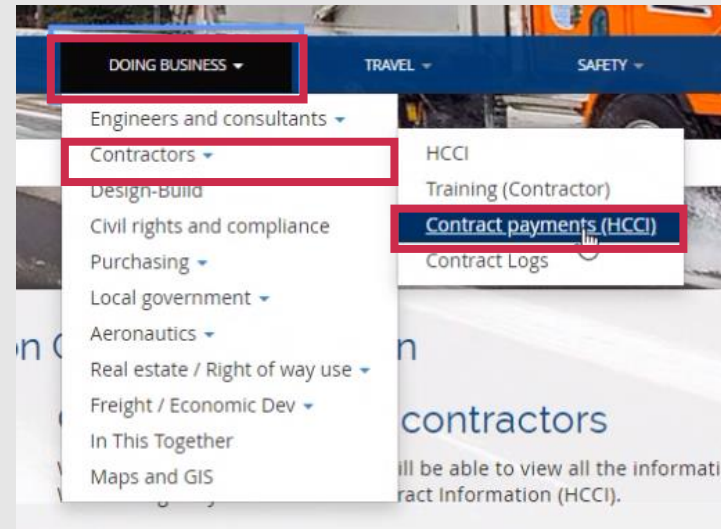




# Construction Contract Payment Viewing System (CCPMS)

<https://wisconsindot.gov/Pages/doing-bus/contractors/hcci/default.aspx>

- Access the HCCI website.
- Click on Doing Business.
- Click on Contractors.
- Click on Contract Payments.
- Register for a WAMS user id and password.



# Construction Contract Payment Viewing System (CCPMS)

WISCONSIN DEPARTMENT OF TRANSPORTATION  
*Doing Business*

[Drivers & Vehicles](#) | [Safety](#) | [Travel](#) | [Plans & Projects](#) | [State Patrol](#) | [Doing Business](#) | [Programs for Local Gov't](#)

## CONSTRUCTION CONTRACT PAYMENT VIEWING SYSTEM

**Please Select one of the following:**

By Contractor -- Enter at least first 2 letters of the contractor's name  and  
Show all contracts, which have at least one payment within the last

By Contract Id -- Enter contract number

By Project Id -- Enter project number  (Use format 1234-03-75)

By Region -- Select Region  and  
Show all contracts, which have at least one payment within the last



# Doing Business

 Search DOT

[Drivers & Vehicles](#) | [Safety](#) | [Travel](#) | [Plans & Projects](#) | [State Patrol](#) | [Doing Business](#) | [Programs for Local Gov't](#)

**Vouchers for Contract: 20170509010**

[Return to Initial Selection Page](#)

<b>Contractor:</b> LALONDE CONTRACTORS INCORPORATED			
<b>Surety:</b> PHILADELPHIA INDEMNITY INS CO			
<b>Location:</b> Loc Str, Milwaukee County			
<b>Description:</b> South 60th Street W Cold Spring RD TO W Morgan Ave			
<b>Time charged:</b>	495	<b>Total Earnings:</b>	\$3,469,368.71
<b>Time Allowed:</b>	10/16/2019	<b>Material Allowance:</b>	\$0.00
<b>Percent Time:</b>	61.64	<b>Gross Earnings:</b>	\$3,469,368.71
<b>Current Contract Amount:</b>	\$3,811,720.87	<b>Retainage:</b>	\$39,441.21
<b>Awarded Contract Amount:</b>	\$3,779,729.96	<b>Net Earnings:</b>	\$3,429,927.50
<b>Percent Complete Work:</b>	91.02	<b>Liquidated damages:</b>	\$0.00
<b>Projects:</b>		<b>Payments:</b>	3,429,927.50
2415-00-70			

**Note:** This report is for informational purposes only. It is not an actual payment document.

[Printer-friendly version](#)  
[CSV Export](#)  
[Glossary of Terms](#)

Voucher	Type	Pay Period	Total Earnings (\$)	Material Allowance (\$)	Retainage (\$)	Liquidated Damages (\$)	Payment (\$)	% Paid
<a href="#">0000</a>	SM	00/00/0000	0.00	0.00	0.00	0.00	0.00	0.00
<a href="#">0001</a>	SM	08/11/2017	23,365.66	0.00	0.00	0.00	23,365.66	0.61
<a href="#">0002</a>	SM	08/21/2017	29,897.34	0.00	0.00	0.00	29,897.34	0.78
<a href="#">0003</a>	SM	09/04/2017	61,741.90	0.00	0.00	0.00	61,741.90	1.62



# Doing Business

[Drivers & Vehicles](#) | [Safety](#) | [Travel](#) | [Plans & Projects](#) | [State Patrol](#) | [Doing Business](#) | [Programs for Local Gov't](#)

## VOUCHER DETAILS

[Return to Initial Selection Page](#)

**Contract Id:** 20170509010  
**Location:** Loc Str, Milwaukee County  
**Description:** South 60th Street W Cold Spring RD TO W Morgan Ave

<b>Total Earnings:</b> \$0.00	<b>Retainage:</b> \$0.00
<b>Voucher no:</b> 0000	<b>Material Allowance:</b> \$0.00
<b>Pay Period:</b> 00/00/0000	<b>Net Earnings:</b> \$0.00
<b>Projects:</b>	<b>Liquidated damages:</b> \$0.00
	<b>Payment:</b> \$0.00

2415-00-70 no payment this period

**Note: This report is for informational purposes only.**

[Printer-friendly version](#)

**It is not an actual payment document.**

[CSV Export](#)

[Glossary of Terms](#)

Cont Line	Item No	Item Descr	Units	Current Qty	Qty Paid	Unit Price (\$)	Cumulative Amount (\$)	Qty Placed	Current %Cpt	Material Allowance (\$)	Qty this period	Amount this period (\$)
0010	201.0105	Clearing	STA	4.00	4.00	239.00	956.00	4.00	100	0.00	0	0.00
0020	201.0120	Clearing	ID	240.00	381.00	6.00	2,286.00	381.00	158.75	0.00	0	0.00
0030	201.0205	Grubbing	STA	4.00	4.00	239.00	956.00	4.00	100	0.00	0	0.00
0040	201.0220	Grubbing	ID	240.00	381.00	13.85	5,276.85	381.00	158.75	0.00	0	0.00
0050	204.0100	Removing Pavement	SY	45,381.00	45,124.47	1.00	45,124.47	45,124.47	99.43	0.00	0	0.00
0060	204.0110	Removing Asphaltic Surface	SY	131.00	0.00	2.00	0.00	0.00	0	0.00	0	0.00



WisDOT Civil Rights Compliance



# ASP 7

## Reporting Payments in Civil Rights Compliance System (CRCS)

<http://wisconsindot.gov/hcciDocs/contracting-info/asp-7.pdf>



# ASP 7 Reporting Payments

- **Payment Confirmations**

- Confirm all payments in CRCS within 10 days of receipt.
- If there is a dispute, flag payment as disputed and notify the prime.
  - Unresolved issues – notify WisDOT project staff.



# ASP 7 Reporting Payments (continued)

- Report Payments
  - Report payments to 1<sup>st</sup> tier and **all** DBE firms (all tiers) in CRCS within **10 calendar days** of receipt of a progress payment.
    - Important to do this timely.
- Primes still need to email Paul Ndon a copy of the check or direct deposit information so the payment can be manually entered in CRCS.
  - [Paul.Ndon@dot.wi.gov](mailto:Paul.Ndon@dot.wi.gov)



# ASP 9

## Electronic Certified Payroll or Labor Data Submittal Civil Rights Compliance System (CRCS)

Federal and State Funded Projects

<https://wisconsindot.gov/hccidocs/contracting-info/asp-9.pdf>





# ASP 9

## Federal Funded Projects Electronic Certified Payroll

- All tiers of subcontractors and all trucking firms (if it is a covered haul), must submit Certified Payroll Reports (CPRs) each week through CRCS.
- Certified payrolls must be reported weekly.
  - **Bi-weekly is not acceptable.**
- Submit CPRs within 7 calendar days of the close of the payroll period.
- Signing the Statement of Compliance certifies the information reported is true and accurate.



# ASP 9

## State Funded Projects Labor Reporting

- Effective January 2019 contractors submit their labor data through CRCS by entering weekly payroll reports.
  - Trucking firms are required to submit labor data in CRCS on state-funded only projects if the haul would have required submittal of a CPR on a project with federal funds.

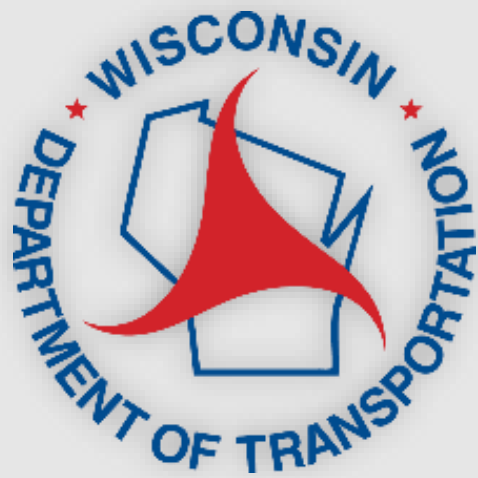


# Native American Hiring Provision (NAHP)

- The provision applies to state and federal projects that are located on or partially on tribal lands.
- All contractors must attend the Tribal Coordination Meeting for projects with NAHP.
- Coordination meetings are held prior to the preconstruction meetings.
- DT2405 Monthly Reports are due on the 15<sup>th</sup> of each month.
- When the project wraps up, there is also a final report to complete.
- Discuss continued recruitment during weekly meetings.

<https://wisconsindot.gov/Pages/doing-bus/civil-rights/tribalaffairs/native-american-hiring-provision.aspx>





# Federal Law Overtime



# Overtime Regulations

- Overtime is paid at least 1.5 x the **basic hourly rate** of pay.
  - **The higher of the two must be paid:**
    - Employee's actual basic rate vs. the prevailing basic rate.
- Paid on all hours worked over **40 hours in one week.**
- Overtime Resources
  - [US DOL Prevailing Wage Resource Book](#) (Chapter 10), [Prevailing Wage Laws Table](#), [FHWA 1273](#) (Section 5), and [US DOL Field Operations Handbook](#) (Section 15a)



# Overtime Example

## Over 40 hours in a week

<u>INCORRECT</u>	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Straight Time	10	10	11	9	5	5	
Overtime	0 OT	0 OT	0 OT	0 OT	0 OT	0 OT	

<u>CORRECT</u>	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Straight Time	10	10	11	9	0	0	0
Overtime	0 OT	0 OT	0 OT	0 OT	5 OT	5 OT	



# Fringe Benefits





# Fringe Benefits

- Payments made or costs incurred by the contractor for bona fide fringe benefits may be credited towards fulfilling the prevailing wage.
- Credit is based on the effective annual rate of contributions for all hours worked in a year (both prevailing wage and non-prevailing wage hours).
- Total package may be met by any combination of cash wages and creditable bona fide fringe benefits.



# Fringe Benefit Example

## Wage Determination

Basic Hourly Rate	\$25.00
Fringe Benefit	\$10.00
Total Package	\$35.00

## The Contractor can achieve compliance by paying:

- \$35.00 in cash wages; or
- \$25.00 in cash wages plus \$10.00 in Fringe Benefits; or
- \$20.00 in cash wages plus \$15.00 in Fringe Benefits



# Cash in Lieu of Fringe

- If fringe benefits provided to an employee are not enough to meet the total package, the difference must be paid as a cash payment (aka cash fringe).
- Cash payment in lieu of fringes must be paid to the employee weekly on their paycheck and the paycheck should show the breakdown.



# Cash in Lieu of Fringe (continued)

- Employees excluded from a fringe benefit plan must be paid the fringe rate as a cash payment.
- The hourly cash payment in lieu of fringe benefits should be recorded in the cash payment column in CRCS.



<b>WEEKLY PAYROLL REPORT</b> Wisconsin Department of Transportation		The weekly submittal of this form is required by 29 CFR Part 3.																							
Contractor Name: Hired By:		State Project ID:			Federal Project ID:			County:			Payroll Period Week Ending:														
	JOB CLASSIFICATION	Daily Hours Worked S=Straight Time, O=Overtime, D=Doubletime						Total Weekly Hours Worked	(A) Basic Hourly Rate	(B) Benefits Hourly Rate		(A)+(B) Total Hourly Rate	Project Wages		Deductions				Other Payment	Net Paid	Check #				
		MON	TUE	WED	THU	FRI	SAT			SUN	FUND PAYMENT		CASH PAYMENT	Gross Wages	FICA	FED WH	STWH	OTHER (Specify)							
		REFERENCED PROJECT																							
		S																							
		O																							
		D																							
		OTHER PROJECTS (Include private work)						S																	
		OTHER PROJECTS (Include private work)						O																	
		REFERENCED PROJECT																							
		S																							
		O																							
		D																							
		OTHER PROJECTS (Include private work)						S																	
		OTHER PROJECTS (Include private work)						O																	



**COMPLIANCE STATEMENT TO ACCOMPANY  
CONTRACTOR'S WEEKLY PAYROLL**

Wisconsin Department of Transportation

**1 b) Description of Deductions**

DT1816 4/2004 (Replaces EC673)

The willful falsification of any of the statements on this form may subject the contractor or subcontractor to civil or criminal prosecution. See Section 1001 of the Title 18 and Section 231 of

No. State Project ID: Federal Project ID: County: Payroll Period:

Contractor Name:

Prime Contractor / Subcontractor Hired By:

Authorized Agent Name:

Authorized Agent Title:

I, the undersigned, do state that:

1) I pay, or supervise the payment of the persons employed by the above contractor or project. During subcontractor on the above the payroll period designated above all persons employed on said project have been paid the full weekly wages earned, excepted as noted in Section 1(a) below. No rebates have been or will be made either directly to or indirectly on behalf of said contractor or subcontractor from the full weekly wages earned by any person. 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 CFR 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. 276c), and described below in Section 1(b).

**1 a) Exceptions**

Name	Craft	Explanation	When will this person be paid?

(2) Any payrolls otherwise under this contract required to be submitted for the above period are correct and complete. The wage rates for laborers or mechanics contained are not less than the applicable wage rates contained in any wage determination incorporated in to the contract. classifications set forth for each laborer or mechanic conform with the work performed.

(3) 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) (a) Where fringe benefits are paid to approved plans, fund, 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

**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.

Craft	Explanation

Remarks:

Signature:

Date:



# Fringe Benefit Funds

## APPROVED

- ☺ Health & Welfare
- ☺ Vacation
- ☺ Pension
- ☺ Skill Improvement
- ☺ Labor Management
- ☺ Education, Apprenticeship,  
& Training

## NOT APPROVED

- ☹ Food, Lodging, Mileage,  
Riding Time, Call-In Time
- ☹ Overtime
- ☹ Worker's Comp
- ☹ Contractor's Transportation  
Education Fund (TEF)
- ☹ Vehicle Use
- ☹ Uniforms
- ☹ Payment for Tools



# Fringe Benefit Requirements

- Contributions to a bona fide fringe benefit plan must be made no less than quarterly and must be irrevocable (cannot be taken back by the employer).
- Fringe benefits must be bona fide (recognized by USDOL).
- Fringe benefits must be credited to include all hours worked (public and private work).





# Fringe Benefit Requirements (continued)

- Only the employer paid portion you pay on behalf of the employee may be used to calculate the hourly value of fringe benefits.
- Fringe Benefits must be calculated individually for each employee. Do not use an average for all employees.
- Employees must be notified in writing of benefits and explained how to obtain them.
- More Information:  
<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/Tab9.pdf>



# How To Calculate Fund Fringe Benefits

Annual Cost of Benefits (employer paid portion) divided by total hours worked per year.

Health Insurance Fund: \$200/month X 8 months = \$1,600/year

9 Holidays Fund: 9 days X 8 hours X \$20/hour = \$1,440/year

2 weeks vacation Fund: 10 days X 8 hours X \$20/hour = \$1,600/year

Annual cost of benefit **\$4,640/year**

Employee works (include all hours)

8 months out of a year : 8 months X 173 hrs/month = **1,384 hours**

## The Calculation

**\$4,640/1,384 hours = \$3.35 (per hour fund credit)**



# Recommendations

- Review [Prevailing Wage Resource Book](#) - Section 9 DBA/DBRA Compliance Principles-Fringe Benefits.
- Review calculations annually for accuracy.
- Review and update fringe benefit templates annually in CRCS to ensure current rates are reflected (i.e. health insurance premium increase).
- Review payments to funds to ensure they are an approved/bona fide fringe benefit.



# Deductions



# Authorized Deductions

## ACCEPTABLE

- ☺ Charitable
- ☺ Contributions
- ☺ Court-ordered Wage Garnishments
- ☺ FICA
- ☺ Pension Plans
- ☺ Savings Bonds
- ☺ Union Dues

## NOT ACCEPTABLE

- ☹ Clothing required by Employer
- ☹ Damage to Company Property
- ☹ Disciplinary Penalties
- ☹ Lodging
- ☹ Loss of Tools



# Be Prepared to Verify Deductions

- Have a dated signed written agreement with the employee for all deductions.
- A deduction cannot be taken as credit toward fringe benefits.
- Itemize the deductions in CRCS under OTHER Deductions.
- Provide details on the Statement of Compliance in the Remarks section.



# Paying Correctly



# Correct Classification and Rate of Pay

- Track time and type of work employees perform.
- Classify employees based on type of work performed and equipment and tools used.
- Have a system to track the amount of time and type of work employees perform.
- In CRCS, report separately each classification an employee works.





# Good Paystub Example



# Classification

Job Id →

Typ Job	Occupation	Wks	Sun Jul30	Mon Jul31	Tue Aug01	Wed Aug02	Thu Aug03	Fri Aug04	Sat Aug05
R-T 2016-004	LABR-Unskilled	1-2			8.00				
T-H 2016-004	LABR-Unskilled	1-2			4.50				
R-T 2017-104	LABR-Unskilled	1-2				8.00	4.50	8.00	
T-H 2017-104	LABR-Unskilled	1-2				2.50		2.50	
R-T 2017-105	LABR-Unskilled	1-2		8.00					
T-H 2017-105	LABR-Unskilled	1-2		4.50					
Total hours				12.50	12.50	10.50	4.50	10.50	

← Daily Hours

Total Hours →

Current		Year-To-Date	
36.50	R-T	Hours at	30.71
14.00	T-H	Hours at	46.07
50.50		Total	

Hourly Rates →

105	Hourly Adjustment		10.17
104	Cash in Lieu of Fringes		32.56
Total Earnings		\$	1,808.55

Hourly Adjustment →

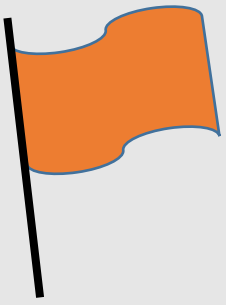
Cash Fringes

Fed Tax		339.88-	Fed Tax	3,076.76-
Soc Sec		112.13-	Soc Sec	1,107.15-
WI State Tax		107.31-	WI State Tax	1,025.54-
Medicare		28.22-	Work Dues	548.70-
309 Work Dues		59.59-	Medicare	258.94-
Total Deductions		\$ 644.91-		
Net Pay		\$ 1,163.64		

Provided Weekly →

Gross Earnings		1,808.55	Gross Earnings	17,857.48	
Tax Income		1,808.55	Tax Income	17,857.48	
WI State Tax		107.31-	WI State Tax	1,025.54-	
WI State taxable		1,808.55	WI State taxable	17,857.48	
Wkrk Dues		59.59-	Work Dues	548.70-	
Hours	Reg	36.50	Hours	Reg	393.00
	T-H	14.00		T-H	124.00
Taxable Income for Period		1,808.55			
Deposit BIG-00352	Dated	Aug 09, 17	for the amount of	\$1,163.64	





# Incomplete Paystub Example

1330			
DATE	4.28.18	DEPOSITS	
TO			
FOR	LL Hwy	TOTAL	
		THIS CHECK	912 57
	19.00 Hours	OTHER	
TAX DEDUCTIBLE		BALANCE	

## Missing:

- Rate of pay
- Hours worked
- Deductions
- Pay period
- YTD data



# Apprentices



# Qualified Apprentices

- An employee must be registered in a bona fide apprenticeship program recognized by USDOL or DWD, to be classified as an apprentice on WisDOT projects.
- Prior to the apprentice working on a WisDOT project, you must provide the regional Compliance Specialist with a copy of the apprentice's contract via email or Box:  
<https://wisdot.app.box.com/f/e263e97e31b74803babcc7ef1d7a17d0>
  - This is a secure WisDOT Compliance folder.



# Apprentice Contract

*Apprentice Contract*

This contract was prepared by Nicholas C Abbott on the date of June 28, 2018, between the Wisconsin Department of Workforce Development (the Department) and:

<u>Apprentice</u>	<u>Sponsor</u>
██████████ ██████████ ██████████ SSN: ██████████ DOB: ██████████	SE WI Construction Craft Laborers JAC 4633 LIUNA Way #100 DeForest WI 53532

The Apprenticeship term begins on May 11, 2018, and terminates upon the successful completion of the apprenticeship program provisions of the Construction Craft Laborer trade, which are incorporated as part of this contract as Exhibit A, Program Provisions. The provisions included in this contract are binding on the parties.

The Department will issue a **CERTIFICATE OF APPRENTICESHIP** to the apprentice upon satisfactory completion of the provisions of this Apprenticeship Contract.

This contract may be terminated or cancelled by the apprentice, or may be suspended or cancelled by the sponsor, for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and to the Department.

The apprentice's signature authorizes the assigned provider(s) of paid and unpaid related instruction to release progress, grades, and attendance reports to the Department, sponsor, and employer while this contract is in effect.

The program sponsor and apprentice agree to the terms of the Apprenticeship Standards incorporated as part of this document and identified as Exhibit A. The sponsor will not discriminate in the selection and training of the apprentice and will accord the apprentice equal opportunity in all phases of apprenticeship employment and training, without discrimination because of race, color, religion, national origin, sex, age, creed, handicap, marital status, ancestry, sexual orientation, arrest record, conviction record, or membership in the military forces of the United States or this state.

The apprentice, sponsor, and employer agree to fulfill all the obligations of this Apprenticeship Contract. The parties have signed this contract, as required by Chapter 108.01 of the laws of Wisconsin. Personal information provided herein may be used for secondary purposes [Privacy Law, s.15.04(1)(m) Wisconsin Statutes].

██████████ Apprentice Signature	June 21, 2018 Date	The Registration Agency is the authority to receive and resolve controversies or differences arising out of this contract when they cannot be resolved locally in accordance with established procedures or collective bargaining provisions.
██████████ Sponsor Signature	May 21, 2018 Date	
Karen P Morgan Department Approval	June 27, 2018 Date	

**Registration Agency:**  
Department of Workforce Development  
Division of Employment and Training  
Bureau of Apprenticeship Standards  
PO Box 7972, Madison, WI 53707  
Phone: 608-266-3332

- Shows name
- Shows classification
- Shows full SSN
- Shows start date



# Apprentice Contract (continued)

SE WI Construction Craft Laborers JAC • DeForest WI  
Construction Craft Laborer • 1-859463580-01-T  
Exhibit A - Program Provisions

B. Building Construction  
-concrete (tending, placement, removal)  
-landscaping  
-mason/plasterer tending  
-pipe laying

C. Heavy/Highway Construction  
-asphalt  
-drilling and blasting  
-pipe laying for work traditionally performed by Construction Craft Laborers  
-tunnel and shaft  
-concrete (tending, placement, removal)  
-bridges

Paid Related Instruction	400
TOTAL	4400

The above schedule is to include all operations and such other work as is customary in the trade.

**MINIMUM COMPENSATION TO BE PAID:** (Per collective bargaining agreement)

First pay period of 1,000 work hours	70% of skilled wage rate + 10% wage add-on
Second pay period of 1,000 work hours	75% of skilled wage rate + 10% wage add-on
Third pay period of 1,000 work hours	80% of skilled wage rate + 10% wage add-on
Fourth pay period of 1,000 work hours	85% of skilled wage rate + 10% wage add-on

10% is being added on to the base wage rate to pay for the time apprentices spend in block related instruction. The compensation for school hours will be paid by the employer as an additional 10% of the basic wage rate for all hours of on-the-job training, as listed under Minimum Compensation to Be Paid.

**Base skilled wage rate \$26.57 per hour.**

If at any time the base skilled wage rate rises or falls, the apprentice's wage shall be adjusted proportionately. The wage rate of apprentices employed in this trade and this firm shall be based on the base skilled wage rate stated above.

All apprentices are covered by State and Federal Wage and Hour Standard requirements. All apprentices shall be paid no less than the minimum wage established under regulations.

**CREDIT PROVISIONS:** The apprentice, granted credit at the start or during the term of the apprenticeship, shall be paid the wage rate of the pay period to which such credit advanced the apprentice.

Work credit hours approved:	None
School credit hours approved:	None
Paid related instruction:	None
Unpaid related instruction:	

DETA-10408-E (R. 12/2010)

Exhibit A – Page 2 of 3

- Shows the basic rate of pay.
- Shows the percentage of apprentice contract.



# Apprentice Contract (continued)

- Apprentice documentation needs to include:
  - Apprentice contract, name, ethnicity, full social security number, craft, percentage of journey worker pay, and apprentice start date.
- If the required information is missing, it can be added on to the contract.
  - See [How To Add Text to a PDF File](#).
- Email Compliance Specialist or upload apprentice paperwork on Box which is a secure WisDOT-DTSD-Compliance folder.
  - See [How to Upload Apprentice Paperwork on Box](#).





# Enforcing Apprenticeship Wages

- Apprentices are paid according to their apprentice contract.
- Applicable Journey Rate x Percentage stated in the apprentice contract.



# Enforcing Apprenticeship Wages (continued)

- Fringes

- Under Federal regulations, provisions of the apprentice program take precedence. When not outlined in the apprentice contract, the apprentice is due the full amount of fringe benefits listed on the wage determination.
- Under state law, when apprenticeship papers provide the applicable percentage, “Apprentices shall be paid a percentage of the applicable journey person’s hourly basic rate of pay and hourly fringe benefit contributions specified in the prevailing wage rate determination for the project”.



# Enforcing Apprenticeship Wages (continued)

- Unverified apprentices must be paid full prevailing wage — no exceptions!
- Identify the employee as an apprentice in CRCS.
  - Trainees, helpers, LTEs, interns, etc., are not apprentices.



# Indicating an Apprentice in CRCs

WisDOT Civil Rights Compliance

Company Employee Fringe Benefits Report UCP Home | Logout

View by Project Name | View by Project ID  
Sort Alphabetically | Sort Start Date  
Hide Completed Active Projects  
Advanced Search

Active Projects  
Southwest  
Archived Projects

Add Employee/ Edit Employee

Employee ID:

Salutation:

First Name:  **1. First Name & Last Name are required and must match apprenticeship document**

Middle Initial:

Last Name:

Suffix:

Title:

Date of Birth:

SSN:  **2. All 9 digits of SSN # must be entered for apprentices and TRANS Grads in the format XXX-XX-XXXX**

Marital Status:

Ethnicity:  **3. Ethnicity is required and must match apprenticeship document**

Gender:  Male  Female

Job Groups and Job Classes:  
Please check the box next to the crafts that you would like to be available for this employee. You also pick the default craft for this employee by selecting the button next to the checkbox.

Available?	Default	Available Crafts and Classes	Journeyman Apprentice
<input checked="" type="checkbox"/>	<input checked="" type="radio"/>	Truck Drivers 3 Or More Axles	<input checked="" type="radio"/>
<input type="checkbox"/>	<input type="radio"/>	Truck Drivers Off-Road Material Hauler (Night Shift)	<input type="radio"/>

**4. Job Groups and Classes must be marked Available and match apprenticeship document. Apprentice bubble must be selected.**

Address:   
Country:  USA  Canada  
State:   
City:   
Zip:   
Contact Phone Number:   
Office Phone Number:   
Union Name:   
Hire Date:   
Trans Grad:  Yes  No  
Is Prevailing Wage:  Non Prevailing Wage Only  
 Non Prevailing Wage & Prevailing Wage  
 Prevailing Wage Only  
Trucker Employed By:   
Employee Status:  Enabled  Disabled

Submit Cancel

<https://wisdot.app.box.com/file/1137200618564?s=9lai94wof3stai9z4xxaofe21wc8dt5m>



# Contacts for Apprenticeship Contracts

Department of Workforce Development (DWD)

Benjamin Stahlecker

Field Operations Supervisor

731 N 1<sup>st</sup> St Suite 4000

Wausau, Wisconsin 54403

[Benjamin.stahlecker@dwd.wi.gov](mailto:Benjamin.stahlecker@dwd.wi.gov)

Cellular Phone: 715-571-4485

Office Phone: 715-679-5517



# Job Site Posting Board



# Job Site Posting Board Guidelines

- Posters must be posted on the 1<sup>st</sup> day of work and left up until last day of construction.
- Complete and accurate - Prime is responsible to ensure all required documents are posted.
- Posters must be readable.
- Posted - Placing posters in a binder are not acceptable.



# Job Site Posting Board Guidelines

## (continued)

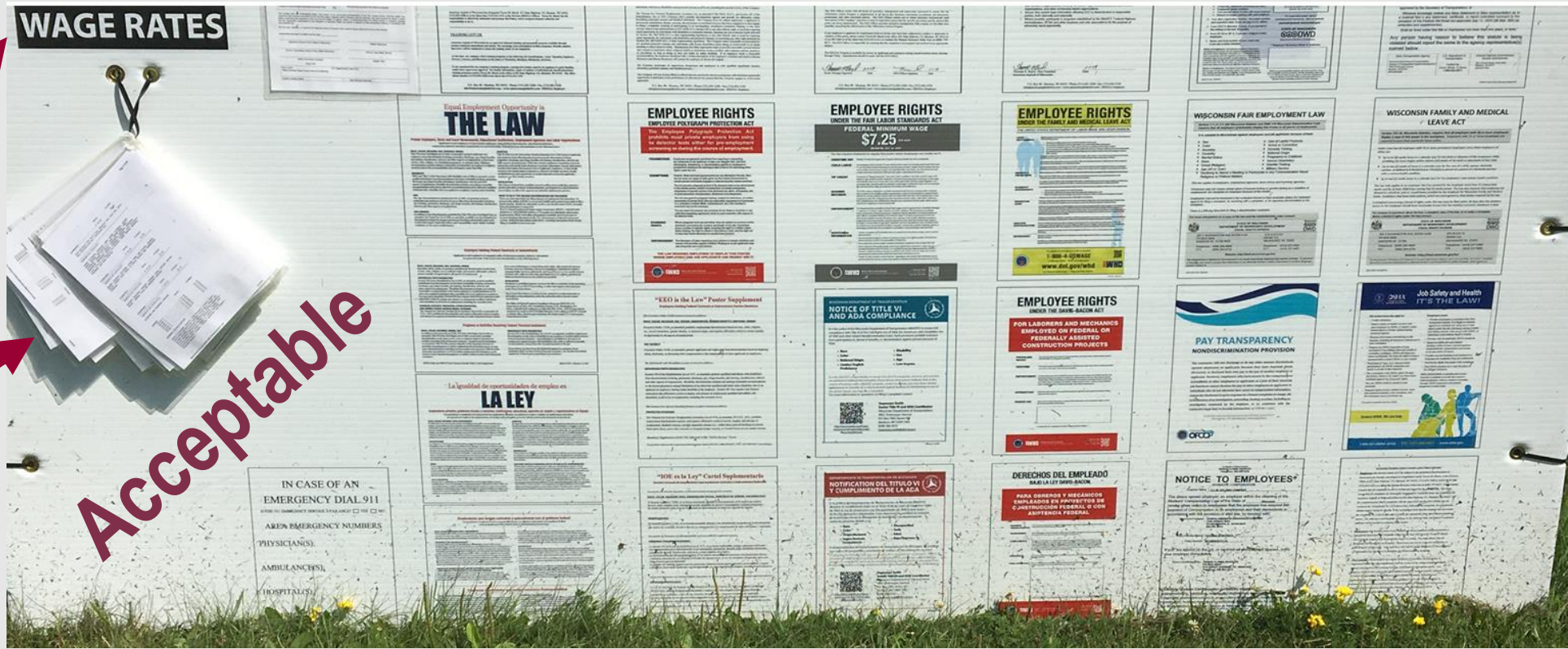
- Accessible - Board must be physically located where contractor and subcontractor employees and the public can approach and read the board at all times.
- Wage rates can be stacked if each page is laminated and there is a sign above stating, “Wage Rates”.
- Wage rates posted must be the correct ones for that project.





Sign above stating "Wage Rates"

Wage rates are laminated



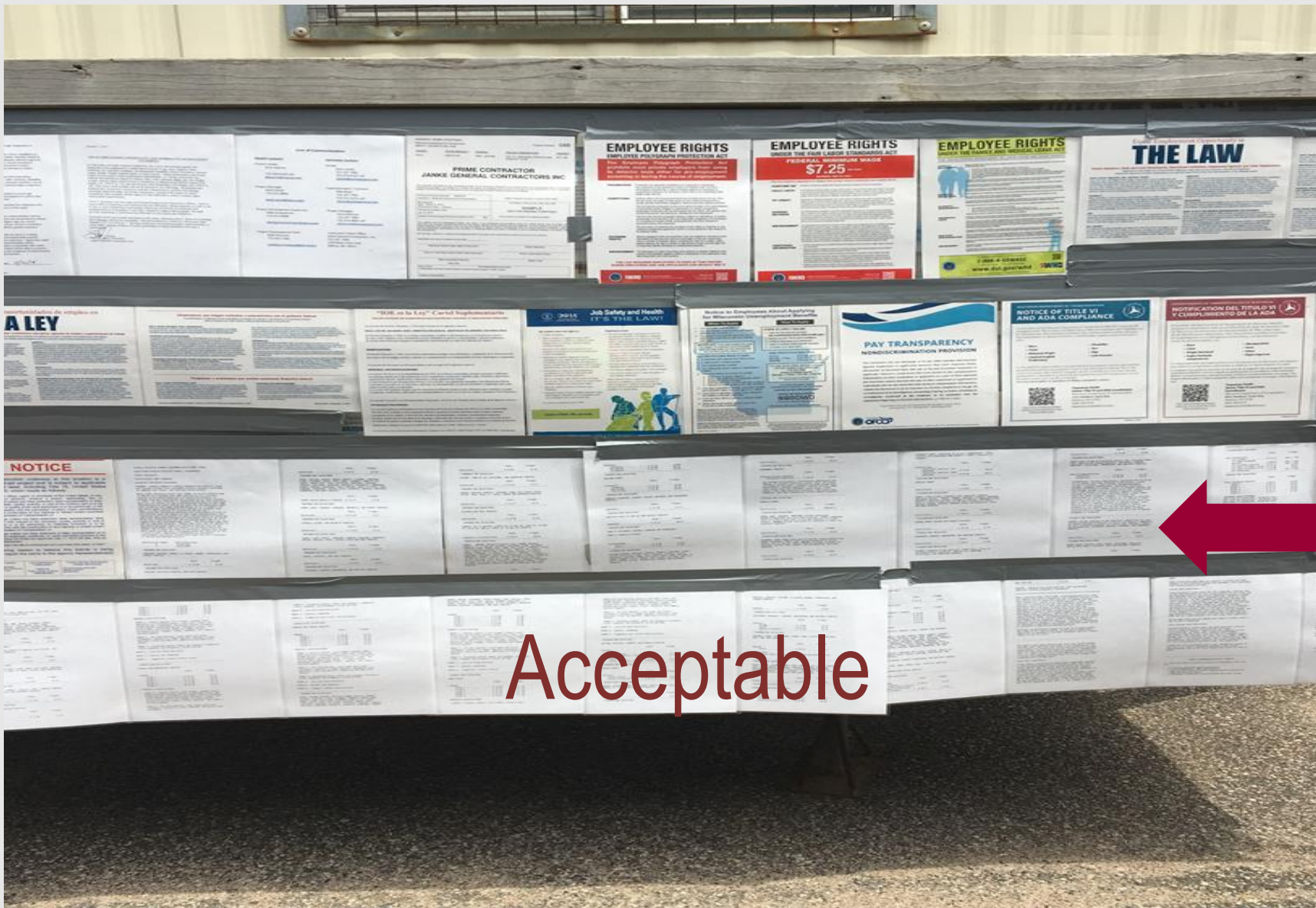
# Job Site Posting Board

The only two acceptable ways to meet the federal requirements for POSTING:

- **#1** - Wages can be stacked if they are laminated and hung below a sign saying, "Wage Rates".



#2 - Post wage determinations page-by-page.



Acceptable







# Job Site Posting Board Not Acceptable



# Job Site Posting Board Checklist

## JOB SITE BOARD POSTINGS

State Project ID:		Federal ID:	
County:		Project Title:	
Highway/Airport:		Prime Contractor:	
Reviewer Name:		Date Reviewed:	

**Project Leader complete & return to Labor Compliance Specialist assigned to this project prior to the first estimate being paid.**

The prime contractor shall post the notices in at least one conspicuous place at the site of work prior to work starting and left up until work is complete. Posters must be readable (correct size), accessible, legible, and current.

### Required for ALL Wisconsin DOT Projects (regardless of funding):

YES / NO / N/A

- Front page of proposal with prime contractor listed (distributed by Labor Compliance Specialist at pre-con)
- Contractor's EEO Policy Statement including name/signature of EEO officer & date signed
- Contractor's letter appointing EEO Officer to the Project signed by company CEO/President
- Construction Project Contact List (Emergency/Contact Phone Numbers)
- EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT (WH1462 REV 07/16)
- EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT (WH1088 REV 07/16)
- EMPLOYEE RIGHTS UNDER THE FAMILY MEDICAL LEAVE ACT (WH1420 REV 04/16) Prior version okay.
- Equal Employment Opportunity IS THE LAW\* [EEOC-P/E-1 (Revised 11/09)]
- "EEO is the Law" Poster Supplement (poster dated 11/09) (last revised 9/15)
- \*  La Igualdad de Oportunidades en el Empleo es LA LEY [EEOC-P/E-1 (Revised 11/09)]
- \*  Suplemento del document "IOE es La Ley" (poster dated 11/09) (last revised 9/15)
- Job Safety and Health: IT'S THE LAW! (OSHA 3165-04R 2019) 8.5X14 Previous version okay.
- Notice to Employees About Applying for Wisconsin Unemployment Benefits [(UCB-7-P (R. 09/2019))]
- PAY TRANSPARENCY NONDISCRIMINATION PROVISION (undated - OFCCP 12/2016) Either format acceptable.
- Wisconsin Department of Transportation Notice of Title VI and ADA Compliance (2/15/2018)
- \*  Wisconsin Department of Transportation Notification Del Título VI Y Cumplimiento De La Ada (2/15/2018)
- WISCONSIN FAIR EMPLOYMENT LAW [(ERD-4531-P (R.05/2014))]
- WISCONSIN FAMILY MEDICAL LEAVE ACT [ERD-7983-P (R-06/2014)]

### Applicable to all Projects with Federal-aid:

- NOTICE--The highway construction under way at this location... [FHWA Form 1022 (Revised May2015)]  
(not needed on FAA/Airport Projects)

### Applicable to Projects with Federal Davis-Bacon Act:

- Contract Wage Rates (US DOL, all pages - correct county/counties)
- EMPLOYEE RIGHTS UNDER THE DAVIS-BACON ACT [WH 1321 Revised 10/17]]
- \*  DERECHOS DEL EMPLEADO BAJO LA LEY DAVIS-BACON [(WH 1321 SPA (Revised 10/17))]

<https://wisdot.app.box.com/file/1137206765347?s=4m5o1jvi54x5gynm8yixfktbhivpi3r>



# Trucking on Contracts with Federal Funding

<https://wisconsindot.gov/Documents/doing-bus/civil-rights/labornwage/trucking-guidelines-after-11142017.pdf>



# Trucking

## Prevailing Wages Required

Hauls from a Dedicated AND Virtually Adjacent Source (round trip)

Hauling materials or supplies from one location on the site of work to another location on the site of work

Time spent loading/unloading materials on the site of work if such time is more than de minimis

Excavated material or spoil hauled to a site indicated in contract (round trip)

# Trucking (continued)

## No Prevailing Wages Required

Hauls from a Non-Dedicated Source if such time is de minimis or less

Time spent loading/unloading materials on the site of work if such time is de minimis or less

Delivery of materials by employees of a bona fide material supplier if such time is de minimis or less

Excavated material or spoil hauled off site of work if such time is de minimis or less

# Common Trucking Issues

- **Issues** that create the greatest number of payroll problems include:
  - ▶ Record keeping - incomplete or lack of records regarding hauls, the material being hauled, employee work hours, and project information.
  - ▶ Misinterpreting or not following [WisDOT trucking guidelines](#).





# Common Trucking Issues (continued)

- ▶ Not providing contract requirements to subcontractors at all tiers – FHWA 1273 and prevailing wage rates.
- ▶ Owner Operators reported as employees on another company's certified payroll.
- ▶ Employees misclassified as Independent Contractor/Owner Operator.
- ▶ Not assigning trucking firms as subcontractors in CRCS.
- ▶ Not submitting certified payrolls within 7 days.



# Trucking Recommendations

- Inform subs when a haul requires prevailing wage and make sure subs have the correct wage rates.
- Establish good record keeping:
  - Have a way to track trucks, trucking tickets, hours, materials, source of material, destination, etc.
- Verify payrolls are submitted by your subs prior to issuing progress payments.
- Refer to the [trucking guidelines](#) – if you have a question ask the regional Compliance Specialist.





February 2020

# TRUCK TALK

## NEWSLETTER



Dear Readers,

TRUCK TALK newsletter provides trucking information regarding WisDOT highway construction projects. We will share updates on the trucking industry, facilitate issues, and provide information on new data, reports, and studies. Please submit questions, suggestions, comments, and potential newsletter articles to: [Teresa.Rademacher@dot.wi.gov](mailto:Teresa.Rademacher@dot.wi.gov) or [Paul.Ndon@dot.wi.gov](mailto:Paul.Ndon@dot.wi.gov)



# Trucking and prevailing wage

## [Civil rights and compliance](#)

[Labor and wage compliance](#)

[Prevailing wage compliance](#)

[Payroll submission \(CRCS\) compliance](#)

[Equal Employment Opportunity](#)

[TrANS](#)

[TrANS provider service areas](#)

[Trucking](#)

[Calendar](#)












[Contacts](#)

## TRUCK TALK

The TRUCK TALK newsletter provides information regarding trucking on WisDOT highway construction projects. WisDOT will share updates on the Trucking Industry, it's facilitation, and any applicable information on new data, reports, and studies.

Submit questions, suggestions, comments and potential newsletter articles to:

[Teresa.Rademacher@dot.wi.gov](mailto:Teresa.Rademacher@dot.wi.gov) or [Paul.Ndon@dot.wi.gov](mailto:Paul.Ndon@dot.wi.gov)

- **New**  [Truck Talk - Vol 12 \(01/2023\)](#)
-  [Truck Talk - Vol 11 \(07/2022\)](#)
-  [Truck Talk - Vol 10 \(01/2022\)](#)
-  [Truck Talk - Vol 9 \(10/2021\)](#)
-  [Truck Talk - Vol 8 \(07/2021\)](#)
-  [Truck Talk - Vol 7 \(11/2020\)](#)
-  [Truck Talk - Vol 6 \(08/2020\)](#)
-  [Truck Talk - Vol 5 \(05/2020\)](#)
-  [Truck Talk - Vol 4 \(04/2020\)](#)
-  [Truck Talk - Vol 3 \(02/2020\)](#)
-  [Truck Talk - Vol 2 \(01/2020\)](#)
-  [Truck Talk - Vol. 1 \(12/2019\)](#)

## Trucking Safety and Regulatory Requirements workshop

Presented at the 2022 DBE Annual Workshop and Networking Summit. Wisconsin State Patrol Lt. William Berger presents information related to state and federal regulations that apply to the trucking industry. The topic areas include regulations related to size, weight and load, Class B highways, posted roads, intrastate hours of service rules, Commercial Driver's License applicability, medical certification and tiers of operation, load securement and operating authority.

<https://wisconsindot.gov/Pages/doing-bus/civil-rights/labornwage/trckng.aspx>



# Roles and Responsibilities



# Contractor's Responsibilities

- Chain of Command - Hiring sub, Prime, WisDOT.
- Provide your subcontractor with the prevailing wage rates, any addendums (if applicable), State Project ID, and any contract requirements such as FHWA 1273, etc.
  - Flow-down





# Contractor's Responsibilities (continued)

- Ensure that CRCS reporting requirements are met for all subs (payrolls if applicable, payments, etc.).
- The Prime contractor is required to monitor and ensure that the DBE Commitment is being met throughout the project. It's imperative if there is a change/reduction that all ASP 3 provisions are followed, and appropriate notifications are done.
- Ask your subs about their accounting and reporting practices – are they acceptable?



# Contractor's Responsibilities (continued)

- Stay in contact with your Compliance Specialist (CS) regarding issues and follow up with subcontractors regarding non-compliance.
- Prior to the project starting, review the contract wage determinations to make sure all needed classifications are listed.
- Prime Contractor Responsibility
  - Communication - talk to your subcontractors and have your subs talk to their subs.





# Before You Bid

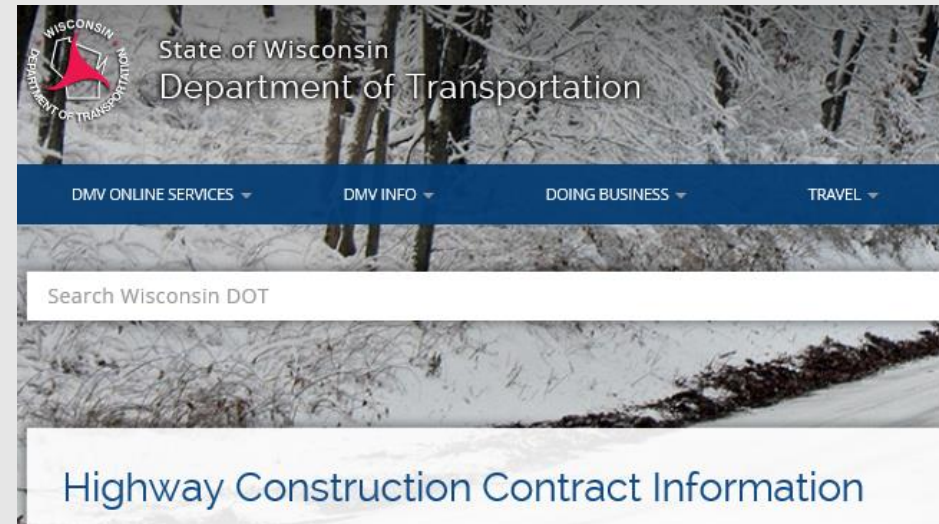
- Look for addendums on the Highway Construction Contract Information (HCCI) website (plan changes, wage rates if applicable, etc.).
- On HCCI, go to Construction bid letting-General process overview:  
<http://wisconsindot.gov/Pages/doing-bus/contractors/hcci/bid-let.aspx>
- Verify that all required classifications needed to complete the work are listed in the wage rates. If not, contact your Compliance Specialist.



# Resource - HCCI

## HCCI

- Proposals
- CS and DBE contacts
- Contract Schedule
- Contract Payments
- CRCS Manual
- CMM



<http://wisconsindot.gov/Pages/doing-bus/contractors/hcci/default.aspx>



# Resource

## Civil Rights Compliance System

### CRCS

- Project info
- Wage rates
- Contact info

**WisDOT Civil Rights Compliance**



<https://wisdot.ecomply.us/default.aspx?ReturnUrl=%2flogout.aspx>



# Compliance Specialist

- New projects
  - Will do an initial overview and share vital information with the prime and subcontractors at the preconstruction meeting.
  - Review and approve initial sublet requests.
- Will utilize CRCS to manage the project
  - Payroll reviews or labor data.
  - Payment reports.



# Compliance Specialist (continued)

- When you'll hear from us or see us
  - In the field conducting Wage/EEO interviews or at the project's weekly meeting.
  - Call or letter and/or email regarding a compliance issue or a rejection notice.
  - When the project is substantially complete.
- Communication
  - Will typically work directly with the Prime contractor.



# Sublets (Best Practices)

- Primes - Have DT1925 (Sublet requests) to your Compliance Specialist before the preconstruction meeting.
  - Fill in the form completely including the running total of approved sublets.
- Non-trucking firms should not be listed in CRCS with placeholder dollar amounts.
  - If you cannot determine the amount of the contract, use your best judgement and guess the contract amount.



# Compliance Investigations

- Sources of Investigation
  - Internal Review
  - Formal Complaint
  - Compliance Review
- Notification is sent to prime contractor and contractor being reviewed and WisDOT project staff
  - Prime contractor's responsibility to ensure WisDOT receives all requested information by the deadline.



# Compliance Investigations (continued)

- WisDOT may withhold payments for non-compliance with deadlines and will **not** make a final payment until an investigation is closed.
- Failure to provide full, accurate, and timely information can lead to or result in suspension or debarment and referral to another agency.

[http://docs.legis.wisconsin.gov/code/admin\\_code/trans/504.pdf](http://docs.legis.wisconsin.gov/code/admin_code/trans/504.pdf)





# Top 10 Takeaways

- 1) Submit CPRs in CRCS within 7 days of the close of the payroll period.
- 2) Enter and confirm payments within 10 days of receipt of a progress payment.
- 3) Notify [DBE\\_Alert@dot.wi.gov](mailto:DBE_Alert@dot.wi.gov) and Compliance Specialist of changes/reductions to DBE Commitment ASAP.
- 4) Apprenticeship: Bona fide program, up-to-date information, and upload documents to Box.
  - <https://wisdot.app.box.com/f/e263e97e31b74803babcc7ef1d7a17d0>
  - Refer to Apprenticeship slides 100-109.
- 5) OT hourly rate x 1.5 straight time/prevailing wage hourly whichever is greater.



# Top 10 Takeaways (continued)

## 6) Other hours

- Hours worked elsewhere (public and private work) and show as a difference between project and gross wages.

## 7) Bidders list

- Update your company profile to reflect your current contacts.

## 8) Compliance staff is located throughout the state.

- Review Project/Project Details/Local Information area to find the Compliance Specialist assigned to a specific project and their contact information.

## 9) Keep good, updated records in case a Compliance staff member requests information.

## 10) Provide written notification if withholding payment to subcontractors.



# In Summary



Thank you for attending.

If you have questions, ask your Compliance Specialist.

Have a safe season!

