

FACT SHEET #14 - ENFORCEMENT MEASURES

DAVIS-BACON PROVISIONS FOR CLEAN AND DRINKING WATER SRF PROJECTS

Activities that take place after payroll review for failing to comply with the DBRA.

The WID Construction Section will review circumstances regarding underpayment against a willful violator for a first offense and will require a written statement assuring future compliance from the employer, in addition to full wage restitution for all underpaid employees.

The debarment process consists of the following:

RECOMMEND DEBARMENT AGAINST REPEAT VIOLATORS. The first time an employer is found in violation, the employer is required to:

- pay full restitution to all affected workers,
- pay any CWHSSA liquidated damages for overtime violation,
- provide a written assurance of future compliance.

If the employer promptly completes these corrective actions, it is likely that the EPA / DOL will not object if the WID Construction Section does not recommend debarment against the employer, unless there are extenuating circumstances which warrant debarment.

RECOMMEND DEBARMENT AGAINST REPEAT VIOLATORS. WID has taken a no-tolerance policy against contractors who willfully repeat violations of Davis-Bacon labor standards. If the employer is found in violation of the DBRA again, the WID Construction Section must require full correction of any underpayments and payment of CWHSSA liquidated damages computed. Plus, a debarment recommendation, made by the WID Construction Section to the U.S. Department of Labor against the employer, is expected. (29 CFR 5.12)

ENFORCEMENT REPORTS. In accordance with DOL regulations, the project Owner, Consulting Engineer or WID Construction Section must prepare enforcement reports on any case where an employer has underpaid its employees by \$1,000 or more or where there is reason to believe the violations are aggravated or willful. (29 CFR, Part 5, §5.7)