

**Preconstruction Checklist For Contractors:  
Meeting Labor Standards Contract Requirements**

**I. Introduction**

The following checklist has been prepared to assist contractors and subcontractors in meeting contractual labor standards responsibilities. All major administrative and procedural activities have been covered in the sequence they will occur as the construction project proceeds. Careful attention to and use of the checklist should result in a minimum of labor standards problems

**II. Explanatory Notes**

The word “employer” as used below refers to the project contractor, each sub-contractor, or each lower-tier sub-contractor. Payrolls and other documentary evidence of compliance (marked with an asterisk) are required to be sent to the recipient for review (all to be submitted through the project contractor). The delivery procedures are as follows:

- A. Each lower-tier sub-contractor, after careful review, submits required documents to the respective sub-contractor.
- B. Each sub-contractor, after checking his/her own and those of each lower-tier sub-contractor he/she may have, submits required documentation to the contractor.
- C. The contractor, after reviewing all payrolls and other documentation, including his/her own, and correcting violations where necessary, submits all to the recipient.

All employers should check each of the following statements as being true. If any statement is not true, the contractor or his/her representative should contact HPD’s Labor Monitoring Unit for guidance.

**III. Before construction begins each employer has:**

- A. Not been debarred or otherwise made ineligible to participate in any federal, federally-assisted or NYS funded project.
- B. Received appropriate contract provisions covering labor standards requirements.
- C. Reviewed and understands all labor standards contract provisions.
- D. Received the wage decision as part of the contract.
- E. Requested through the recipient and received the minimum wage for each classification to be worked on the project not included on the wage decision by the additional classification process and before allowing any such trades(s) to work on the project.
- F. Requested and received certification of his/her apprenticeship program from the Federal Bureau of Apprenticeships and submitted a copy of an Apprenticeship Standards/Apprenticeship Joint Approval form to the recipient prior to employment.

**IV. At the construction start the contractor has:**

A. Notified HPD of construction start date in writing.

B. Has placed each of the following on a bulletin board prominently located on the project site which can be seen easily by the workers (and replaced if lost or unreadable any time during construction):

- Wage Decisions ([State](#) and/or [Federal](#))
- Notices to Employees ([WH1321](#))
- Safety & Health Protection on the Job (DOL)
- Before assigning each project worker to work, has obtained worker's name, current mailing address, and Social Security Number.
- Has obtained a copy of each apprentice's certificate with the apprentice's registration number and his/her year of apprenticeship.

E. Has informed each worker of:

- his/her work classification (journeyman or job title) as it will appear on the payroll.
- his/her duties of work.
- the US and/or NYS Department of Labor's requirement on this project that he/she is either a journeyman, apprentice, or laborer
- If journeyman, he/she is to be paid journeyman's minimum wage rate or more;
- If apprentice, he/she is to be paid not less than the apprentice's rate for the trade based on his/her year of apprenticeship; or
- If laborer, he/she is to do laborer's work only - not use any tool or tools of the trade –
- and not perform any part of a journeyman's work and is to be paid the laborer's minimum wage rate or more.

F. Understands the requirements that each laborer or mechanic who performs work on the project in more than one classification and paid at the highest wage rate applicable to any of the work which he/she performs unless the following requirements are met:

- Accurate daily time records shall be maintained. These records must show the time worked in each classification and the rate of pay for each classification, and must be signed by the worker.
- The payroll shall show the hours worked in each classification and the wage rate paid for each classification.
- The payroll shall be signed by the workmen or a signed copy of the daily time record shall be attached thereto.
- Informed each worker of his/her hourly wages (not less than the minimum wage rate for his/her work as stated in the Wage Decision).
- Time and a half for all work over 8 hours in any day or over 40 Hours in any work week (depends upon whether of not job is federally funded).
- Fringe Benefits, if any (See Wage Decision for any required).
- Deductions from pay.

- Has informed each worker that he/she is subject to being interviewed on the job by HPD's Labor Monitoring Unit, the U.S. or NYS Department of Labor to confirm that his/her employer is complying with all labor requirements.
- Has informed each journeyman and each apprentice that a journeyman must be on the job at all times when an apprentice is working.

## V. During Construction

### A. Each Employer:

- Has not selected, assigned, paid different pay rates to, transferred, upgraded, demoted, laid off, nor dismissed any project worker because of race, color, creed, age, national origin, alienage or citizenship status, gender (including gender identity and sexual harassment), sexual orientation, disability (including pregnancy), marital status, partnership status, arrest or conviction record, unemployment status, or status as a victim of domestic violence, stalking and sex offenses.
- Has employed all registered apprentices referred to him/her through normal channels up to the ratio of apprentice to journeyman in each trade used by the employer.
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- Will maintain basic employment records accessible to inspection by HPD, U.S. or NYS Department of Labor.
- Is complying with all health and safety standards.
- Has a sign-in/out procedure in place to secure the site and monitor employee time on site.
- Has paid all workers weekly.
- Has submitted weekly payrolls.

Prepared on recommended Form WH-347 or comparable form. A blank copy of [Payroll Form WH-347](#) and instructions for completing this form are included with this checklist.

- ✓ Apprentice. If the worker is an apprentice, his/her registration number and year of apprenticeship is included the first time the apprentice's name appears on the payroll. If a copy of the apprentice's registration certificate has not been submitted to recipient by employer (through contractor), apprentice must be paid journeyman's rate.
- ✓ Split Classification. If the worker has performed more than one class of work during the work week, such as carpenter and laborer, the division of work will be shown on separate lines of the payroll.
- ✓ Accurate daily time records show the exact hours of work performed daily in each class of work, and are signed by the affected worker.
- ✓ Average Pay of Two Classes of Work Not Accepted. The employer shall not pay a "semi-journeyman" or semi-skilled laborer the average of journeyman's and laborer's rates. The actual hours each worker uses tools of trade (journeyman) and each hour he/she does not use tools of trade (laborer) must be recorded on the payroll.

- ✓ Helper. The work classification of “helper” is not accepted by HPD, unless included in the Wage Decision issued by the U.S. Department of Labor for the project. Any employee listed as “helper” in absence of such classification in the Wage Decision must be paid the journeyman’s rate for hours he/she uses tools of the trade.

#### Weekly Payroll Review

- Weekly Payroll Review. Each employer should promptly review the weekly payroll for compliance with all labor requirements (using this check list) and made necessary corrections.
- Each Lower-Tier Sub-contractor has submitted his weekly payroll or “no work” letter to the respective sub-contractor for the sub-contractor to have received within 3 calendar days from the last date of the work week. Each sub-contractor has received a payroll or “no work” letter from each and his/her own payroll, required necessary corrections, and submitted all of such payrolls to the contractor within 5 calendar days from the last date of the workweek.
- Contractor has received a payroll or “no work” letter from each subcontractor, monitored each including his/her own payroll, required necessary corrections, and collectively submitted them to the recipient within 7 work days of the last date of the respective work week.

#### **VI. After Project Completion**

Each employer will keep all weekly payrolls and associated documents, including timecards and sign-in sheets, on the project for 3 years after the contractor’s project completion date.