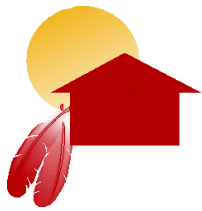
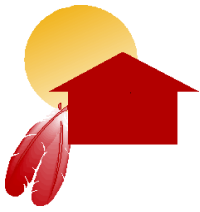


TABLE OF CONTENTS

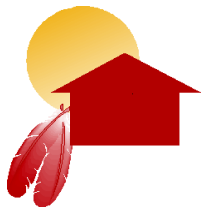
I. Purpose	2
II. Pre-Visit Preparation	3
III. On-Site Review	4
IV. Summary	8



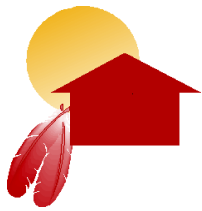
RECIPIENT NAME:	<u>Regulatory/ Statutory Citation</u>	<u>Other Tools</u>	<u>WP Pg.</u>	<u>Remarks</u>
I. Purpose				
<p>Laborers and mechanics employed in the development (e.g., construction, rehabilitation) of affordable housing must be paid no less than prevailing wages pursuant to the Davis-Bacon Act (Davis-Bacon wages). Maintenance laborers and mechanics employed in the operation of such projects must be paid no less than prevailing wages determined by HUD (HUD wages). HUD has delegated labor standards administration and enforcement responsibilities to recipients. The purpose of the Labor Standards limited review is to determine whether the recipient has carried out its labor standards responsibilities</p> <p>Recipients may use tribally determined prevailing wage rates (TDWs) in lieu of Davis-Bacon and/or HUD wages.</p> <p>Note: These labor standards provisions apply to the IHBG program but DO NOT apply to ICDBG, ROSS, or RHED/RIF programs.</p>	<p>24 CFR 1000.16 29 CFR Parts 1-5 Sec. 104(b)(1) of NAHASDA</p> <p>Sec. 104(b)(3) of NAHASDA</p> <p>24 CFR 1003.603 (Not mentioned in ROSS or RHED/RIF)</p>	<p>“Making Davis-Bacon Work – A Practical Guide for States, Indian Tribes, and Local Agencies” (found at www.hud.gov/ offices/olr) HUD Handbook 1344.1</p> <p>Program Guidance (PG) 2003-04</p> <p>PG 2009-07</p> <p>PG 2013-07(R)</p>		



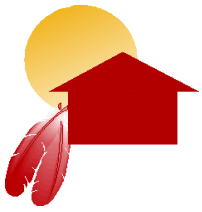
RECIPIENT NAME:	<u>Regulatory/ Statutory Citation</u>	<u>Other Tools</u>	<u>WP Pg.</u>	<u>Remarks</u>
II. Pre-Visit Preparation				
A. Determine whether the recipient is using Davis-Bacon, HUD and/or TDW rates.				
1. If the recipient has elected to use TDWs in lieu of Davis-Bacon and/or HUD wages, identify the date such TDWs were put in place to determine the scope of TDW-applicability (i.e., was any development or maintenance work undertaken during the review period at a time when the TDWs were <i>not</i> in place?).				
If the recipient used TDWs for <i>all</i> development and maintenance work during the review period and continuing to the current date, no further Davis-Bacon and HUD wage labor standards review is appropriate. Record same in work papers.				
2. If the recipient used TDWs for a portion of development or maintenance work undertaken during the review period, limit any Davis-Bacon and/or HUD wage review to the work/period(s) <i>not</i> subject to TDWs.				



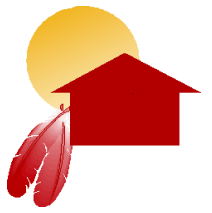
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3. If applicable, obtain a copy of the current/most recent HUD Maintenance Wage Determination (HUD-52158) issued to the recipient.				
III. On-Site Review				
<i>(On-site review may be conducted primarily via interview with recipient staff.)</i> A. TDWs. If the recipient has elected to utilize TDWs for development and/or maintenance work:	NAHASDA Sec. 104(b)(3)			
1. Inquire/determine whether the Tribe has adopted a tribal law or regulation that requires the payment of not less than prevailing wages as determined by the Tribe.				
2. If yes, review the tribal law or regulation to determine:				
a. Whether the law or regulation requires the payment of not less than <i>prevailing</i> wages (not “minimum”, “average”, “fair” wages, etc.).				
b. Whether the law or regulation is applicable to all, or only a portion, of development and/or maintenance work.				



RECIPIENT NAME:	<u>Regulatory/ Statutory Citation</u>	<u>Other Tools</u>	<u>WP Pg.</u>	<u>Remarks</u>
3. Inquire whether the recipient has utilized Davis-Bacon or HUD wages for any development or maintenance work <i>not</i> covered by TDWs.				
4. Inquire whether the recipient has notified HUD of its election to use TDWs and of the scope of work subject to TDWs (see 2 b, above). (NOTE: This notification is not required. The question is asked for informational purposes, only.)				
B. Davis-Bacon and/or HUD wages. If the recipient has elected to use Davis-Bacon wages for development work and/or HUD wages for maintenance work, determine: <hr/> 1. Whether the recipient has designated staff for labor standards administration and enforcement.	24 CFR 1000.16 29 CFR Part 5	Practical Guide HB 1344.1		
2. Whether the recipient maintains labor standards records for covered development and maintenance work, including copies of contracts (if applicable); payroll reports; correspondence; and evidence that any discrepancies or violations were corrected.		Labor Relations Letter 04-02		



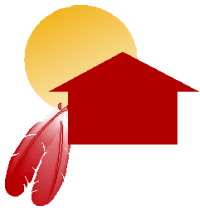
RECIPIENT NAME:	<u>Regulatory/ Statutory Citation</u>	<u>Other Tools</u>	<u>WP Pg.</u>	<u>Remarks</u>
3. Whether labor standards records relating to development work are retained for no less than 3 years after completion of the work.				
4. Whether the recipient's labor standards protocols ensure that:				
a. For both contracts and force account labor, a Davis-Bacon wage decision is assigned for development work and a HUD wage decision is assigned for maintenance work.				
The applicable wage decision (and Davis-Bacon poster for development work) is posted at a location accessible to all laborers and mechanics covered by such wage decision.				
b. Contracts for development and/or maintenance work in excess of \$2,000 contain both the applicable wage decision and labor standards provisions (HUD-5370).	24 CFR 1000.16(a)(3)			
c. Payrolls or other employer records, as appropriate, are reviewed to		assess employer compliance.		



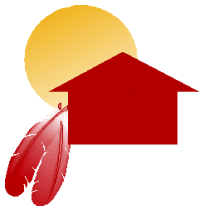
29 CFR 5.6

Office of Native American Programs

Labor Standards
Monitoring Plan
RECIPIENT



RECIPIENT NAME:	<u>Regulatory/ Statutory Citation</u>	<u>Other Tools</u>	<u>WP Pg.</u>	<u>Remarks</u>
d. Confidential interviews are conducted at the job site with laborers and mechanics performing covered work.				
e. Payroll, wage, and any other labor standards discrepancies are noted and corrected.				
f. Complaints or other allegations of wage violations are addressed promptly and followed to resolution.				
C. General. Reports, technical assistance, training.				
1. Determine whether the recipient submits Davis-Bacon labor standards enforcement reports, as required (i.e., semi-annually, and in each case where wage restitution exceeds \$1,000).	29 CFR 5.7			
2. Assess whether there is a need for technical assistance or training concerning prevailing wage applicability, administration, enforcement, or reporting.				



RECIPIENT NAME:	<u>Regulatory/ Statutory Citation</u>	<u>Other Tools</u>	<u>WP Pg.</u>	<u>Remarks</u>
V. Summary				
<p>A. Summarize the results of the review in a work paper.</p> <p>B. Discuss significant issues with Supervisor.</p> <p>C. Develop findings, including questioned costs and corrective actions, as appropriate.</p> <p>D. Develop concerns because they could lead to a violation</p> <p>E. Develop report language, including any findings and concerns.</p> <p>F. If there are any major issues identified in this review and the recipient has approval to invest, determine if a withdrawal of investment authority should be recommended.</p>				

Reviewer Name:	
Review Date(s):	