Jackson Health System
Subcontractor Training Workshop Series
Responsible Wages & Certified Payroll
Wednesday, November 28, 2018
10:00 a.m. – Noon
Jackson Medical Towers – Suite 819 Conference Room
Welcome
Introductions
Responsible Wages & Certified Payroll Requirements

§ 2-11.16 of the Code of Miami-Dade County
Miami-Dade County
Internal Services Department
Small Business Development Division
Responsible Wages and Benefits on County Construction Contracts

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§2-11.16 of the Code of Miami-Dade County
Responsible Wages and Benefits

§2-11.16 of Code of Miami-Dade County
&
Implementing Order No. 3-24
RWB Applies to

- Competitively bid County construction projects valued greater than $100,000

- Privately funded Construction on County Owned Land

- Federally Funded Projects: Where not otherwise precluded by state or federal law, the overall per hour rate shall be the higher rate under Responsible Wages and Benefits or the rate of wages to be paid under the requirements of the Davis-Bacon Act; provided, that the overall per hour rate shall not be the higher rate if the federal government requires the County as a condition of receiving federal funds for a project to pay no more than the wages as determined by the U.S. Department of Labor under the Davis-Bacon Act on project contracts.
RWB Requirements

➢ Applies to laborers and mechanics of prime contractor and subcontractor at any tier level;

➢ Applies to owners who perform work on site

➢ Does not apply to off site personnel, office staff, or suppliers delivering materials to the job site;

➢ Prime is responsible for informing all subcontractors of the wage requirements, and is responsible for compliance by all subcontractors;

➢ Rate of pay is based on type of work performed without regard of skill;

➢ Employees must be paid no less than the hourly base rate listed in the applicable wage schedule. Benefit rates must be paid for every hour worked, this includes overtime hours.
RWB Requirements

➢ The minimum rate that must be paid is the one in effect as of January 1st of the year in which the work is performed;

➢ Payments must be paid by check, money order or direct deposit;

➢ Wage Schedule must be posted at the job site;

➢ If a firm cannot find a wage classification in the Wage and Benefits Schedule that describes the work actually being done, the firm must contact SBD or Minority Affairs Division before using a Davis-Bacon wage rate or any other wage rate.

Questions concerning the comparability of worker classifications or the applicability of Davis-Bacon classifications must be determined by SBD or MDAD Minority Affair Division for contracts at the Airport.
### Sample Wage Schedule

**MIAMI-DADE COUNTY**

**§2-11.16 CODE OF MIAMI-DADE COUNTY**

**RESPONSIBLE WAGES AND BENEFITS SCHEDULE**

**2016**

"HIGHWAY CONSTRUCTION"

<table>
<thead>
<tr>
<th>TRADE/WORK LEVEL CLASSIFICATION</th>
<th>PER HOUR WAGE RATE</th>
<th>PER HOUR HEALTH BENEFIT (1)</th>
<th>PER HOUR PENSION BENEFIT</th>
<th>COMBINED DOLLAR VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CARPENTERS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carpenters</td>
<td>$22.50</td>
<td>$4.00</td>
<td>$3.00</td>
<td>$29.50</td>
</tr>
<tr>
<td>Foreman (5 or more workers)</td>
<td>24.30</td>
<td>4.00</td>
<td>3.00</td>
<td>31.30</td>
</tr>
<tr>
<td>Foreman (12 or more workers)</td>
<td>25.20</td>
<td>4.00</td>
<td>3.00</td>
<td>32.20</td>
</tr>
<tr>
<td>General Foreman</td>
<td>26.10</td>
<td>4.00</td>
<td>3.00</td>
<td>33.10</td>
</tr>
</tbody>
</table>

**Apprentices:**

**NOTE:** Apprentices will be permitted to work at these rates when they are employed pursuant to and individually registered in a legitimate apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a state apprenticeship agency recognized by the Bureau. In Florida this agency is the Florida Department of Education, Division of Career and Adult Education, Apprenticeship Section - http://www.fldoe.org/workforce/apprenticeship. Please see page 6 of the Supplemental General Conditions for more information.

| 1st 6 month period | $13.95 | $4.00 | $3.00 | $20.95 |
| 2nd 6 month period | 15.08  | 4.00  | 3.00  | 22.08  |
| 3rd 6 month period | 16.20  | 4.00  | 3.00  | 23.20  |
| 4th 6 month period | 17.33  | 4.00  | 3.00  | 24.33  |
| 5th 6 month period | 18.45  | 4.00  | 3.00  | 25.45  |
| 6th 6 month period | 19.58  | 4.00  | 3.00  | 26.58  |
| 7th 6 month period | 20.70  | 4.00  | 3.00  | 27.70  |
| 8th 6 month period | 21.83  | 4.00  | 3.00  | 28.83  |

(1) Per hour health benefit includes hospitalization, medical, and life insurance.

**Forms**

The fabrication and re-fabrication of all forms and dismantling of forms when they are to be reused. This includes removable corrugated metal forming systems and all other patented forming systems. When power rigging is used in the setting or dismantling of forms, and the necessary false work, all handling, rigging and signaling. The setting, leveling and aligning of all templates for anchor bolts for structural members, machinery, and the placing, leveling, bracing, burning and welding for all bolts. The installation of embedded materials where attached to forms and/or embedded materials for machinery. Framing in connection with the setting of bulkhead; fabrication of screeds and stakes for floors and form for articles. The handling of lumber, fabricated forms and form hardware installed by carpenters. The building and moving of all scaffolding for runways and staging. The cutting or framing of openings for piles, conduit, ducts, when they pass through floors, partitions or forms. All rigging, setting, aligning and hand signaling when setting up pre-cast units.

**Railing**

The installation of all construction of temporary guardrails, barricades and/or safety devices. The unloading, handling, distribution, installation and backing necessary for all aluminum, vinyl, plastic or wood handrails and guardrails.
The prime and all subcontractors must submit original notarized certified payrolls to the County with each pay requisition, signed by an officer of the company. The USDOL Form WH-347 or an equivalent is acceptable and must be completely filled out.

The prime contractor is responsible for collecting and submitting certified payrolls for all subcontractors with each pay requisition. Workers subject to the wage requirements must be listed on the certified payrolls for the firm who paid the wages. The certified payrolls must reflect: employee name, address, last four (4) digits of the social security #, classification, hours worked, pay rate, gross pay, all(any) deductions, and net pay.
Certified Payroll Form: Part 1

(Contractor or Subcontractor)

(1) That I pay or supervise the payment of the persons employed, by

(Date)

(Name of Signatory Party)  (Title)

that during the payroll period commencing on the

day of ______________, and ending the day of ______________,

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly for or on behalf of said

(Contractor or Subcontractor)

weekly wages earned by any person and that 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 Davis-Bacon Act, as amended (48 Stat. 946, 61 Stat. 146, 72 Stat. 367, 76 Stat. 357, 49 U.S.C. 274d), and described below:

(2) That any payroll statements submitted for the above period are correct and complete, that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract, that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That 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) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, 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 4(c) below.

(c) EXCEPTIONS

<table>
<thead>
<tr>
<th>EXCEPTION (CRAFT)</th>
<th>EXPLANATION</th>
</tr>
</thead>
</table>

REMARKS

NAME AND TITLE  SIGNATURE

THE WILFUL FALSIFICATION OR ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1851 OF TITLE 18 AND SECTION 3571 OF TITLE 31 OF THE UNITED STATES CODE.
### Certified Payroll Form: Part 2

#### PAYROLL

*For Contractor’s Optional Use: See Instructions, Form WH-347 Inst.*

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

<table>
<thead>
<tr>
<th>Name of Contractor</th>
<th>OR Subcontractor</th>
<th>Address</th>
<th>OMB No.</th>
<th>For Week Ending</th>
<th>Project and Location</th>
<th>Payroll No.</th>
<th>Name, Address and Social Security Number of Each Employee</th>
<th>Work Classification</th>
<th>Date</th>
<th>Hours Worked For Each Day</th>
<th>Deductions</th>
<th>Other</th>
<th>Total Deductions</th>
<th>Net Pay and Total Paid for Each Week</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

We estimate that it will take an average of 56 minutes to complete this collection of information, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection of information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, ESA, U. S. Department of Labor, Room S3092, 200 Constitution Avenue, N. W., Washington, D. C. 20210.
Independent Contractors / Temporary Workers

- Independent contractors and temporary workers who perform trade work are subject to the wage requirements and must be listed on the certified payrolls for the firm that paid the employee’s wages.
Apprentices

Apprentices are allowed to work on the project. However, employees are not considered apprentices unless registered in an apprenticeship program registered with U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau. In Florida this agency is the Florida Department of Education, Division of Career and Adult Education, Apprenticeship Section. To obtain information on registered programs: www.fldoe.org/academics/career-adult-edu/apprenticeship-programs.

If an employee is not in a registered apprenticeship program, must be paid journeymen wages.

Proof of Apprenticeship Registration must be submitted to SBD. To obtain the proof of registration, the firms must contact the Apprenticeship Program Sponsor and request an Apprenticeship Certification form be sent to SBD or MDAD Minority Affairs Division. You will need to provide the following information to the Program Sponsor:

- Contracting Authority Information, Please provide the following:

<table>
<thead>
<tr>
<th>Miami Dade County - Small Business Development Division</th>
<th>MDAD - Minority Affairs Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attention: Alice Hidalgo-Gato</td>
<td>Attention: Milton Collins</td>
</tr>
<tr>
<td>111 NW 1st Street 19th Floor</td>
<td>P O Box 02554</td>
</tr>
<tr>
<td>Miami, FL 33128-1974</td>
<td>Miami, FL 33102-5504</td>
</tr>
</tbody>
</table>

- Project Number, Name, Address and Projected Start and End Date.
Fringe Benefits

Responsible Wages and Benefits (RWB) allows the employer’s portion of the following fringe benefits to be applied to towards the payment of the required wage rate and must be paid for every hour worked.

- Health Insurance
- Dental Insurance
- Vision Insurance
- Life Insurance
- Accident Death & Dismemberment
- Pension

An overage in the per cost for benefit cost will not be used to offset any underpayment of the required base rate.
Overtime

- Employees must be paid not less than one and one-half times their wage rate for all hours worked over 40 hours a week.
Wage Scenario 1

An employee worked as a Laborer for 44 hours (40 straight time and 4 overtime) and received $15.00 per hour in wages and $4.92 per hour in benefits.

➢ Required Rate for a Laborer in the 2016 Wage and Benefits Schedule – Building Section:

<table>
<thead>
<tr>
<th>Laborer</th>
<th>Base Rate</th>
<th>$15.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health</td>
<td>3.00</td>
<td></td>
</tr>
<tr>
<td>Pension</td>
<td>1.92</td>
<td></td>
</tr>
<tr>
<td>Combined Dollar Value</td>
<td>$19.92</td>
<td></td>
</tr>
</tbody>
</table>

➢ Wages and Benefits required for Compliance:

<table>
<thead>
<tr>
<th></th>
<th>$15.00 * 40 hrs.</th>
<th>$600.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Straight Time Pay</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Overtime Pay</td>
<td>$15.00 * 1.5 * 4 hrs.</td>
<td>90.00</td>
</tr>
<tr>
<td>Benefits Pay/Cost</td>
<td>$4.92 * 44 hrs.</td>
<td>216.48</td>
</tr>
</tbody>
</table>

Required Wages and Benefits | $906.48
Wage Scenario 2

An employee worked as a Laborer for 40 straight time and 4 hours overtime and received $19.92 per hour in wages and no benefits.

- Required Rate for a Laborer in the 2016 Wage and Benefits Schedule – Building Section:

<table>
<thead>
<tr>
<th>Laborer</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Rate</td>
<td>$</td>
</tr>
<tr>
<td>Health</td>
<td>3.00</td>
</tr>
<tr>
<td>Pension</td>
<td>1.92</td>
</tr>
<tr>
<td>Combined Dollar Value</td>
<td>$ 19.92</td>
</tr>
</tbody>
</table>

- Wages and Benefits required for compliance:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Straight Time Pay</td>
<td>$19.92 * 40 hrs.</td>
</tr>
<tr>
<td>Overtime Pay</td>
<td>$19.92 * 1.5 * 4hrs</td>
</tr>
<tr>
<td>Benefits Pay/Cost</td>
<td>$0.00 * 4 hrs.</td>
</tr>
</tbody>
</table>

Required Wages and Benefits: $916.32
RWB Violations

➢ Failing to submit certified payrolls.
➢ Failing to pay the employees the appropriate RWB rate.
➢ Failing to pay the RWB wages by check, money order or direct deposit.
➢ Failing to notify subcontractors of the RWB requirements.
➢ Retaliation against employees for filing a complaint with SBD relative to RWB.
➢ Submittal of inaccurate certified payrolls.
➢ Misclassification of employees.
➢ Failed to comply with the Apprentice Ratio
➢ Failed to pay the Responsible Wages and Benefits Penalty
➢ Failed to post wages on Job Site
➢ Failed to collect certified payrolls from subcontractors
➢ Failed to respond to Request for Information
➢ Failed to submit a list of subcontractors
RWB Sanctions

- Monetary Penalty of:
  - 20% of the underpayment for the 1\textsuperscript{st} underpayment
  - 40% of the underpayment for the 2\textsuperscript{nd} underpayment
  - 60% of the underpayment for the 3\textsuperscript{rd} and subsequent underpayments
  - Contract default subject to contract suspension or termination for the 4\textsuperscript{th} underpayment

- Ineligible for bidding or otherwise participating in County contracts for up to three (3) years.

- Stop Payment - Withholding of payment equal to amount due to employees plus 7.65% for corresponding payroll taxes.
Appeal Requirements:

- Firms found in violation have the right to appeal the determination by filing a written appeal with the SBD Director within thirty (30) days of receipt of the notice.

- The recommendation of the hearing officer is submitted to the Mayor for a final decision on the matter.
RESPONSIBILITIES OF COMPLIANCE OFFICER - SBD

➢ Review information and documents collected by the Contracting Officer for compliance
➢ Investigate complaints
➢ Issue written notices to prime contractor when it determines that a prime contractor has not complied.
➢ Issue sanctions as appropriate
➢ Keep records of any violations issued (History of Violations posted on web)
➢ Administer the appeal hearing process.
Questions
Contact Information

Gary Hartfield, Director, Small Business Development Division
Alice Hidalgo-Gato, SBD Section Chief
Alecia Anderson, SBD Section Manager

JMH/PHT Team
Alberto Morales, Contract Compliance Officer 2
Samira Selah, Contract Compliance Officer 2

CWP, Resident 1st and Employ Miami-Dade
Catherine Forte, Compliance Officer 2

Small Business Development
111 NW 1st Street 19th Floor
Miami, FL 33128
305-375-3111 Main
305-375-3160 Fax

SBD Webpage: http://www.miamidade.gov/smallbusiness/home.asp
Tips for Managing Your Contract - An SBE-C Perspective
Tips for Responsible Wages and Benefits Compliance

• Know the Rules! Familiarize yourself with the Responsible Wages and Benefits Regulations.
• Before bidding refer to Responsible Wages.
• Pay your employees what they are supposed to make!
• If possible, allow your payroll company to complete the Certified Payroll for you.
• If this is not possible, KNOW how to PROPERLY report wages on the CPR.
Questions & Answers
Contacts

Amber Lawhorn, Director
Jackson Health System, Small Business Enterprise
305-585-7059 * amber.lawhorn@jhsmiami.org

Samira Selah, Contract Compliance Officer 2
Miami-Dade County, ISD Small Business Development Division
305-375-3129 * samira.selah@jhsmiami.org

Kendy Ward
MCO Construction & Services
305-693-4344 * kward@mcoconstruction.net

Charesse Chester, JHS SBE Consultant,
Creativision MEDIA
305-944-7564 * cchester@creatvisionmedia.com
Thank you!