

# Apprentice Documentation

## Federal

**Esperon, Barbara**

## Response

**From:** Visnick, Matthew - WHD [Visnick.Matthew@dol.gov]  
**Sent:** Tuesday, February 12, 2013 11:11 AM  
**To:** Esperon, Barbara  
**Subject:** RE: Quick Questions - Supporting Documentation for Apprentice and Could we look Approved Apprentices up somewhere online to verify information.  
**Attachments:** Tab17DBInvestigt.pdf

Barbara-

I attached chapter 17 of our prevailing age resource book. Pages 5-6 and 10 address apprentices and provide guidance on how to verify them. This should answer your questions.

Here is a link to the complete prevailing wage resource book: <http://www.dol.gov/whd/recovery/pwrb/toc.htm>

Regards,

Matthew Visnick  
 Senior Investigative Advisor  
 U.S. Department of Labor  
 Wage & Hour Division  
 216-357-5414 office  
 216-203-1621 cell

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**From:** Esperon, Barbara [mailto:BEsperon@city.cleveland.oh.us]  
**Sent:** Monday, February 11, 2013 5:36 PM  
**To:** 'apprenticeship@jfs.ohio.gov'; Seibert, Sean; Visnick, Matthew - WHD  
**Subject:** Quick Questions - Supporting Documentation for Apprentice and Could we look Approved Apprentices up somewhere online to verify information.

Dear Prevailing Wage Administrators,

Hi, I hope you are well.

I was hoping you could provide me with some insight on the following:

(1) What supporting documentation is required (for a checklist we are developing) from contractors for our files who have apprentices working for them to ensure that they are paying the correct wages, etc.? Is the list below sufficient?

- A)** Documentation or certification that the apprenticeship/trainee program has been approved by the appropriate authority.
- B)** Documentation indicating period the apprentice is currently enrolled in to verify correct hourly wage. \*\*\*\* What would be some example documentation???
- C)** A copy of the employee's apprentice/training registration and/or agreement forms (BAT, OATELS ETA 671, JFS 01455, etc.)
- D)** If not included in any of the documentation requested above, please provide documentation of the applicable wage rates and ratios.

Please note, if the documentation provided by the contract is not specific enough, they may be asked to submit a summary document of the approved apprenticeship / training program.

2/15/2013

(2) Could we look Approved Apprentices up somewhere online to verify information?

(3) Do you have a recommended process for verifying apprentices, progression status, ratios, and appropriate wages?

Please note that the response I will get from Matthew may be very different because he represents the Federal Government and the Davis-Bacon Act.

Thanks so much.

Sincerely,  
**Barbara Esperón**  
Office of Equal Opportunity  
City of Cleveland  
(216) 664-4151

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Part 3. (A form for this purpose is available on the reverse of Optional form WH-347.)

- ◇ The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution. Thus, the contractor is put on notice in the contract itself that criminal prosecution could result if falsified payrolls are submitted to the government.
- ◇ The contractor or subcontractor must make the payroll records available for inspection, copying, or transcription by authorized representatives of the contracting agency or the DOL, and must permit such representatives to interview employees during working hours on the job.
- ◇ If the contractor or subcontractor fails to submit the required records or to make them available, the federal agency may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds.
- ◇ Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action.

4(a) **Apprentices** - Apprentices are permitted to work at less than the predetermined rate **only** when **all** of the following conditions are met:

Need proof  
program is  
registered.

- ◇ Employed pursuant to and **individually registered** in a bona fide apprenticeship program registered with the U.S. DOL, Bureau of Apprenticeship and Training (BAT), or with a state apprenticeship agency recognized by BAT. **(Note - the program itself must be registered and the apprentice must be individually registered in the program).**

Need proof  
individual is  
registered in  
apprentice  
program.

- ◇ The allowable **ratio** of apprentices to journeymen **on the job site** in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program.
- ◇ The Davis-Bacon labor standards apprentices state requirements for how to pay fringe benefits and allow for portability of apprenticeship programs.
- ◇ The labor standards specify that if a contractor violates any of the provisions, then the person considered to be an apprentice

must receive the full amount of the applicable prevailing wage rate for the classification of work performed.

- (b) **Trainees** - Trainees are permitted to work at less than the predetermined rate only when all of the following conditions are met.
- ◇ Employed pursuant to and **individually registered** in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training (BAT). (**Note: State agency approval of trainee programs is not recognized for DBA/DBRA purposes.**)
  - ◇ The **ratio** of trainees to journeymen **on the job site** shall not be greater than permitted under the plan approved by the Employment and Training Administration.
  - ◇ Labor standards for trainees also have requirements for how to pay fringe benefits.
  - ◇ There is no portability of a trainee program from one locality to another.
5. **Copeland requirements** - All contractors must comply with the Copeland Act requirements and the requirements in 29 C.F.R. Part 3, which prohibits kick-backs and sets forth rules concerning deductions from employees' wages.
6. **Subcontracts** - The labor standards provisions require the contractor to insert the labor standards clauses in any subcontract. This clause further stipulates that the prime contractor shall be responsible for compliance by any subcontractor with the labor standards requirements in the contract. In effect, the prime contractor is ultimately responsible for the payment of the back wages.
- Note:** A definition for subcontractor is not found in the regulations. A subcontractor is any person (other than an employee) or firm who has agreed, either verbally or in writing, to perform any of the work required under the contract.
7. **Contract termination and debarment** - Debarment means that a firm and its responsible officers, and firms in which they have an interest (or substantial interest for related Act cases) are not permitted to work on covered contracts for three years. If a contractor violates any of the labor standards requirements, the contractor may be terminated from the contract and/or debarred.

certified payrolls in order to disclose any possible discrepancies, or to give reasonable assurance that none exist.

- ◇ Examine documents which indicate that the firm has made contributions (or incurred costs) to fringe benefit plans. These documents might include: portions of the pension plan; documentation from the Internal Revenue Service that indicate the plan has been approved by the IRS; and records of contributions made.

### **Check for Compliance with Apprenticeship/Trainee Requirements**

Need Proof Program has been approved



Apprenticeship/trainee program information should be obtained and examined to verify that the program has been approved by the appropriate authority. If the contractor's evidence is not sufficient, contact the Bureau of Apprenticeship and Training and/or the state apprenticeship council for verification.

Need individual employees apprentice/training reg. forms.



Contracting officers must obtain copies of the individual employees' apprentice/training registration forms for the file, as well as copies of the approved apprenticeship/training program itself.

- ◇ The ratio of apprentices to journeyman on the project should not exceed the ratio provided for in the apprenticeship/training plan. The ratio is determined on a daily basis, not weekly.

### **Determine if a Conformance is Necessary**

Need copy of apprentice/training program itself.



◇ Determine if the wage determination contains classifications and wage rates for all the types of work performed on the contract.

1. If the applicable wage determination does not contain a classification for the work performed, the conformance procedure in 29 C.F.R. § 5 must be followed. Contracting agencies cannot arbitrarily determine a rate.
2. Questions as to whether or not a rate has been conformed should be coordinated with WHD.

### **Employee Interviews**

- ◇ Employee interviews are essential to the completeness of the investigation.
  - ◇◇ They should be sufficient in number to establish the degree of adequacy and accuracy of the records and the nature and extent of any violations.
  - ◇◇ They should also be representative of all classifications of employees on the project under investigation.