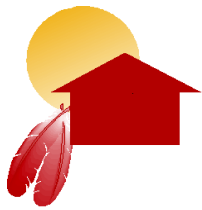


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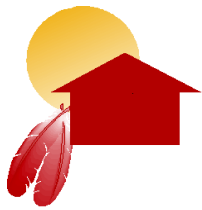
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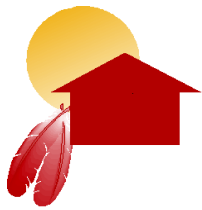
<b>RECIPIENT NAME:</b>	<u>Regulatory/ Statutory Citation</u>	<u>Other Tools</u>	<u>WP Pg.</u>	<u>Remarks</u>
<b>I. Purpose</b>				
<p>Laborers and mechanics employed in the development (e.g., construction, rehabilitation) of affordable housing must be paid no less than prevailing wages pursuant to the 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><b>Note:</b> These labor standards provisions apply to the IHBG program but <b>DO NOT</b> 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</p>	<p>“Making Davis-Bacon Work – A Practical Guide for States, Indian Tribes, and Local Agencies” (found at <a href="https://www.hudexchange.info/resource/2542/making-davis-bacon-work-guide-states-indian-tribes-local-agencies/">https://www.hudexchange.info/resource/2542/making-davis-bacon-work-guide-states-indian-tribes-local-agencies/</a>) HUD Handbook 1344.1</p> <p>Program Guidance (PG) 2003-04</p> <p>PG 2009-07 PG 2013-07(R)</p>		



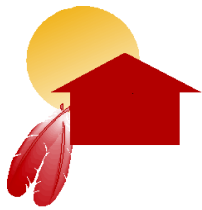
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	RHED/RIF)			
<b>II. Pre-Visit Preparation</b>				
A. Determine whether OLR has conducted a recent review.				
1. If there has been a recent review, and there were findings:				
a. Determine the status of any recommended corrective actions.				
b. For any open findings, develop additional steps to secure the recipient's current status regarding corrective actions recommended by OLR.				
B. 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?).				



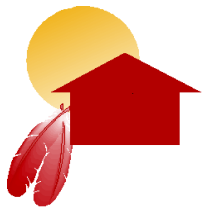
<b>RECIPIENT NAME:</b>	<u>Regulatory/ Statutory Citation</u>	<u>Other Tools</u>	<u>WP Pg.</u>	<u>Remarks</u>
2. If the recipient used TDWs for <i>all</i> development and maintenance work during the review period and continuing to the current date, no further Davis-Bacon and HUD wage labor standards				
review is appropriate. Record same in work papers.				
3. 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.				
4. If applicable, obtain a copy of the current/most recent HUD Maintenance Wage Determination (HUD-52158) issued to the recipient.				
C. Summarize OLR's information in the work papers.				
<b>III. On-Site Review</b>				
A. <b>TDWs.</b> If the recipient has elected to utilize TDWs for development and/or maintenance work:	NAHASDA Sec. 104(b)(3)			



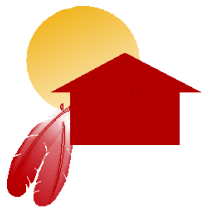
<b>RECIPIENT NAME:</b>	<u>Regulatory/ Statutory Citation</u>	<u>Other Tools</u>	<u>WP Pg.</u>	<u>Remarks</u>
1. Inquire/determine whether the Tribe has adopted a tribal law or regulation that requires the payment of not less than prevailing wages as determined by the Tribe.				
2. If yes, review the 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.				
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>RECIPIENT NAME:</b>	<u>Regulatory/ Statutory Citation</u>	<u>Other Tools</u>	<u>WP Pg.</u>	<u>Remarks</u>
<b>B. Davis-Bacon and/or HUD wages.</b> If the recipient has elected to use Davis-Bacon wages for development work and/or HUD wages for maintenance work, determine:	24 CFR 1000.16 29 CFR Part 5	Practical Guide HB 1344.1		
1. Whether the recipient has designated staff for labor standards administration and enforcement.				
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		
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.				

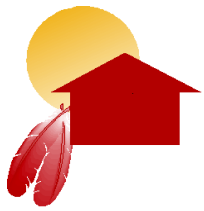


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The applicable wage decision (and Davis-Bacon poster for development work) is posted at a location accessible to all laborers and mechanics covered by such wage decision.				
b. Contracts for development and/or maintenance work in excess of \$2,000 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			
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.				



<b>RECIPIENT NAME:</b>	<u>Regulatory/ Statutory Citation</u>	<u>Other Tools</u>	<u>WP Pg.</u>	<u>Remarks</u>
C. <b>General.</b> 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.				
<b>V. Summary</b>				
A. Summarize the compliance review sections to include:  1. Compliance with requirements;  2. Violations of the applicable statutes or regulations;  3. Issues that should be noted as a concern because they could lead to a violation; and  4. Significant accomplishments and/or best practices.				





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<p>B. If concerns or findings are identified, discuss with staff.</p> <p>C. Develop report language, including any findings or concerns and significant accomplishments.</p>				

<b>Reviewer Name:</b>	
<b>Review Date(s):</b>	