LABOR COMPLIANCE
(Prevailing Wage & Apprenticeship Program)
SB19-196
Modification in HB21-1319

Welcome – Introductions

- Kathy Miller – Prevailing Wage Analyst
- Cheri Gerou – State Architect
- Tana Lane – Manager of State Buildings Program
- Darren Gorder - LCPtracker Account Manager
Overview – Definitions

- “Public project” means any construction, alteration, repair, demolition, or improvement of any land, building, structure, facility, road, highway, bridge, or other public improvement suitable for and intended for use in the promotion of public health, welfare, or safety and any operation or maintenance programs for the operation and upkeep of such projects. "Public project" includes any work, construction, or repair performed by a private party through a contract to rent, lease, or purchase at least fifty percent of the project by one or more agencies of government.

Overview – Definitions

- “Contractor” means any person having a contract for a public project with an agency of government.

- “Agency of government” means any agency, department, division, board, bureau, commission, institution, or section of the state which is a budgetary unit exercising construction contracting authority or discretion. “Agency of government” does not include any county, city and county, city, municipality, town, school district, special district, or any other political subdivision of the state.
Overview – Two Parts (1st)

Colorado Department of Labor & Employment

- CDLE is responsible for the apprenticeship compliance program and maintaining graduated increases in apprenticeship program participation.
- CDLE investigates all complaints and sets fines for willful violations of prevailing wage requirements.

Overview – Two Parts (2nd)

Office of State Architect

- OSA is responsible for the implementation of the prevailing wage program
- OSA determines and posts apprenticeship wage and benefits (UPDATES 2x YEAR)
- OSA maintains and regularly updates resources on OSA website
- OSA provides reports to the Capital Development Committee on a yearly basis
Overview – Apprenticeship

Apprenticeship Utilization Requirements:
- Construction cost of $1 million or more
- Pertains to all mechanical, sheet metal, fire suppression, sprinkler fitting, electrical, and plumbing work required on the project

CDLE oversees apprenticeship programs:
- Certifies that all firms identified participate in apprenticeship programs registered with the United States Department of Labor's Employment and Training Administration or state apprenticeship councils recognized by the United States Department of Labor and have a proven record of graduating apprentices as follows:
Overview – Apprenticeship

CDLE oversees apprenticeship programs:

- Beginning July 1, 2021 – graduates a minimum of 15% of its apprentices for at least 3 of past 5 years.
- Beginning July 1, 2025, through June 30, 2031 – graduates a minimum of 20% of apprentices for at least 3 of the past 5 years.
- Beginning July 1, 2031, and each year after – graduates a minimum of 30% of apprentices for at least 3 of the past 5 years.

If no apprenticeship program can be found for trades during solicitation, a waiver can be issued.

- if there are no responsive, eligible contractors with apprenticeship OR
- if eligible contractors and apprentices are in excess of 50 miles (one way) from the project.
Overview – Prevailing Wage

Prevailing Wage Utilization Requirements:

- Construction costs of $500 thousand or more **unless** it is federally funded or exempted by the IHE Governing Board
- Pertains to **all** labor employed on the project

OSA maintains apprenticeship contribution rates on website.

LCPtracker provides State of Colorado wage determinations.

OSA provides process for obtaining wage classifications if Federal wage determinations do not appear to include that job description.
Overview – Prevailing Wage

Contractor Responsibilities:

➢ Is responsible for determining where employees should be classified.
➢ If no classification seems appropriate, contractor will need to contact the contracting agency for assistance with a conformance request and temporary classification.

Overview – Prevailing Wage

Contractor Responsibilities cont’d:

➢ Is responsible for submitting all information needed for a conformance request form to the contracting agency in order for them to submit it to the Wage and Hour Division of the Federal Government.
Overview – Prevailing Wage

- If a temporary classification is in use, the contractor is responsible for paying all employees the correct wage and tracking wages in LCPtracker.

Overview – Prevailing Wage

Contractor Responsibilities cont’d:

- If a wage conformance is granted, contractor must verify that all employees working under the new classification have been paid in accordance to set wages.
- If overpayment made, no refund will be given to the contractor.
Overview – Prevailing Wage

- If underpayment was made, restitution must be made to all employees within 15 calendar days. CDLE violations chart referenced in CDLE INFO #13.

Overview – Prevailing Wage

Contractor Responsibilities cont’d:
- Responsible for poster to be placed on the job site in full display of all employees with all Prevailing wages to be paid on the project. Poster is available in English and Spanish (located on OSA website).
  - $100/day and Class 3 Misdemeanor penalty if poster not posted.
Overview – Prevailing Wage

Contractor Responsibilities cont’d:

- No payment can be made to the contractor if there are unpaid Certified Payrolls on the project or if apprenticeship contribution (ACR) payments outstanding or not paid to the correct fund.
- All apprenticeship contributions (ACR) must be paid to the appropriate fund.

Overview – Prevailing Wage

Contractor Responsibilities cont’d:

- Is responsible for creating an LCPtracker account to track and submit weekly certified payroll reports to Contracting Agency of Government.
- Attend at least one training session with LCPtracker in order to understand the program and ensure prevailing wage/apprenticeship compliance.
LCPtracker Contractor System

- If you currently use LCPtracker, use your existing login information. If you are a new user, your username will be your phone number.

Contractor Account Page
Contractor Training Tabs

Contractor Support Documents
Contractor Training Videos

Payroll Records
Reports Tab

E-Documents Tab
Setup Tab

Resources – OSA Website

Under State Buildings Program:
- Prevailing Wage and Apprenticeship
  - Labor Compliance Information
  - Labor Compliance Forms
Resources – OSA Website

Questions:

- Please reach out to Kathy Miller with questions.
  - Kathleen.miller@state.co.us
  - 303-866-2562

THANK YOU!