U.S. Department of Labor

Wage and Hour Division
Washington, D.C. 20210

MAR 1 0 2014

MEMORANDUM NO. 215

TO: ALL CONTRACTING AGENCIES OF THE FEDERAL GOVERNMENT AND THE DISTRICT OF COLUMBIA

FROM: Laura A. Fortman
Principal Deputy Administrator

SUBJECT: Procedures for Implementation of the "Streamlining Claims for Federal Contractor Employees Act" (Pub. L. 113-50)

On November 21, 2013, President Obama signed the Streamlining Claims Processing for Federal Contractor Employees Act (Pub. L. 113-50). The law transfers responsibility to the Secretary of Labor (Secretary) for disbursing funds withheld by contracting agencies for back wages due under contracts subject to the Davis-Bacon Act (DBA). Prior to enactment of Pub. L. 113-50, the Comptroller General performed this function. Cases that were pending with the Comptroller General's Claims Office or received during its transition to full implementation of Pub. L. 113-50 have been transferred by the Comptroller General to the Department of Labor's Wage and Hour Division (WHD) regional offices for back wage disbursement. Pub. L. 113-50 does not affect the disbursement of funds withheld by contracting agencies to cover back wages due under Davis-Bacon "related Acts" (DBRA), a function already being performed by WHD.

This memorandum provides guidance for referring DBA cases and transferring funds withheld under the DBA to the Secretary for disbursement. Specifically, this memorandum applies the procedures discussed below – procedures that have long been in effect for disbursing back wages from withheld funds under Davis-Bacon "related Acts" – to the disbursement of withheld funds under federal and District of Columbia contracts subject to the Davis-Bacon Act.

Referral of Refusal to-Pay and Debarment Cases to WHD

The procedures established by AAM No. 182, dated August 21, 1995, for contracting agencies to follow in submitting refusal-to-pay and debarment cases to WHD under the Davis-Bacon Act, Davis-Bacon "related Acts" and/or Contract Work Hours and Safety Standards Act (CWHSSA) continue in effect and are reiterated here. As discussed in AAM No. 182, in cases where contracting agencies have conducted an investigation, they should forward their investigation files in refusal-to-pay and debarment cases to the appropriate WHD Regional Office (RO) for further action. Each file should contain the following:

1. A detailed narrative of investigation findings;
2. Name and address of firm and its responsible official(s);
3. Copy of contract;
4. Copy of wage decision;
5. Copy of certified payroll records;
6. Interview statements of employees;
7. Completed computations of back wages; and
8. Confirmation of withholdings.

To identify the appropriate WHD RO for a specific geographic area, as well as the WHD Regional Government Contracts Coordinator for that area, please see http://www.dol.gov/whd/govcontracts/regions.htm.

DOL Disbursement of Withheld Funds in Davis-Bacon and Related Act Cases

When appropriate, WHD will send a written request to the contracting agency to transfer withheld funds to WHD. The procedures here also apply to the processing of funds in cases in which a contractor authorizes the contracting agency to apply contract funds to back wages due covered workers. Incoming wire deposits will be processed by the Federal Reserve Bank of New York City (TREAS NYC) and must include the following information:

Bank Name:	TREAS NYC
ABA Routing Number:	021030004
Agency Location Code:	16010002
BETC (collections):	COLL
TAS:	16X6507
Case ID Number:	WHD WHISARD case ID number (if available)
Case Name:	Employer/Company name
If there is no WHD Case ID:	
Submitting Agency	_____
Agency contact & phone	_____

Paper check deposits should include the name of the contractor and the contract number(s) for the contract(s) on which the work was performed on the check or a separate letter transmitting the check, made payable to WHD, and should be mailed to:

WHD Central Processing
P.O. Box 77752
Washington, D.C. 20013

Where to Obtain Further Information

Additional information and links regarding the Davis-Bacon and related Acts are available at http://www.dol.gov/whd/govcontracts/dbra.htm. Questions concerning the disbursement of back wages that have been found due to workers employed on federal and federally assisted contracts should be directed to the appropriate WHD Regional Government Contracts Coordinator.