

CHAPTER 9 – LABOR STANDARDS RESOURCES, INFORMATION SYSTEMS AND REPORTS

9-1. General. This chapter provides CIR representatives with an overview of labor standards resources, information systems and reports. The following paragraphs highlight certain resources that enhance labor standards compliance, the management information system that allows for the tracking of individual cases and the generation of specific reports that identify program trends and problems. It should be recognized that these automated resources and reporting systems are dynamic and are revised frequently to meet labor standards compliance assurance requirements and objectives.

9-2. Labor Standards Information Resources. The Internet provides USACE CIR representatives with access to a number of websites that serve to enhance labor standards program administration. The Corps of Engineers Automated Legal System (CEALS) homepage contains a link (www.usace.army.mil/do-prot/othlink.html) that provides information relating to the following:

- a. Applicable Regulations
 - (1) Code of Federal Regulations
 - (2) Federal Acquisition Regulation
 - (3) Defense Federal Acquisition Regulation Supplement
 - (4) Army Federal Acquisition Regulation Supplement
 - (5) Engineer Federal Acquisition Regulation Supplement
 - (6) Engineer Regulation 1180-1-8, Labor Relations
 - (7) Engineer Pamphlet 1180-1-1, Service Contract Act Labor Relations
- b. Internet Sites Relating to Contracting Agency Pre-Award Activities
 - (1) Listing of Debarred, Ineligible and Suspended Contractors
 - (2) VETS-100 Federal Contractor Program
 - (3) The Office of Federal Contract Compliance Programs Pre-Award Registry
 - (4) Office of Federal Contract Compliance Programs Regional Offices
- c. Internet Sites Relating to Agency Labor Standards Compliance Requirements
 - (1) Index to U.S. Department of Labor's Wage Appeals Board Decisions
 - (2) Index to U.S. Department of Labor's Administrative Review Board Decisions
 - (3) DOL's Office of Administrative Law Judge's Davis-Bacon and Service Contract Act Newsletter

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- (4) DOL's Office of Administrative Law Judge's Library
- (5) Apprenticeship and Training Information

d. Related Sites

- (1) Wage Grade Rates
- (2) General Schedule Wage Rates
- (3) Department of Labor's Service Contract Act Directory of Occupations.

e. In addition to the above resources, USACE Labor Advisors may access Contractor Industrial Relations Information letters at the Legal Services Deskbook subsection on CIR (<http://www.ceals.usace.army.mil/corps-prot/deskbook/oce/menu/hqm04a.htm>). There is an Index that identifies the subject matter for over one hundred CIR letters.

9-3. Labor Computer Conference. Another source of information for USACE Labor Advisors is the Labor Conference (<http://www.ceals.usace.army.mil/caucus/caucus.html>) within the CEALS program. Initiated in 1990, the Labor Conference has facilitated the dissemination of critical labor standards information. In addition, with its detailed topical index, the conference has served as an invaluable learning resource as experienced CIR representatives have been able to more readily share insights with newer USACE CIR team members. Item Number 1 contains a detailed subject matter index by which CIR team members may focus on particular areas of concern. Access to this system requires both user identification numbers and passwords to be furnished by the CEALS Project Manager.

9-4. Matter Tracking System (MTS). Matter Tracking is a Windows-based system designed to track case matters for which USACE Counsel offices are responsible. MTS was deployed by the Office of the Chief Counsel to provide Counsel members with the capability to manage workloads, to produce reports, and to share information with other USACE counsel offices. MTS is organized into databases called "Notebooks" which track a broad array of matters. In particular, MTS contains a "Labor Notebook" which tracks the status of labor standards matters in four basic areas. CIR Representatives enter labor standards matters relating to full scale labor standards investigations; the assessment of liquidated damages under the Contract Work Hours and Safety Standards Act (CWHSSA); Additional Classification and Rate Disputes; and Requests for Department of Labor Opinions under 29 CFR 5.13. The system provides USACE CIR Representatives with enhanced report generation capabilities that facilitate program management within the district. A *MTS User's Guide* and a *Quick Reference Guide on How to Enter Labor Matters into MTS* are available on-line ([9-2](http://www.ceals.usace.army.mil/corps-</p></div><div data-bbox=)

[prot/mtsuse.html](#)).

9-5. Resident Management System (RMS).

a. The Resident Management System is a Windows-based system designed to support contract construction management at USACE field offices and district headquarters offices. Of particular relevance to the USACE labor standards mission is the QA/QC module that provides for a systematic approach to various labor standards compliance activities. Among the activities that are addressed in the QA/QC planning phase is the ability to plan/track labor standards interviews and contractor payroll submissions. The QA/QC module enables USACE CIR representatives to acquire a detailed picture of the firms performing on a particular date as well as the types of equipment used and the number of employees performing on site. Initial deployment of RMS system has demonstrated that this module has proven invaluable in the investigation of labor standards complaints alleging contractor non-compliance with contract labor provisions.

b. As with other systems noted above, access to RMS requires both a user identification number and password from UPASS, check with the District UPASS Administrator. Access rights to contracts and/or offices in the RMS database must be obtained from the District RMS System Administrator. USACE Representatives are encouraged to familiarize themselves with the operation of the RMS system to ensure that the labor standards capabilities are exercised to maximum effect.

9.6. Semi-Annual Labor Standards Enforcement Report.

a. Department of Labor (DOL) Regulations 29 CFR §5.7(b) require Federal agencies administering programs subject to Davis-Bacon and Related Act (DBRA) and Contract Work Hours and Safety Standards Act (CWHSSA) labor standards to furnish a Semi-Annual Labor Standards Enforcement Report to the Administrator of the Wage and Hour Division. These reports are due to the DOL on April 30 and October 31 of each year. The information required for this report highlights two related activities: contract awards and labor standards enforcement activities. The contract award information comprises the first two data elements of the report while the labor standards enforcement data comprises the balance of the required elements. Information concerning the number of construction contracts subject to the Davis-Bacon Act awarded during the reporting period and the dollar amount of those contracts can be retrieved from the Standard Procurement System (SPS). The CIR Representative should initiate a request for assistance to the SPS Administrator for the reporting element identifying the information sought. This data call should cite the regulatory basis (29 CFR 5.7) for the information requested. Much of the information relating to compliance activities (items (4) through (14) below) can be gathered

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from the Labor Notebook within the Matter Tracking System.

b. USACE CIR Representatives preparing Semi-Annual Labor Standards Enforcement Reports shall follow the guidelines set forth below.

(1) Period covered. The subject period covers only contracts awarded during the reporting period. Not included in this element are contracts awarded prior to this period even though the contract may still be underway.

(2) Number of prime contracts awarded. Enter total number of prime contracts subject to DBRA/CWHSSA that were awarded during this period.

(3) Total dollar amount of prime contracts awarded. Enter the dollar amount of the contracts reported in (2) above.

(4) Number of contractors/subcontractors against whom complaints were received.

- (i) Prime Contractors
- (ii) Subcontractors

(5) Number of investigations.

- (i) Undertaken
- (ii) Completed

(6) Number of contractors/subcontractors found in violation.

- (i) Prime Contractors
- (ii) Subcontractors

(7) Amount of wage restitution found due under-

- (i) Davis-Bacon Act
- (ii) CWHSSA

(8) Number of employees due wage restitution under-

- (i) Davis Bacon Act
- (ii) CWHSSA

- (10) Number of complaints received from
- (i) labor unions
 - (ii) individual employees
 - (iii) Department of Labor
 - (iv) Others

- (11) Number of employees and the total amount paid/withheld under

- (i) Davis-Bacon Act
 - employees
 - amount
- (ii) CWHSSA
 - employees
 - amount
- (iii) Copeland Act
 - employees
 - amount

- (12) Preconstruction activities-

- (i) Number of conferences held.
- (ii) Rreconstruction letters sent.

(13) Number of Compliance Checks performed. This item should include the total number of on-site inspections (in which the UCASE QA Representative notes the work performed and the classifications doing the work, job site posting requirements, etc.), the number of payrolls checked and labor standards interviews conducted.

(14) Number of Employees Interviewed. Even though included in item (13) above, this item should be reported separately.

FOR THE COMMANDER:



ROBERT CREAR
Colonel, Corps of Engineers
Chief of Staff

11 Appendices
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