

## CERTIFIED PAYROLLS

Prevailing wage requirements and submission of certified payrolls are applicable to all prime contractors, subcontractors, service providers and owner operators. For trucking, prevailing wage requirements and submission of certified payrolls must be determined in accordance with Chapter 9.

Prevailing wage requirements are applicable to all federally funded contracts over \$2,000, and all state funded contracts over \$250,000 (AB 172 effective June 9, 2015). LCPtracker is required for all prevailing wage contracts.

The contractor must submit a certified payroll each week (applies to federally funded and state funded contracts). If no work was performed for that week, a non-performance payroll must be submitted. Payroll and non-performance payrolls must be entered into LCPtracker within fourteen (14) calendar days of the week ending date. No additional calendar days are allowed for payrolls ending on Saturday, Sunday or a holiday.

Each week, the Resident Engineer will check the payrolls and document payrolls submitted late or not submitted at all, and notify the prime contractor in writing. If errors are found on the payrolls, contact the prime contractor immediately and request they be corrected.

In addition, if payrolls for a particular month are not submitted by the 15<sup>th</sup> of the following month, penalties may be assessed in accordance with NRS 338. (Example: payrolls for week ending June 4, 11, 18 and 25, 2016 must be entered by July 15, 2016). If the 15<sup>th</sup> of the month falls on a Saturday, Sunday or holiday, the time allowance extends to the next regular business day. Contract Compliance will review the payrolls and 1) prepare a late payroll determination letter to the Labor Commissioner or 2) apply the considerations and prepare a letter to the prime contractor informing them of the late payroll requirement and the violation, and why penalties were waived.

When the same contractor is a subcontractor to the prime and 2<sup>nd</sup> tier to another subcontractor, separate payrolls are required in LCPtracker. (Example: Dipsy Concrete and W3 Construction are both subcontractors to the prime Cutie Construction, and Dipsy Concrete is a 2<sup>nd</sup> tier service Provider to W3 Construction; therefore, Dipsy Concrete will need two sets of paperwork and two sets of payrolls entered into LCPtracker.)

Manufacturing representatives responsible for installation, certification, calibration and startup/testing; training operations personnel for manufactured equipment and devices; portable toilet rental employees; salesmen; suppliers, etc. are not subject to prevailing wage unless they are physically performing work on the contract. (See Labor Commissioner's Advisory Opinion AO 2015-05 dated November 10, 2015 at <http://labor.nv.gov/uploadedFiles/labornvgov/content/About/AO%20SERVICE%20PROVIDER%20AO%202015%2005.pdf>).

The term “laborer and mechanic” includes those workers whose duties are manual or physical in nature (including those workers who use tools or who are performing the work of a trade), as distinguished from mental or managerial duties. The term includes apprentices, trainees and helpers.

If a contractor is locked out of a payroll previously submitted, they must contact Contract Compliance to unlock the payroll so revisions can be made. Contract Compliance will notify the Resident Engineer when they unlock a payroll so the Resident Engineer can recheck the revisions.

As discussions occur between the Resident Engineer and the contractors, it is important to be proactive and provide assistance to the contractors as needed. To prevent delays in entering certified payrolls, encourage the prime contractors, subcontractors and service providers to assign their lower tier contractors to LCPTracker when they submit the subcontract agreement or Request to Utilize Service Provider. If a contractor requests additional training or guidance on LCPTracker, direct them to Contract Compliance.

Questions concerning working out of classification, overtime, incorrect wages, etc. will be directed to Contract Compliance.

NDOT’s goal is to assure that certified payrolls are submitted timely. With correspondence sent to the prime contractors weekly requesting that payment may be held, the hope is that payrolls will be submitted prior to the 15<sup>th</sup> of the following month, thereby avoiding late payroll determination letters to the Labor Commissioner.

Responsibilities for the inspector are shown on page 7 - 3.

Responsibilities for the office person are shown on pages 7 - 3, 7 - 5, 7 - 6, 7 - 7 and 7 - 22.

Responsibilities for the Resident Engineer are shown on pages 7 - 22 and 7 - 34.

Responsibilities for the District Engineer are shown on page 7 - 24.

Responsibilities for the Construction Division are shown on page 7 - 34.

Responsibilities for the Assistant Director, Operations are shown on page 7 - 24.

Responsibilities for Contract Compliance are shown on pages 7 - 26, 7 - 28 and 7 - 34.

Responsibilities for Project Accounting are shown on page 7 - 35.

On a daily basis, the inspector's responsibility is to:

- A. be familiar with which prime contractor, subcontractors, service providers and owner operators have been approved to work on the contract.
- B. record the prime contractor, subcontractors, service providers and owner operators working on the contract on an Inspector's Daily Report (IDR) in FieldBook. If new subcontractors, service providers or owner operators are working on the contract, notify the Resident Engineer for further guidance.
- C. provide exported IDRs file to the office person.

On a daily basis, the office person's responsibility is to:

- A. import IDRs file to FieldManager and review.
- B. record the Contractor's Name on the CERTIFIED PAYROLL LOG for all contractors working at least one day in the appropriate week (see page 7 - 4).
- C. enter yes on the CERTIFIED PAYROLL LOG under the applicable Week column (a contractor may work one or more days per week, but only enter yes once for that week) (see page 7 - 4).

**NOTE:** In lieu of reviewing IDRs, run a Business Intelligence (BI) report, Weekly Contractor Status, to obtain names of contractors, subcontractors and service providers working in a specific week. Contact the Construction Division - Business Process Analyst III, at 775-888-7460 for access to BI or for further assistance.

Contract No. 3628

December, 2016	Week 1	Week 2	Week 3	Week 4	Week 5
Contractor					
Name <i>Fisher</i>	<i>yes</i>				
Week End Date					
Date Due					
Date Submitted*					
Name <i>Parsons Drilling</i>	<i>yes</i>				
Week End Date					
Date Due					
Date Submitted*					
Name					
Week End Date					
Date Due					
Date Submitted*					
Name					
Week End Date					
Date Due					
Date Submitted*					
Name					
Week End Date					
Date Due					
Date Submitted*					
Name					
Week End Date					
Date Due					
Date Submitted*					
Name					
Week End Date					
Date Due					
Date Submitted*					

***\*Italicize or Bold Late Payrolls***

Checked By / Date \_\_\_\_\_

Reviewed by Res Engr / Date \_\_\_\_\_

Reviewed by Dist Engr / Date \_\_\_\_\_

On a weekly basis, the office person's responsibility is to:

- A. check the fringe benefit statement (see pages 7 - 8 thru 7 - 12)
  - 1. a fringe benefit statement is uploaded into LCPtracker eDocuments for all prime contractors, subcontractors, service providers and owner operators (after the first check, spot check as additional or revised fringe benefit statements are uploaded).
  - 2. information is complete and correct (contract no., date, contractor, Resident Engineer, name and title of preparer, etc.).
  - 3. if fringe benefits are not listed separately for apprentices, fringe benefits must be paid at 100%.
  - 4. spot check hourly rates listed on the fringe benefit statement against the fringe benefits listed on the payroll.
  - 5. owner operators will show n/a or zeroes.

**NOTE:** A fringe benefit statement must be uploaded into LCPtracker eDocuments in order for the contractor to certify their payrolls.
  
- B. check certified payrolls
  - 1. a payroll or non-performance payroll must be entered for each week.
  - 2. payrolls must be numbered sequentially beginning with 1 (including non-performance payrolls) (no duplicates allowed).
  - 3. no gaps in payroll numbers once all payrolls are submitted.
  - 4. last payroll (and only the last payroll) is indicated with a "Yes" in Final column.
  - 5. the date in the Submitted column is within fourteen (14) calendar days of the Week End column with no extra allowance for payrolls ending on Saturday, Sunday or a holiday. If payrolls are late, click on View Details of the late payroll for any noted comments pertaining to the delay.
  - 6. compare the CERTIFIED PAYROLL LOG (with contractors that worked that week) with payrolls entered into LCPtracker for the same week.
  - 7. record the Payroll No., Week End Date, Date Due and Date Submitted on the CERTIFIED PAYROLL LOG (see page 7 - 17).
  - 8. record any additional contractors (Payroll No., Week End Date, Date Due and Date Submitted) that entered payrolls but were not previously entered on the CERTIFIED PAYROLL LOG (see page 7 - 17).
  - 9. italicize, bold or hi-lite late payrolls and payrolls not submitted on the CERTIFIED PAYROLL LOG (see page 7 - 17).
  - 10. click on PDF under View CPR column to review each payroll.
  - 11. if **apprentices** are listed, refer to Item C. on page 7 - 6.
  - 12. if **owner operators** are listed, refer to Item D. on page 7 - 6 and 7 - 7.
  - 13. if employees are working 4-10 hour days, verify a request is uploaded into LCPtracker eDocuments for the appropriate prime contractor, subcontractor or service provider (see page 7 - 13).

14. spot check to ensure hourly base rates and overtime rates meet or exceed prevailing wage, spot check Gross Amount Earned This Project and Net Paid Week columns.

- C. check each apprentice (**LCPtracker does not verify wage**) (see Chapter 8)
1. an apprenticeship agreement has been uploaded into LCPtracker eDocuments for each apprentice.
  2. an Apprentice Verification form has been uploaded into LCPtracker eDocuments for each apprentice (make sure form is updated and uploaded every 60 days).
  3. contact contractor for the classification group (if not shown on the payroll) and to verify the percentage of prevailing wage.
  4. multiply the percentage by the prevailing wage for the appropriate classification and group to ensure that apprentices are paid correctly. If the wage cannot be verified, contact contractor for clarification.
  5. spot check the apprentice to journeyman ratios on the Apprentice Verification form to the payroll.
  6. spot check Gross Amount Earned This Project and Net Paid Week columns.

**NOTE:** Although a Request for Verification form is required for each apprentice for each contract, LCPtracker will allow the contractor to certify their payroll as long as one form has been submitted for that apprentice on any contract.

- D. check each owner operator (**LCPtracker does not verify anything**) (see Chapter 10)
- Owner operators (**excluding trucking**)
1. all owner operators must report their own time in LCPtracker.
  2. a Work Classification must be shown.
  3. "owner operator" must appear in the Name or Work Classification column.
  4. Total Hours This Project (all hours can be listed as straight time, separate designation for overtime hours is not required).
  5. Base Hourly Rate of Pay (the total hourly rate agreed upon between the next higher tier contractor and the owner operator, and may include equipment rental, fringe benefits, profit, overhead, etc.) (hourly rate must meet or exceed the appropriate prevailing wage for that particular NDOT contract).
  6. check math in Gross Amount Earned This Project.
  7. Deduction Contribution and Payments must show zeroes (automatically populated by LCPtracker).
  8. Check No. should be "N/A" (if payroll shows anything other than "N/A", notify owner operator and ask that they enter "N/A" on all future payrolls).
  9. fringe benefit statement is required for owner operators.
  10. 4-10 hour days approval letter is not required for owner operators.

Owner operators (**trucking**)

1. all owner operators must report their own time in LCPtracker.
2. a Work Classification must be shown.
3. "owner operator" must appear in the Name or Work Classification column.
4. Check No. should be "N/A" (if payroll shows anything other than "N/A", notify owner operator and ask that they enter "N/A" on all future payrolls).
5. fringe benefit statement is required for owner operators.
6. 4-10 hour days approval letter is not required for owner operators.





Nevada Department of Transportation (NDOT)

**FRINGE BENEFIT ITEMIZED CONTRIBUTIONS/DEDUCTIONS STATEMENT**

NDOT Contract No.: <u>3628</u>	NDOT Project No.(s): <u>SI-006-1(034) &amp; NHP-006-1(035)</u>	Date: <u>10-10-15</u>
Contractor/Subcontractor: <u>Johnny Owner Operator</u>		To: RESIDENT ENGINEER <u>Samir Yousuf</u>
Phone No.: <u>(888)876-5432</u>		Phone No.: <u>(702)123-4567</u>
Contractor/Subcontractor Address: <u>111 One way Dusty Trail, NV</u>		Resident Engineer Address:

This form is to be completed and submitted in addition to the certified payroll as a means of compliance. The Nevada Administrative Code (NAC) to Chapter 338 of the Nevada Revised Statutes (NRS) requires that each certified payroll report must include a itemization of all contributions made to a third person pursuant to a fund, plan or program in the name of a workman as authorized by NRS 338.035, if any such contributions were made as part of the wages of that workman, NAC 338 - 11(1).

To ensure the proper Fringe Benefit rates are applied to the certified payrolls and/or to any Force Account work (if applicable to this contract), the rates for fringe benefits, subsistence and/or travel allowance payment (as required by the State Labor Commissioner and the U.S. Department of Labor) used for employees, on the various classes or work, are tabulated below.

Name of the classification and/or employee(s) receiving the benefit. Use additional sheet if needed.	Subsistence or Travel Allowance	Indicate the amount of each contribution as an hourly rate.					Effective Date of Benefit
		Health and Welfare	Pension	Vacation/Holiday	Training or Apprenticeships	Other	
<u>Owner operator</u>	<u>—————</u>		<u>N/A</u>	<u>—————</u>			

A revised statement must be submitted when changes occur. If differing benefits apply to various employees the employer is required to report said differences on the certified payroll or this form.

The contractor/subcontractor certifies the information provided on this form is accurate, correct and complete. All wage deductions and contributions to fringe benefits comply with applicable state of federal laws and regulations. Refer to NRS 608, NRS 338, 40 USC 276(a) Davis Bacon Act and related rules and regulations for public works law, i.e., NAC 338, titles 29, 41 and 49 of the Code of Federal Regulations.

Signature of the employer or its agent who pays or supervises the payment of the persons employed under the contract. Falsification of this report may subject the contractor or subcontractor to civil or criminal prosecution and sever penalties:

<u>[Signature]</u> Signature	<u>owner</u> Title of person signing
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# FRINGE BENEFITS PLAN, FUND OR PROGRAM DISBURSEMENT INFORMATION

CONTRACTOR: Jane's Subcontracting

PROJECT NAME: 3595- ON US 395 Douglas County

Job # 564782

PROJECT/CONTRACT NUMBER: \_\_\_\_\_

Classification: OPERATING ENGINEER

Effective Date: 7-1-15

Paid per hour

Name and Address of Fund Manager:

\$ 3.92 VACATION

Operating Engineers Trust Fund

P.O. Box 3275

Reno, NV 89505

\$ 6.65 HEALTH & WELFARE

\$ 10.15 PENSION

Operating Engineers Local #3

1290 Corporate Blvd

Reno, NV 89505

\$ .76 APPRENTICE/TRAINING

\$ 2.58 OTHER

\$ 24.06 FRINGE TOTAL

Classification: OPERATING ENGINEER/ All Apprentices

Effective Date: 7-1-15

Paid per hour

Name and Address of Fund Manager:

\$ 3.92 VACATION

Operating Engineers Trust Fund

P.O. Box 3275

Reno, NV 89505

\$ 6.65 HEALTH & WELFARE

\$ 5.74 PENSION

Operating Engineers Local #3

1290 Corporate Blvd

Reno, NV 89505

\$ 2.41 APPRENTICE/TRAINING

\$ 2.58 OTHER

\$ 21.30 FRINGE TOTAL

Rev. 01/17

## FRINGE BENEFITS PLAN, FUND OR PROGRAM DISBURSEMENT INFORMATION

Classification: LABORER

Effective Date: 10-1-15

Paid per hour

Name and Address of Fund Manager:

\$ 2.11 VACATION & DUES

Northern Nevada Trust Funds

445 Apple St. / P.O. Box 11337

Reno, NV 89505

\$ 4.50 HEALTH & WELFARE

\$ 4.50 PENSION

Laborer's International Union of North America

570 Reactor Way

Reno, NV 89502

\$ .51 APPRENTICE/TRAINING

\$ .21 OTHER

\*vacation and dues included in base wage

\$ 11.83 FRINGE TOTAL

Classification: CEMENT MASON

Effective Date: 10-1-15

Paid per hour

Name and Address of Fund Manager:

\$ 3.94 VACATION

Northern Nevada Trust Funds

445 Apple St. / P.O. Box 11227

Reno, NV 89505

\$ 3.48 HEALTH & WELFARE

\$ 5.50 PENSION

Cement Masons Local 797

810 Gleeson Way

Sparks, NV 89431

\$ .65 APPRENTICE/TRAINING

\$ .15 OTHER

\*\*base wage includes dues (\$0.78). & working dues (\$0.37)

\$ 13.72 FRINGE TOTAL

# FRINGE BENEFITS PLAN, FUND OR PROGRAM DISBURSEMENT INFORMATION

Classification: CARPENTER

Effective Date: 01-01-16

Paid per hour

Name and Address of Fund Manager:

\$ 2.70 VACATION

Southwest Carpenters Trust

980 Kelly Johnson Drive, Suite 180

Las Vegas, NV 89119

\$ 6.60 HEALTH & WELFARE

\$ 4.41 PENSION

\$ .52 APPRENTICE/TRAINING

\$ .30 OTHER

\$ 14.53 FRINGE TOTAL

Classification: Truck Driver

Paid per hour

Name and Address of Fund Manager:

\$ 4.80 HEALTH & WELFARE

Boon Group-6300 Bridgeport Parkway, Building 3, Ste 500, Austin, TX 78730

\$ 4.80 FRINGE TOTAL

I Certify under penalty of perjury that fringe benefits are paid to the approved Plans, Funds or Programs as listed above

Molly B. Molly



(Signature/Title)

Certified Payroll Administrator

Date: 04/01/16



Joe's Construction P.O. Box 1234 Reno, NV 89502 (775) 123-4567

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January 1, 2017

Nevada Department of Transportation  
310 Galletti Way  
Sparks, NV 89431

Attention: John Smith, Resident Engineer

Reference: NDOT Contract No. 3585  
Working Hours

Dear Mr. Smith,

Reference is made to the construction of NDOT Contract No. 3585 on US395, Carson City freeway.

Joe's Construction requests to work Monday through Thursday ten hours per day (excluding holidays) on the above referenced contract.

If you have any questions or require further information concerning this subject matter, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "John E. Contractor".

John E. Contractor  
Vice President





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There are 111 certification records found for the above selection

Delete	Contractor	Project	Sub To	Contract ID	Week End	Payroll No	Performing?	Submitted	View CPR	Process Status	Select	Accept Status	Accepted	Final	View Details
<input type="button" value="Delete"/>	Kuck Trucking	3628 - US 6 from the junction with US 95 to 1.974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO		11/26/2016	9	YES	12/6/2016	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<input type="button" value="Delete"/>	C AND S COMPANY, INC.	3628 - US 6 from the junction with US 95 to 1.974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO		11/27/2016	07	NO	1/3/2017	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<input type="button" value="Delete"/>	SAK CONSTRUCTION LLC	3628 - US 6 from the junction with US 95 to 1.974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO		12/3/2016	14	YES	12/14/2016	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<input type="button" value="Delete"/>	FISHER SAND & GRAVEL CO	3628 - US 6 from the junction with US 95 to 1.974 miles West of Millers Roadside Park			12/3/2016	20	YES	12/30/2016	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<input type="button" value="Delete"/>	Kuck Trucking	3628 - US 6 from the junction with US 95 to 1.974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO		12/3/2016	10	YES	12/6/2016	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<input type="button" value="Delete"/>	Syntech Inc	3628 - US 6 from the junction with US 95 to 1.974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO		12/3/2016	17	NO	12/9/2016	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<input type="button" value="Delete"/>	Parsons Drilling, Inc.	3628 - US 6 from the junction with US 95 to 1.974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO		12/3/2016	19	NO	12/15/2016	PDF	Certified	<input type="checkbox"/>	ACCEPTED	12/20/2016	No	<a href="#">Details</a>
<input type="button" value="Delete"/>	C AND S COMPANY, INC.	3628 - US 6 from the junction with US 95 to 1.974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO		12/4/2016	08	NO	1/3/2017	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<input type="button" value="Delete"/>	FISHER SAND & GRAVEL CO	3628 - US 6 from the junction with US 95 to 1.974 miles West of Millers Roadside Park			12/10/2016	21	YES	12/30/2016	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<input type="button" value="Delete"/>	SAK CONSTRUCTION LLC	3628 - US 6 from the junction with US 95 to 1.974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO		12/10/2016	15	YES	12/14/2016	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>

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**Certifications**

Department:

Project:

Include Closed

Contractor:

Sub To | Contract ID:

From Date:  To Date:

Process Status:

Accept Status:

There are 111 certification records found for the above selection.

Delete	Contractor	Project	Contract ID	Week End	Payroll No	Performing?	Submitted	View CPR	Process Status	Select	Accept Status	Accepted	Final	View Details
<a href="#">Delete</a>	Syrtech Inc	3628 - US 6 from the junction with US 95 to 1 974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO	12/10/2016	18	NO	12/15/2016	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<a href="#">Delete</a>	Parsons Drilling, Inc.	3628 - US 6 from the junction with US 95 to 1 974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO	12/10/2016	20	YES	12/14/2016	PDF	Certified	<input type="checkbox"/>	ACCEPTED	12/20/2016	No	<a href="#">Details</a>
<a href="#">Delete</a>	Kuck Trucking	3628 - US 6 from the junction with US 95 to 1 974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO	12/10/2016	11	YES	12/13/2016	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<a href="#">Delete</a>	C.A.N.D S COMPANY, INC.	3628 - US 6 from the junction with US 95 to 1 974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO	12/11/2016	09	NO	1/3/2017	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<a href="#">Delete</a>	FISHER SAND & GRAVEL CO	3628 - US 6 from the junction with US 95 to 1 974 miles West of Millers Roadside Park		12/17/2016	22	YES	1/5/2017	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<a href="#">Delete</a>	Kuck Trucking	3628 - US 6 from the junction with US 95 to 1 974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO	12/17/2016	12	YES	12/21/2016	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<a href="#">Delete</a>	SAK CONSTRUCTION LLC	3628 - US 6 from the junction with US 95 to 1 974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO	12/17/2016	16	NO	12/22/2016	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<a href="#">Delete</a>	Syrtech Inc	3628 - US 6 from the junction with US 95 to 1 974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO	12/17/2016	19	NO	12/22/2016	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<a href="#">Delete</a>	Parsons Drilling, Inc.	3628 - US 6 from the junction with US 95 to 1 974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO	12/17/2016	21	NO	12/14/2016	PDF	Certified	<input type="checkbox"/>	ACCEPTED	12/20/2016	No	<a href="#">Details</a>
<a href="#">Delete</a>	C.A.N.D S COMPANY, INC.	3628 - US 6 from the junction with US 95 to 1 974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO	12/18/2016	10	NO	1/3/2017	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>

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 Department:

Include Closed  
 Project:

Contractor:

Sub To | Contract ID:

From Date:  To Date:

Process Status: 
 Accept Status:

There are 111 certification records found for the above selection

Delete	Contractor	Project	Contract ID	Sub To	Week End	Payroll Hrs	Performing?	Submitted	View CPR	Process Status	Select	Accept Status	Accepted	Final	View Details
<input type="button" value="Delete"/>	FISHER SAND & GRAVEL CO	3628 - US 6 from the junction with US 95 to 1 974 miles West of Millers Roadside Park			12/24/2016	23	YES	1/5/2017	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<input type="button" value="Delete"/>	Parsons Drilling, Inc.	3628 - US 6 from the junction with US 95 to 1 974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO		12/24/2016	22	NO	12/1/2016	PDF	Certified	<input type="checkbox"/>	ACCEPTED	12/20/2016	Yes	<a href="#">Details</a>
<input type="button" value="Delete"/>	Kuck Trucking	3628 - US 6 from the junction with US 95 to 1 974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO		12/24/2016	13	YES	12/27/2016	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<input type="button" value="Delete"/>	Symtech Inc	3628 - US 6 from the junction with US 95 to 1 974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO		12/24/2016	20	NO	12/28/2016	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<input type="button" value="Delete"/>	C AND S COMPANY, INC.	3628 - US 6 from the junction with US 95 to 1 974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO		12/25/2016	11	NO	1/3/2017	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<input type="button" value="Delete"/>	C AND S COMPANY, INC.	3628 - US 6 from the junction with US 95 to 1 974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO		12/31/2016	12	NO	1/9/2017	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<input type="button" value="Delete"/>	Symtech Inc	3628 - US 6 from the junction with US 95 to 1 974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO		12/31/2016	21	NO	1/9/2017	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<input type="button" value="Delete"/>	Kuck Trucking	3628 - US 6 from the junction with US 95 to 1 974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO		12/31/2016	14	NO	1/10/2017	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<input type="button" value="Delete"/>	FISHER SAND & GRAVEL CO	3628 - US 6 from the junction with US 95 to 1 974 miles West of Millers Roadside Park			12/31/2016	24	YES	1/10/2017	PDF	Certified	<input type="checkbox"/>	Submitted		No	<a href="#">Details</a>
<input type="button" value="Delete"/>	SAK CONSTRUCTION LLC	3628 - US 6 from the junction with US 95 to 1 974 miles West of Millers Roadside Park	FISHER SAND & GRAVEL CO		12/31/2016	17	NO	1/5/2017	PDF	Certified	<input type="checkbox"/>	REJECTED		Yes	<a href="#">Details</a>

Page 1 2 3 4 5 6 7 8 9 10 11 12

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**CERTIFIED PAYROLL LOG**

Rev. 01/17

Contract No. 3628

December, 2016	Week 1	Week 2	Week 3	Week 4	Week 5
Contractor					
Fisher Sand & Gravel	20/yes				
Week End Date	12/3/2016				
Date Due	12/17/2016				
Date Submitted*					
Parsons Drilling	19/no				
Week End Date	12/3/2016				
Date Due	12/17/2016				
Date Submitted*	12/15/2016				
Syntech	17/no				
Week End Date	12/3/2016				
Date Due	12/17/2016				
Date Submitted*	12/9/2016				
SAK Construction	14/yes				
Week End Date	12/3/2016				
Date Due	12/17/2016				
Date Submitted*	12/14/2016				
Kuck Trucking	10/yes				
Week End Date	12/3/2016				
Date Due	12/17/2016				
Date Submitted*	12/6/2016				
C and S Company	08/no				
Week End Date	12/4/2016				
Date Due	12/18/2016				
Date Submitted*					
Name					
Week End Date					
Date Due					
Date Submitted*					
Name					
Week End Date					
Date Due					
Date Submitted*					

***\*Italicize or Bold Late Payrolls***

Checked By / Date \_\_\_\_\_

Reviewed by Res Engr / Date \_\_\_\_\_

Reviewed by Dist Engr / Date \_\_\_\_\_

**CERTIFIED PAYROLL LOG**

Rev. 01/17

Contract No. 3628

December, 2016	Week 1	Week 2	Week 3	Week 4	Week 5
Contractor					
Fisher Sand & Gravel	20/yes	21/yes			
Week End Date	12/3/2016	12/10/2016			
Date Due	12/17/2016	12/24/2016			
Date Submitted*					
Parsons Drilling	19/no	20/yes			
Week End Date	12/3/2016	12/10/2016			
Date Due	12/17/2016	12/24/2016			
Date Submitted*	12/15/2016	12/14/2016			
Syntech	17/no	18/no			
Week End Date	12/3/2016	12/10/2016			
Date Due	12/17/2016	12/24/2016			
Date Submitted*	12/9/2016	12/15/2016			
SAK Construction	14/yes	15/yes			
Week End Date	12/3/2016	12/10/2016			
Date Due	12/17/2016	12/24/2016			
Date Submitted*	12/14/2016	12/14/2016			
Kuck Trucking	10/yes	11/yes			
Week End Date	12/3/2016	12/10/2016			
Date Due	12/17/2016	12/24/2016			
Date Submitted*	12/6/2016	12/13/2016			
C and S Company	08/no	09/no			
Week End Date	12/4/2016	12/11/2016			
Date Due	12/18/2016	12/25/2016			
Date Submitted*					
Name					
Week End Date					
Date Due					
Date Submitted*					
Name					
Week End Date					
Date Due					
Date Submitted*					

***\*Italicize or Bold Late Payrolls***

Checked By / Date \_\_\_\_\_

Reviewed by Res Engr / Date \_\_\_\_\_

Reviewed by Dist Engr / Date \_\_\_\_\_

Contract No. 3628

December, 2016	Week 1	Week 2	Week 3	Week 4	Week 5
Contractor					
Fisher Sand & Gravel	20/yes	21/yes	22/yes		
Week End Date	12/3/2016	12/10/2016	12/17/2016		
Date Due	12/17/2016	12/24/2016	12/31/2016		
Date Submitted*	12/30/2016	12/30/2016			
Parsons Drilling	19/no	20/yes	21/no		
Week End Date	12/3/2016	12/10/2016	12/17/2016		
Date Due	12/17/2016	12/24/2016	12/31/2016		
Date Submitted*	12/15/2016	12/14/2016	12/14/2016		
Syntech	17/no	18/no	19/no		
Week End Date	12/3/2016	12/10/2016	12/17/2016		
Date Due	12/17/2016	12/24/2016	12/31/2016		
Date Submitted*	12/9/2016	12/15/2016	12/22/2016		
SAK Construction	14/yes	15/yes	16/no		
Week End Date	12/3/2016	12/10/2016	12/17/2016		
Date Due	12/17/2016	12/24/2016	12/31/2016		
Date Submitted*	12/14/2016	12/14/2016	12/22/2016		
Kuck Trucking	10/yes	11/yes	12/yes		
Week End Date	12/3/2016	12/10/2016	12/17/2016		
Date Due	12/17/2016	12/24/2016	12/31/2016		
Date Submitted*	12/6/2016	12/13/2016	12/21/2016		
C and S Company	08/no	09/no	10/no		
Week End Date	12/4/2016	12/11/2016	12/18/2016		
Date Due	12/18/2016	12/25/2016	1/1/2017		
Date Submitted*	1/3/2017	1/3/2017	1/3/2017		
Name					
Week End Date					
Date Due					
Date Submitted*					
Name					
Week End Date					
Date Due					
Date Submitted*					

***\*Italicize or Bold Late Payrolls***

Checked By / Date

Reviewed by Res Engr / Date

Reviewed by Dist Engr / Date

CERTIFIED PAYROLL LOG

Rev. 01/17

Contract No. 3628

December, 2016	Week 1	Week 2	Week 3	Week 4	Week 5
Contractor					
Fisher Sand & Gravel	20/yes	21/yes	22/yes	23/yes	
Week End Date	12/3/2016	12/10/2016	12/17/2016	12/24/2016	
Date Due	12/17/2016	12/24/2016	12/31/2016	1/7/2017	
Date Submitted*	12/30/2016	12/30/2016	1/5/2017	1/5/2017	
Parsons Drilling	19/no	20/yes	21/no	22/no	
Week End Date	12/3/2016	12/10/2016	12/17/2016	12/24/2016	
Date Due	12/17/2016	12/24/2016	12/31/2016	1/7/2017	
Date Submitted*	12/15/2016	12/14/2016	12/14/2016	12/1/2016	
Syntech	17/no	18/no	19/no	20/no	
Week End Date	12/3/2016	12/10/2016	12/17/2016	12/24/2016	
Date Due	12/17/2016	12/24/2016	12/31/2016	1/7/2017	
Date Submitted*	12/9/2016	12/15/2016	12/22/2016	12/28/2016	
SAK Construction	14/yes	15/yes	16/no		
Week End Date	12/3/2016	12/10/2016	12/17/2016	12/24/2016	
Date Due	12/17/2016	12/24/2016	12/31/2016	1/7/2017	
Date Submitted*	12/14/2016	12/14/2016	12/22/2016		
Kuck Trucking	10/yes	11/yes	12/yes	13/yes	
Week End Date	12/3/2016	12/10/2016	12/17/2016	12/24/2016	
Date Due	12/17/2016	12/24/2016	12/31/2016	1/7/2017	
Date Submitted*	12/6/2016	12/13/2016	12/21/2016	12/27/2016	
C and S Company	08/no	09/no	10/no	11/no	
Week End Date	12/4/2016	12/11/2016	12/18/2016	12/25/2016	
Date Due	12/18/2016	12/25/2016	1/1/2017	1/8/2017	
Date Submitted*	1/3/2017	1/3/2017	1/3/2017	1/3/2017	
Name					
Week End Date					
Date Due					
Date Submitted*					
Name					
Week End Date					
Date Due					
Date Submitted*					

***\*Italicize or Bold Late Payrolls***

Checked By / Date \_\_\_\_\_

Reviewed by Res Engr / Date \_\_\_\_\_

Reviewed by Dist Engr / Date \_\_\_\_\_

**CERTIFIED PAYROLL LOG**

Rev. 01/17

Contract No. 3628

December, 2016	Week 1	Week 2	Week 3	Week 4	Week 5
Contractor					
Fisher Sand & Gravel	20/yes	21/yes	22/yes	23/yes	24/yes
Week End Date	12/3/2016	12/10/2016	12/17/2016	12/24/2016	12/31/2016
Date Due	12/17/2016	12/24/2016	12/31/2016	1/7/2017	1/14/2017
Date Submitted*	12/30/2016	12/30/2016	1/5/2017	1/5/2017	1/10/2017
Parsons Drilling	19/no	20/yes	21/no	22F/no	
Week End Date	12/3/2016	12/10/2016	12/17/2016	12/24/2016	
Date Due	12/17/2016	12/24/2016	12/31/2016	1/7/2017	
Date Submitted*	12/15/2016	12/14/2016	12/14/2016	12/1/2016	
Syntech	17/no	18/no	19/no	20/no	21/no
Week End Date	12/3/2016	12/10/2016	12/17/2016	12/24/2016	12/31/2016
Date Due	12/17/2016	12/24/2016	12/31/2016	1/7/2017	1/14/2017
Date Submitted*	12/9/2016	12/15/2016	12/22/2016	12/28/2016	1/9/2017
SAK Construction	14/yes	15/yes	16/no		17/no
Week End Date	12/3/2016	12/10/2016	12/17/2016	12/24/2016	12/31/2016
Date Due	12/17/2016	12/24/2016	12/31/2016	1/7/2017	1/14/2017
Date Submitted*	12/14/2016	12/14/2016	12/22/2016		1/5/2017
Kuck Trucking	10/yes	11/yes	12/yes	13/yes	14/no
Week End Date	12/3/2016	12/10/2016	12/17/2016	12/24/2016	12/31/2016
Date Due	12/17/2016	12/24/2016	12/31/2016	1/7/2017	1/14/2017
Date Submitted*	12/6/2016	12/13/2016	12/21/2016	12/27/2016	1/10/2017
C and S Company	08/no	09/no	10/no	11/no	12/no
Week End Date	12/4/2016	12/11/2016	12/18/2016	12/25/2016	12/31/2016
Date Due	12/18/2016	12/25/2016	1/1/2017	1/8/2017	1/14/2017
Date Submitted*	1/3/2017	1/3/2017	1/3/2017	1/3/2017	1/9/2017
Name					
Week End Date					
Date Due					
Date Submitted*					
Name					
Week End Date					
Date Due					
Date Submitted*					

***\*Italicize or Bold Late Payrolls***

Checked By / Date \_\_\_\_\_

Reviewed by Res Engr / Date \_\_\_\_\_

Reviewed by Dist Engr / Date \_\_\_\_\_

On a monthly basis, the office person's responsibility is to:

- A. print out CERTIFIED PAYROLL LOG after the last payroll for the month is due. Sign and date form (see page 7 - 25). Forward CERTIFIED PAYROLL LOG to Resident Engineer for review and signature.

On a weekly basis, the Resident Engineer's responsibility is to:

- A. prepare correspondence (letter or email) to the prime contractor identifying the payrolls that were entered late or payrolls that have not been entered at all (see page 7 - 23). Each letter or email will represent one week only and include verbiage that future progress payments may be withheld if issues are not addressed. Forward a copy to the Assistant Director, Operations. When the progress payment is due, the Assistant Director, Operations will email the Resident Engineers of progress payments to be withheld. **The Assistant Director, Operations will notify the Resident Engineers only when they are to withhold the progress payment.**

If the progress payment or any portion of the progress payment is held, email Contract Compliance when the money is held. Additionally, email Contract Compliance when the money is returned to the prime contractor.

If payrolls are entered late or payrolls have not been entered at all and there are no more progress payments to be processed by the Resident Engineer, continue with the weekly letters without the sentence "recommending to hold payment".

- B. enter the date letter is sent to the prime contractor on the PAYROLL VIOLATION LOG (see page 7 - 41).
- C. enter the date on the PAYROLL VIOLATION LOG if a response is received from the Assistant Director, Operations to withhold the progress payment (see page 7 - 41).
- D. document any conversations about late payrolls in daily diaries, safety meeting minutes, IDRs, etc.

On a monthly basis, the Resident Engineer's responsibility is to:

- A. review CERTIFIED PAYROLL LOG (see page 7 - 25). Sign and date the form. Forward CERTIFIED PAYROLL LOG to District Engineer for review and signature.



BRIAN SANDOVAL  
Governor

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION  
1263 S. Stewart Street  
Carson City, Nevada 89712  
December 19, 2016

RUDY MALFABON, P.E., Director

Joe Contractor  
1234 Golf Course Way  
Tempe, AZ 85284

In Reply Refer to:  
Contract No. 1234  
Project No. SI-006-1(034)

Attention: Joe Contractor, Project Manager

Dear Sir:

Reference is made to Contract No. 1234, Project No. SI-006-1(034), on US6 from the junction with US95 to 1.974 miles west of Millers Roadside Park.


Per NDOT requirements, certified payrolls and non-performance payrolls must be entered within fourteen (14) calendar days of the week ending (W/E) date. In reviewing LCPtracker, the following payrolls were submitted late or have not been submitted.

<u>Contractor</u>	<u>W/E Date</u>	<u>Due Date</u>	<u>Date Entered</u>
Joe Contractor	12-03-16	12-17-16	
Jane Subcontractor	12-04-16	12-18-16	

Please be advised that future progress payments may be withheld until these issues have been addressed.

Your immediate attention to this matter is appreciated.

Sincerely,

*for*   
Sami Yousuf, P.E.  
Resident Engineer

SY:sy

cc: Reid Kaiser, Assistant Director, Operations  
Mary Martini, District Engineer  
Mario Gomez, Assistant District Engineer  
Sharon Foerschler, Construction Engineer  
Contract Compliance  
File

On a monthly basis, the District Engineer's responsibility is to:

- A. review the CERTIFIED PAYROLL LOG (see page 7 - 25). Sign and date the form. Return CERTIFIED PAYROLL LOG to Resident Engineer for his contract file.

On a monthly basis, the Assistant Director, Operations' responsibility is to:

- A. review the Resident Engineers' weekly correspondence to the prime contractors addressing late payrolls and payrolls not entered at all (see page 7 - 23).
- B. **email the Resident Engineer only when he is to withhold the progress payment.** The email shall include the contract number and the dollar amount to be held.



CERTIFIED PAYROLL LOG

Rev. 01/17

Contract No. 3628

December, 2016	Week 1	Week 2	Week 3	Week 4	Week 5
Contractor					
Fisher Sand & Gravel	20/yes	21/yes	22/yes	23/yes	24/yes
Week End Date	12/3/2016	12/10/2016	12/17/2016	12/24/2016	12/31/2016
Date Due	12/17/2016	12/24/2016	12/31/2016	1/7/2017	1/14/2017
Date Submitted*	12/30/2016	12/30/2016	1/5/2017	1/5/2017	1/10/2017
Parsons Drilling	19/no	20/yes	21/no	22F/no	
Week End Date	12/3/2016	12/10/2016	12/17/2016	12/24/2016	
Date Due	12/17/2016	12/24/2016	12/31/2016	1/7/2017	
Date Submitted*	12/15/2016	12/14/2016	12/14/2016	12/1/2016	
Syntech	17/no	18/no	19/no	20/no	21/no
Week End Date	12/3/2016	12/10/2016	12/17/2016	12/24/2016	12/31/2016
Date Due	12/17/2016	12/24/2016	12/31/2016	1/7/2017	1/14/2017
Date Submitted*	12/9/2016	12/15/2016	12/22/2016	12/28/2016	1/9/2017
SAK Construction	14/yes	15/yes	16/no		17/no
Week End Date	12/3/2016	12/10/2016	12/17/2016	12/24/2016	12/31/2016
Date Due	12/17/2016	12/24/2016	12/31/2016	1/7/2017	1/14/2017
Date Submitted*	12/14/2016	12/14/2016	12/22/2016		1/5/2017
Kuck Trucking	10/yes	11/yes	12/yes	13/yes	14/no
Week End Date	12/3/2016	12/10/2016	12/17/2016	12/24/2016	12/31/2016
Date Due	12/17/2016	12/24/2016	12/31/2016	1/7/2017	1/14/2017
Date Submitted*	12/6/2016	12/13/2016	12/21/2016	12/27/2016	1/10/2017
C and S Company	08/no	09/no	10/no	11/no	12/no
Week End Date	12/4/2016	12/11/2016	12/18/2016	12/25/2016	12/31/2016
Date Due	12/18/2016	12/25/2016	1/1/2017	1/8/2017	1/14/2017
Date Submitted*	1/3/2017	1/3/2017	1/3/2017	1/3/2017	1/9/2017
Name					
Week End Date					
Date Due					
Date Submitted*					
Name					
Week End Date					
Date Due					
Date Submitted*					

***\*Italicize or Bold Late Payrolls***

Checked By / Date Sue Smith / 1-17-17  
 Reviewed by Res Engr / Date Joe Resident / 1-17-17  
 Reviewed by Dist Engr / Date Rick Distriet / 1-18-17

Upon notification, Contract Compliance's responsibility is to:

- A. review 4-10 agreements and approve in LCPtracker.
- B. review Request for Apprentice Verification forms and approve in LCPtracker.

On a monthly basis, Contract Compliance's responsibility is to:

- A. review payrolls in LCPtracker for payrolls entered late or not entered at all, within eight (8) business days of the 15<sup>th</sup> of each month.
- B. compare the late payrolls with the LATE PAYROLL LOG (maintained by Contract Compliance). If considerations are applicable, they shall be applied uniformly.

#### CONSIDERATIONS:

1. a violation occurs as a result of the prime contractor, subcontractor, service provider or owner operator, being a first time user to LCPtracker regardless of the NDOT contract number. This consideration is a one time use per contractor and shall only apply to one payroll.
  2. a violation is the first time violation for a prime contractor, subcontractor, service provider or owner operator regardless of the type of violation. This consideration is a one time use per NDOT contract and shall only apply to one payroll.
  3. a violation is a result of a subcontractor, service provider or owner operator not being able to enter payrolls due to the prime contractor not assigning them in LCPtracker. This consideration is a one time use for each contractor (excluding the prime contractor) per NDOT contract, and shall only apply to one payroll.
  4. a violation is the result of an LCPtracker failure and the prime contractor, subcontractor, service provider or owner operator could not enter his payroll. The date and time of the failure (print screen) must be properly documented.
- C. If considerations apply, prepare a letter to the prime contractor informing them of the requirement and violation, and why penalties were waived (see page 7 - 27). Include a copy of considerations with the letter to the prime contractor. Distribute copies to the applicable recipients, including the violating subcontractor, service provider or owner operator, and the Resident Engineer. No late payroll determination letter to the Labor Commissioner will be processed.
  - D. Update the LATE PAYROLL LOG for each violation.
  - E. If considerations do not apply, continue with Item F. on page 7 - 28.



BRIAN SANDOVAL  
Governor

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION  
1263 S. Stewart Street  
Carson City, Nevada 89712

RUDY MALFABON, P.E., Director

In Reply Refer to:

January 23, 2017

Joe Contractor  
1234 Golf Course Way  
Tempe, AZ 85284

Contract No. 1234  
Project No. SI-006-1(034)  
Late Payroll Consideration

Dear Sir:

Reference is made to Contract No. 1234, Project No. SI-006-1(034), on US6 from the junction with US95 to 1.974 miles west of Millers Roadside Park.

Per NRS 338.070, the contractor, subcontractor or service provider engaged on the project shall ensure that a copy of each record for each calendar month is received by the NDOT no later than 15 days after the end of the month.

In reviewing LCPtracker, the following payrolls were submitted late; however, no penalties will be assessed in accordance with NDOT's considerations (see attached).

Contractor	CPR No.	Week End Date	Payroll Due	Date Submitted	Consideration
Joe Contractor	1	12-3-16	1-15-17	1-19-17	1 <sup>st</sup> time offender
Joe Contractor	2	12-10-16	1-15-17	1-19-17	LCPtracker failure
John Subcontractor	1	12-17-16	1-15-17	1-20-17	Prime failed to assign
Jane Subcontractor	1	12-17-16	1-15-17	1-18-17	1 <sup>st</sup> time user to LCP

To avoid late payroll penalties in the future, please ensure that payrolls are submitted timely. Should you have any questions, please feel free to contact me at 775-888-7497.

Sincerely,

Joe Payroll  
Contract Compliance

cc: Reid Kaiser, Assistant Director, Operations (via email)  
Mary Martini, District Engineer (via email)  
Mario Gomez, Assistant District Engineer (via email)  
Sharon Foerschler, Construction Engineer (via email)  
Sami Yousuf, Resident Engineer (via email)  
File 1234

- F. calculate penalties each month for late payroll determination letter
1. obtain **PRIME CONTRACTOR'S** License Monetary Limit (go to <http://www.nvcontractorsboard.com/>, select Contractor Info & Searches, drop down will allow several options to search by).
  2. establish the price per calendar day or portion thereof, on the License Monetary Limit in accordance with NAC 338.120, paragraph 1.
    - a. if monetary limit is less than \$250,000, then \$20.
    - b. if monetary limit is \$250,000 or more but less than \$500,000, then \$30.
    - c. if monetary limit is \$500,000 or more but less than \$750,000, then \$40.
    - d. If monetary limit is \$750,000 or more, then \$50.
  3. determine the number of days late for each payroll.
  4. determine the number of employees on each payroll.
  5. multiply penalty price per day by number of days late by number of employees on each payroll.
  6. establish the maximum.
- G. prepare late payroll determination letter to Labor Commissioner for each prime contractor, subcontractor, service provider and owner operator. List each payroll separately, the total dollar value for each payroll, and the maximum penalty allowed per NRS 338.060, paragraph 3. (a) first failure to comply is \$1,000 maximum, and (b) subsequent failures to comply is \$5,000 maximum (see pages 7 - 29 and 7 - 30). Each late payroll determination letter to the Labor Commissioner shall represent one month only.
- H. Distribute copies of the late payroll determination letter to appropriate recipients, including the Resident Engineer.
- I. If an NDOT action or inaction causes a prime contractor, subcontractor, service provider or owner operator's payroll to be late, and a late payroll determination letter is not processed, Contract Compliance must email the Resident Engineer.



BRIAN SANDOVAL  
Governor

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION  
1263 S. Stewart Street  
Carson City, Nevada 89712

RUDY MALFABON, P.E., Director

In Reply Refer to:

December 13, 2016

Ms. Shannon Chambers  
Labor Commissioner  
Office of the Labor Commissioner  
1818 College Parkway, #102  
Carson City, NV 89706

NDOT Contract No. 3646 Late Payroll  
Project No. SPSR-0796(001)  
Joe Contractor, Prime  
Bid Opening: July 7, 2016  
Award Date: July 27, 2016  
Award Amount: \$1,494,494.00

Reference: **NDOT Contract No. 3646**

Dear Commissioner Chambers:

Based on the Special Provisions for NDOT Contract No. 3646, please accept this as a determination that the following contractor has violated provisions of NRS 338.010 to 338.090, inclusive:

A payroll report for Subb Contractor was due at the Nevada Department of Transportation as follows:

Week Ending	Payroll Due	Payroll Received	# Days Late	# Employees	Total Assessed
9-30-16	10-15-16	11-3-16	19	1	\$950.00

**Total Penalties**

**\$950.00**

NRS 338.060 provides that a maximum penalty of \$1,000.00 may be imposed for the first incident of late payroll reporting. This determination is based on a first time failure to comply. However, should a subsequent incident occur, a forfeiture of up to \$5,000.00 may be imposed.

Due process provides Subb Contractor with the right to appeal the outcome of the determination and may request a hearing. Pursuant to NAC 338.110 (8), a person who is served a copy of this determination and who is aggrieved by this determination may file a written objection within 15 days after the date of service of this determination. The objection must be accompanied by a statement of the ground for the objection and evidence substantiating the objection.

Any objection filed must be submitted directly to:

Nevada Labor Commissioner  
1818 College Parkway, #102  
Carson City, NV 89706

If there are any questions, please feel free to contact me at (775) 888-7497.

Sincerely,



Joe Payroll  
Contract Compliance

cc: Subb Contractor, P.O. Box 000, Reno, NV 99999  
Joe Contractor, 1234 Golf Course Way, Tempe, AZ 85284  
Rudy Malfabon, Director (via email)  
Bill Hoffman, Deputy Director (via email)  
Tracy Larkin-Thomason, Deputy Director (via email)  
Reid Kaiser, Assistant Director, Operations (via email)  
Sonnie Braih, Administrator, External Civil Rights (via email)  
Sharon Foerschler, Construction Engineer (via email)  
Dave Lindeman, Assistant District Engineer (via email)  
Dave Schwartz, Resident Engineer (via email)  
File 3646

BEFORE THE NEVADA STATE LABOR COMMISSIONER  
CARSON CITY, NEVADA

RECEIVED

JAN 10 2017

EXTERNAL CIVIL RIGHTS  
CONT COMP SECTION

NLC-16-003012

IN THE MATTER OF:

[REDACTED]

Project Number [REDACTED]

Nevada Department of Transportation

NDOT Contract [REDACTED]

FILED

JAN 06 2017

NEVADA  
LABOR COMMISSIONER-CC

ORDER AFFIRMING DETERMINATION OF AWARDING BODY

On December 13, 2016, the Nevada Department of Transportation (NDOT) issued a Determination that it had not received the payroll records for the weekending September 30, 2016, in a timely manner for work performed by [REDACTED] on Project Number [REDACTED] and on [REDACTED], NDOT Contract [REDACTED] (Project). The Project is a public work located in Humboldt County and owned by NDOT. The Project bid opening was July 7, 2016, and was awarded to [REDACTED] in the amount of [REDACTED]. [REDACTED] was working as a subcontractor under [REDACTED].

Pursuant to NRS 338.060, NDOT calculated forfeitures of \$950.00. [REDACTED] did not file an objection to the Determination. PC Service did file a response to the Determination on December 20, 2016, however, it did not alter the circumstances of a late payroll report submission having occurred. A payroll record is late if it is not received by the awarding body by the prescribed date. Forfeitures for late-filed payroll records are assessed against the prime contractor who, in turn, has a right to seek recovery from the subcontractor if applicable.

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THEREFORE, it is ORDERED that:

- 1. The Determination of NDOT is hereby AFFIRMED.
- 2. NDOT shall take a forfeiture of \$950.00.
- 3. This Order does not preclude any legal rights and remedies that the parties may have pursuant to NRS 338.070.

Dated this 6th day of January, 2017.



Shannon M. Chambers  
Labor Commissioner  
State of Nevada



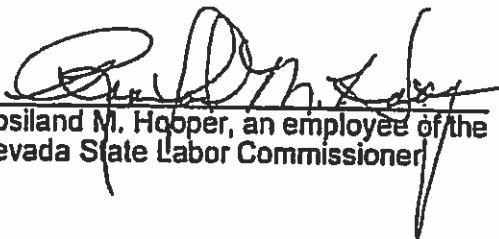
**CERTIFICATE OF MAILING**

I, Rosiland M. Hooper, do hereby certify that I mailed a true and correct copy of the foregoing **ORDER AFFIRMING DETERMINATION OF AWARDING BODY**, via the United States Postal Service, Carson City, Nevada, in a postage-prepaid envelope to the following:

Vicki Coll, Compliance Audit/Investigator III  
Nevada Department of Transportation  
1263 So. Stewart Street  
Carson City, Nevada 89712



Dated this 6th day of January, 2017.

  
Rosiland M. Hooper, an employee of the  
Nevada State Labor Commissioner

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The Resident Engineer will enter the date that a response (letter to the prime contractor stating that no late payroll determination letter will be issued **and / or** late payroll determination letter to the Labor Commissioner) is received from Contract Compliance on the PAYROLL VIOLATION LOG (see page 7 - 41).

After the Labor Commissioner has reviewed the late payroll determination letter, they will prepare and send an Affirming Order to Contract Compliance, which will affirm, modify or dismiss the penalty (see pages 7 - 31 thru 7 - 33). If the contractor disputes the violation, he must notify the Labor Commissioner, who will contact Contract Compliance to request an investigation. After the investigation is complete, Contract Compliance will notify the Labor Commissioner, at which time an Affirming Order will be prepared and sent to Contract Compliance.

If the contract is ongoing:

Contract Compliance will forward a copy of the Affirming Order to the Resident Engineer and request the Resident Engineer assess the penalty amount as a liquidated damage on the next progress payment (see page 7 - 36 and 7 - 38). The Resident Engineer will enter the penalty in FieldManager as Item No. 9992500 Penalty (Labor Compliance), adding the name of the violating firm in the Supplemental Description field, and the type (wage determination, penalty to NDOT, late payroll, etc.) in the Reason field. Once the penalty is assessed on the progress payment, the Resident Engineer must email Contract Compliance (including contract number, name of contractor, penalty amount assessed and payment number), who will then notify the Labor Commissioner referencing the order and confirming that the penalty was assessed.

The Resident Engineer will enter the date the Affirming Order was received from Contract Compliance, the approved penalty amount, payment number and date of email to Contract Compliance on the PAYROLL VIOLATION LOG (see page 7 - 41).

If there are no more progress payments to be processed by the Resident Engineer, he will notify Contract Compliance so they can forward their request to the Construction Division. The Resident Engineer will enter the date of his email to Contract Compliance on the PAYROLL VIOLATION LOG (see page 7 - 41).

If the contract is picked up by the Construction Division or there are no more progress payments from the field:

Contract Compliance will request that Construction Division assess the penalty amount on the final payment / retention release (see page 7 - 37 and 7 - 39). Once the penalty is assessed on the final payment / retention release, the Construction Division must email Contract Compliance (including contract number, name of contractor, penalty amount assessed and payment number), who will then notify the Labor Commissioner referencing the order and confirming that the penalty was assessed.

If the contract is final paid through Accounting:

Contract Compliance will prepare a billing request **utilizing the coding provided by Project Accounting**. Contract Compliance will deliver the billing request to Project Accounting for processing. Once payment is received for the penalty, Project Accounting must email Contract Compliance, who will then notify the Labor Commissioner referencing the order and confirming that the payment was received.

**NOTE:** If the Affirming Order is returned from the Labor Commissioner dismissing the penalties, Contract Compliance will prepare a memo (with Affirming Order attached) to the Resident Engineer (see page 7 - 40). No further action is required.



**MEMORANDUM**  
Contract Compliance Division

January 17, 2017

**To:** Dave Schwartz, Resident Engineer  
**From:** Vickie Coll, Contract Compliance  
**Subject:** Contract No. 3646 - Request to Assess Penalties for Late Payroll Determination  
**Prime Contractor:** Joe Smith, Prime Contractor

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Attached is a copy of the Nevada State Labor Commissioner's Affirming Order confirming NDOT's late payroll determination for the following:

LABOR COMMISSIONER #	VIOLATING FIRM	ORDER AMOUNT
NLC-17-000001	Jane Subcontractor	\$1,000.00

Please assess the \$1,000.00 penalty as a liquidated damage on your next progress payment. When the progress payment is processed, please email Contract Compliance with the contract number, name of violating firm, penalty amount and payment number.

If you are unable to assess the penalty due to already processing your final progress payment, or if the contract has already been picked up by the Construction Division, please email Contract Compliance immediately.

cc: Reid Kaiser, Assistant Director, Operations (via email)  
Sharon Foerschler, Construction Engineer (via email)  
Sonnie Braih, Administrator, External Civil Rights (via email)  
Kevin Lee, District Engineer (via email)  
Dave Lindeman, Assistant District Engineer (via email)  
Norfa Lanuza, Project Accounting (via email)  
File 3646



**MEMORANDUM**  
Contract Compliance Division

January 17, 2017

**To:** Sharon Foerschler, Construction Engineer  
**Attn:** Cecilia Whited  
**From:** Vickie Coll, Contract Compliance  
**Subject:** Contract No. 3646 - Request to Assess Penalties for Late Payroll Determination  
**Prime Contractor:** Joe Smith, Prime Contractor

Attached is a copy of the Nevada State Labor Commissioner's Affirming Order confirming NDOT's late payroll determination for the following:

LABOR COMMISSIONER #	VIOLATING FIRM	ORDER AMOUNT
NLC-17-000001	Jane Subcontractor	\$1,000.00

Since the Resident Engineer could not assess the penalty on a progress payment, please assess the \$1,000.00 penalty as a liquidated damage on the final payment/release of retention for this contract. When the final payment/release of retention is processed through Project Accounting, please email Contract Compliance with the contract number, name of violating firm and penalty amount.

If you are unable to assess the penalty due to already processing the final payment/release of retention through Project Accounting, please email Contract Compliance immediately.

cc: Reid Kaiser, Assistant Director, Operations (via email)  
Sonnie Braih, Administrator, External Civil Rights (via email)  
Kevin Lee, District Engineer (via email)  
Dave Lindeman, Assistant District Engineer (via email)  
Dave Schwartz, Resident Engineer (via email)  
Norfa Lanuza, Project Accounting (via email)  
File 3646



**MEMORANDUM**  
Contract Compliance Division

January 17, 2017

**To:** Dave Schwartz, Resident Engineer  
**From:** Vickie Coll, Contract Compliance  
**Subject:** Contract No. 3646 - Request to Assess Penalties for Wage Determination  
**Prime Contractor:** Joe Smith, Prime Contractor

---

Attached is a copy of the Nevada State Labor Commissioner's Affirming Order confirming NDOT's wage determination for Jane Subcontractor.

LABOR COMMISSIONER #	REQUIRED ACTION	ORDER AMOUNT
NLC-17-000002	Back wages to claimant	\$3,461.21
NLC-17-000002	Penalty to NDOT	\$1,900.00

Please assess \$3,461.21 (WAGE DETERMINATION) and \$1,900.00 (PENALTY TO NDOT) as separate liquidated damages on your next progress payment. When the progress payment is processed, please email Contract Compliance with the contract number, name of violating firm, penalty amounts and payment number.

If you are unable to assess the liquidated damages due to already processing your final progress payment, or if the contract has already been picked up by the Construction Division, please email Contract Compliance immediately.

cc: Reid Kaiser, Assistant Director, Operations (via email)  
Sharon Foerschler, Construction Engineer (via email)  
Sonnie Braih, Administrator, External Civil Rights (via email)  
Kevin Lee, District Engineer (via email)  
Dave Lindeman, Assistant District Engineer (via email)  
Norfa Lanuza, Project Accounting (via email)  
File 3646



**MEMORANDUM**  
Contract Compliance Division

January 17, 2017

**To:** Sharon Foerschler, Construction Engineer  
**Attn:** Cecilia Whited  
**From:** Vickie Coll, Contract Compliance  
**Subject:** Contract No. 3646 - Request to Assess Penalties for Wage Determination  
**Prime Contractor:** Joe Smith, Prime Contractor

Attached is a copy of the Nevada State Labor Commissioner's Affirming Order confirming NDOT's wage determination for Jane Subcontractor:

LABOR COMMISSIONER #	REQUIRED ACTION	ORDER AMOUNT
NLC-17-000002	Back wages to claimant	\$3,461.21
NLC-17-000002	Penalty to NDOT	\$1,900.00

Since the Resident Engineer could not assess the penalty on a progress payment, please assess \$3,641.21 (WAGE DETERMINATION) and \$1,900.00 (PENALTY TO NDOT) as separate liquidated damages on the final payment/release of retention for this contract. When the final payment/release of retention is processed through Project Accounting, please email Contract Compliance with the contract number, name of violating firm and penalty amounts.

If you are unable to assess the penalty due to already processing the final payment through Project Accounting, please email Contract Compliance immediately.

cc: Reid Kaiser, Assistant Director, Operations (via email)  
Sonnie Braih, Administrator, External Civil Rights (via email)  
Kevin Lee, District Engineer (via email)  
Dave Lindeman, Assistant District Engineer (via email)  
Dave Schwartz, Resident Engineer (via email)  
Norfa Lanuza, Project Accounting (via email)  
File 3646



**MEMORANDUM**  
Contract Compliance Division

January 17, 2017

**To:** Dave Schwartz, Resident Engineer  
**From:** Vickie Coll, Contract Compliance  
**Subject:** Contract No. 3646 - Denial of Late Payroll Determination  
**Prime Contractor:** Joe Smith, Prime Contractor

---

Please see attached Order stating no penalties assessed.

cc: Reid Kaiser, Assistant Director, Operations (via email)  
Sharon Foerschler, Construction Engineer (via email)  
Sonnie Braih, Administrator, External Civil Rights (via email)  
Kevin Lee, District Engineer (via email)  
Dave Lindeman, Assistant District Engineer (via email)  
Norfa Lanuza, Project Accounting (via email)  
File 3646



