

04 NCAC 19L .1006 LABOR STANDARDS

(a) The following labor standards provisions outline the responsibilities of the recipient concerning the payment of wages, contract work hours, safety, health standards, and equal opportunity for programs governed under this Subchapter. Recipients must comply with the following federal laws and regulations:

- (1) Davis-Bacon Act (40 U.S.C.A. 276a). This act requires that prevailing local wage levels be paid to laborers and mechanics employed on construction work assisted with CDBG funds.
- (2) Contract Work Hours and Safety Standards Act (40 U.S.C.A. 327 through 333). Under this act, laborers and mechanics employed by contractors and subcontractors on construction work assisted with CDBG funds must receive overtime compensation at a rate not less than one and one-half the basic rate of pay for all hours worked in excess of forty hours in any workweek.

Violators shall be liable for the unpaid wages and in addition for liquidated damages computed in respect to each laborer or mechanic employed in violation of the act.

- (3) Fair Labor Standards Act (29 U.S.C. 201 et seq.), requiring that covered employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rate for all hours worked in excess of the prescribed work-week.
- (4) Federal anti-kickback laws (18 U.S.C. 874 and 40 U.S.C. 276a), which outlaws and prescribes criminal penalties for "kickbacks" of wages in federally financed or assisted construction activities. Weekly statements of compliance and weekly payrolls must be provided by all contractors and subcontractors.

(b) The U.S. Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Number 14 of 1950 (15 F.R. 3176; 64 Stat. 1267 and Section 2 of the Act of June 13, 1934, (48 Stat. 948, Ch. 482)(40 U.S.C. 276c).

(c) All contracts shall contain labor standards provisions as required in this Rule.

(d) Subparagraph (a)(1) and (4) of this Rule shall apply to the rehabilitation of residential property only if such property is designed for residential use of eight or more families or if eight or more single family dwellings in the project area are owned in common and are located on contiguous lots or parcels.

(e) Recipients shall maintain records regarding compliance with the laws and regulations cited in this Rule in accordance with Rule .0911 of this Subchapter.

History Note: Authority G.S. 143B-10; 143B-431; 24 C.F.R. 570.487; 40 U.S.C. 276(a) and 276(c); 40 U.S.C.A. 328; 42 U.S.C.A. 5310; Eff. July 1, 1982; Amended Eff. May 1, 1988; April 1, 1983; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.