



Wage Restitution Enforcement Report

April, 2015

TO: Chief, Bureau of Community Revitalization

FROM: _____

DATE: _____

Recipient: _____ Contract Number: _____

Contractor's Name: _____ Prime Subcontractor

Wage Decision Number(s): _____

Wage restitution in the total amount of \$ _____ has been paid to _____ employees of the above contractor. A schedule reflecting the computation of wages due, including overtime, is attached. The following information is being provided to the Department:

1. The need for wage restitution was discovered through: _____ _____ _____	
2. Types of violations:	<input type="checkbox"/> Did not pay the minimum for the classification. <input type="checkbox"/> Used the incorrect classification. <input type="checkbox"/> Did not pay overtime premium. <input type="checkbox"/> Other _____
3. Were any of the violations willful? (If yes , attach supporting information.)	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Are administrative sanctions recommended? (If yes , attach supporting information.)	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. If the contractor failed to pay the overtime premium, what is the total liquidated damages assessed (\$10/day/employee):	\$ _____
6. Are you recommending waiver of liquidated damages? (If yes , explain why below. If a waiver is recommended, the collection of liquidated damages can be delayed until a decision is made.)	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____ _____ _____	

Signature _____ Date _____

(A report is required for any contractor accumulating \$50 or more of wage underpayments throughout the life of the project. The Small Cities CDBG Program must report wage restitution data to the U.S. Department of Housing and Urban Development twice each year. If a contractor owes restitution of \$1,000 or more, a copy of this report is sent to the U.S. Department of Labor in compliance with 29CFR5.7(2), which states, "Where underpayments by a contractor or subcontractor total \$1,000 or more, or where there is reason to believe that the violations are aggravated or willful (or, in the case of the Davis-Bacon Act, that the contractor has disregarded its obligations to employees and subcontractors), the Federal agency shall furnish within 60 days after completion of its investigation, a detailed enforcement report to the Administrator.")



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Instructions for Completing Form SC-46

This form is created as a Word form. You can complete it on a computer, using the “Tab” key to move between form fields to complete the report. You can also print out the form and complete it by hand.

Complete one report for each contractor that has to make wage restitution of \$50 or more.

Enter the name and title of the person making the report and the date of the report.

Next, enter the Recipient government’s name and the contract number of the subgrant agreement.

Enter the contractor’s name and check whether the contractor was the prime contractor or a subcontractor.

Enter the wage decision(s) involved in the restitution, the total amount of restitution paid, and the number of employees receiving restitution.

- Question 1. Explain how the need for restitution was discovered.
- Question 2. Check the type of violation that occurred. If you check “Other,” explain on the line provided.
- Question 3. Check whether the contractor willfully paid wages that were lower than the applicable wage decision. If you have information that the contractor knowingly underpaid employees and checked “yes,” attach documentation with the report form.
- Question 4. If you are recommending sanctions for the contractor, check “yes” and supply documentation to support the recommendation.
- Question 5. If the contractor failed to pay to the required overtime premium, calculate the liquidated damages at \$10 per day per employee.
- Question 6. If you recommend that the contractor have the liquidated damages waived, check “yes” and explain in the box provided.

Sign and hand date the form at the bottom.