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# Public Works

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# Labor Law Administrators

## Albuquerque Office

- Anthony Marquez, Supervisor (505) 841.4410 or (505) 414.1400
- Carl Lucero (505) 841.4411 or (505) 803.6305
- Mike Shea (505) 841.4416 or (505) 803.6303
  
- Christine Garcia, Admin. Asst. (505) 841.4416
  
- Fax (505) 841.4422
- Hotline (888) 340.0013

# Management Analysts

## Albuquerque Office

- Michael Fanestiel (505) 841.8995
- Lori Griego (505) 841.4408
- Nicolina Rushalko (505) 841.4403
- Patricia Barela (505) 841.4409
  
- Fax (505) 841.4423

# Labor Law Administrators

## Las Cruces Office

- Richard Edwards, Supervisor (575) 524.6195 or (575) 803.6302
- Phillip Archuleta (575) 524.6195 or (575) 640.6843
- Teresa Castaneda (575) 524.6195 or (575) 202.3423
  
- Olivia Perea, Admin. Asst. (575) 524.6195
  
- Fax (575) 524.6194

# Labor Law Administrators

## Santa Fe Office

- Ernie Padilla (505) 827.6815 or (505) 231.7148
- Arlene Rodriguez, Admin. Asst. (505) 827.6827
- Fax (505) 827.9676

# What is a Wage Decision?

A wage decision is the set of wage rates for a specific public works construction project. The type of work determines the type of rates issued. The four sets of rates are for:

“A” – Street, Highway, Utility, and Light Engineering

“B” – General Building

“C” – Residential; and

“H” – Heavy Engineering

If 80% of the project is *not* in one type of construction, two or more types of rates may be issued. When the bids are opened before new wage rates go into effect, those rates are good for the life of the project.

# Forms Required From the Wage Decision Packet

Several forms are sent out with the wage decision that must be used by contractors:

- a. A completed Notification of Award is due from the contracting agency, along with a listing of subcontractors before work begins;
- b. A statement of Intent to Pay Prevailing Wages is due from each contractor, subcontractor and 2<sup>nd</sup> tier, to Public Works Bureau, within three business days of the award of each respective contract;
- c. An apprenticeship Contribution Compliance Statement (required for all projects, except “A”) is due by the 15<sup>th</sup> of each month from all contractors, subcontractors, and 2<sup>nd</sup> tier contractors;
- d. A wage rate poster must be displayed in an easily accessible place at the jobsite to show all employees what their minimum rates of pay are; and
- e. An affidavit of Wages Paid must be submitted after a contractor finishes work, but before final payment is made.

Description	Responsible Party	Purpose	Contact Info.	√
Labor Enforcement Fund (LEF)	Owner/Contracting Agent	Any general contractor bidding more than \$60,000 must be registered with the LEF prior to the bidding process or the bid shall be deemed invalid	Kim Kew (505) 841-4405 (505) 841-4420 (fax)	
Notification of Award (NOA)	Owner/Contracting Agent	<b>Immediately</b> after project is assigned, complete NOA & forward to the Public Works Bureau	Patricia Barela (505) 841-4409 (505) 841-4423 (fax)	
Subcontractor List	Owner/Contracting Agent	<b>Immediately</b> after project is assigned, complete form & forward to the Public Works Bureau	Patricia Barela (505) 841-4409 (505) 841-4423 (fax)	
Labor Enforcement Fund (LEF)	General Contractor	All subcontractors or tier subcontractors bidding more than \$60,000 must be registered with the LEF prior to the bidding process or the bid shall be deemed invalid	Kim Kew (505) 841-4405 (505) 841-4420 (fax)	
Statement of Intent to Pay Prevailing Wages	General Contractor	Completed by Contractors (general, sub, tier) & forwarded <b>immediately</b> to the Public Works Bureau	Patricia Barela (505) 841-4409 (505) 841-4423 (fax)	
Certified Payrolls	Contractor (general, sub, tier)	Submitted to the General Contractor <b>AND</b> the Owner/Contracting Agent on a weekly basis from beginning of project to end	Lori Griego (505) 841-4408 (505) 841-4423 (fax)	
NM Apprenticeship and Training Fund	Contractor (general, sub, tier)	Payments to either an approved apprenticeship program or to the Public Works Bureau on all project types except "A"	Nicolina Rushalko (505) 841-4403 (505) 841-4420 (fax)	
Affidavit of Wages Paid	General Contractor	Completed by contractors (general, sub, tier) & forwarded to the Public Works Bureau after completion of work on project	Patricia Barela (505) 841-4409 (505) 841-4423 (fax)	

# Labor Enforcement Fund

In order to submit a bid valued at more than sixty thousand dollars (\$60,000), in order to respond to a request for proposals, or to be considered for award of any portion of a public works project greater than sixty thousand dollars (\$60,000) for a public works project that is subject to the Public Works Minimum Wage Act [13-4-10 NMSA 1978], the contractor, serving as a prime contractor or not, **shall be registered** with the Labor Relations Division of the Department of Workforce Solutions.

# Labor Enforcement Fund

Who is responsible for verifying compliance with the Labor Enforcement Fund?

Contracting Agency → General Contractor

General Contractor → Subcontractor

Subcontractor → 2<sup>nd</sup> tier subcontractor or higher

# Documents that must be submitted by general contractors to the New Mexico Department of Workforce Solutions (NMDWS)

# Notifications of Award

According to the Public Works Minimum Wage Act 11.1.2.10 B(3): the contracting agency or its agent, i.e., architect or engineer, shall upon award of the project, or if the project is canceled, **promptly fill out** and return to the office of the director of the labor and industrial division the notification of award and list of subcontractors forms.

**Note:** Please do not send Notice to Proceed.

# Order of Document Submission by General Contractors to DWS

## 1. Notification of Award

New Mexico Department of Workforce Solutions  
Public Works Bureau  
625 Silver Ave SW, Suite 410, Albuquerque, NM 87102

Michael Fanestiel @ (505) 841-4417 OR [michael.fanestiel@state.nm.us](mailto:michael.fanestiel@state.nm.us) Mary Sanchez @ (505) 841-4409 OR [mary.sanchez@state.nm.us](mailto:mary.sanchez@state.nm.us)  
Lori Griego @ (505) 841-4408 OR [lorigriego2@state.nm.us](mailto:lorigriego2@state.nm.us)  
fax (505) 841-4423

Wage Decision #  
**NOTIFICATION OF AWARD (NOA)**

### **Description and Location of Work:**

Site Work, Concrete, Masonry, Framing, Steel Erection, Roofing, Insulation, Drywall, Glazing, Plaster, Flooring, Painting, Furnishings, HVAC, Controls, Plumbing, Electrical, Fire Sprinklers, and Special Systems.

City of \_\_\_\_\_ County \_\_\_\_\_

**? REMINDER for Agency Conducting BID Process:** If bids are NOT submitted before new wage rates go into effect, a NEW wage decision WILL be required.

When the Contract is awarded for this project the Wage Rate Poster and the Wage Rate Packet, excluding this NOA and Subcontractor List, must be delivered to the **GENERAL/PRIME CONTRACTOR**. The Contracting Agency or its agent must complete this form (including the next page listing all of the subcontractors including 2<sup>nd</sup> tier subcontractors) and fax or mail it to the address above. **If the project is canceled**, this form must be completed by the agency conducting the bid process. Failure to submit the NOA in a timely manner is a violation of paragraph 11.1.2.10.B (3) of the Public Works Minimum Wage Act Policy Manual.

General/Prime Contractor Company Name: \_\_\_\_\_  
License#: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_  
Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Project Contact's name: \_\_\_\_\_ E-mail: \_\_\_\_\_

Approximate Date Work to Start: \_\_\_\_\_

Estimated Completion Date: \_\_\_\_\_

Estimated Cost of Project: \_\_\_\_\_

Bid Opening Date: \_\_\_\_\_

Note: The General/Prime Contractor MUST mail/fax in their Statement of Intent to Pay Prevailing Wages to the Contracting Agency or its agent before beginning work on the project. Each Subcontractor (and all tiers of subcontractors) MUST also mail/fax their Statement of Intent to Pay Prevailing Wages through the General/Prime Contractor before they start work. After work on the project is completed (**but before final payments**), subcontractors and all tiers of subcontractors must mail/fax (through the General/Prime Contractor) an Affidavit of Wages Paid.

Signature for Contracting Agency (or agent) \_\_\_\_\_

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

9/15/09



# Subcontractor Listing

According to the Public Works Minimum Wage Act 11.1.2.10 B(3): any changes or additions of subcontractors shall also be promptly mailed to the director by the contracting agency or its agent, i.e., architect or engineer.

# Order of Document Submission by General Contractors to DWS

## 2. Subcontractor Listing

SUBCONTRACTOR LISTING	
<i>Do NOT list suppliers or professional services (such as surveyors)</i>	
<i>INCLUDE individual subcontractor dollar amount for project</i>	
<i>Please include 2nd &amp; 3rd Tier subcontractors. Make extra copies of form if necessary.</i>	
<b>General Contractor:</b>	<b>Wage Decision #</b>
Company Name: _____	Labor Enforcement Fund: <input type="checkbox"/>
Address: _____ City: _____ State: _____ Zip: _____	
E-Mail Address: _____	License No. _____
Phone No.: _____	Sub <input type="checkbox"/> 2nd Tier <input type="checkbox"/> (To Whom) _____
Fax No.: _____	2nd Tier <input type="checkbox"/> (To Whom) _____
Worked to be performed: _____	Amount (\$): _____
<hr/>	
Company Name: _____	Labor Enforcement Fund: <input type="checkbox"/>
Address: _____ City: _____ State: _____ Zip: _____	
E-Mail Address: _____	License No. _____
Phone No.: _____	Sub <input type="checkbox"/> 2nd Tier <input type="checkbox"/> (To Whom) _____
Fax No.: _____	2nd Tier <input type="checkbox"/> (To Whom) _____
Worked to be performed: _____	Amount (\$): _____
<hr/>	
Company Name: _____	Labor Enforcement Fund: <input type="checkbox"/>
Address: _____ City: _____ State: _____ Zip: _____	
E-Mail Address: _____	License No. _____
Phone No.: _____	Sub <input type="checkbox"/> 2nd Tier <input type="checkbox"/> (To Whom) _____
Fax No.: _____	2nd Tier <input type="checkbox"/> (To Whom) _____
Worked to be performed: _____	Amount (\$): _____
<hr/>	
Company Name: _____	Labor Enforcement Fund: <input type="checkbox"/>
Address: _____ City: _____ State: _____ Zip: _____	
E-Mail Address: _____	License No. _____
Phone No.: _____	Sub <input type="checkbox"/> 2nd Tier <input type="checkbox"/> (To Whom) _____
Fax No.: _____	2nd Tier <input type="checkbox"/> (To Whom) _____
Worked to be performed: _____	Amount (\$): _____

# Statement of Intent to Pay Prevailing Wages (SOI)

According to the Public Works Minimum Wage Act 11.1.2.10 C(2)(e): Contractors and all contracting tiers on the project must file a statement of intent to pay prevailing wages (intent), and an affidavit of wages paid (affidavit). **The intent form must be filed with the contracting agency within three (3) business days of the award of each respective contract.** Payments will not be made to a non-compliant contractor until an intent form is filed.

# Order of Document Submission by General Contractors to DWS

## 3. Statement of Intent to Pay Prevailing Wages

### STATEMENT OF INTENT TO PAY PREVAILING WAGES

To be filed before construction starts.  
Please type or print in ink. Incomplete forms will be returned.

Mail or fax to: the contracting agency or its agent (architect or engineer)



GENERAL CONTRACTOR INFORMATION		
Company Name:		Labor Enforcement Fund: <input type="checkbox"/>
Address:		
City:	State:	Zip:
Phone:	Fax:	
Estimated Start Date:		State Wage Dec. #:
Project Title:		Project Physical Address:
Total Contract Amt:		Estimated Completion Date:
PRINT NAME:		SIGNATURE:
SUBCONTRACTOR: Subcontract amount: \$		
Company Name:		Start date of work on this project:
Address:		
City:	State:	Zip:
Phone:	Fax:	
PRINT NAME:		SIGNATURE:
2ND TIER SUB 2 <sup>nd</sup> Tier Contract amount: \$		Start date of work on this project:
Company Name:		
Address:		
City:	State:	Zip:
Phone:	Fax:	
PRINT NAME:		SIGNATURE:
<p>My signature above certifies that the above information is correct and that all workers I employ on this public works project were paid no less than the Prevailing Wage Rates (as determined by the Department of Workforce Solutions, Public Works Bureau for this project as identified by the State Wage Decision No. I understand that contractors who violate Prevailing Wage laws (i.e., incorrect job description, improper payment of prevailing wages, and/or overtime, etc.), are subject to debarment procedures and shall be required to pay any back wages due to workers. (REV. LID Public Works Minimum Wage Act Policy Manual (11.12 MMAC &amp; Public Minimum Wage Act) (13-11 through 13-18, MMBA78).</p>		
<p>NOTE: After 7/1/04, ALL tier one contractors with contract over \$50,000, MUST be registered with the Department of Workforce Solutions, Public Works Bureau. The registration form is available on our web page at <a href="http://www.dws.nm.gov">www.dws.nm.gov</a> under Public Works and Additional Form 2. Fill in the Labor Enforcement Fund form and mail to the post office box listed at the top of the form. Go to the same page that the form is on to check the list of Registered Contractors.</p>		

(See IMPORTANT information on back)

Form 1-1-04

# Affidavit of Wages Paid (AWP)

According to the Public Works Minimum Wage Act 11.1.2.10 C(2)(f): **The affidavit form must be filed prior to the final payment to a contractor.** Bond monies and retainage will be released only to contractors who have filed affidavits pursuant to the provisions of these regulations. Any contractor or subcontractor who files a false statement or refuses to file any statement or record required to be filed under these regulations, shall be considered as non-complaint and shall be subject to debarment proceedings.

# Order of Document Submission by General Contractors to DWS

## 4. Affidavit of Wages Paid

**AFFIDAVIT OF WAGES PAID**  
 To be filed after construction is complete.  
 Please type or print in ink. Incomplete forms will be returned.

Mail or fax to: the contracting agency or its agent (contractor@igleeep)

GENERAL CONTRACTOR INFORMATION		
Company Name:		Labor Enforcement Fund: <input type="checkbox"/>
Address:		
City:	State:	Zip:
Phone:	Fax:	
Estimated Completion Date:		State Wage Dec. #:
Project Title:		Project Physical Address:
PRINT NAME:		SIGNATURE:
SUBCONTRACTOR: Subcontract amount: _____ Date you completed work on this project: _____		
Company Name:		
Address:		
City:	State:	Zip:
Phone:	Fax:	
PRINT NAME:		SIGNATURE:
2 <sup>ND</sup> TIER SUB 2 <sup>ND</sup> Tier Contract amount: _____ Date you completed work on this project: _____		
Company Name:		
Address:		
City:	State:	Zip:
Phone:	Fax:	
PRINT NAME:		SIGNATURE:
<p><small>My signature above certifies that the above information is correct and that all workers employed on this public works project were paid no less than the Prevailing Wage Rates (s) as determined by the Department of Workforce Solutions, Public Works Bureau for this project as identified by the State Wage Decision No. I understand that contractors who violate Prevailing Wage Laws (i.e., incorrect job classification, improper payment of prevailing wages, and/or overtime, etc.) are subject to debarment procedures and shall be required to pay any back wages due to workers. (Rev. UD Public Works Minimum Wage Ad Policy Manual (11.12 MWAC &amp; Public Minimum Wage Ad (13-11 through 13-18, MWSA 75)).</small></p>		
<p><small>NOTE: After 7/1/04, ALL tier contractors with contract over \$100,000, MUST be registered with the Department of Workforce Solutions, Public Works Bureau. The registration form is available on our web page at: <a href="http://www.dws.state.nm.us">www.dws.state.nm.us</a> under Public Works and Additional Forms. All in the Labor Enforcement Fund form and mail to be posted to be included at the top of the form. Go to the same page that the form is on to check the list of Registered Contractors.</small></p>		

(See IMPORTANT information on back!)

Form 1-12-07

# Helpful Websites:

NM Department of Workforce Solutions

[www.dws.state.nm.us](http://www.dws.state.nm.us), Public Works

Public Works Minimum Wage Act Policy Manual

[www.nmcpr.state.nm.us/nmac//parts/title11/11.001.0002.htm](http://www.nmcpr.state.nm.us/nmac//parts/title11/11.001.0002.htm)

Labor Enforcement Fund State Statute

[www.dws.state.nm.us/pdf/LaborEnforcementStatute04-07.pdf](http://www.dws.state.nm.us/pdf/LaborEnforcementStatute04-07.pdf)

New Mexico State Statutes

[www.conwaygreene.com/NewMexico.htm](http://www.conwaygreene.com/NewMexico.htm)

# Instructions for Preparing Certified Payroll Reports



# Instructions for Preparing Certified Payroll Reports

## General:

- Contractors and subcontractors are required by law to submit certified payroll reports for work on projects covered by New Mexico Public Works Minimum Wage Act.
- This form meets the reporting requirements established by the New Mexico Public Works Minimum Wage Act Policy, 11.1.2 NMAC.
- The use of “this” form is not mandatory.
- Employers may submit their own forms provided that all of the required information is included.

# Payroll Statement of Compliance

## Certification of Payrolls:

- The weekly payroll submitted must be accompanied with a signed “Payroll Statement of Compliance.”
- The contractor/subcontractor is certifying the following:
  - That the weekly payroll contains the required information and that the information is correct and complete.
  - That each person employed on the project during the payroll period has been paid the weekly wages earned.
  - That each person employed on the project has been paid the prevailing wage rate and fringe benefits or cash equivalent for the classification of work performed, as specified in the applicable wage decision.

# Payroll Statement of Compliance

- The payroll report and certification forms are legal documents.
- Willful falsification of the documents may result in civil or criminal prosecution.
  - See Section 1001 of Title 18 and Section 231 of Title 31 of the United States Code.

# Certified Payroll Form

## WEEKLY PAYROLL

Revised Jan 2002

General Contractor Name:				Subcontractor Name:																			
Address:				Phone:				Address:				Phone:											
<u>Payroll No.</u>	<u>Week Ending</u>	<u>Payroll Pmt. Date</u>		<u>Project Name</u>			<u>Project Location:</u>			<u>Wage Dedstion No.</u>													
DAY AND DATE																							
Employee Name Address & Social Security No.	Work Classification						TOTAL FOR PERIOD	Hourly Rate	Hrly. Rate Pd. In Fringe Benefits	Gross Amt. Earned This Payroll	Gross Amt. All Projects	Deductions											
												Social Security	With - holding	State Tax	Other: Union Dues	Net Amt. Pd.							
HOURS WORKED																							
		OT																					
		S																					
		OT																					
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# Payroll Statement of Compliance Form

## PAYROLL STATEMENT OF COMPLIANCE

Wage Decision No. \_\_\_\_\_

I, \_\_\_\_\_ do hereby state:

(1) that I pay or supervise the payment of the persons employed by \_\_\_\_\_ (Title) \_\_\_\_\_

on the \_\_\_\_\_ (Name of Project) \_\_\_\_\_ (Contractor or Subcontractor)

that during the payroll period commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and ending the

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, all persons employed on said project have been paid the full weekly

wages earned, that no deductions have been or will be made either directly or indirectly to or on behalf of said

\_\_\_\_\_ from the full weekly wages earned by any

\_\_\_\_\_ (Contractor or Subcontractor)

person, other than deductions permitted by law. Anyone found in violation of the NM Public Works Minimum

Wage Act [13-4-11 to 13-4-17 NMSA 1978] could be subject to penalties and debarment.

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and

complete; that the wage rates for laborer or mechanic conform with the work he performed.

(3) That any apprentice(s) employed in the above period are duly registered in a bona fide apprenticeship program

registered with the State Apprenticeship agency recognized by the Bureau of Apprenticeship & Training, US Dept.

of Labor, or properly enrolled in a bona fide training program approved for application on public works construction

projects by the appropriate state (SAC) and/or federal agency(ies) (EAT) if and as required by law & applicable

federal regulation.

(4) **FRINGE BENEFITS: (Please Spell Out Any Abbreviations)**

\_\_\_\_ (a) ARE PAID TO APPROVED PLAN, FUND, OR PROGRAM in addition to the basic hourly wage rates

paid to each laborer or mechanic listed in the above-referenced payroll, payments of fringe benefits as

listed in the contract have been or will be made to appropriate program for the benefit of such employees.

If paid to an approved plan, fund, or program, please fill out name of program and fringe breakdown per hour below:

Name of Program Used for Fringe Benefits: \_\_\_\_\_

Pension = _____	Health/Welfare = _____	Holiday/Vac. = _____	Life Ins. = _____	Training* = _____
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If additional space is needed for more programs/fringe breakdowns, please attach a separate page.)

**FRINGE BENEFITS:**

1. Pension

2. Health/Welfare

3. Holiday/Vacation

4. Life Insurance

5. Training (not Apprenticeship) \*

**FRINGE BREAKDOWN SAMPLE:**

Fringe Benefit:	Amount:
401(K) Plan	\$8.98/hr.
Vacation	\$2.23/hr.

\_\_\_\_ (b) **Paid to Union Program** - If paid to a Union and fringe benefits differ from employee to employee, and/

or job contract, please provide fringe breakdown for each employee and attach copy of Union contract.

\_\_\_\_ (c) **ARE PAID IN CASH**, each laborer or mechanic listed in the above-referenced payroll has been paid as

indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus

the amount of the required fringe benefits as listed in the contract.

Section 13-1D-1 to Section 13-1D-8, NMSA 1978 provides for employers to agree to make contributions to

approved apprentice and training programs in New Mexico in which the employer is a participant to the public

works apprentice and training fund administered by the Public Works Bureau of the Labor & Industrial Division

of the New Mexico State Department of Labor. Contributions shall be made in the same manner and in the same

amount as apprentice and training contributions required pursuant to wage rate determinations made by the

Labor & Industrial Division Director.

**APPRENTICESHIP CONTRIBUTIONS:** (Please check applicable blank)

\_\_\_\_ Check paid to: NM Public Works Apprenticeship & Training Fund - Public Works Bureau, Labor & Industrial Div.

\_\_\_\_ Check paid to: \_\_\_\_\_ (Name & address of approved Apprenticeship & Training Program) \_\_\_\_\_ (Program No.)

Print Name of Certifying Official: \_\_\_\_\_ Signature of Certifying Official: \_\_\_\_\_ Title & Phone No.: \_\_\_\_\_ Date: \_\_\_\_\_

The truthful falsification of any of the above statements may subject the contractor or subcontractor to civil or

criminal prosecution. See Section 1001 of Title 18 and Section 231 of Title 31 of the United States Code.

Revised April 2008



# Website Address for Certified Payroll Form

- These forms may be reproduced, or additional copies obtained from the New Mexico Department of Workforce Solutions website below:
- [www.dws.state.nm.us](http://www.dws.state.nm.us)
  - Public Works
    - Forms
      - Payroll Form
      - Payroll Statement of Compliance

# Certified Payroll Heading

- General Contractor and Subcontractor name and address: Company's full name and address.
- Payroll #: Indicates 1,2,3, etc. payroll filed by the company for the project.
- Week Ending: Month, day, and year for last day of reporting period.
- Payroll Pmt. Date: Date payroll is paid to employees.
- Project Name: Name of Project, as provided by the contracting agency.
- Project Location: Complete Physical Address of Project.
- Wage Decision No.: Determined by New Mexico Department of Workforce Solutions (NMDWS).

# Payroll Information by Column

- Employee Name and Address: This information must be provided for all employees working on the project.
- Work Classification : List classification of work actually performed by employee.
  - Employees working more than one classification should have a separate line entry for each classification. Indicate what year/level for Apprentices.
  - Be specific when using laborer and operator classification, (I,II, etc.)
- Hours Worked, Day & Date:
  - In the first row of column 3, enter days of pay period example; M, T, W, TH, F, S, S.
  - The second row is for the date that corresponds with each day for the pay period.

# Payroll Information by Column, Continued

- Employee Information Section: Enter the number of hours worked on the prevailing wage project and which day the hours were worked.
  - Separate rows are labeled for (OT) overtime hours and (S) straight hours. All hours worked after 40, must be paid at the appropriate overtime rate; (time and one-half of the base rate).
- Total for Period: Total the hours entered for the pay period.
- Hourly Rate: Enter actual rate per hour paid to the employee.
- Hourly Rate Pd In Fringe Benefits: Fringe benefits include: Employer's share of health insurance, life insurance, retirement plan, bonus, profit sharing, sick pay, holiday pay, personal leave, vacation, and education/training programs (does not include Apprenticeship training).

# Payroll Information by Column, Continued

1. If fringe benefits are paid in the hourly base rate, indicate this by marking the cash space on the Payroll Statement of Compliance Form.
2. If fringe benefits are paid to approved plans as listed in the prevailing wage rate scheduled, mark the space Approved Plans on the Payroll Statement of Compliance Form and list the hourly amount paid to the plan(s).
3. If fringe benefits are paid partially in the base rate and partially to approved plans, mark the space Cash & Approved plans on the Payroll Statement of Compliance Form and list the hourly amount paid to the plan(s).

# Payroll Information by Column, Continued

- Gross Amount Earned this Payroll: Enter total gross wages earned on the project for straight time and overtime. Total hours for this project times the base rate will equal project gross amount earned.
- Gross Amount All Projects: Gross amount earned in the pay period for all hours worked on all projects.
- Deductions: Social Security; Withholding; State Tax; Other: Union Dues, etc.
- Net Amt. Pd.: Gross amount earned this payroll, minus all deductions.

# Audit of Certified Payrolls

# Audit of Certified Payrolls

According to the Public Works Minimum Wage Act 11.1.2.10 C(2): The contractor and all subcontractors and their tiers shall deliver or mail legible copies of the certified weekly payrolls prepared in accordance with these regulations to the prime contractor and the contracting agency no more than five working days following the close of the second payroll period. Weekly payrolls shall be submitted bi-weekly. The director shall conduct a minimum of thirty random and pre-selected audits per quarter. The audit will include a review of payroll records and apprenticeship contributions as well as other relevant data as required by statute.

# Audit of Certified Payrolls

The following forms will be requested by the Director of Labor Relations, when conducting an audit:

1. Copies of all certified payrolls, pay stubs, fringe benefits and timecards for all employees reported on the certified payroll reports
2. Statement of Compliance
3. Copies of Apprenticeship Certifications
4. Apprenticeship Contribution Compliance Statements

# Contact Information

625 Silver Avenue SW, Suite 410  
Albuquerque, New Mexico 87102

Mary Sanchez – (505) 841.4409  
Email: [mary.sanchez@state.nm.us](mailto:mary.sanchez@state.nm.us)

Lori Griego – (505) 841.4408  
Email: [Lori.Griego2@state.nm.us](mailto:Lori.Griego2@state.nm.us)

Michael Fanestiel – (505) 841.4417  
Email: [Michael.Fanestiel@state.nm.us](mailto:Michael.Fanestiel@state.nm.us)

*Labor Relation Division, Labor and Industrial Bureau,  
Apprenticeship Section*

**Public Works  
Apprenticeship and  
Training Act  
(PWAT)**

**CHAPTER 13**  
**ARTICLE 4D**  
**Public Works Apprenticeship and Training**

**13-4D-1. Short title.**

Chapter 13, Article 4D NMSA 1978 may be cited as the “Public Works Apprentice and Training Act”.

**13-4D-2. Purpose.**

The purpose of the Public Works Apprentice and Training Act [13-4D-1 to 13-4D-8 NMSA 1978] is to ensure funding, through contributions made by employers, to establish an apprenticeship program that will develop skilled building trades craftsmen in occupations recognized by the bureau of apprenticeship and training of the United States department of labor or the New Mexico apprenticeship council. The funding will ensure adequate training during economic downturns, increase the number of New Mexicans possessing skills that will enhance their opportunities for employment and maintain the high standards of craftsmanship in our state.

**13-4D-3. Definitions**

As used in the Public Works Apprentice and Training Act [13-4D-1 NMSA 1978]:

- A. “approved apprentice and training programs” means building trades apprenticeship and training programs in New Mexico that are recognized by the bureau of apprenticeship and training of the United States department of labor or the New Mexico apprenticeship council;
- B. “compliance statement” means a monthly record of an employer’s contributions paid into an apprentice and training program in New Mexico or into the public works apprentice and training fund;
- C. “director” or “division” means the labor relations division of the workforce solutions department; and

“employer” means a contractor, subcontractor or any person acting as a contractor on a public works project, as that term is defined in the provisions of the Construction Industries Licensing Act [60-13-1 NMSA 1978].

#### **13-4D-4. Administration.**

- A. The Public Works Apprentice and Training Act [13-4D-1 to 13-4D-8 NMSA 1978] shall be administered by the public works bureau of the labor and industrial division of the labor department. The bureau shall collect employers' contributions in accordance with this act, review employers' compliance statements, review certified payroll reports to verify training contributions, investigate allegations of and impose penalties for employer noncompliance and disburse funds as provided in Section 5 [13-4D-5 NMSA 1978] of the Public Works Apprentice and Training Act.
  
- B. Public works construction projects, except for street, highway, bridge, road, utility or maintenance contracts with employers who elect not to participate in training, shall not be constructed unless an employer agrees to make contributions to approved apprentice and training programs in New Mexico in which the employer is a participant or to the public works apprentice and training fund administered by the public works bureau of the labor and industrial division of the labor department. Contributions shall be made in the same manner and in the same amount as apprentice and training contributions required pursuant to wage rate determinations made by the director.

The director shall adopt rules and regulations necessary to implement the provisions of the Public Works Apprentice and Training Act.

#### **13-4D-7. Noncompliance; penalties.**

An employer who willfully and knowingly fails to comply with the requirement of the Public Works Apprentice and Training Act [13-4D-1 to 13-4D-8 NMSA 1978] shall be subject to the following penalties:

- A. a noncomplying employer shall pay a civil penalty of ten dollars (\$10.00) for every calendar day of noncompliance, and the penalty shall be imposed and collected for deposit into the public works apprentice and training fund by the public works bureau of the labor and industrial division of the labor department;
- B. a noncomplying employer shall have the unpaid contributions, as required under the provisions of the Public Works Apprentice and Training Act, withheld as provided in Subsections A and B of Section 13-4-14 NMSA 1978; and
- C. a noncomplying employer shall not be permitted to bid on and public works contracts as provided in Subsections A and B of Section 13-4-14 NMSA 1978.

#### **13-4D-8. Appeals.**

An alleged noncomplying employer may appeal and of the penalties imposed upon him under the provisions of Section 7 of the Public Works Apprentice and Training Act [13-4D-1 to 13-4D-8 NMSA 1978] by seeking an appeal as provided under the provisions of Section 13-4-15 NMSA 1978.

(Payment is not required for Type “A” Projects – Street, Highway, Utility & Light Engineering)

**Apprenticeship & Training Contribution Compliance Statement**

For the Month of       , 20   

(Circle One)

Contractor / Sub / 2<sup>nd</sup> Tier Sub: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Project Name: \_\_\_\_\_

State Wage Dec. No. \_\_\_\_\_

**(DO NOT submit payments on 100% federally-funded projects)**

(SAMPLE ENTRY) Classification(s)	Week Ending	Week Ending	Week Ending	Week Ending	Week Ending	Total Hours	App r. Rate per Hour	Total Classif. Contr. Amt
	8/4	8/11	8/18	8/25	8/31			
LABORER	4	7	0	0	30	41	.27	11.07
Classification(s)	Week Ending	Week Ending	Week Ending	Week Ending	Week Ending	Total Hours	Appr. Rate per Hour	Total Classif. Contr. Amt

PLEASE CHECK APPROPRIATE BLANK:

Paid to: PUBLIC WORKS APPRENTICESHIP & TRAINING FUND (Mail to P.O. BOX)

Check No. \_\_\_\_\_ Check Amt. \_\_\_\_\_

Payroll Clerk's (PRINT)

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Phone: \_\_\_\_\_

Forms due by 15<sup>th</sup> of each month on every public works project that has apprenticeship contribution on the wage decision. In accordance with the NM Apprenticeship & Training Act, **payment is due for each journey person**, even if your company has no apprentices.

**(WE WILL NOT ACCEPT CREDITS WHEN PAYMENT IS OVER PAID)**

***Each wage decision needs a separate compliance statement, but only one check is needed for all statements.***

(When paying to an approved program, complete section below & mail this form along with a copy of the check to the following address: Apprenticeship Section, 625 Silver Avenue SW, Suite 410, Albuquerque, NM 87102)

Paid to: Name of Approved NM Apprenticeship Program \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Apprenticeship Program No.: \_\_\_\_\_

(If in doubt, call 841-4403)

Print Name of Certifying Official: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature of Certifying Official: \_\_\_\_\_ Date: \_\_\_\_\_

Revised 7/2008

# How To Fill Out PWAT Form

- **Month**
  - The month in which work was performed.
- **Contractor/Sub/2<sup>nd</sup> Tier Sub**
  - The name of the company in which the PWAT payment is for.
- **Address, City, State, Zip**
  - The company's full address, to include Street or PO Box, City, State, and Zip Code
- **Phone**
  - The company's phone number, in which questions can be answered regarding your contribution.
- **Project Name**
  - The name given to the project by the contracting agency

# How To Fill Out PWAT Form Continued

- State Wage Dec. No.
  - The State Wage Decision Number issued by the Department of Workforce Solutions, Public Works Section.
- Classification
  - The classification of workers on site for the above mentioned project, all journey workers in each classification can be combined.
- Week Ending
  - The end of the work week for work done on this project
- Total Hours
  - The Total amount of hours worked for each classification on this project

# How To Fill Out PWAT Form Continued

- Appr. Rate per Hour
  - The Apprenticeship Rate per hour for this project, determined by the Public Works Wage Rate Sheet.
- Total Classif. Contr. Amt.
  - The total hours for each classification times the Apprenticeship Rate per hour for that classification.

# PWAT

- Ensure that the check number and check amount fields are completed.
- Each wage decision needs a separate compliance statement, but only one check is needed for all statements.
- No payment is required when the project is 100% Federally funded (i.e. decision number NM07-0001).
- All forms are due to the Apprenticeship Section by the 15<sup>th</sup> of the succeeding month in which work was performed.
- If payments are made to an approved program, a copy of the payment to that program must be sent to the Apprenticeship Section.

**Payments must be submitted to:**

**Public Works Apprentice & Training Fund**

**P.O. box 27428**

**Albuquerque, New Mexico 87125-7428**

# Contact Information

625 Silver Avenue SW, Suite 410  
Albuquerque, New Mexico 87102

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