

# Common Labor Standards Violations

Understanding common violations helps prevent compliance issues and protects both workers and communities.

## DOL Enforcement Statistics

- 119,000+ violations documented since 1985
- \$197 million+ in back wages recovered
- Violations can result in debarment, penalties, and criminal prosecution

## 1. Worker Misclassification

Problem	Prevention
Using incorrect job classifications	Match classification to actual work performed
Paying journey workers as laborers	Review wage determination definitions
Skilled workers paid lower rates	Conduct regular worker interviews

## 2. Failure to Pay Full Prevailing Wage

Problem	Prevention
Paying below required rate	Verify rates before each payroll
Missing fringe benefit payments	Track fringe benefits separately
Incorrect overtime calculations	Calculate OT at 1.5x (base + fringe)

## 3. Inadequate Recordkeeping

Problem	Prevention
Missing time records	Daily time tracking by classification
Not tracking split classifications	Separate hours for each classification
Lost or destroyed records	Maintain 3+ years with backups

## 4. Apprenticeship Documentation Failures

Problem	Prevention
Unregistered apprentices	Verify registration before work begins
Incorrect apprentice ratios	Monitor apprentice-to-journey worker ratio
Missing program documentation	Keep program certificates on file

## 5. Certified Payroll Submission Failures

Problem	Prevention
Late or missing submissions	Set weekly submission reminders
Incomplete or unsigned forms	Review forms before submission
Missing 'No Work' payrolls	Submit for weeks with no covered activity

## 6. Posting Violations

Problem	Prevention
Missing wage determination posting	Post at job site entry and break areas
Missing Davis-Bacon poster	Include both federal and state rates
Inaccessible posting location	Protect from weather, ensure visibility

## Penalties Summary

Federal Penalties	Oregon Penalties
Back wages to affected workers	Back wages to affected workers
Liquidated damages (double wages)	Civil penalties up to \$5,000/violation
Debarment up to 3 years	Debarment up to 3 years
Contract termination	25% payment withholding
Criminal prosecution possible	Placement on Ineligibles List

## Best Practices for Prevention

- Review wage determinations before first payroll and after any updates
- Train field supervisors on proper classification
- Reconcile time tracking with certified payroll weekly
- Store records centrally with regular backups
- Audit submissions periodically before agency reviews