

Questions from 2018 Contractor Payroll Training

Region	Question	Answer
SW	What is de minimis?	The basic definition is a small amount of time. USDOL and WisDOT will not define a specific amount of time for de minimis. Each situation is different and it is recommended a contractor have a process in place in order to determine de minimis for each project/contract.
SW	How will we know if ASP9-S is required? Where do I find the ASP9-S spreadsheet? And, in what format can it be submitted to WisDOT?	ASP9-S is required on state-funded only projects and will be included in the back of the highway work proposal with the other Additional Special Provisions (ASPs). If there is no federal project ID on the cover of the Highway Work Proposal, there are no federal funds in the contract and it is a state-funded only contract. The spreadsheets are located in a workbook on the HCCI site under the Labor, Wages, and EEO navigation tab. The acceptable format is Microsoft Excel or a compatible type of spreadsheet.
SW	Where can I find the wage determinations for a project?	Wage determinations are found in the back of the Highway Work Proposal; however, please note that a wage rate addendum may be issued by WisDOT for your project and those are found on the HCCI site on the bid letting page. You can also access the wage rate determination by pulling up a copy of the Highway Work Proposal on
SW	With the differences in classification titles and descriptions, how will I know if I am using the correct classification and paying the correct rate on federally funded projects (new)?	When in doubt, contact a Labor Compliance Specialist (LCS). Most classifications are pretty self-explanatory.
SW	If you have 6 hours worked on a job Let prior to the November Letting and 6 hours worked on a job let after the November Letting, are the 4 hours considered overtime because of the 10 hour rule applied to the job Let before the November Letting?	WisDOT enforces wages on a per project basis. In this case, follow the basic state and federal labor laws of anything over 40 in a week.
SW	When primes receive a progress payment from WisDOT is it not always accompanied with an itemized breakdown. Where can I get that info? When does the 10-days to pay a 1 st tier/DBE start?	Contact Paul Ndon at paul.ndon@dot.wi.gov for assistance with receiving a breakdown of the items paid, if needed. The 10 days start from the date you receive your check.

SW	Are owner operators required to report their wages in CRCS? Are they required to report payroll taxes?	Yes, owner/operators must submit certified payrolls for any covered work performed on WisDOT projects. Because owners/operators typically pay their payroll taxes quarterly or annually, if they do not report their payroll taxes on the CPR for that reason, have them state they are an owner/operator in the Remarks section of the Compliance Statement and how they pay their payroll taxes (i.e., quarterly, etc.).
SE	When completing the spreadsheet for ASP-9S, is it acceptable to Lump all Heavy Equipment Operators together and Laborers together, why must they be further tracked in sub groups since Davis Bacon does not apply?	They must be broken out the same as that is how the data is reported to the various agencies and governments. ASP9S was developed to mirror the reports received from CRCS.
SE	Adjacent Question (Trucking): Does this apply to permanent commercial plants, pits or stockpile sites that have been there in excess of 12 months?	Yes--A site is considered dedicated if the material sold from that location has not been sold in the previous 12 months prior to the letting, no matter how long the pit or quarry existed. If the site is dedicated, then we look at if it is adjacent or virtually so (1/2 mile as the crow flies). If it is, the haul is covered round trip.
SE	For state-funded only projects, can we continue to submit CPR's and enter \$.00 for wages and check stub information instead of using the new form introduced today. It looks very tedious and cumbersome especially for Primes.	No, not at this time.
SE	Do you have additional CRCS training sessions for beginners? I would like to be contacted to sign up for CRCS training.	No additional trainings are scheduled this year. Please contact Paul Ndon at paul.ndon@dot.wi.gov for assistance with CRCS if needed.
SE	ASP9S Data - Why not continue to be able to upload CPR reports into CRCS to continue to be able to pull data as before?	When we met with WTBA and members of the industry when this issue first developed, they did not feel contractors would get compliance from all their subcontractors.
NE	On slide 73 & 75, why does it start with Monday?	No specific reason--it was that way previously when the chart was attached to the slide so it was just left as is from previous trainings.
NC	Do truckers need to complete the Excel spreadsheets for all their hours worked on a non-federal project?	Yes
NC	Defining truck driver "de minimis" hours would seem to be advantageous to both the employee/employer. Why doesn't DOT just adopt a position of "all hauling on/to the site is covered?"	WisDOT must follow USDOL's position on de minimis and we cannot adopt a one-size fits all position if it does not match up with USDOL's rules--each situation must be evaluated on a case-by-case basis.
NC	Would it make sense for DOT to provide a "sample guideline" for trucking companies to use as they create their definition of "de minimis"?	Again, this falls within defining de minimis and WisDOT does not set guidelines or define de minimis.
NC	Drug Policy on Testing	This is not an area covered by Labor Compliance.

NC	Do you have USDOL contact information for apprentice contracts or programs?	No. It is suggested you go to the USDOL website and submit your request via their "Contact us" option.
NW	Fringe Benefit Calculation: Is it proper for an employer to use a pension fund contribution as a fringe benefit if the employee is required to work a minimum number of years of employment to qualify for the benefit? (i.e., the Company pays \$10 per hour into a pension plan for an employee and reports that amount as a fringe benefit and to collect or have access to the pension, the employee has to work a minimum of 5 years--if they work for 4 years, the pension stays with the employer).	This is considered vesting and is covered in the USDOL Field Operations Handbook under 15f14. Each situation is reviewed individually.
NW	ASP9S Submittal - If a firm does not complete any work during the quarter, do they need to submit a zero spreadsheet? Is there any leeway on lower tier submittals of these spreadsheets?	Subcontractors should send an email to their prime letting them know they did not work on the project during the previous quarter. This should occur at all tiers. If the prime did not work on a job but their subs did, they need to submit their subs spreadsheets and let the LCS know they did not work on the project during the quarter. There is no leeway on submittals for lower tiers.
NC	Under the WI15 wage determination, work from bank to bank applies--does this include construction of a causeway?	Yes
NC	FHWA 1273--is it required to be stapled together?	The law only states it needs to be physically incorporated into your subcontracts--follow your company policy on how you put your subcontracts together--WisDOT does not dictate if it is stapled or not.