ESTADO LIBRE ASOCIADO DE PUERTO RICO

Omar Negrón Judice, MBA
Comisionado

Oficina del Comisionado de Asuntos Municipales

"La mano amiga de los municipios"

MEMORANDO CIRCULAR 2009-16

18 de agosto de 2009

ALCALDES, DIRECTORES DE FINANZAS,
PRESIDENTES JUNTA DE SUBASTA,
DIRECTORES DE PROGRAMAS FEDERALES
Y ESPECIALISTA DE NORMAS LABORALES
Y DERECHOS CIVILES
DE LOS MUNICIPIOS "NON-ENTITLEMENT"

Omar Negrón Judice, MBA
Comisionado

ESCALAS SALARIALES REVISADAS
ESTABLECIDAS POR EL DEPARTAMENTO DE TRABAJO FEDERAL

El Departamento de la Vivienda Federal (HUD) requiere la aplicación de la escala salarial vigente para todo proyecto contratado con fondos federales, a tono con el aumento escalonado al salario mínimo establecido por el Gobierno Federal.

A esos efectos, incluimos la última modificación de este ciclo, aumentando .70¢ para un total de $7.25 a los proyectos de construcción con fondos del Programa CDBG, efectivas el ***24 de julio de 2009*** y publicadas el ***31 de julio de 2009.*** Nótese que las mismas continúan con el año 2008 en su identificación:

PR-08-0001 - "Building Construction"
PR-08-0002 - "Heavy and Highway Construction"
PR-08-0003 - "Residential Construction"

Puede acceder a la página del Departamento del Trabajo Federal (http://www.wdol.gov) para copias adicionales de las escalas salariales.

Cabe mencionar que ***estas escalas aplican a todos los proyectos contratados con fondos federales***, y las mismas sustituyen las escalas anteriores. Además le recordamos que para el tiempo extra en Puerto Rico, aplica el ***Decreto Mandatario Número 44***, según revisado. Este establece que se deberá pagar tiempo doble el exceso de ocho (8) horas diarias ó 40 horas semanales.

P.O. Box 70167 San Juan, P.R. 00936-8167 • Tel: (787) 754-1600 - Fax: (787) 753-8254

Es de vital importancia que circule esta información a todo el personal municipal que trabaje con la adjudicación de proyectos de construcción, especialmente a la persona designada en Programas Federales para atender los asuntos de Normas Laborales y Derechos Civiles, ya que antes de celebrar la pre-subasta deberá:

- Asegurarse de haber cumplido con los requisitos del Área Ambiental y documentar el expediente;
- Solicitar a OCAM en la Forma 308 (Request for Wage Determination and Response to Request), Certificación Escala Salarial Aplicable;
- Certificar la elegibilidad del contratista(s) y sub-contratista(s). Esta información se puede obtener al acceder la página de Internet: "Excluded Parties List System" (EPLS) http://www.epls.gov .

Aclaramos que a pesar de que a nivel federal indica que es opcional la Conferencia Pre-Construcción, no así los estatutos locales, por lo cual se insta a continuar celebrando la misma.

Recordamos además, a los Directores de Programas Federales, que ***en o antes del 25 de septiembre de 2009,*** deberá someter los siguientes informes:

- Semi-Anual de Normas Laborales (Contratos Adjudicados) – Circular Informativa Núm. 2009-30
- "Contract and Subcontract Activity – HUD 2516 (participación pequeñas empresas) (Derechos Civiles) – Circular Informativa Núm. 2009-29
- "Section 3 Summary" – HUD-60002 (Asistencia económica para personas con ingresos económicos bajos y bien bajos (Derechos Civiles)) – Circular Informativa 2009-32

Para mayor información o aclarar cualquier duda, le exhortamos a comunicarse con la Oficina de Programas Federales, al teléfono (787) 754-1600, extensión 302.

Anejos

General Decision Number: PR080001 07/31/2009 PR1

Superseded General Decision Number: PR20070001

State: Puerto Rico

Construction Type: Building

Counties: Puerto Rico Statewide.

BUILDING CONSTRUCTION (does not include single family homes and apartments up to and including 4 stories).

Modification Number	Publication Date
0	02/08/2008
1	07/25/2008
2	07/31/2009

* SUPR1993-001 10/29/1993

	Rates	Fringes
BRICKLAYER	$ 7.25	.42
CARPENTER	$ 7.25	.34
CEMENT MASON/CONCRETE FINISHER	$ 7.25	.31
ELECTRICIAN (Including HVAC control wiring)	$ 7.25	
IRONWORKER	$ 7.25	
Laborer, Unskilled	$ 7.25	
PAINTER	$ 7.25	
PIPEFITTER	$ 7.25	
PLUMBER (Including HVAC work)	$ 7.25	.31
Power equipment operators:		
Cranes	$ 7.25	
Diggers	$ 7.25	
Loaders	$ 7.25	.26
Traxcavator	$ 7.25	
Sheet metal worker (Including HVAC duct work)	$ 7.25	.31
TRUCK DRIVER	$ 7.25	.30

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

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Unlisted classifications needed for work not included within the scope of the classifications listed may be added after

award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

In the listing above, the "SU" designation means that rates listed under the identifier do not reflect collectively bargained wage and fringe benefit rates. Other designations indicate unions whose rates have been determined to be prevailing.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

* an existing published wage determination
* a survey underlying a wage determination
* a Wage and Hour Division letter setting forth a position on a wage determination matter
* a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISION

General Decision Number: PR080002 07/31/2009 PR2

Superseded General Decision Number: PR20070002

State: Puerto Rico

Construction Types: Heavy and Highway

Counties: Puerto Rico Statewide.

HEAVY AND HIGHWAY CONSTRUCTION PROJECTS.

Modification Number	Publication Date
0	02/08/2008
1	07/25/2008
2	07/31/2009

* SUPR1995-001 05/26/1995

	Rates	Fringes
CARPENTER	$ 7.25	.50
CEMENT MASON/CONCRETE FINISHER	$ 7.25	.47
ELECTRICIAN	$ 7.25	.80
IRONWORKER	$ 7.25	
Laborers:		
Laborers (unskilled)	$ 7.25	.43
Pipelayers	$ 7.25	
Line Construction:		
Linemen	$ 7.25	.84
Telephone linemen: Ground & Pole	$ 7.25	
PIPEFITTER	$ 7.25	
PLUMBER	$ 7.25	
Power equipment operators:		
Asphalt Luters	$ 7.25	3.11
Backhoe	$ 8.25	.59
Bulldozer	$ 7.25	.99
Crane	$ 7.25	1.43
Diggers	$ 7.25	
Grader	$ 7.25	1.06
Greaser/Oilers	$ 7.25	
Loaders	$ 7.25	.92
Mechanics	$ 7.25	.76
Paver	$ 7.25	3.15
Roller	$ 7.25	3.14
SCRAPERS:		
18 CY and over	$ 8.10	.59
less than 18 CY	$ 7.80	.59
less than 185 HP	$ 8.00	.59
Screedman	$ 8.80	3.13
TRACTORS:		

185 HP and over.....$ 8.10 .59
SCRAPERS

TRUCK DRIVER.....$ 7.25

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

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Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

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Washington, DC 20210

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END OF GENERAL DECISION

General Decision Number: PR080003 07/31/2009 PR3

Superseded General Decision Number: PR20070003

State: Puerto Rico

Construction Type: Residential

Counties: Puerto Rico Statewide.

RESIDENTIAL CONSTRUCTION PROJECTS (consisting of single family homes and apartments up to and including 4 stories)

Modification Number	Publication Date
0	02/08/2008
1	07/25/2008
2	07/31/2009

* SUPR1993-002 10/29/1993

	Rates	Fringes
CARPENTER	$ 7.25	.65
CEMENT MASON/CONCRETE FINISHER	$ 7.25	
ELECTRICIAN	$ 7.25	.64
IRONWORKER	$ 7.25	.63
Laborer, Unskilled	$ 7.25	.36
PAINTER	$ 7.25	
PLUMBER	$ 7.25	.56
Power equipment operators:		
Cranes	$ 7.25	1.14
Diggers	$ 7.25	
TRUCK DRIVER	$ 7.25	

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

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Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

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WAGE DETERMINATION APPEALS PROCESS

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* a survey underlying a wage determination
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