

COUNTY LOCAL LAWS

MECHANIC; AND IN THE EVENT OF SUCH UNDERPAYMENT, RESTITUTION SHALL BE MADE BY THE CONTRACTOR TO SAID EMPLOYEE WITHIN FIVE (5) WORKING DAYS AFTER NOTICE BY THE PUBLIC BODY OR EMPLOYEE, AND THEREAFTER, THE CONTRACTOR MAY BE LIABLE TO THE PUBLIC BODY FOR LIQUIDATED DAMAGES IN AN AMOUNT NOT TO EXCEED TEN DOLLARS (\$10.00) PER DAY FOR EACH SUCH VIOLATION. EACH DAY OF VIOLATION SHALL CONSTITUTE A SEPARATE VIOLATION.

7-9 ENFORCEMENT

(A) IT SHALL BE THE RESPONSIBILITY OF THE AGENCY AWARDING THE CONTRACT TO PROMPTLY EXAMINE ALL WEEKLY PROJECT PAYROLLS SUBMITTED BY CONTRACTORS AND SUB-CONTRACTORS WORKING UPON THE JOB SITE FOR COMPLIANCE WITH THE PROVISIONS OF THIS ACT AND THE REGULATIONS PROMULGATED IN PURSUANCE THEREOF AND TO REPORT ANY IRREGULARITIES TO THE BOARD THAT THE EMPLOYER HAS FAILED TO CORRECT.

(B) THE BOARD SHALL DETERMINE WHETHER THERE HAS BEEN COMPLIANCE WITH THE PROVISIONS OF THIS ACT AND THE REGULATIONS PROMULGATED THEREUNDER, AND CONTAINED IN THE CONTRACT. THE CONTRACTOR AND SUB-CONTRACTORS SHALL PERMIT REPRESENTATIVES OR DESIGNEES OF THE BOARD TO OBSERVE WORK BEING PERFORMED UPON THE WORK SITE, TO INTERVIEW EMPLOYEES AND TO EXAMINE THE BOOKS AND RECORDS RELATING TO THE PAYROLLS ON THE PROJECT TO DETERMINE THE CORRECTNESS OF CLASSIFICATIONS, RATIOS OF APPRENTICES TO JOURNEYMEN AND PAYMENT OF PROPER REGULAR AND OVERTIME RATES AS REQUIRED. COMPLAINTS OF ALLEGED VIOLATIONS SHALL BE INVESTIGATED PROMPTLY AND STATEMENTS, WRITTEN OR ORAL, MADE BY AN EMPLOYEE SHALL BE TREATED AS CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO HIS EMPLOYER WITHOUT THE CONSENT OF THE EMPLOYEE.

(C) IF THE BOARD DETERMINES THAT ANY OF THE PROVISIONS OF THIS ACT MAY HAVE BEEN VIOLATED, THE BOARD SHALL IMMEDIATELY NOTIFY THE PUBLIC BODY INTERESTED, WHICH SHALL WITHHOLD PAYMENT ON ACCOUNT THEREOF, DUE THE CONTRACTOR OR THE SUB-CONTRACTOR CONSTRUCTING SAID PUBLIC WORKS IN AN AMOUNT SUFFICIENT (1) TO PAY THE WORKMEN AND APPRENTICES EMPLOYED BY THE CONTRACTOR OR ANY SUBCONTRACTOR THE FULL AMOUNT OF WAGES REQUIRED BY THE PROVISIONS OF THIS ACT; AND (2) TO SATISFY ANY LIABILITY OF ANY CONTRACTOR FOR LIQUIDATED DAMAGES AS PROVIDED HEREIN, PENDING A FINAL DETERMINATION.

(D) WITHIN THIRTY (30) DAYS AFTER AN INVESTIGATION HAS BEEN COMPLETED, THE BOARD SHALL ADVISE IN WRITING THE INTERESTED CONTRACTORS OR SUB-CONTRACTORS OF ITS FINDINGS AND THEIR RIGHT TO A HEARING WITH RESPECT TO THE MATTERS COMPLAINED OF. THE BOARD IN SUCH A HEARING SHALL BE DEEMED TO BE ACTING IN A QUASI-JUDICIAL CAPACITY AND