

Restitution Requirements for NH DOT Projects

The following procedures cover the requirements for restitution of minimum wages payable in accordance with the applicable Davis-Bacon wage determination. These requirements cover all restitution to be paid by a contractor, regardless of the action that prompted it:

1. A fully completed restitution package shall consist of the following three items:
 - a. An OFC Form 8, Employee Pay Restitution Worksheet for each week
 - b. Copy of restitution check
 - c. Signed employee restitution affidavit
2. **OFC Form 8, Employee Pay Restitution Worksheet**: Companies must ensure the Form 8 is fully completed. A separate worksheet is required for each worker, for each classification of work for each pay period in which an underpayment was made.
3. **Copy of restitution check**. Companies cannot combine restitution amounts with any other pay received. **Restitution amounts must be totally separate from all other pay received** (see the one exception below in “Additional Notes” – amounts of \$15.00 or less). In addition, pay statement shall clearly indicate the purpose of the check is to provide restitution and will list the project name and number thereon. One single check can be used to provide restitution to multiple pay periods as long as totals indicated on the worksheets equal the check amount.
4. **Employee Restitution Affidavit**: A signed employee restitution affidavit shall accompany each restitution submission.
5. Completed restitution packages should be emailed/scanned to the respective NHDOT Federal Compliance Officer covering the project

Additional Notes:

- **IMPORTANT EXCEPTION**: In those cases when restitution amounts are \$15.00 or less, companies may make restitution in the employee’s next paycheck if the employee will work on the same project the week immediately following the week in which the underpayment was made. Companies must include a comment on the certified payroll that the restitution was included in the overall weekly gross amount paid to the employee and what the amount was.
- Include only wages payable under the appropriate work classification.
- The amount indicated in #11 “Total Amount Due Employee” is the gross amount due. The amount indicated in the “Certification” section at the lower portion of the restitution worksheet is the net amount (the amount of the restitution check).
- We will accept restitution documentation by fax only if the transmitted documents are legible. If you will also be forwarding a copy of documentation by mail, please indicate this on the fax cover sheet. If you are sending the originals by mail only, please ensure your submission arrives on or before the due date.

If you have any questions regarding restitution payments, please contact the NH DOT Federal Compliance Officer for your project or the Chief of Federal Compliance at (603) 271-6612.

NH DOT Employee Pay Restitution Worksheet

1. Name of Company: _____
2. Name/Title of Person Completing This Report: _____
(Printed Name) (Title)
3. Phone Number: _____ Fax: _____
4. Name of Project: _____ Project #: _____
5. Payroll Week Ending: _____
6. How Restitution Originated: ___ NHDOT Audit ___ Self-identified ___ USDOL Higher Rate Stipulated
7. Employee: _____
Name Work Classification
8. Total Hours Worked: S/T: _____ O/T: _____
9. **Original** Payment Breakout (amount appearing on payroll the worker was **previously paid**):
- a. Straight Time Paid: _____ @ _____ = _____
Number Hours Pay Rate Sub-Total
- b. Overtime Paid: _____ @ _____ = _____
Number Hours Pay Rate Sub-Total
10. **Revised/Corrected** Payment Breakout (show the amount the worker **should have been paid**):
- a. Straight Time Paid: _____ @ _____ = _____
Hours *Pay Rate Sub-Total
- b. Overtime Paid: _____ @ _____ = _____
Hours **Pay Rate Sub-Total
- 11a. Amount Previously Paid: \$ _____ 11b. Revised Amount: \$ _____
(Gross) (Gross)
12. **TOTAL AMOUNT DUE EMPLOYEE (this classification):** (11b minus 11a): \$ _____
(Gross)

CERTIFICATION: This is to certify that a check in the amount of \$ _____ (net) was provided to the person identified on line 7 above on _____. **A copy of the restitution check and the signed Employee Restitution Affidavit is attached as proof of restitution.** The amount paid includes overtime computed at a rate of one and one half times the base pay rate due the employee according to the Contract & Davis-Bacon Act. I understand that a separate worksheet must be completed on each employee, for each payroll period in question (one restitution check can be used). The total above represents the full amount due the employee.

Signature

Date

* This amount must, at a minimum, be equal the base rate + fringe rate stated in the Wage Schedule. You may deduct from this amount the hourly fringes paid to the employee by attaching a Fringe Benefit Breakout Report.

** The overtime rate shall be the sum of the base rate, plus half of the base rate, plus the required fringes at the straight time rate:
((Base rate X 1.5) + fringe amount) - (applicable hourly fringes from attached Fringe Benefit Breakout Report) = minimum overtime rate

Company Name

Street Address

City, State, Zip Code

EMPLOYEE RESTITUTION AFFIDAVIT

I, _____, have received payment in the amount of _____. I understand that this amount represents the difference between previous wages paid by my employer and those required by the Federal Wage Decision made part of the contract and posted at the site of work. This amount represents restitution for weekly pay period(s) ending: _____ and are applicable to the following project:

Project Name & Number: _____

Employee Signature

Employee Printed Name

Date

Witness Printed Name

Witness Signature

Date