ATTENTION

NOTICE TO EMERGENCY LABOR AND MATERIAL CONTRACTORS

The following notice pertains to the submission of payment submission documentation, certified payroll, labor classifications, timeliness of payment requests, and unemployment tax thresholds for emergency contracts.

**Effective on 1/1/11,** Emergency Labor and Material Contractors are required to electronically complete (not hand-write) and submit a hard copy of the updated Expense and Fee Summary Workbooks with backup documentation to your OGS Engineer-in-Charge. In addition, instruct your Subcontractors of their completion requirement of the Subcontractor Expense and Fee Summary Workbook.

**Effective on 11/1/09**, Emergency Contractors are required to attach certified payroll documentation to the payment submission when forwarding to the Director’s Representative/Engineer-In-Charge for certification. Certified payroll will remain with the payment and should not conflict with the current requirements of New York State Department of Labor rules and regulations.

Emergency Contractors are required to submit original certified payroll to the Director’s Representative/Engineer-in-Charge, every 30 days, which will be maintained on-site per NYS DOL. OGS is now requiring that a second copy of certified payroll be submitted with each payment submission that includes the dates in which the payment pertains to. As of November 1, 2009, if a payment submission is received by the Contract Payment Audit Group without completed certified payroll, it will be deemed deficient and cause possible rejection.

Due to recent audit findings on the Emergency Contract Program, OGS Design and Construction is advising all contractors to refer to the New York State Department of Labor for requirements on employee labor classifications when completing the Labor Rate Worksheets and Daily Labor Reports. The state will be paying strict attention to the labor classifications needed for services rendered and may not reimburse labor classifications that exceed the requirements of the work and/or that exceed the minimum labor classification required by NYS Department of Labor.

In addition, all progress and final payment submissions, for each and every emergency contract, must be submitted timely. Submission for progress payment submissions should be submitted within 60 days of the date of service and for final payment submissions within 90 days of the completion date of services performed. The completion date will be determined by OGS and conveyed to the CONTRACTOR. Resubmissions for any adjustments made to previously submitted and reviewed payment submissions, should be submitted within 60 days of return.

Emergency Contractors are reminded of the thresholds pertaining to Federal and State Unemployment Tax: For Federal Unemployment, the taxable wages base is the first $7,000 paid in wages to each employee during a calendar year. For State Unemployment, a tax rate is issued to each contractor, and the tax is based on only the first $8,500 of remuneration paid to each employee during a calendar year.

**Please note:**  Additional information regarding Emergency Labor and Material Payments are available on our website, at the following link:

<http://www.ogs.ny.gov/BU/DC/forms/EmergencyForms.asp>

Take the opportunity to review the documents provided, and check the website periodically for updated versions.  When filling out the Emergency Payment Workbooks, first select ‘save as Target’, and download a new copy each time.  Please contact our office if you have any questions.