



OFFICE OF FIELD POLICY
AND MANAGEMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-0050

Special Attention of:
Office of Davis-Bacon and Labor Standards
Regional and Field Staff
Office of Community Planning and
Development Directors;
Community Development Block Grant
Grantees
HOME Investment Partnership Program
Grantees;
Office of Multifamily Regional Center
Directors;
Office of Public Housing Regional and Office
Directors;
Public Housing Agencies;
Office of Native American Programs
Administrators;
Tribes; Tribally Designated Housing Entities;
Indian Housing Authorities
Department of Hawaiian Home Lands

Notice: LR-22-01

Issued: April 4, 2022

Expires: This notice remains effective until
amended, superseded, or
rescinded.

Cross References: HUD Handbook 1344.1
REV-2, paragraph 3-17;
29 CFR §5.5(a)(1)(ii);
DOL All Agency
Mernoranda 213 and 233

SUBJECT: Use of Standard Form 1444 for DOL Wage Determination Conformance Requests

I. PURPOSE

This Notice informs local contracting agencies (LCAs), including grantees, public housing agencies, and tribes, that effective as of the date of this Notice, HUD is discontinuing form 4230-A, *Report of Additional Classification and Rate*. HUD and LCAs will use Standard Form 1444, *Request for Authorization of Additional Classification and Rate*¹, to submit requests for additional classifications and wage rates, referred to as conformance requests, directly to the U.S. Department of Labor (DOL).

II. BACKGROUND

HUD developed form 4230-A to assist its staff in proposing additional classifications to the DOL on HUD construction contracts covered by the Davis-Bacon Act, including related acts. Over time, HUD has shifted this responsibility to the LCAs. Using form 4230-A, LCAs would submit conformance requests to HUD and then HUD was responsible for submitting the LCA's requests to the DOL for approval.

¹ Standard Form 1444 is available on GSA's website at <https://www.gsa.gov/forms-library/request-authorization-additional-classification-and-rate>.

The DOL uses Standard Form 1444 and to improve conformance request decision efficiency, HUD has decided to discontinue HUD form 4230-A and use Standard Form 1444 instead. As the contracting agency of record, LCAs shall submit their conformance requests directly to the DOL without going through HUD. For HUD-administered construction activities, such as FHA-insured multifamily housing and healthcare projects, HUD Labor Standard Specialists shall also use Standard Form 1444 to submit conformance requests to the DOL.

III. IMPACT

All LCAs shall have full authority as the contracting agency to submit conformance requests directly to the DOL. The Office of Davis-Bacon and Labor Standards (DBLS) staff can provide technical assistance to LCAs on the conformance request process and completing the Standard Form 1444 (SF-1444).

The SF-1444 enhances the conformance request process by providing DOL information that was not included in the HUD form 4370A, allowing them to more efficiently process conformance requests. Specifically:

- A. Block 5, Contract Number, ensures the DOL can quickly and easily track the request using the contract number.
- B. Block 7, Date of Award
- C. Block 11, Project and Description of Work, provides the DOL information necessary to determine whether the duties to be performed by the requested additional classification are not performed by a labor classification already listed on the applicable wage determination.
- D. Block 16, which is optional, provides an opportunity for employees or their designated representative (generally a union) to sign the document and indicate whether they agree with the proposed classification and wage rate.
- E. In the bottom section (no assigned block numbers), the LCA's contracting officer or representative signs the form and indicates whether the interested parties agree on the proposed classification and wage rate.

IV. PAPERWORK REDUCTION ACT

The Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3520) applies to this information collection. The Office of Management and Budget approves of this collection's requirements contained in this Notice. Under the PRA, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. The information collection of Standard Form 1444 is approved under OMB Control Number 9000-0066.

V. HELPFUL GUIDANCE

- A. DOL Conformance Guide, September 2021:
<https://www.dol.gov/sites/dolgov/files/WHD/davis-bacon/conformance.pdf>
- B. DOL Conformances Frequently Asked Questions:
<https://www.dol.gov/agencies/whd/government-contracts/construction/faq/conformance>
- C. DOL All Agency Memorandum 213, Guidance on the "conformance" process and application of the Davis-Bacon Act (DBA): <https://sam.gov/content/wage-determinations/resources/all-agency-memos>
- D. DOL Prevailing Wage Resource Book, Section 7 Davis-Bacon Additional Classifications Process (Conformances):
<https://www.dol.gov/agencies/whd/government-contracts/prevailing-wage-resource-book>

VI. CONTACTS

Contact the DBLS staff with jurisdiction in your area if you have any questions about this notice. A list of DBLS contacts is available on the HUD national webpage.²

Michele P. Perez
Assistant Deputy Secretary
Office of Field Policy and Management

² Find your local DBLS contact at
https://www.hud.gov/program_offices/davis_bacon_and_labor_standards/laborrelstf