



## Sample Restitution Wages and Affidavit

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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. Correction Certified Payroll Report(s)
  - b. Copy of restitution check
  - c. Signed employee restitution affidavit
2. 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 (except for 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. 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.
3. Employee Restitution Affidavit: A signed employee restitution affidavit shall accompany each restitution submission.



## Employee Restitution Affidavit

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip Code

Name of Project: \_\_\_\_\_ Project #: \_\_\_\_\_

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