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September 4, 2009

MEMORANDUM NO. WSD-3

TO: All State and County Governmental Contracting Agencies and Contractors

FROM: Darwin L.D. Ching, Director
Department of Labor and Industrial Relations

SUBJECT: Submission of Certified Affidavit of Fringe Benefits

The Department of Labor and Industrial Relations (DLIR) hereby gives notice to all contracting agencies and contractors that the 2009 Legislative session, 1st special session, passed Act 10 (HB 1479, H.D. 2, S.D. 1, C.D.1) which amended Chapter 104, Hawaii Revised Statutes, Wages and Hours of Employees on Public Works Law. **Effective October 1, 2009**, Act 10 requires contractors to list and submit on a fringe benefit reporting form that:

> "... shall itemize the cost of fringe benefits paid by the general contractor or subcontractor for:
> (1) Health and welfare benefits;
> (2) Pension and annuity benefits;
> (3) Vacation benefits;
> (4) Continuing education and training benefits; and
> (5) Other fringe benefit costs paid by the general contractor or subcontractor."

Only those fringe benefits that meet the criteria for the taking of a fringe benefit credit that is provided to their workers on a State or county public construction shall be reported on the above form.

The DLIR, Wage Standards Division and the Department of Accounting and General Services (DAGS) Public Works Division have provided a form that is compliant with the above specified reporting requirements of the law. This form may be accessed at DAGS Public Works Division webpage:

http://hawaii.gov/pwd/Members/ib/forms/index_html

select : STATEMENT OF COMPLIANCE & DAGS-ECP FOR PAYROLL AFFIDAVITS

Alternatively, Contractors may use their own form that meets the reporting criteria as set forth by the amendment above.

If you have any questions, please call the DLIR Wage Standards Division at (808) 586-8775.