

## 22.406-6 Payrolls and statements.

(a) *Submission.* In accordance with the clause at [52.222-8](#), Payrolls and Basic Records, the contractor *must* submit or cause to be submitted, within 7 calendar days after the regular payment date of the payroll week covered, for the contractor and each subcontractor, (1) copies of weekly payrolls applicable to the contract, and (2) weekly payroll statements of compliance. The contractor *may* use the Department of Labor [FormWH-347](#), Payroll (For Contractor's Optional Use), or a similar form that provides the same data and identical representation.

(b) *Withholding for nonsubmission.* If the contractor fails to submit copies of its or its subcontractors' payrolls promptly, the *contracting officer shall*, from any payment due to the contractor, withhold approval of an amount that the *contracting officer* considers necessary to protect the interest of the Government and the employees of the contractor or any subcontractor.

(c) Examination.

(1) The *contracting officer shall* examine the payrolls and payroll statements to ensure compliance with the contract and any statutory or regulatory requirements. Particular attention *should* be given to-

(i) The correctness of classifications and rates;

(ii) Fringe benefits payments;

(iii) Hours worked;

(iv) Deductions; and

(v) Disproportionate employment ratios of laborers, *apprentices* or *trainees* to journeymen.

(2) Fringe benefits payments, contributions made, or costs incurred on other than a weekly basis *shall* be considered as a part of weekly payments to the extent they are creditable to the particular weekly period involved and are otherwise acceptable.

(d) *Preservation.* The *contracting agency shall* retain payrolls and statements of compliance for 3 years after completion of the contract and make them available when requested by the Department of Labor at any time during that period. Submitted payrolls *shall* not be returned to a contractor or subcontractor for any reason, but copies thereof *may* be furnished to the contractor or subcontractor who submitted them, or to a higher tier contractor or subcontractor.

(e) *Disclosure of payroll records.* Contractor payroll records in the Government's possession *must* be carefully protected from any public disclosure which is not required by law, since payroll records *may* contain information in which the contractor's employees have a privacy interest, as well as information in which the contractor *may* have a proprietary interest that the Government *may* be obliged to protect. Questions concerning release of this information *may* involve the Freedom of Information Act (FOIA).

**Parent topic:** [22.406 Administration and enforcement.](#)