

Act or Act 166 – means 1965 Public Act 166, the Prevailing Wages on State Projects Act, MCL 408.551-408.558.

Administrative employee - means an employee who receives at least \$455.00 a week and whose primary duty is non-manual work directly related to management policies or general business operations.

Advertisement and invitation to bid - means a notice that is documented by the contracting agent requesting participation in making an offer or proposal of a price on a state project.

Apprentice - means a construction mechanic whose apprenticeship is registered with the Office of Apprenticeship, Employment and Training Administration, U.S. Department of Labor.

Award date - means the date any officer, school board, board or commission of the state, or a state institution signs the contract with the contractor.

Calendar Day – means all days with the exception of the following state legal holidays; January 1, New Year's day, the third Monday in January, Martin Luther King Jr. Day, February 12, Lincoln's birthday, the third Monday of February, Washington's birthday, the last Monday of May, Memorial or Decoration Day, July 4, Independence Day, the first Monday in September, Labor Day, the Second Monday in October, Columbus Day, November 11, Veteran's Day, the fourth Thursday of November, Thanksgiving Day, December 25, Christmas Day. Please note whenever January 1, February 12, July 4, November 11, or December 25 fall on a Sunday, the next Monday following is deemed a public holiday.

Commissioner - means the Michigan Department of Licensing and Regulatory Affairs [Sec. 1(d) of Act 166, MCL 408.551(d)] or designee.

Complaint - means a written statement alleging a violation of Act 166.

Complainant – is a person or entity that files a written complaint with the department alleging a violation of Act 166.

Construction mechanic - means a skilled or unskilled mechanic, laborer, worker, helper, assistant, or apprentice who is employed by a contractor and is working on a state project but shall not include executive, administration, professional, office, or custodial employees.

Construction work – means new construction, alteration, repair, installation, painting, decorating, completion, demolition, conditioning, reconditioning, or improvement of public buildings, schools, works, bridges, highways, or roads authorized by a contracting agent.

Prevailing Wage on State Projects

DEFINITIONS

Contracting agent - means any officer, school board, board or commission of the state, or a state institution supported in whole or in part by state funds, authorized to enter into a contract for a state project or to perform a state project by the direct employment of labor. [Sec. 1(c) of Act 166, MCL 408.551(c)]

Contractor - means an individual, sole proprietorship, partnership, association, or corporation that is awarded a contract, or authorized by a contracting agent, or is allowed to perform construction work on a state project.

Fringe benefits - means contractor/subcontractor funded; vacation pay, sick pay, paid time off, holiday pay, health and welfare contributions, medical insurance, pension or retirement contributions, a bonus, profit sharing distribution, life insurance, contributions to an employee's annuity fund or tax deferred savings plan, education or training fund contributions, scholarship contributions, supplemental unemployment fund contributions or other bona fide fringe benefits.

Locality - means a county, city, village, township, or school district in which the physical work on a state project is to be performed. [Sec. 1(e) of Act 166, MCL 408.551(e)]

On behalf of - means acting with signed, written authorization from a construction mechanic or a notice of representation by an attorney as an agent or representative of the construction mechanic, see policy D2.0 (5).

Overtime - means hours worked exceeding standard daily or weekly hours as provided in the prevailing wage rate schedule.

Prevailing rate - means the rate established by the department, which is composed of the hourly rate of wages and fringe benefits for straight time, overtime, or premium pay as contained in a collective bargaining agreement or determined by public hearing.

Project contractor - means any contractor or subcontractor who agrees to perform construction work on a state project, see policy D1.01.

Public school- means a public elementary or secondary educational entity or agency that is established under 1976 P.A. 451, has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, school of excellence, public school academy corporation, strict discipline academy corporation, urban high school academy corporation, or by the department or state board. Public school also includes a laboratory school or other elementary or secondary school that is controlled and operated by a state public university described in section 4, 5, or 6 of article VIII of the state constitution of 1963. *Taken from 1976 PA 451, Chapter 380 The Revised School Code.*

Prevailing Wage on State Projects

DEFINITIONS

Sinking Fund - means a voter approved millage, up to 5 mills, for maintenance of a school district. (reference PA451 of 1976 MCL 380.1212)

State project - means new construction, alteration, repair, installation, painting, decorating, completion, demolition, conditioning, reconditioning, or improvement of public buildings, schools, works, bridges, highways, or roads authorized by a contracting agent. [Sec. 1(b) of Act 166, MCL 408.551(b)]

Subcontractor -means an individual, sole proprietorship, partnership, association, or corporation that is awarded a contract, or authorized by a contracting agent to perform construction work, or is allowed to perform construction work on a state project.

Supplier -a business that provides goods and does not perform work on the site, see policy D1.02.

Third party - is a person or entity, other than a construction mechanic, that files a written complaint with the department alleging a violation of Act 166.

Written contract or written policy - means a written employment contract, a collective bargaining agreement, an employment policy, an employment handbook, an employment letter or written document that applies to a construction mechanic and identifies a fringe benefit and defines the terms and conditions under which the fringe benefit is earned and paid.