

Administrative employee - means an employee who receives at least \$250.00 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 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 Bureau of Apprenticeship and Training, Employment and Training Administration, U.S. Department of Labor.

Award date - means the date that the Director of State Administrative Board approves the construction project through the Department of Management and Budget; the date that the Director of Transportation signs the transportation project contract; or the date the school district or other contracting agent signs the contract with the contractor.

Commissioner - means the Department of Labor and Economic Growth. [Sec. 1(d)] or designee.

Complaint - means a written statement alleging non-payment of the prevailing rate on a state project covered by 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 – see definition of Construction Mechanic and State Project.

Contract - means any contract which is subject to the Prevailing Wage Act and any subcontract let under the contract. (See Sec. 2)

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)]

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, 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, 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)]

DEFINITIONS

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.

Overtime - means hours worked exceeding standard daily or weekly hours as provided in the prevailing wage rate schedule e.g., 8, 10, 12, or 40.

Prevailing rate - means the rate established by the department, which is composed of the hourly wage rate 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.

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)]

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.**

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.