

# MDOT Prevailing Wage Compliance



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# Truck Drivers





# Trucking - DBRA

There are two types of scenarios that trucking can fall under DBRA requirements and Certified Payroll may be required.

- Material Delivery (subject to the de minimis rule , 20% rule)
- Construction Site ("site of work")

# Truck Drivers - Davis Bacon Law

- Court of Appeals Ruling:
  - Material delivery truck drivers who come onto the site of work merely to drop off or pick up construction materials are not covered by the Prevailing Wage Laws if the time spent on the site of work is not more than de minimis (20%)

# De Minimis Rule DBRA

- If the driver is not working exclusively on the site of work, to be covered by Davis-Bacon, the time spent working on site must be more than de minimis (20 percent or more of the work week).

# Trucking - DBRA

## Material Delivery

(subject to the de minimis rule , 20% rule)

- Sand
- Gravel
- HMA
- Pipe / Manholes / Catch Basins
- Traffic Control
- Other Material

More than likely will not exceed the de minimis (20%)

# Material Supply “Sand / Gravel Delivery”



# Material Supply “Sand / Gravel Delivery”



# Material Supply “HMA Delivery”



# Material Supply “Concrete Pipe Delivery”



# Material Supply “Traffic Control”



# Material Supply “Concrete Barrier Delivery”



# Trucking - DBRA

## Construction Site ("site of work")

This type of work may exceed the de minimis and prevailing wages could be required for the time spent on the "site of work"

- "Site of work" trucking that is exclusive to the site
  - Trucking associated with dumping and loading at a batch plant or gravel pit deemed part of the "site of work".
  - Trucking associated with an underground pipe crew.
- Other examples that may require prevailing wages:
  - Embankment / Excavation
  - Removals such as Broken Concrete / Millings (de minimis)
  - Other on site trucking

# Trucking - DBRA

## Construction Site ("site of work")

- It is highly recommended that drivers keep track of their time in a manner that will assist in determining if 20% of their work week is spent on the "site of work".
- A daily work log would meet this recommendation

# Construction Site Concrete Delivery (batch plant)



# Construction Site Sewer Pipe Installation



# Construction Site Loading Earth Excavation



# Construction Site

## “Trucks “lined up” waiting to be loaded”



# Construction Site “Spoils” or Loading from a “Stockpile”



# Construction Site Roto-Milling



# Construction Site “Traffic Control placed in Roadway”



# Truck Drivers DBRA

- Truck drivers are always covered by Davis Bacon prevailing wage laws in the following instances:
  - They are working exclusively on the “site of the work.”
  - Hauling to or from a facility that is deemed part of the “site of the work.”  
(For example, driving between the job site and a dedicated batch plant or tool yard located adjacent to, or virtually adjacent to, the job site).

# Truck Drivers DBRA

- Examples when a truck driver is **NOT** covered by Davis-Bacon:
  - While off the “site of the work.” The transportation of materials, supplies, tools, equipment, etc., from one site of work to another is not covered unless such sites are dedicated and adjacent
  - The travel time between two Davis-Bacon projects

# Truck Drivers DBRA

- WHERE DE MINIMIS WILL NOT BE EXCEEDED:
  - Trucks delivering materials to a stockpile.  
(If the driver is not working exclusively on the site of work)
  - Trucks delivering materials along the jobsite for later installation.
    - Example: concrete pipe, traffic control devices, etc.

# Owner Operators DBRA

- The USDOL has the following enforcement position with respect of bona fide owner-operators of trucks who own and drive their own trucks:
  - Certified payrolls including the names of such owner-operators do not need to show the hours worked or rates paid, only the notation “owner-operator”
  - **This does not apply to owner-operators of other equipment such as bulldozers, backhoes etc.**

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TEAM0007-004 06/01/2011

AREA 1: ALCONA, ALGER, ALLEGAN, ALPENA, ANTRIM, ARENAC, BARAGO, BARRY, BAY, BENZIE, BERRIEN, BRANCH, CALHOUN, CASS, CHARLEVOIX, CHEBOYGAN, CHIPPEWA, CLARE, CLINTON, CRAWFORD, DELTA, DICKINSON, EATON, EMMET, GLADWIN, GOGEBIC, GRAND TRAVERSE, GRATIOT, HILLSDALE, HOUGHTON, HURON, INGHAM, IONIA, IOSCO, IRON, ISABELLA, JACKSON, KALAMAZOO, KALKASKA, KENT, KEWEENAW, LAKE, LAPEER, LEELANAU, LENAWEE, LUCE, MACKINAC, MANISTEE, MARQUETTE, MASON, MECOSTA, MENOMINEE, MIDLAND, MISSAUKEE, MONTCALM, MONTMORENCY, MUSKEGON, NEWAYGO, OCEANA, OGEMAW, ONTONAGON, OSCEOLA, OSCODA, OSTEGO, OTTAWA, PRESQUE ISLE, ROSCOMMON, SAGINAW, SANILAC, SCHOOLCRAFT, SHIAWASEE, ST. CLAIR, ST. JOSEPH, TUSCOLA, VAN BUREN AND WEXFORD COUNTIES

AREA 2: GENESEE, LIVINGSTON, MACOMB, MONROE, OAKLAND, WASHTENAW AND WAYNE COUNTIES

	Rates	Fringes
TRUCK DRIVER		
AREA 1		
Euclids, double bottoms		
and lowboys.....	\$ 24.745	.50 + a+b
Trucks under 8 cu. yds.....	\$ 24.495	.50 + a+b
Trucks, 8 cu. yds. and		
over.....	\$ 24.595	.50 + a+b
AREA 2		
Euclids, double bottonms		
and lowboys.....	\$ 24.845	.50 + a+b
Trucks under 8 cu. yds.....	\$ 24.595	.50 + a+b
Trucks, 8 cu. yds. and		
over.....	\$ 24.695	.50 + a+b

Footnote: a. \$331.00 per week  
          b. \$46.20 daily

## Example of Truck Driver Wage Determination

# Example of Truck Driver Fringe Benefit Calculation

General Decision Number: MI120001 03/02/2012 MI1

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TEAM0007-004 06/01/2011

	Rates	Fringes
TRUCK DRIVER		
AREA 1		
Euclids, double bottoms and lowboys.....	\$ 24.745	.50 + a+b
Trucks under 8 cu. yds.....	\$ 24.495	.50 + a+b
Trucks, 8 cu. yds. and over.....	\$ 24.595	.50 + a+b
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Euclids, double bottomms and lowboys.....	\$ 24.845	.50 + a+b
Trucks under 8 cu. yds.....	\$ 24.595	.50 + a+b
Trucks, 8 cu. yds. and over.....	\$ 24.695	.50 + a+b

Footnote: a. \$331.00 per week  
          b. \$46.20 daily

**FB Hourly credit:**

**\$331.00 / 40 hours = \$8.28/hr**

**\$46.20 / 8 hours = \$5.78/hr**

**FB Hourly credit = \$0.50 + \$8.28 + \$5.78 = \$14.56/hr**

**Prevailing Wage = \$24.70 + \$14.56 = \$39.26/hr**

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# DBRA

## Work Week #1 example for a typical Truck Driver

Truck is parked at the company yard every night  
normal rate of \$15.00/hr

Mon: 12 hours: ½ hr travel, 11hr project (3hr on the “site of work”), ½ travel

Tue:

Wed: 11 hours: ½ hr travel, 10hr project (3.5hr on the “site of work”), ½ travel

Thur: 11 hours: ½ hr travel, 10hr project (2hr on the “site of work”), ½ travel

Fri:

Sat:

Total hours for the week = 34 hours ( $34 \times 0.20 = 6.8$ )

Reg =  $9 + 7.5 + 9 = 28.5$

PW =  $3 + 3.5 + 2 = 8.5$

Premium =  $34 - 40 = -6$  (0)

# DBRA

## Work Week #1 example for a typical Truck Driver

W/E 3-17-2012

Employee	Hourly Rate	Sun	Mon	Tue	Wed	Thur	Fri	Sat	Total	Earned
Johnny Rocker			12		11	11			34	
Reg	\$ 15.00		9		7.5	9			25.5	\$ 382.50
PW BHR	\$ 24.70		3		3.5	2			8.5	\$ 209.95
PW FB	\$ 14.56		3		3.5	2			8.5	\$ 123.76
Premium (OT)	\$ -									
									Total	\$ 716.21
20% of Work Week	6.8									

# DBRA

## Work Week #1 example for a typical Truck Driver

Michigan Department  
Of Transportation  
CP-347 (04/10)

### MICHIGAN DEPARTMENT OF TRANSPORT CERTIFIED PAYROLL

COMPLETION OF CERTIFIED PAYROLL FORM FULFILLS THE MINIMUM MDOT PREVAII

#### Instructions

(1) NAME OF CONTRACTOR / SUBCONTRACTOR (CIRCLE ONE) **Never Late Trucking** (2) ADDRESS **123 Trucker Lane**

(3) PAYROLL NO. **1** (4) FOR WEEK ENDING **March 17, 2012** (5) PROJECT AND LOCATION **Interchange improvements on Busy Drive**

(a) <b>i</b> EMPLOYEE INFORMATION	(b) <b>i</b> WORK CLASSIFICATION	(c) <b>i</b> Hour Type	(d) DAY AND DATE <b>i</b>							(e) <b>i</b> TOTAL HOURS ON PROJECT	(f) <b>i</b> PROJECT RATE OF PAY	(g) <b>i</b> PROJECT RATE OF FRINGE PAY	(h) <b>i</b> GROSS PROJECT EARNED GROSS WEEKLY EARNED	(i) <b>i</b> TOTAL WEEKLY HOURS WORKED ALL JOBS
			Su	M	Tu	W	Th	F	Sa					
NAME: Johnny Rocker	Team0007-004 Truck Driver 8+		11	12	13	14	15	16	17	0			\$333.71	34
ETH/GEN: ID #: 1234	GROUP/CLASS #:	s		3	3.5	2				8.5	\$24.70	\$14.56		
NAME:										0			\$0.00	

# DBRA

## Work Week #2 example for a typical Truck Driver

Truck is parked at the company yard every night  
normal rate of \$15.00/hr

Mon: 6 hours: ½ hr travel, 5hr project (2hr on the “site of work”), ½ travel

Tue: 8 hours: ½ hr travel, 7hr project (2hr on the “site of work”), ½ travel

Wed: 11 hours: ½ hr travel, 10hr project (4hr on the “site of work”), ½ travel

Thur: 11 hours: ½ hr travel, 10hr project (4hr on the “site of work”), ½ travel

Fri: 9 hours: ½ hr travel, 8hr project (3hr on the “site of work”), ½ travel

Sat: 9 hours: ½ hr travel, 8hr project (3hr on the “site of work”), ½ travel

Total hours for the week = 54 hours ( $54 \times 0.20 = 10.8$ )

Reg =  $4+6+7+7+6+6 = 36$

PW =  $2+2+4+4+3+3 = 18$

Premium =  $54 - 40 = 14$

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# DBRA

## Work Week #2 example for a typical Truck Driver

W/E 3-24-2012

Employee	Hourly Rate	Sun	Mon	Tue	Wed	Thur	Fri	Sat	Total	Earned
Johnny Rocker			6	8	11	11	9	9	54	
Reg	\$ 15.00		4	6	7	7	6	6	36	\$ 540.00
PW BHR	\$ 24.70		2	2	4	4	3	3	18	\$ 444.60
PW FB	\$ 14.56		2	2	4	4	3	3	18	\$ 262.08
Premium (OT)	\$ 9.12						5	9	14	\$ 127.63
									Total	\$ 1,374.31

20% of Work Week 10.8

# DBRA

## Work Week #2 example for a typical Truck Driver

Michigan Department  
Of Transportation  
CP-347 (04/10)

### MICHIGAN DEPARTMENT OF TRANSPORT, CERTIFIED PAYROLL

COMPLETION OF CERTIFIED PAYROLL FORM FULFILLS THE MINIMUM MDOT PREVAILIN

[Instructions](#)

(1) NAME OF CONTRACTOR / SUBCONTRACTOR (CIRCLE ONE) Never Late Trucking				(2) ADDRESS 123 Trucker Lane										
(3) PAYROLL NO. 2		(4) FOR WEEK ENDING March 24, 2012		(5) PROJECT AND LOCATION Interchange improvements on Busy Drive										
(a) <b>i</b> EMPLOYEE INFORMATION	(b) <b>i</b> WORK CLASSIFICATION	(c) <b>i</b> Hour Type	(d) DAY AND DATE <b>i</b>							(e) <b>i</b> TOTAL HOURS ON PROJECT	(f) <b>i</b> PROJECT RATE OF PAY	(g) <b>i</b> PROJECT RATE OF FRINGE PAY	(h) <b>i</b> GROSS PROJECT EARNED GROSS WEEKLY EARNED	(i) <b>i</b> TOTAL WEEKLY HOURS WORKED ALL JOBS
			Su	M	Tu	W	Th	F	Sa					
			18	19	20	21	22	23	24					
NAME: Johnny Rocker	Team0007-004 Truck Driver 8+	P						3	3	6	\$9.12		\$761.40	54
ETH/GEN: ID #: 1234	GROUP/CLASS #:	S		2	2	4	4	3	3	18	\$24.70	\$14.56	\$1,374.31	
NAME:													\$0.00	

# Truck Drivers – Covered by State Prevailing Wage Law

- IN GENERAL, when a driver is performing work for the sole intended purpose of the covered project, all time spent is covered under state prevailing wage laws.
- **NOTE: THE DE MINIMIS TIME DOES NOT APPLY**

# Truck Drivers – **NOT** Covered by State Prevailing Wage Law

- A driver employed by a material supplier, not by the contractor, to deliver materials to a project site and who performs no other work on the project is not covered.
- Additional Understanding: If the material supplier does not own their own trucks and utilizes broker trucking to deliver their product to the job site and this broker truck has no contractual relationship with an onsite contractor or subcontractor the driver of such trucks are not covered.
- Owner/Operators are not covered



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# Thank You

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