

Truck Drivers

Coverage of truck drivers under DBRA and state prevailing wage vary in several areas. The following guidance is to be used to determine whether truck drivers are covered under DBRA and state prevailing wage regulations.

DBRA Trucking

Truck drivers are covered by DBRA while:

- They are working exclusively on the “site of work.”
- Hauling to or from a facility that is deemed part of the “site of 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 are not covered by DBRA in the following instances:

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

Examples when a truck driver is not covered by DBRA include, but are not limited to, the following:

- While off the “site of 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.
- While loading and/or unloading materials and supplies on the “site of work.” As a practical matter, since the majority of time spent by material delivery truck drivers is off site beyond the scope of DBRA coverage and the time spent on site is relatively brief, MDOT chooses to use a rule of reason and will assume that some activities will never exceed de minimis. These items include, but are not limited to:
 - Trucks delivering materials to a stockpile.
 - Trucks delivering materials along the jobsite for later installation. Example: concrete pipe, traffic control devices, etc.
- Drivers traveling between a DBRA project and a commercial supply facility, while they are off the “site of work.”
- The travel time between two DBRA projects. The one exception to this rule is when there are adjacent projects under the same or different contracts that were established to accomplish the same objective (60 miles of resurfacing may be broken into several contracts), then all of these projects are considered contiguous and travel between sites is covered by DBRA.

State Prevailing Wage Trucking

Trunk drivers are covered under state prevailing wage wages when:

Note: “Site of Work” and “de minimis” criteria are not applicable.

The truck driver is hired by the contractor for the sole purpose of providing transportation of materials from the source to the project, as well as time spent hauling materials from the project to an off site location. The covered time starts when the truck driver enters the vehicle until the driver completes the transportation services. This time includes time spent driving to the project from the base of operations through the time the truck driver returns to the base of operations after completing the hauling services. The method of hire, whether subcontract, purchase order, invoice, or as an employee is immaterial. A typical example of this would be the delivery of hot mix asphalt to a road paving job, where the paving contractor has brokered non owner operator trucking to deliver the material to the project site.

If the driver is providing material hauling services for multiple projects, including non covered and state prevailing wage jobs, the covered time begins at the point where the hauling services end for the unrelated project(s). The covered time ends at the point where the hauling services begin for the non-covered project(s), or when the truck driver parks the vehicle if the covered work is the last operation of the day. An example of a multiple project hauling operation where there are covered jobs and non-covered jobs follows.

The truck driver starts their day hauling gravel from a pit to a non covered project. After delivering their last load of gravel to the non covered project, they switch to hauling hot mix asphalt to a covered project. The covered time starts at the point the driver leaves the non covered job and drives to the hot mix asphalt plant, including drive time. The covered time ends when the driver parks the vehicle after the last load has been delivered, including drive time to the base of operations, or the driver arrives at another non-covered project to haul material.

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.

Truck drivers are not covered under state prevailing wage when:

The truck driver is delivering materials/product for the company of which they are employed, and that company is selling materials/product to the contractor. An example of this would be the delivery of concrete pipe to a project. The person delivering the pipe is also an employee of the pipe manufacturer and not the contractor.

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-Operator Trucking, DBRA and state prevailing wage

Bona fide owner-operators of trucks who own and drive their own truck and operate the truck on the “site of work” are not covered under DBRA or state prevailing wage requirements. However, the contractor who hires the owner-operator must include the names of such owner-operators on their certified payrolls, but do not need to show the hours worked or rates paid, only the notation “owner-operator.” (Note: This applies only to the individual owner of a truck. The same policy does not apply to owner-operators of other equipment such as bulldozers, backhoes, cranes, welding machines, etc.) .