

Prevailing Wage Compliance 2020

Prevailing Wage Components
Contract Documents
Wage Decisions
Wage Rate Interviews
Overtime
Certified Payrolls
Truck Drivers

Adam Strong
Prevailing Wage Compliance Specialist
(517) 719-7344
stronga1@michigan.gov



110

Trucking

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

- Material Delivery (subject to *de minimis*).
- Construction Site (construction influence area).

111

Truck Drivers

Court of Appeals Ruling:

Drivers of a contractor or subcontractor who come onto the site for a few minutes at a time merely to drop off or pick up construction materials are not covered by the PW Laws if the time spent on the site of work is not more than *de minimis*.

112

De Minimis

De minimis means “of minimum importance”. It refers to something that is so small or trivial that law does not consider it.

In material supply trucking, time on site is considered de minimis when it is too minor or insignificant to be practically accounted for.

113

De Minimis Rule

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% or more of the work week).

114

Material Delivery (subject to the *de minimis*)

- Sand
- Gravel
- HMA
- Pipe/Manholes/Catch Basins
- Traffic Control
- Other 'Off Site' Originating Material

More than likely will not exceed the *de minimis*.

115

Bona Fide Material Suppliers

- The manufacture and delivery of supply items such as sand, gravel, and ready-mix concrete, when accomplished by bona fide material suppliers operating facilities serving the public in general, are not activities covered by prevailing wage. Such bona fide material suppliers are not considered contractors under the Davis Bacon Act.
- If a supplier undertakes to perform part of a construction contract as a subcontractor, its laborers and mechanics employed at the site of work are covered.

116

Material Supply 'Sand/Gravel Delivery'

Stockpiling alone more than likely will NOT exceed *de minimis*



117

Material Supply 'Sand/Gravel Delivery'

Tail gating alone more than likely will NOT exceed *de minimis*



118

Material Supply 'HMA Delivery'

Larger jobs with consecutive paving may exceed the *de minimis*



119

Material Supply 'Traffic Control'

Placement of barricades along shoulder more than likely will not exceed the *de minimis*



120

Material Supply 'Concrete Barrier Delivery'

May exceed the *de minimis* depending on the length of closure



121

Construction Site Concrete Delivery (Batch Plant)

This type of work is covered by PW while on the 'site of work'



122

Construction Site Trucks 'lined up' waiting to be loaded

This time on the "site of work" can exceed the de minimis



123

Construction Site 'Traffic Control placed in Roadway'

If 'supplier' is placing barricades in roadway this work is covered by PW



124

Trucking Summary

- Truck drivers **are covered** by Davis Bacon in the following circumstances:
 - Drivers of a contractor or subcontractor for time spent working on the site of work.
 - Drivers of a contractor or subcontractor for time spent loading and/or unloading materials and supplies on the site of work, if such time is not *de minimis*.
 - Truck drivers transporting materials or supplies between a facility that is deemed part of the site of the work and the actual construction site

125

Trucking Summary

Sites external to the construction influence area may be considered part of the site of work if:

- Dedicated exclusively or nearly so to the contract.
- Adjacent or virtually adjacent to the site of work.



126

Trucking Summary

- Truck drivers **are not** covered in the following instances:
 - While off of the “site of work.”
 - While transporting material, tools, supplies, etc., unless such site is dedicated and adjacent.
 - When time spent on the “site of work” is de minimis for pick-up or delivery.
 - The travel time between two Davis-Bacon projects.

127

Owner Operator Trucking

- The USDOL has the following enforcement position with respect of bona fide owner-operators of trucks who own and drive their own trucks:
 - The certified payrolls including the names of such owner-operators need not show hours worked nor rates paid, but only the notation “owner-operator”.
 - Employees hired by owner-operators are subject to DBRA in the usual manner.
 - **This does not apply to owner-operators of other equipment such as bulldozers, backhoes, etc.**

128

Example of Truck Driver Wage Determination

 * TEAM0007-004 06/01/2016

AREA 1: ALCONA, ALGER, ALLEGAN, ALPENA, ANTRIM, ARENAC, BARAGA, 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, OTSEGO, OTTAWA, PRESQUE ISLE, ROSCOMMON, SAGINAW, SANILAC, SCHOOLCRAFT, SHIAWASSEE, 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.....	\$ 25.05	.50 + a+b
Trucks under 8 cu. yds.....	\$ 24.80	.50 + a+b
Trucks, 8 cu. yds. and over.....	\$ 24.90	.50 + a+b
AREA 2		
Euclids, double bottoms and lowboys.....	\$ 24.895	.50 + a+b
Euclids, double bottoms and lowboys.....	\$ 25.15	.50 + a+b
Trucks under 8 cu. yds.....	\$ 24.90	.50 + a+b
Trucks, 8 cu. yds. and over.....	\$ 25.00	.50 + a+b

Footnote:
 a. \$438.45 per week
 b. \$61.90 daily

129

Truck Driver Example

	Rates	Fringes
TRUCK DRIVER		
AREA 1		
Euclids, double bottoms and lowboys.....	\$ 25.05	.50 + a+b
Trucks under 8 cu. yds.....	\$ 24.80	.50 + a+b
Trucks, 8 cu. yds. and over.....	\$ 24.90	.50 + a+b
AREA 2		
Euclids, double bottoms and lowboys.....	\$ 24.895	.50 + a+b
Euclids, double bottoms and lowboys.....	\$ 25.15	.50 + a+b
Trucks under 8 cu. yds.....	\$ 24.90	.50 + a+b
Trucks, 8 cu. yds. and over.....	\$ 25.00	.50 + a+b
Footnote:		
a.	\$438.45 per week	
b.	\$61.90 daily	

FB Hourly Credit:

a. $\$438.45 / 40 \text{ hours} = \10.96

b. $\$61.90 / 8 \text{ hours} = \7.74

FB Hourly Credit = $\$0.50 + \$10.96 + \$7.74 = \19.20

Total Package = $\$24.90 + \$19.20 = \$44.10$

130

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 hrs.: ½ hr. travel, 11 hr. project (3 hrs. on the "site of work"), ½ travel

Tue.:

Wed.: 11 hrs.: ½ hr. travel, 10 hr. project (3.5 hrs. on the "site of work"), ½ travel

Thur.: 11 hrs.: ½ hr. travel, 10 hr. project (2 hrs. on the "site of work"), ½ travel

Fri.:

Sat.:

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

Reg. = $9 + 7.5 + 9 = 25.5$

PW = $3 + 3.5 + 2 = 8.5$

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

131

DBRA

Work Week #1 Example for a Typical Truck Driver

Week Ending: 1/28/2017
Employee: Bruce Wayne

	Hourly Rate	Su	M	Tu	W	Th	F	Sa	Total	Earned
Reg	\$15.00		9		7.5	9			25.5	\$382.50
PW BHR	\$24.90		3		3.5	2			8.5	\$211.65
PW FB	\$19.20		3		3.5	2			8.5	\$163.20
Premium (OT)	-									
		0	12	0	11	11	0	0	34	
									Total	\$757.35

20% of work week 6.8

132

DBRA

Work Week #1 Example for a Typical Truck Driver

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

**MICHIGAN DEPARTMENT OF TRANSPORTATION
CERTIFIED PAYROLL**
COMPLETION OF CERTIFIED PAYROLL FORM FULFILLS THE MINIMUM MDOT PREVAILED RATE REQUIREMENT

[Instructions](#)

(1) NAME OF CONTRACTOR / SUBCONTRACTOR (CIRCLE ONE) **Batman Trucking** (2) ADDRESS **1007 Mountain Dr.**

(3) PAYROLL NO. **1** (4) FOR WEEK ENDING **1/28/17** (5) PROJECT AND LOCATION **US-131 Interchange Improvements**

(a) EMPLOYEE INFORMATION	(b) WORK CLASSIFICATION	(c) Hour Type	(d) DAY AND DATE							(e) TOTAL HOURS ON PROJECT	(f) PROJECT RATE OF PAY	(g) PROJECT RATE OF FRINGE PAY	(h) GROSS PROJECT EARNED	(i) TOTAL WEEKLY HOURS WORKED ALL JOBS
			Su	M	Tu	W	Th	F	Sa					
NAME: Bruce Wayne	TEAM0007-004 Truck Driver 8+	s	22	23	24	25	26	27	28	0	\$24.90	\$19.20	\$374.85	34
				3		3.5	2							

ETH/GEN:W/M ID #: 1234 GROUP/CLASS #: A1

133

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 hrs.: ½ hr. travel, 5 hrs. project (2 hrs. on the "site of work"), ½ travel
 Tue.: 8 hrs.: ½ hr. travel, 7 hrs. project (2 hrs. on the "site of work"), ½ travel
 Wed.: 11 hrs.: ½ hr. travel, 10 hrs. project (4 hrs. on the "site of work"), ½ travel
 Thur.: 11 hrs.: ½ hr. travel, 10 hrs. project (4 hrs. on the "site of work"), ½ travel
 Fri.: 9 hrs.: ½ hr. travel, 8 hrs. project (3 hrs. on the "site of work"), ½ travel
 Sat.: 9 hrs.: ½ hr. travel, 8 hrs. project (3 hrs. on the "site of work"), ½ travel

Total hrs. for the week = 54 hrs. (54 x 0.20 = 10.8)

Reg. = 4 + 6 + 7 + 7 + 6 + 6 = 36

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

Premium = 54 - 40 = 14

134

DBRA

Work Week #2 Example for a Typical Truck Driver (Fringe Benefits are not included in overtime calculations)

Week Ending: 1/28/2017

Employee: Bruce Wayne

	Hourly Rate	Su	M	Tu	W	Th	F	Sa	Total	Earned
Reg	\$15.00		4	6	7	7	6	6	36	\$540.00
PW BHR	\$24.90		2	2	4	4	3	3	18	\$448.20
PW FB	\$19.20		2	2	4	4	3	3	18	\$345.60
Premium (OT)	\$9.15						5	9	14	\$128.10
.5(Wages Earned / Hours)		0	6	8	11	11	9	9	54	

Total \$1,461.90

20% of work week 10.8

Weighted Average Calculation: $(\$540.00 + \$448.20) / 54 \text{ hours} / 2 = \9.15

135

DBRA

Work Week #2 Example for a Typical Truck Driver

Michigan Department Of Transportation CP-347 (04/10)		MICHIGAN DEPARTMENT OF TRANSPORTATION CERTIFIED PAYROLL																	
COMPLETION OF CERTIFIED PAYROLL FORM FULFILLS THE MINIMUM MDOT PREVALENT										Instructions									
(1) NAME OF CONTRACTOR / SUBCONTRACTOR (CIRCLE ONE) Batman Trucking					(2) ADDRESS 1007 Mountain Dr.														
(3) PAYROLL NO. 1			(4) FOR WEEK ENDING 1/28/17			(5) PROJECT AND LOCATION US-131 Interchange Improvements													
(a) EMPLOYEE INFORMATION		(b) WORK CLASSIFICATION		(c) Hour Type				(d) DAY AND DATE		(e) TOTAL HOURS ON PROJECT		(f) PROJECT RATE OF PAY		(g) PROJECT RATE OF FRINGE PAY		(h) GROSS PROJECT EARNED		(i) TOTAL WEEKLY HOURS WORKED ALL JOBS	
NAME Bruce Wayne		TEAM TEAM0007-004		P		Su		22		6		\$9.15		\$848.70		54			
ETH/GEN: W/M		ID #: 1234		GROUP/CLASS #: A1		M		23		18		\$24.90		\$19.20		\$1,461.90			
		Truck Driver 8+		s		Tu		24											
						W		25											
						Th		26											
						F		27											
						Sa		28											

136

Questions?

Adam Strong
(517) 719-7344
stronga1@michigan.gov

LCPtracker Resource Email:
MDOT-LCPtracker@Michigan.gov



137