

Prevailing Wage Compliance 2016

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

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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 PW Laws if the time spent on the site of work is not more than de minimis

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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% or more of the work week).

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Trucking - DBRA

Material Delivery
(subject to the de minimis rule)

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

More than likely will not exceed the de minimis

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Material Supply 'Sand/Gravel Delivery'

Stockpiling alone more than likely will NOT exceed de minimis



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**Material Supply
'Sand/Gravel Delivery'**

Tail gating alone more than likely will NOT exceed de minimis



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**Material Supply
'HMA Delivery'**

Larger jobs with multiple days in sequence of paving may exceed the de minimis



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**Material Supply
'Concrete Pipe Delivery'
Will NOT exceed de minimis**



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**Material Supply
'Traffic Control'**

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



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Material Supply 'Concrete Barrier Delivery'

This type of work may exceed the de minimis depending on the length of closure



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Trucking - DBRA

Construction Site ('site of work')

This type of work can clearly exceed the de minimis and PW would 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

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**Construction Site
Concrete Delivery (Batch Plant)**

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



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**Construction Site
Sewer Pipe Installation**

May exceed the de minimis if stockpiling (dumping) on the 'site of work'



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Construction Site
Loading Earth Excavation
May exceed the de minimis if stockpiling (dumping) on the 'site of work'



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Construction Site
Trucks 'lined up' waiting to be loaded
This time on the "site of work" can exceed the de minimis



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**Construction Site
'Spoils' or Loading from a 'Stockpile'**
This time on the 'site of work' can exceed the de minimis



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**Construction Site
Roto-Milling**

This time on the 'site of work' can exceed the de minimis if proper staging of trucks are not utilized



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Construction Site 'Traffic Control placed in Roadway'

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



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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' (de minimis).
- A daily work log would meet this recommendation

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Truck Drivers DBRA summary

- Truck drivers are always covered by Davis Bacon PW 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).

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Truck Drivers DBRA summary

- 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 is **NOT** covered by PW

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Truck Drivers DBRA summary

- 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.

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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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Example of Truck Driver Wage Determination

General Decision Number: MI150001 01/02/2015 MI1

TEAM0007-004 06/01/2014

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. \$395.05 per week
b. \$56.10 daily

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Truck Driver Example

General Decision Number: MI150001 01/02/2015 MI1

TEAM0007-004 06/01/2014

	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

Footnote:
a. \$395.05 per week
b. \$56.10 daily

FB Hourly Credit:
\$395.05 / 40 hours = \$9.88/hr
\$56.10 / 8 hours = \$7.01/hr

FB Hourly Credit = \$0.50 + \$9.88 + \$7.01 = \$17.39/hr

Prevailing Wage = \$24.90 + \$17.39 = \$42.29

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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 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 x 0.20 = 6.8)

Reg. = 9 + 7.5 + 9 = 25.5

PW = 3 + 3.5 + 2 = 8.5

Premium = 34 - 40 = -6 (0)

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DBRA

Work Week #1 Example for a Typical Truck Driver

W/E 1-31-2015											
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	\$17.39		3		3.5	2			8.5	\$147.82	
Premium (OT)	-										
			12		11	11			34		
									Total	\$741.97	
20% of Work Week	6.8										

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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 1/31/2015			(5) PROJECT AND LOCATION US-131 Interchange Improvements										
[a] i EMPLOYEE INFORMATION	[b] i WORK CLASSIFICATION	[c] i Hour Type	[d] i DAY AND DATE							[e] i TOTAL HOURS ON PROJECT	[f] i PROJECT RATE OF PAY	[g] i PROJECT RATE OF FRINGE PAY	[h] i GROSS PROJECT EARNED	[i] i GROSS WEEKLY EARNED	[j] i TOTAL WEEKLY HOURS WORKED ALL JOBS	
			Su 25	M 26	Tu 27	W 28	Th 29	F 30	Sa 31							
NAME: Bruce Wayne	TEAM007-004								0							
	Truck Driver 8+								8.5	\$24.90	\$17.39	\$359.47				34
ETHGEN: W/M ID #: 1234	GROUPICLASS #:	\$		3		3.5		2					\$741.97			
NAME:									0				\$0.00			
ETHGEN:	ID #:	GROUPICLASS #:	\$						0							

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

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DBRA

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

W/E 1-31-2015										
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	\$17.39		2	2	4	4	3	3	18	\$313.02
Premium (OT)	\$9.15						5	9	14	\$128.10
.5 x (Wages Earned / Hours)			6	8	11	11	9	9	54	
									Total	\$1,429.32
20% of Work Week		10.8								

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DBRA

Work Week #2 Example for a Typical Truck Driver

(1) NAME OF CONTRACTOR / SUBCONTRACTOR (CIRCLE ONE)		(2) ADDRESS						
Batman Trucking		1007 Mountain Dr.						
(3) PAYROLL NO.	(4) FOR WEEK ENDING	(5) PROJECT AND LOCATION						
1	1/31/2015	US-131 Interchange Improvements						
(a)	(b)	(c)	(d) DAY AND DATE	(e)	(f)	(g)	(h)	(i)
i	i	i	Su M Tu W Th F Sa	i	i	i	i	i
EMPLOYEE INFORMATION	WORK CLASSIFICATION	Hour Type	25 26 27 28 29 30 31	TOTAL HOURS ON PROJECT	PROJECT RATE OF PAY	PROJECT RATE OF FRINGE PAY	GROSS PROJECT EARNED	TOTAL WEEKLY HOURS WORKED ALL JOBS
NAME: Bruce Wayne	TEAM0007-004	p		3 3 6	\$9.12		\$815.04	54
	Truck Driver 8+							
ETHIGEN: W/M ID #: 1234	GROUPCLASS #:	s	2 2 4 4 3 3	18	\$24.90	\$17.39	\$1,429.32	

Truck Driver Coverage - State PW Law

- IN GENERAL, the State of Michigan interpretation will match the DBRA regulations.

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