



MaineDOT

**DAVIS BACON ACT
PRESENTATION
SPRING 2026**

Civil Rights Office

EMPLOYEE RIGHTS UNDER THE DAVIS-BACON ACT

FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

The law requires employers to display this poster where employees can readily see it.

- PREVAILING WAGES** You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.
- OVERTIME** You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.
- ENFORCEMENT** Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.
- APPRENTICES** Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.
- RETALIATION** The law prohibits discharging or otherwise retaliating against workers for filing a complaint, cooperating in an investigation, or testifying in a proceeding under the Davis-Bacon and Related Acts.
- PROPER PAY** If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below.



Contractor: Dunder Mifflin
EEO Officer: Michael Scott
Office: 207.623.4567
Cell: 207.444.1111
Email: m.scott@Dunder.com

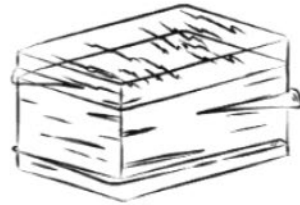
or contact the U.S. Department of Labor's Wage and Hour Division.

1-866-487-9243
 TTY: 1-877-889-5627
www.dol.gov/whd
 WH1321 REV 10/17

LaborLawCenter LLC does NOT assume responsibility for the use, actions, or decisions made by the employer. LaborLawCenter LLC is NOT providing any legal advice or legal opinion by using this poster. It is highly recommended that you contact with a legal advisor for your specific situation. The content on this poster is for informational purposes only and should NOT take the place of formal training.

What Is Davis-Bacon?

Robert Bacon



James Davis



The Davis Bacon Act (DBA)

- **Enacted in 1931**
 - To establish prevailing wage rates
 - Govern wage standards for non-government workers.
 - On any federally funded projects in excess of \$2,000
 - Contractor in Alabama employed low wage labor from the South, causing outrage among the local construction workers.
- **Amended in 1964 to include**
 - Adding fringe benefits to prevailing wage requirements.
 - Establish withholdings and debarment procedures.
 - The Davis Bacon & Related Acts Requirement to include applicable wage determinations in covered contracts.

Davis Bacon & Related Acts

- Applies to all laborers and mechanics performing manual or physical work.
 - Foremen (in certain circumstances)
- Employed directly on the site of work
- Must be paid at least on a **weekly** basis
 - By check or direct deposit



Davis Bacon Labor Standards can be found at 29 CFR §5.5

<https://www.ecfr.gov/current/title-29/subtitle-A/part-5/subpart-A/section-5.5>

Davis-Bacon Related Acts

Contractors are required to pay locally prevailing wages and fringe benefits on all federally funded/assisted projects to all laborers and mechanics.”



Prevailing Wage (PW) = two components
Basic Hourly Rate + Fringe Benefits

- The PW can be found on the General Decision for the project.
- The contractor/subcontractor **must** pay the rate or higher, but never less.
- The PW may be paid in any combination of cash wages and “bona fide” fringe benefits.
 - The total may be paid entirely as cash wages;
 - Payments incurred by contractor for FB may be creditable towards fulfilling the requirement; or
 - A combination of cash wages paid and “bona fide” fringe may be used together to meet the total PW.

Prevailing Wage Examples

The General Decision rate for a Laborer requires:

Hourly Rate	\$ 15.00
Fringe Benefits*	<u>\$ 5.00</u>
Total PW	\$ 20.00

** Types of Fringe*

- *Life Insurance*
- *Health Insurance*
- *Pension*
- *Vacation*
- *Holiday*
- *Sick*

The contractor/subcontractor complies by paying one of the following:

1. \$20.00 in cash wages;
2. \$18.00 plus \$2.00 towards pension contributions or other “bona fide” benefit paid by the contractor; or
3. \$17.00 plus \$3.00 in pension or any combination of “bona fide” fb. In this case, overtime must be paid at one- and one-half times the basic hourly rate of \$15.00.

General Decision/Wage Rates

	Rates	Fringes
POWER EQUIPMENT OPERATOR: Grader/Blade, Milling Machine, Paver (Asphalt, Aggregate, and Concrete), Roller Asphalt.....	\$ 34.87	32.21

SUME2014-032 06/23/2017		
	Rates	Fringes
CARPENTER, Includes Form Work....	\$ 18.34	2.84
HIGHWAY/PARKING LOT STRIPING: Laborer.....	\$ 14.80 **	1.27
IRONWORKER, REINFORCING.....	\$ 16.27 **	0.00
LABORER: Asphalt, Includes Raker, Shoveler, Spreader and Distributor.....	\$ 15.06 **	2.72
LABORER: Common or General.....	\$ 14.02 **	2.16
LABORER: Landscape.....	\$ 18.69	2.70
LABORER: Wheelman.....	\$ 15.64 **	4.29
OPERATOR: Backhoe/Excavator/Trackhoe.....	\$ 19.52	5.15
OPERATOR: Bobcat/Skid Steer/Skid Loader.....	\$ 21.98	4.85
OPERATOR: Broom/Sweeper.....	\$ 19.09	5.20
OPERATOR: Bulldozer.....	\$ 17.30	3.50
OPERATOR: Loader.....	\$ 18.59	5.53
OPERATOR: Mechanic.....	\$ 21.91	8.55
OPERATOR: Screed.....	\$ 19.43	4.90
OPERATOR: Roller (Earth).....	\$ 16.43 **	3.40
TRAFFIC CONTROL: Flagger.....	\$ 9.38 **	0.00

- A list of classifications and wages per county that must be in the contract bid book to show the prevailing wage rate to be paid for each worker classification.
- General Decision(s) should also be in Elation.
- Federal General Decision – by county & type of work – can be found at: www.sam.gov/search/
- State Prevailing Wage Rates can be found at https://www.maine.gov/labor/labor_stats/publications/wagerateconst/index.shtml

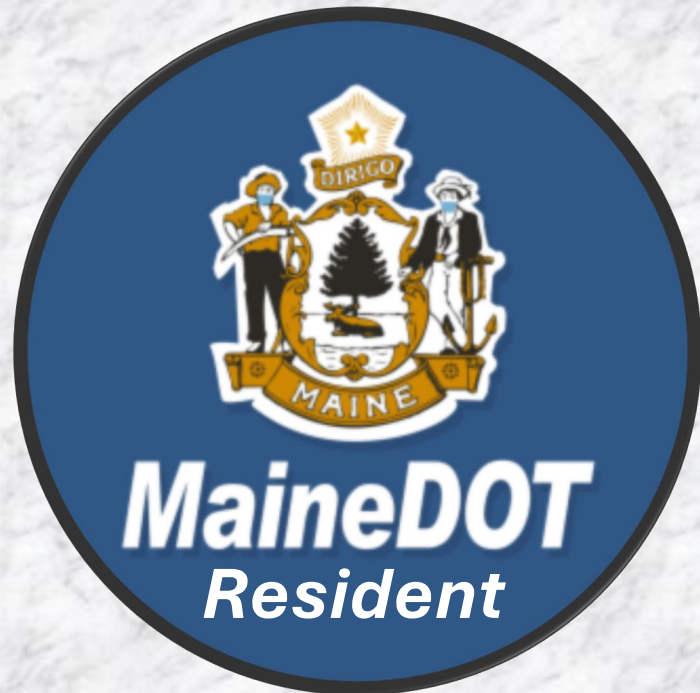


Project Specific Classification Request

Also known as SF 1444 or Wage Rate Request

- **Why is it required?**
 - If a classification is not on the General Decision.
- **Who submits the request?**
 - Contractor or Subcontractor
- **How is it submitted?**
 - It can ONLY be submitted through Elation
- **What is the timeframe for receiving the conformance?**
 - Depending on the time of year, it can take anywhere from 2-4 weeks to receive a response from US DOL.
- **Where is the conformance decision kept?**
 - The contractor/subcontractor and resident will receive copies via email.





RESIDENT RESPONSIBILITIES

CERTIFIED PAYROLL APPROVAL

PROMPT PAYMENT REPORTS

LABOR SITE INTERVIEWS

JOB SITE BULLETIN BOARD

CERTIFIED PAYROLL APPROVALS





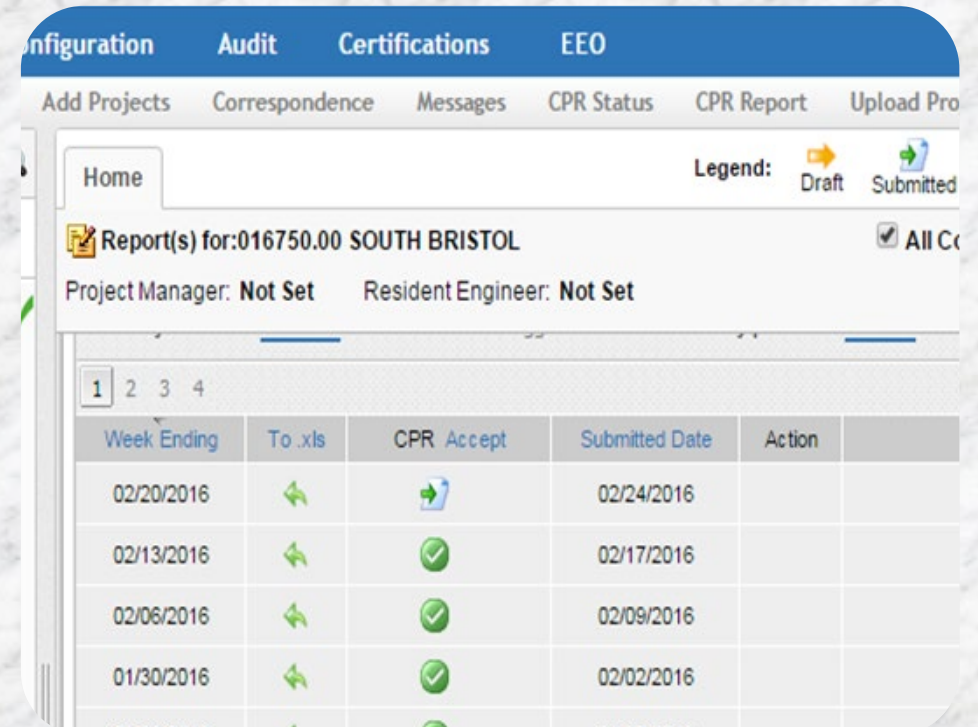
Certified Payroll Approvals

- Must be checked regularly and approved (if no errors).
- Duties performed and hours worked by covered workers must be consistent with contractor CPRs and with what workers report in payroll interviews.



Payroll Discrepancies







-  indicates a discrepancy in the rate of pay for a worker. Restitution may apply.
-  Indicates that there was a calculation error.
 - Any payrolls with those symbols should NOT be approved until the contractor or sub corrects the error.
 - Any questions or concerns, please reach out to CRO.







Week Ending	To .xls	CPR Accept	Submitted Date	Action
02/20/2016	↩	➡	02/24/2016	
02/13/2016	↩	✓	02/17/2016	
02/06/2016	↩	✓	02/09/2016	
01/30/2016	↩	✓	02/02/2016	
01/23/2016	↩	✓	01/27/2016	
01/16/2016	↩	✓	01/20/2016	
01/09/2016	↩	✓	01/13/2016	

PROMPT PAYMENT REPORTS

Total Payments Confirmed: **6 (\$2,148,537.54)**

Incoming Payments		Status: All status New Confirmed Rejected Void			
Issue Date	Amount	Check #	Status	Contract	
03-03-2023 (SC)	\$159,835.00	3039119794	 	020502.01	
02-17-2023 (SC)	\$370,845.35	2179099153		020502.01	
02-03-2023 (SC)	\$513,658.00	2039078394		020502.01	
01-12-2023 (SC)	\$416,281.69	1139046418		020502.01	
12-01-2022 (SC)	\$397,169.50	2028986418		020502.01	

Outgoing Payments		Status: All status New Confirmed Rejected Void Draft				
Issue Date	Amount	Check #	Status	Contract		
03-01-2023 (SC)	\$975.00	200930		020502.01- Sargent Corp...		
02-01-2023 (SC)	\$560.00	200500		020502.01- FUTURE Agen...		
02-01-2023 (SC)	\$21,376.87	200507		020502.01- Sargent Corp...		
12-14-2022 (SC)	\$88,968.75	199823		020502.01- Sargent Corp...		

- The resident is NOT responsible for ensuring the contractor or subcontractor compliance, but we request that the resident periodically remind them.
 - If contractor or subcontractor inquires about prompt payment, let them know that confirmation should be verified within 30 days.
 - If they haven't received an expected payment or if there is a discrepancy, please instruct them to contact Civil Rights Office immediately.

LABOR INTERVIEWS - ELATION

- The site interview form can be found on the main Elation page for the project.
- Click on **Site Interview** link.
- Then click on **Labor Standards Interview**.
- As the information is filled out (the yellow section), the system will remember the information for future interviews.
- If the forms are completed on paper, the resident must upload the form by clicking on “**Attach File**” and upload them into Elation.
If you are unfamiliar with how to do the uploads, please reach out.

ELATION MOBILE APPS



Site Interviews



Certified Payroll Reports



Daily Construction Reports



JOB SITE BULLETIN BOARD



- Must be put up by the **first day** of construction activity.
- Must be accessible to **workers and public, 24/7**.
- Usually kept outside the field office or similar place.
- Must remain **readable** throughout a project.
- Try to keep the board and posters waterproof.
- Residents can access the current year's posters on:
 - R Drive > Region0 > Civil Rights > Public > Posters
 - MaineDOT website under Contractor Info > Construction Support > Civil Rights Poster Packet
 - MaineDOT website under Civil Rights Office

JOB SITE BULLETIN BOARD

- Federal and state posters are required on the bulletin board
- Updated posters are online: <https://www.maine.gov/mdot/civilrights/sfp/>
- If you need posters, contact our office and we will email you the posters you need.

STATE OF MAINE REQUIRED POSTERS					FEDERAL GOVERNMENT REQUIRED POSTERS			
1 Maine Minimum Wage Rev. 10.25	2 Whistleblower Protection Act Rev. 11.2019	3 Worker's Compensation (WCB-90) Rev. 12.04.23	4 Occupational Safety & Health Regulations Rev. 11.2019	5 Child Labor Laws Rev. 11.2019	1 Federal Minimum Wage FLSA (WHD 1008) Rev. 04.2023	2 Federal Family Medical Leave Act (WH-1420) Rev. 04.2023	3 Federal Know Your Rights Workplace Discrimination Rev. 06.2023	4 Employee Rights Fed Gov't Contracts (WHD-1313) Rev. 04.2009
6 Regulations of Employment Rev. 12.2023	7 Maine Human Rights Sexual Harrassment Rev. 10.20.2012	8 Sexual Harrassment Training & Education Rev. 04.2025	9 Maine Employment Security Law Rev. 11.2019	10 Veterans' Benefits & Services Law If more than 50 F/T Staff Rev. 03.2024	5 Workers w/Disabilities Minimum Wages (WH-1284) Rev 01.2018	6 Federal Employee Polygraph Protection Act (WH-1462) Rev. 02.2022	7 Uniformed Services Employment & Reemployment Rights Act Rev. 04.2022	8 Employee Rights Under Davis Bacon & Related Acts (WH-1321) Rev. 10.20/2017
11 Paid Family Medical Leave (PFML) Rev. 04.2025	12 Protection for Political & Religious Matters Rev. 10.25	13 Video Display Terminals Rev. 11.19	14 <u>OPTIONAL</u> Maine Equal Pay Law Rev.12.23	15 <u>OPTIONAL</u> Maine Domestic Violence Rev. 09.2015	9 NOTICE Federal Aid Projects (FHWA-1022) Rev. 05.2015	10 OSHA Job Safety & Health It's the Law (OSHA-3165) Rev. 04.20.2019	11 Federal Whistleblower Protection under OSHA Rev. 8.2022	12 Federal Pregnant Worker Act Rev. 06.2023
16 <u>OPTIONAL</u> EEO is THE LAW Rev. 10.12	17 <u>OPTIONAL</u> Nursing Mothers at Workplace Rev. 04.24	18 <u>OPTIONAL</u> Social Media Protection & Restrictions Rev. 11.2019	State Prevailing Wage Rates (if needed)		Federal Wage Decisions Note: If project has multiple counties, post for <u>all</u> counties	Federal Wage Rate Requests (Project Specific) Conformance Letters	Contractor's Updated EEO Policy MUST include EEO Officer Name & Contact Info.	

Orange highlighted boxes indicate revised or newly added posters

The Davis Bacon & Related Acts (DBRA)

US DOL “modernized” the DBRA as of October 23, 2023.

From the Final Rule: “The Davis Bacon Act and now more than 70 active Related Acts apply to an estimated \$217B in Federal & federally assisted construction spending...providing minimum wages rates for an estimated 1.2M construction workers.”

The Final Rule is explained on the US DOL website along with frequently asked questions and an informative comparison chart.

<https://www.dol.gov/agencies/whd/government-contracts/construction/rulemaking-davis-bacon>

Davis Bacon Related Acts Guidance

The US DOL Wage & Hour Division website has various guidance on the Davis Bacon and Related Acts along with several fact sheets readily available on the website at:

<https://www.dol.gov/agencies/whd/government-contracts/construction/guidance>

- Prevailing Wage Book
- Contract Work Hours & Safety Standards Act Guide (CWHSSA)
- Apprenticeship and much more

Davis – Bacon & Related Acts Fact Sheets

<https://www.dol.gov/agencies/whd/government-contracts/construction/fact-sheets>

- Government Contracts
- Fair Labor Standards Act
- Additional Information

DEPARTMENT OF LABOR – IMPORTANT WAGE & HOUR DIVISION FACT SHEET INFORMATION

FACT SHEET #	TOPIC	BRIEF EXPLANATION
66	Davis Bacon & Related Acts	Prevailing wages and benefits to laborers and mechanics working on federally-funded construction projects.
66A	Bipartisan Infrastructure Law	How the Davis-Bacon and Related Acts applies to different types of federal or federally assisted construction projects.
66B	Davis Bacon Interplays with McNamara – O’Hara Service Act, Walsh – Healey Public Contracts Act.	Details the requirements and interactions between three government contract statutes
66C	DBRA: Labor Standards Clauses & Subcontract Agreements	Obligations of contractors under the Davis-Bacon and Related Acts (DBRA) to include specific labor standards clauses and wage determinations in subcontract agreements.
66D	General Wage Determinations to DBRA Projects	Wage and Hour Division (WHD) providing general wage determinations for most counties.
66E	DBRA & Fringe Benefits Requirements	Ensure that workers on federally funded construction projects receive prevailing wages, comprising both hourly rates and fringe benefits.
67	McNamara – O’Hara Service contract Act	Requires contractors and subcontractors to pay prevailing wages and benefits to service employees working on certain federal contracts.

WHAT'S NEW?

- There is a new OSHA poster that needs to be added to the jobsite bulletin board. It was sent to everyone through Elation.
- When projects have been officially awarded, notification letters are now being mailed to the Prime Contractor to outline Civil Rights expectations.
- A notification letter is sent to the MaineDOT Resident (or Consultant) to outline their Civil Rights responsibilities.

