



**DAVIS BACON ACT
PRESENTATION
FALL 2025**

Civil Rights Office

DAVIS BACON ACT

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** Apprenticeship 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.



WHD
WAGE AND HOUR DIVISION
 UNITED STATES DEPARTMENT OF LABOR

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



LaborLawCenter
 Telephone: 1-800-541-8876 or visit www.laborlawcenter.com
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What Is Davis-Bacon?

Robert Bacon



James Davis



Davis-Bacon Related Acts

DBRA requires the “Payment of locally prevailing wages and fringe benefits on federally funded/assisted projects to all laborers and mechanics.”





James Davis



Robert Bacon

The Davis Bacon Act

- Established in 1931 by James Davis and Robert Bacon. Amended 1935 & 1964.
 - Contractor in Alabama employed low wage labor from the South, causing outrage among the local construction workers.
 - Enacted to ensure workers on projects were paid a fair wage. Amended in 1964 to include fringe benefits.
- Federal wage regulations apply to:
 - any federal contract in excess of \$2,000.
 - for the construction, alteration, or repair of public buildings or public works.
- Davis Bacon Related Acts applies to most federally assisted construction, such as the Federal Aid Highway Act.

Davis Bacon Act (DBA) & Related Acts (DBRA)

US DOL “modernized” the DBA/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

- Applies to all laborers and mechanics performing manual or physical work.
 - Foremen (in certain circumstances)
- Employed directly on the site of work
- Paid fair wages, benefits, overtime.
- 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>



Prevailing Wage (PW) is made up of 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.

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



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.

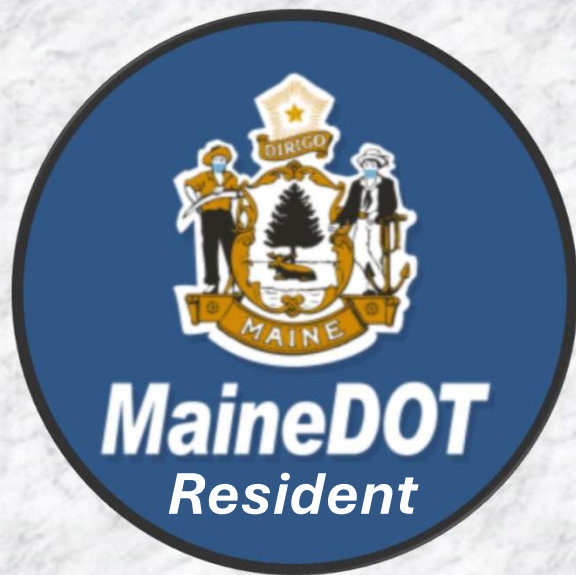
Project Specific Classification Request

Also known as SF 1444 or Wage Rate Request

- Utilized if a worker classification is not on the General Decision.
- Once the parties involved receive a copy of the conformance, it must be included on the jobsite bulletin board.
- Return times vary. If you do not receive an answer within two weeks, contact Jen in Civil Rights.

If a subcontractor is requesting the rate, once they sign the form, it is routed to the prime, who submits it to Civil Rights, and follows the shown path.





RESIDENT RESPONSIBILITIES

CERTIFIED PAYROLL APPROVAL

PROMPT PAYMENT REPORTS

LABOR SITE INTERVIEWS

JOB SITE BULLETIN BOARD



CERTIFIED PAYROLL APPROVAL

| 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 | |

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.

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 approves payments, but we request that the resident periodically remind them.
 - If contractor or subcontractor inquire about prompt payment, let them know they must accept payments 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 SITE INTERVIEWS

- **IMPORTANT NOTE:** Labor Interviews must be conducted at least every 90 days with two employees. Employees must be on the project for at least five days (which do not need to be consecutive days)
- 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”.

The screenshots show the following steps:

- Project Overview:** Shows project details for '004270.10 AUGUSTA WESTERN AVENUE'. A red arrow points to the 'Site Interview' link.
- Field Report/Site Visit Search:** Shows search filters and a toolbar. A red arrow points to the 'LABOR STANDARDS INTERVIEW' button.
- Form Filling:** Shows the 'LABOR STANDARDS INTERVIEW' form with yellow highlights on input fields for 'ME', 'Name Of Prime Contractor', and 'Name Of Employer'. A red arrow points to the 'Attach File' button.
- Form Review:** Shows the same form with the 'Attach File' button highlighted by a red arrow.

LABOR SITE INTERVIEW APPLICATION



Look for this logo when you go to download to your mobile phone.

Why use the mobile phone app?

- Much easier, eliminates paper, no more uploading!
- Signatures can be done with your finger or a stylus
- Can be used on your mobile phone or tablet/iPad.
- Available on both Apple and Android devices.

A screenshot of the Labor Site Interview application's login interface. At the top is the "ES Elation Systems" logo. Below it is the title "Labor Site Interview". There are two input fields: "Login Name" and "Password". At the bottom is a blue "Sign On" button.

ES Elation Systems

Labor Site Interview

Login Name

Password

Sign On

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.

| MAINE DEPARTMENT OF TRANSPORTATION REQUIRED 2025 POSTERS | | | | | | | |
|---|---|--|---|--|--|--|--|
| STATE OF MAINE REQUIRED POSTERS | | | | FEDERAL GOVERNMENT REQUIRED POSTERS | | | |
| 1 Maine Minimum Wage Rev. 2024 | 2 Whistleblower Protection Act Rev. 11.2019 | 3 Worker's Compensation (WCB-90) Rev. 1.2020 | 4 Occupational Safety & Health Regulations Rev. 11.2019 | 13 Know Your Rights Workplace Discrimination is Illegal Rev. 06.2023 | 14 Fair Labor Standards Act Federal Minimum Wage (WHD 1008) Rev. 04.2023 | 15 Employee Rights Gov't Contracts (WHD-1313) Rev. 04.2009 | |
| 5 Child Labor Laws Rev. 11.2019 | 6 Regulations of Employment Rev. 12.2023 | 7 Sexual Harrassment Rev. 10.20.2012 | 8 Maine Equal Pay Law Rev. 02.2022 | 16 Family Medical Leave Act (WH-1420) Rev. 04.2023 | 17 Notice to Workers with Disabilities Paid at Special Minimum Wages (WH-1284) Rev 01.2018 | 18 Employee Polygraph Protection Act (WH-1462) Rev. 02.2022 | |
| 9 Maine Employment Security Act Rev. 11.2019 | 10 Veterans' Benefits & Services (If employer has more than 50 F/T employees) 3.2024 | 11 Maine Domestic Violence Rev. 09.2015 | 12 State Wage Determinations (State Funded Projects Only) | 19 Uniformed Services Employment & Reemployment Rights Act (USERRA) Rev. 04.2022 | 20 Employee Rights Under Davis Bacon Act (WH-1321) Rev. 10.20/2017 | 21 NOTICE Federal Aid Projects (FHWA-1022) Rev. 05.2015 | |
| Maine Human Rights Commission OPTIONAL POSTERS | Paid Family Medical Leave OPTIONAL POSTERS | Workplaces Support Nursing Employees OPTIONAL POSTERS | VDT OPTIONAL POSTERS | 22 Job Safety & Health It's the Law (OSHA-3165) Rev. 04.20.2019 | 23 Federal Wage Decisions Additional Project Specific Rates | 24 Contractor's UPDATED EEO Policy with EEO Officer Contact Info. | |

DAVIS BACON GENERAL 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. |

CONTRACTOR'S GUIDE TO DAVIS BACON

CIVIL RIGHTS OFFICE WEBSITE:
<http://www.maine.gov/mdot/civilrights/>

Click on Davis-Bacon Act & Labor Compliance
Scroll down to MaineDOT Contractor's Guide to Davis Bacon
Choose either PDF or Word



**A CONTRACTOR'S GUIDE TO DAVIS-BACON
PREVAILING WAGE REQUIREMENTS FOR
FEDERALLY-ASSISTED PROJECTS**

Maine Department of Transportation
Civil Rights Office
#16 State House Station
Augusta, Maine 04333-0016
Office: (207) 624-3066 Fax: (207) 624-3021

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Title VI Compliance

Jen Laliberte

EEO Program Specialist
Davis Bacon Act
Elation Software
Equal Employment Opportunity
On-the-Job Training Supportive Services

Amy McCann

EEO Officer
Program
Administration
Disadvantaged Business
Enterprise

Civil Rights Office Staff Contact Information

| Staff Member | Title | Office Number | Email Address | Cell Phone |
|-----------------|------------------------|----------------|--------------------------------|----------------|
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In the event that the intended person is unavailable, please feel free to reach out to one of the other members of the Civil Rights Team for assistance.