

DAVIS-BACON ACT

(Prevailing Wages)

EMPLOYEE RIGHTS UNDER THE DAVIS-BACON ACT

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

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

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 up to 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.

PROPER PAY If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:

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

For additional information:
1-866-4-USWAGE
(1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

WH-1071 (Revised April 2008)

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What Is Davis-Bacon?

- The Davis-Bacon Act (DBA) requires payment of prevailing wage rates to laborers and mechanics on federally funded construction projects.
- Covers the prime contractor and all subcontractors on projects subject to the law.

Why do we care?

- Davis-Bacon is the **law**.
 - Passed in 1931, during the Great Depression.
- Our federal funding depends on contractor compliance.

Wage Rate General Decision

- A list of classifications and wages must be in the contract book to show the prevailing wage to be paid for each worker classification.
- Components of prevailing wage are:
 - Base Rate**: hourly rate to be paid.
 - Fringe** (benefits): can be paid in cash.
- General Decision – by county and type of work – can be found online: www.sam.gov/search/

Identify & Request Additional Classifications

- General Decision doesn't always have all classifications and wage rates.
- The **prime contractor** must request missing classifications in Elation – a web-based payroll system used on federally funded projects.
- Standard Form 1444.

Additional Classifications

- MaineDOT will review/approve the contractor's request in Elation, allowing use of the classification and rate pending approval from U.S. Department of Labor.
- Formal approval will be sent to the contractor and project resident by e-mail.
- Must be posted to the job-site bulletin board immediately.

Responsibilities of Resident

- Review General Decision (Wage Rates).
- Have contractors request rates for missing classifications through Elation system.
- Check contractor's bulletin board for accuracy and completeness.
- Review Certified Payroll Reports (CPRs) for missing/appropriate classifications and other compliance issues.

Certified Payroll Reports

- Certified Payroll Reports (CPRs) must be checked for completeness, accuracy and approval.
- Elation will perform basic compliance checks, but there is no substitute for **on-site observations**.
- Duties performed and hours worked by covered workers must be consistent with contractor CPRs and with what workers report in payroll interviews.

Payroll | Elation Systems, Inc [US] | https://www.elationsys.com/APP/Projects/Default.aspx

MaineDOT | Sherry Tompkins / Maine Department of Transportation | Online support | 855-284-0312 X.100 | Call back | Sign Out

Payroll | Payments | Reports | Configuration | Audit | Certifications | EEO

Home | Programs | Categories | Projects | Add Projects | Correspondence | Messages | CPR Status | CPR Report | Upload Projects | Wage Survey | Ad Hoc Report | Get Started/Help

My Project | As Owner

- 016750.00 SOUTH BRISTOL
- Edit Project
- Assign Contractor
- Project Specific Rates
- Apprentice & Certificates
- Deduction Authorization
- Project Specific Document
- Inactivate Project / Archive
- Comments

All | A | B | C | D | E | F | G | H | I | J | ... | Z

- Activated Project(s) (1)
- Draft Project(s) (3)
- Inactivated Project(s) (4)
- Archived Project(s) (403)

Preference

Home | Legend: Draft Submitted Accepted Rejected No Work Performed Flagged Certificate Reminder Withdraw Conformance

Report(s) for: 016750.00 SOUTH BRISTOL | All Contractors | Pending For Review | Pending For Correction | Display by ascending alphabet

Project Manager: Not Set | Resident Engineer: Not Set | Site Interview | Cursory Review Summary

Week Ending	To .xls	CPR Accept	Submitted Date	Action	Issues	Contract/Subcontract	Payroll NO.
02/20/2016	↔	➡	02/24/2016			016750.00	79
02/13/2016	↔	✔	02/17/2016			016750.00	78
02/06/2016	↔	✔	02/09/2016			016750.00	77
01/30/2016	↔	✔	02/02/2016			016750.00	76
01/23/2016	↔	✔	01/27/2016			016750.00	75
01/16/2016	↔	✔	01/22/2016			016750.00	74
01/09/2016	↔	✔	01/12/2016			016750.00	73
01/02/2016	↔	✔	01/05/2016			016750.00	72
12/26/2015	↔	✔	12/29/2015			016750.00	71
12/19/2015	↔	✔	12/22/2015			016750.00	70
12/12/2015	↔	✔	12/17/2015			016750.00	69
12/05/2015	↔	✔	12/10/2015			016750.00	68
11/28/2015	↔	✔	12/03/2015			016750.00	67

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10:16 AM 2/25/2016

Payroll Interviews

- Conducted every **90 days** with 2 workers each from prime contractor and every subcontractor on site **5 or more days** during a 90-day period.
- Interviews are **confidential & voluntary**. They should be conducted in person, on the job site.
- Every effort should be made to cause as little disruption as possible to ongoing work.
- Both parties must sign Standard Interview Form (#1445) after the interview.

Payroll Interview Comparisons

- Interview form (1445) is found in Elation.
- Information must be compared with the data from the contractor's payroll report for the week.
- The project resident should address any apparent discrepancies immediately.
- Contact the MaineDOT Civil Rights Office for assistance or clarification if needed.

My Project

As Owner

004270.10 AUGU..WESTERN AVENUE

- Edit Project
- Assign Contractor
- Project Specific Rates
- Apprentice & Certificates
- Deduction Authorization
- Project Specific Document
- Inactivate Project / Archive
- Comments

006462.91D-006..D-PRESQUE ISLE

007998.20 WELLS

008850.31-020285.00-LEWISTON

All A B C D E F G H I J ... Z

- Activated Project(s) (334)
- Draft Project(s) (3)
- Inactivated Project(s) (4)
- Archived Project(s) (403)

Preference

Home

Legend: Draft Submitted Accepted Rejected No Work Performed Flagged Certificate Reminder Withdraw Conformance

Report(s) for:004270.10 AUGUSTA WESTERN AVENUE

All Contractors Pending For Review Pending For Correction Display by ascending alphabet

Project Manager: [Shawn Smith](#) Resident Engineer: [Seth Wills](#) Last Login: 02/12/2016

[Site Interview](#) [Cursory Review Summary](#)

Project Team

R J Grondin & Sons (Prime Contractor)

Activity Started: 08/24/13 Most Recent Activity: 08/29/15 Last login Date: 02/25/16 by Michelle Millette

Total Payroll Reports: 83 Total No Work Performed: 0 Outstanding Issues: 0

[Fringe Benefits](#) [Apprentice Certificate](#) [Print](#) [Messages](#) [Change Completion Status](#) [Stop Payment](#) [Cursory Review Summary](#)
[Labor Activity](#)

Filter by status: [All Status](#) New Draft Flagged Void Filter by period: Show all [5 most recent weeks](#) In month 08 / 15 -- Select Contract --

Week Ending	To .xls	CPR Accept	Submitted Date	Action	Issues	Contract/Subcontract	Payroll NO.
08/29/2015			09/03/2015			004270.10	83
08/15/2015			08/20/2015			004270.10	82
07/18/2015			08/06/2015			004270.10	81
07/11/2015			07/23/2015			004270.10	80
07/04/2015			07/10/2015			004270.10	79

A.D. Electric Co, Inc

Activity Started: 11/30/13 Most Recent Activity: 07/25/15 Last login Date: 02/19/16 by Nicole Brule

Total Payroll Reports: 87 Total No Work Performed: 59 Outstanding Issues: 0

Coastal Road Repair, LLC

Activity Started: 05/09/15 Most Recent Activity: 05/09/15 Last login Date: 01/29/16 by Cheri Despins

Total Payroll Reports: 1 Total No Work Performed: 0 Outstanding Issues: 0



My Project

As Owner

004270.10 AUGU..WESTERN AVENUE

- Edit Project
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All A B C D E F G H I J ... Z

- Activated Project(s) (334)
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Preference

Field Report/Site Visit

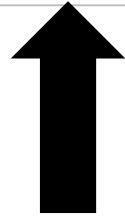
Search

Project Name: Contractor Name: Assign by Me Assign to Me Reconcile Followed

Legend: New FR Pending Draft Submitted Finished Voided

LABOR STANDARDS INTERVIEW	Contractor Na...	# Employee	Report Date	Report By	Inter...	Comments	Reconcile	Void
NO DATA								

All A B C D E F G H I J K L M N O P Q R S T U V W X Y Z





My Project

As Owner

- 022680.00-SCARBOROUGH
- 022685.00-WINTHROP
- 022688.00-0226..ADISON-NEWPORT
- 022803.00-MATINICUS
- 20268.00-DURHAM
- 20553.00-WESTBROOK
- HILLOCK WELL DRILLING
- Z TEST ENVIRONMENT

All A B C D E F G H I J ... Z

- Activated Project(s) (334)
- Draft Project(s) (3)
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[Preference](#)

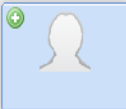
Field Report/Site Visit | **New** X

[Save as Draft](#) |
 [Submit Site Interview](#) |
 [Delete Site Interview](#) |
 [Add Employee](#) |
 [Print](#) |
 [Go Back](#)

Status: **New** Created by: **Tompkins, Sherry**

LABOR STANDARDS INTERVIEW

Contract Number And Location		Employee Information Select Employee		
<input type="text"/>		Last Name	First Name	MI
<input type="text"/>		<input type="text"/>	<input type="text"/>	<input type="text"/>
Name Of Prime Contractor		Street Address		
<input type="text"/>		<input type="text"/>		
Name Of Employer		City	State	Zip Code
<input type="text"/>		<input type="text"/>	<input type="text"/>	<input type="text"/>
Supervisor's Name		Work Classification		Wage Rate
Last Name	First Name	MI	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>





State Wage Rates

- State of Maine prevailing wage rates must be in contracts of \$50,000 or more with state funds.
 - ✓ Required by a **state law** passed in 2019.
- If a project has federal and state funds, **both** Davis-Bacon and State wage rates must be inserted in the contract book.
- Law also affects state-only programs such as the Municipal Partnership Initiative (**MPI**) and the Small Harbor Improvement Program (**SHIP**).



State Wage Rates

- State wage rates don't have to be entered into the Elation system.
- But a contractor may choose to do so if a project has both federal and state wage rates.
- State wage rates, by county, are found on the Maine Department of Labor's website:
 - ✓ www.maine.gov/labor/labor_stats/publications/wagerateconst/index.html

Job Site Bulletin Board

- Must be put up by 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.



Job Site Bulletin Board

<https://www.maine.gov/mdot/civilrights/sfp/>

MaineDOT 1-2017

State

1 Minimum Wage	2 Whistleblower Protection Act	3 Workers' Compensation (WCB-90)
4 Occupational Safety & Health Regulations	5 Child Labor Laws	6 Regulations of Employment
7 Sexual Harassment Poster	8 Maine Equal Pay Law	9 Maine Employment Security Act
10 OPTIONAL Domestic Violence in the Workplace Poster	11 State funded projects should NOT include Federal Posters. Federally funded projects MUST include both.	

Federal (Requires State Posters)

12 Equal Employment Opportunity: It's the Law (OFCCP 1420)	13 Fair Labor Standards Act – Federal Minimum Wage (WHD-1088)	14 Employee Rights on Government Contracts (WHD-1313) Page 1	WHD -1313 Page 2	OPTIONAL Welcome Free Interpreter Services
15 Family and Medical Leave Act (WH-1420)	16 Notice to Workers with Disabilities Paid at Special Minimum Wages (WH-1284)	17 Employee Polygraph Protection Act (WH1462)	18 Uniformed Services Employment and Re-employment Rights Act (USERRA)	OPTIONAL Employee Rights Under the National Labor Relations Act
19 Notice to Employees - Davis Bacon Act (WH-1321)	20 NOTICE – Federal Aid Projects (FHWA-1022)	21 Job Safety and Health - It's the Law (OSHA 3165)	OPTIONAL Department of Treasury IRS Notice 797	
22 General Decision & Additional Project Specific Rates	23 Contractor's EEO Policy Statement with EEO Officer's name and contact information			

Contractor's Guide to DBA

Found on Civil Rights Office website:

➤ <http://www.maine.gov/mdot/civilrights/>

MaineDOT Contacts

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