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:

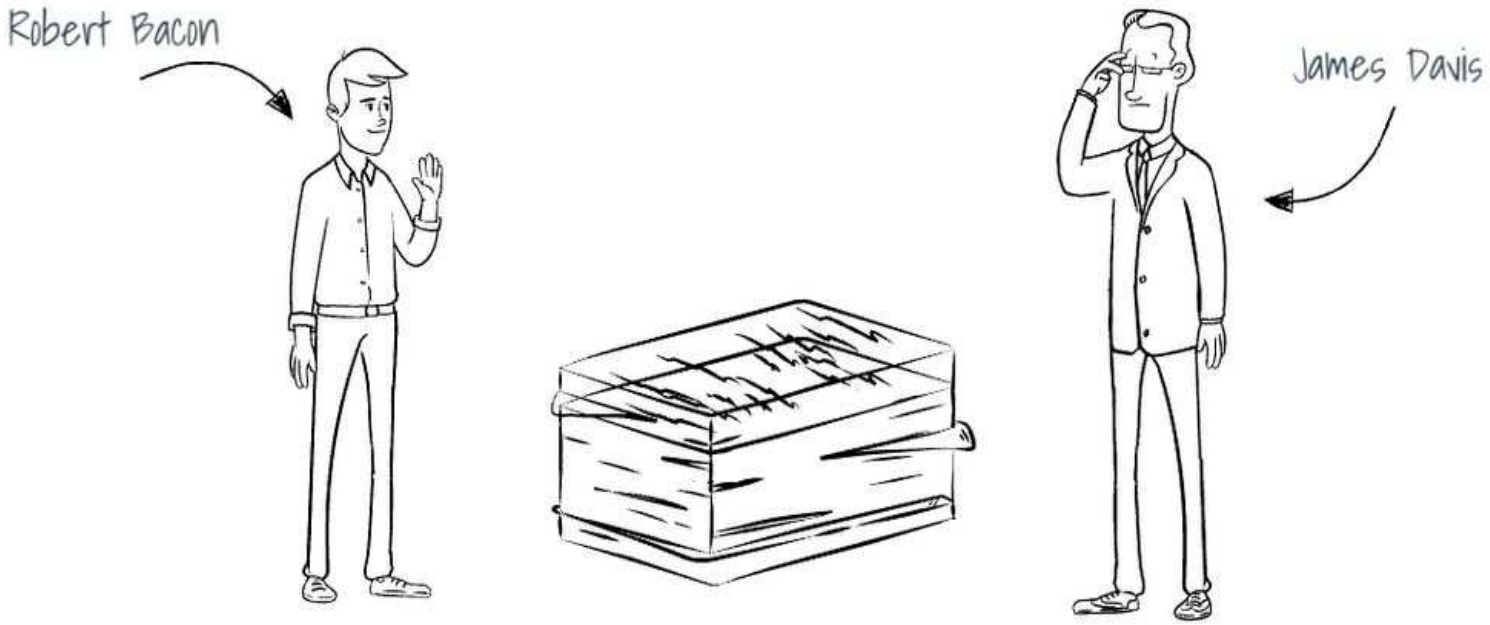
or contact the U.S. Department of Labor's Wage and Hour Division.

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

CPC AccuPost Compliance Poster Company™

What Is Davis-Bacon?



DAVIS-BACON ACT

- The Act was established in 1931 and named after its sponsors - James J. Davis & Robert L. Bacon
- It was amended in 1935 & 1964.
- Required on all government-funded construction project/contracts in excess of $2,000.
  - U.S. Government & District of Columbia
- Based on Prevailing Wage – Federal, state & local make up today's requirements.

DAVIS-BACON ACT

Who? What? Where? When?

- Laborers and mechanics – manual/physical work.
- Must be paid fair wages, benefits, and overtime – also known as “Prevailing Wage” as determined by U.S. DOL
- Employed directly on the site of work
- Paid at least on a weekly basis

General Decision Wage Rates

- A list of classifications and wages must be in the contract bid book to show the prevailing wage rates to be paid for each worker classification.
- Federal General Decision – by county & type of work – can be found at: **www.sam.gov/search/**

Wage & Fringe Benefits

- Terms “wages” & “prevailing wages” include:
  - Basic hourly rate (BHR) & fringe benefits (FB)
- The prevailing wage obligation may be satisfied by:
  - Paying the BHR and FB in cash (including negotiable instruments payable on demand);
  - Contributing payments to a bona fide plan; or
  - Any combination of the two.

BHR	$14.00
FB	$ 1.00
Total prevailing wage	$15.00

- The contractor may comply by paying:
  - $15.00 in cash wages
  - $14.00 in cash wages plus $1.00 for FB
  - $12.00 in cash wages plus $3.00 for FB

Identify & Request Additional Classifications

- General Decision doesn't always list all classifications and wage rates.
- The prime contractor must request missing classifications in Elation.
- Project Specific Classification (PSC) - Standard Form 1444.

Project Specific Classification Wage Rate Request

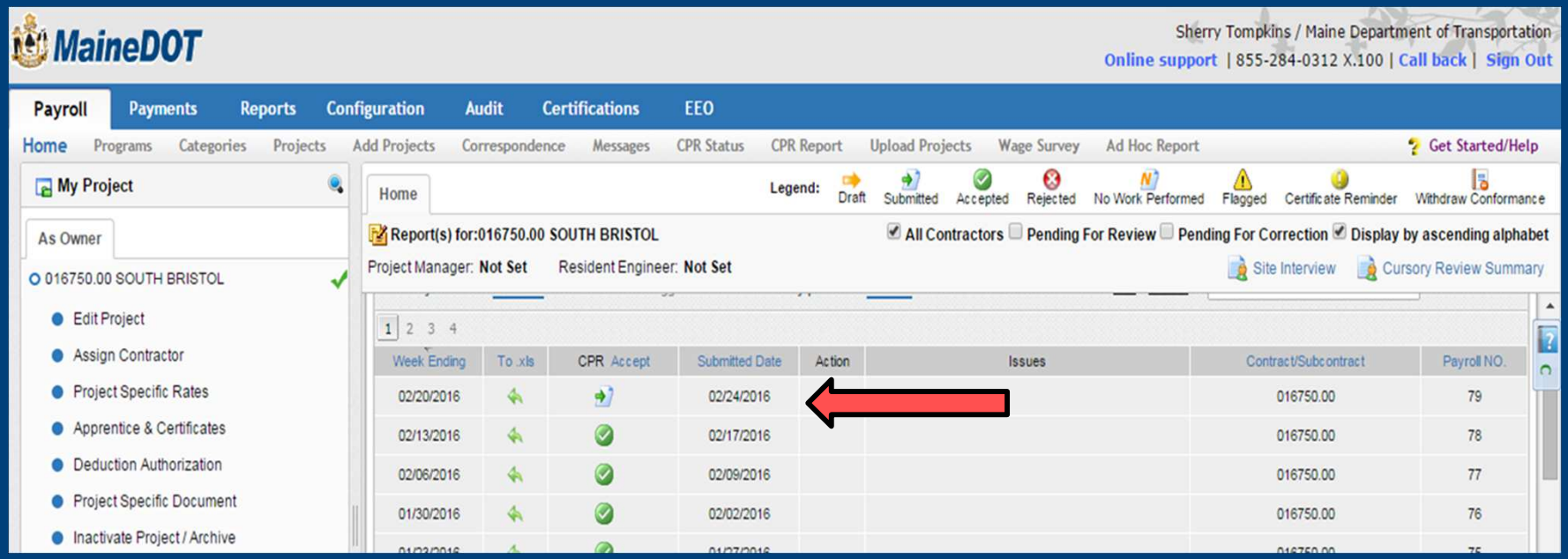
- MaineDOT will review and tentatively approve the contractor's request in Elation and forward the request to U.S. Department of Labor.
- Once US DOL sends back either approval or denial, the results will be sent to the contractor and project resident via e-mail and uploaded in Elation.
- US DOL decision **must** be posted on 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
- Review Certified Payroll Reports

Certified Payroll Reports

- Certified Payroll Reports (CPRs) must be checked.
  - Elation will perform basic 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 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.
  - Does not have to be consecutive days
- Interviews are confidential & voluntary. They should be conducted in person, on the job site.
- Interview form (1445) is found in Elation.

Payroll Interview Continued

- 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.
- Both parties must sign Standard Interview Form (#1445) after the interview.
- Contact the MaineDOT Civil Rights Office for assistance or clarification if needed.

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

1 2

004270.10 AUGU..WESTERN AVENUE

- Edit Project
- Assign Contractor
- Project Specific Rates
- Apprentice & Certificates
- Deduction Authorization

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

My Project

As Owner

1 2

004270.10 AUGU..WESTERN AVENUE

- 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

Field Report/Site Visit

Search

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

Reset

New | Legend: FR Pending | Draft | Submitted | Finished | Voided

LABOR STANDARDS INTERVIEW

Contractor Na...	# Employee	Report Date	Report By	Inter...	Comments	Reconcile	Void

NO DATA

MaineDOT

Sherry Tompkins / Maine Department of Transportation
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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

1 2

- 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)
- Inactivated Project(s) (4)
- Archived Project(s) (403)

Preference

Field Report/Site Visit | New

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		
	Last Name	First Name	MI
Name Of Prime Contractor	Street Address		
Name Of Employer	City	State	Zip Code
Supervisor's Name	Work Classification		Wage Rate
Last Name / First Name / MI			

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.

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

As of October 17, 2022, poster #12 is new. The "Know your Rights" poster replaces the "It's the Law" poster.

MaineDOT 10/22

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: Know Your Rights

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-employmemt 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/

Civil Rights Office Contacts:

Jennifer Laliberte, EEO Program Specialist

Phone: (207) 624-3036
Email: jennifer.e.laliberte@maine.gov

Stacie Haskell, EEO Program Specialist

Phone: (207) 624-3056
Email: stacie.haskell@maine.gov

Sherry Tompkins, Director of Civil Rights

Phone: (207) 624-3066
Email: sherry.tompkins@maine.gov