

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.

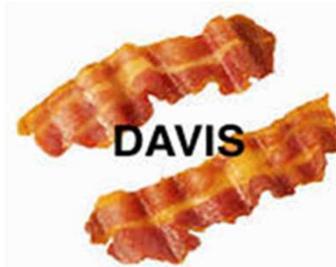
For additional information:
1-866-4-USWAGE 
(1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division
981-141 (Revised April 2008)

CPC/AccuPost Compliance Poster Company™ FOR BUSINESS CALLS 1-800-217-2115
WWW.COMPLIANCEPOSTER.COM PRODUCT # 2488
Part No. 4220

What Is Davis-Bacon?

Robert Bacon



James Davis



- The Act was established in 1931 by its sponsors James J. Davis & Robert L. Bacon and amended in 1935 & 1964.
- Required on all government-funded construction project/contracts in excess of \$2,000.

DAVIS BACON ACT

WHO? WHAT? WHERE? WHEN?

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



WAGE & FRINGE BENEFITS

- ❖ “Wages” & “prevailing wages” include:
 - Basic Hourly Rate (BHR) & Fringe Benefits (FB)
- ❖ The prevailing wage obligation may be satisfied by:
 - Paying the hourly rate and fringe entirely as cash wages; or
 - By a combination of cash wages and employer provided fringe benefits
 - Prevailing wages, including fringe benefits, must be paid on all hours worked on the site of work.

• BHR	\$14.00
• <u>FB</u>	<u>\$ 1.00</u>
• 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	

RESIDENT RESPONSIBILITIES

- Review General Decision (Wage Rates)
- Have Contractor Request Missing Project Specific Classifications in Elation
- Review & Approve Certified Payroll Reports
- Review Prompt Payment
- Conduct Labor Site Interviews
- Check Contractor Bulletin Board

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.
- General Decision(s) should also be in Elation.
- Federal General Decisions can be found at: <https://sam.gov/content/wage-determinations>

ADDITIONAL CLASSIFICATIONS

- The General Decision doesn't always list all classifications and wage rates.
- The **prime contractor** must request missing classifications in Elation.
 - Sub can submit request to prime contractor who then submits to MaineDOT.

PROJECT SPECIFIC WAGE RATE REQUEST

- MaineDOT will review and tentatively approve the contractor's request in Elation, then 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.

CERTIFIED PAYROLL REPORTS

- Certified Payroll Reports (CPRs) must be checked regularly.
 - 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.

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

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

Report(s) for: 016750.00 SOUTH BRISTOL
Project Manager: Not Set Resident Engineer: Not Set
 All Contractors Pending For Review Pending For Correction Display by ascending alphabet
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

PAYROLL DISCREPANCIES



-  indicates that there is a discrepancy in the rate of pay for a worker.
-  indicates that there was a calculation error.
- Should payrolls having either of these symbols be approved?

PAYROLL DISCREPANCIES



- No payrolls should be approved until the issues causing these symbols have been corrected.
- The contractor/subcontractor should make necessary corrections.
- Notes to the payroll, restitution payments and verification uploads.
- Any questions or concerns, please reach out.

PROMPT PAYMENT

Payroll **Payments** Reports Audit EEO Certifications Configuration

Home · Projects · Add Projects · Activity Pattern · Retainage Percentage ? Get St

My Projects

As Owner

- 020502.01 MILO
 - Edit Project
 - Assign Subcontractors
 - Post Payments
 - Project Specific Documents
 - Delete / Archive Project
 - Comments

All

Activated Project(s) (1)

Archived Project(s) (0)

Home ×

Report(s) for: 020502.01 MILO

Project Manager: Not Set Resident Engineer: [Eric Valcourt](#) Last Login: 03/16/2023

Legend: New Confirmed Rejected Void

Contractor Name

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

Incoming Payments Status: All status New Confirmed Rejected Void Period: Show all 5 most recent reports In month _____

Issue Date	Amount	Check #	Status	Contract	Action	Issues/Messages	Payee
03-03-2023 (SC)	\$159,835.00	3039119794		020502.01			Maine Department
02-17-2023 (SC)	\$370,845.35	2179099153		020502.01			Maine Department
02-03-2023 (SC)	\$513,658.00	2039078394		020502.01			Maine Department
01-12-2023 (SC)	\$416,281.69	1139046418		020502.01			Maine Department
12-01-2022 (SC)	\$397,169.50	2028986418		020502.01			Maine Department

Outgoing Payments Status: All status New Confirmed Rejected Void Draft Period: Show all 5 most recent reports In month _____

Issue Date	Amount	Check #	Status	Contract	Action	Issues/Messages	Payee
03-01-2023 (SC)	\$975.00	200930		020502.01- Sargent Corp...			Sargent Corp
02-01-2023 (SC)	\$560.00	200500		020502.01- FUTURE Agen...			FUTURE Agency LL
02-01-2023 (SC)	\$21,376.87	200507		020502.01- Sargent Corp...			Sargent Corp
12-14-2022 (SC)	\$88,968.75	199823		020502.01- Sargent Corp...			Sargent Corp

Payment Tab – If payments are in the system with a blue arrow, they are pending to be approved. The resident should remind the contractor to confirm payment and tell all subs to do the same.

LABOR SITE INTERVIEWS

- Conducted every **90 days** with **2 workers**
 - 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.
- Both parties must sign the form.

LABOR SITE INTERVIEW

- Compare information gathered.
- Address any apparent discrepancies immediately.
- Contact the MaineDOT Civil Rights Office for assistance or clarification, if needed.

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 | 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 | 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

New Legend: FR Pending Draft Submitted Finished Voiced

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

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

- **Above:** Enter information in the yellow boxes.
- **Below:** If you are having workers fill out the form on-site, be sure to upload the form by clicking “Attach File”.

Status: Draft Created by:		Attach Files Comments		
LABOR STANDARDS INTERVIEW				
Contract Number And Location <input type="text"/>		Employee Information		
		Last Name <input type="text"/>	First Name <input type="text"/>	MI <input type="text"/>
Name Of Prime Contractor <input type="text"/>		Street Address <input type="text"/>		
Name Of Employer <input type="text"/>		City <input type="text"/>	State <input type="text"/>	Zip Code <input type="text"/>





THERE'S AN APP FOR THAT!

- Much easier! Eliminate Paper! No more uploading!
- Signatures can be done with your finger or a stylus.
- Can be used on your cell phone or tablet/iPad.
- Available for both Apple and Android devices.

A screenshot of the Elation Systems Labor Site Interview login screen. The screen is white with a blue border. At the top is the Elation Systems logo (ES) and the text 'Elation Systems'. Below that is the title 'Labor Site Interview'. There are two input fields: 'Login Name' and 'Password'. At the bottom is a blue button labeled 'Sign On'.

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

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

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

CIVIL RIGHTS OFFICE CONTACTS:

For DBA, Elation, OJT, or Contractor Compliance:

Jen Laliberte, EEO Program Specialist *

Desk: (207) 624-3036

Email: jennifer.e.laliberte@maine.gov

For DBE, CUF Forms, Utilization Forms:

Mary Bryant, EEO Program Specialist *

Desk: (207) 624-3056

Email: mary.bryant@maine.gov

For Title VI, EEO/AA, LEP:

Sherry Tompkins, Director of Civil Rights *

Desk: (207) 624-3066

Email: sherry.tompkins@maine.gov

*** If the intended person is unavailable, please to reach out to one of the other members of the Civil Rights Team for assistance.**