



Canutillo Independent School District

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Jennifer H. Matthews
Executive Director
Facilities and Transportation Division

Date: October 16, 2012

To: Canutillo ISD Board of Trustees

From: Jennifer Matthews, Executive Director of Facilities and Transportation

Subject: Discussion and Possible Action Regarding
District Wide Adoption of a Prevailing Wage Rate

Description: Administration's recommendation in regard to the adoption of a Prevailing Wage Rate is as follows:

1. That it be applicable to all projects over \$10,000. In essence, the Prevailing Wage Rate stipulations would dovetail with other provisions in place, making all projects that require board approval, also subject to the CISD's approved and published Prevailing Wage Rate.

2. That CISD administration be responsible for inclusion of the approved Prevailing Wage Rate in all solicitations for work over \$10,000.00.

3. That CISD adopt the Prevailing Wages for Building Construction Trades and Heavy/Highway Construction Trades as shown in the "Proposed CISD PWR" column of the attached spreadsheets. The wage administration proposes to adopt is primarily the 2008 Prevailing Wage Rate adopted by El Paso County, which is currently in place. In certain Job Classifications, where there is potential for CISD to have a competitive advantage in successfully attracting and retaining labor, the 2011 Prevailing Wage Rate for Fort Bliss has been substituted. In the Heavy/Highway Construction Trades Prevailing Wage Rate comparison, keep in mind CISD need only be competitive with Fort Bliss' Heavy Construction Trades Wage Rates, as the Highway category is atypical of the work that CISD solicits.

4. That CISD adopt the 2012 Definitions of Job Classifications currently adopted by El Paso County. Although the 2012 Job Classification Definitions are in place at the El Paso County level, the 2012 Prevailing Wage Surveys have yet to culminate in a consolidated, adopted Prevailing Wage Rate. The El Paso County, as well as the City of El Paso, for the time being, have the 2008 Prevailing Wage Rate currently in place.

Signature: Jennifer Matthews, Executive Director of Facilities and Transportation

Canutillo Independent School District does not discriminate on the basis of race, color, national origin, gender, age, or disability in its employment practices or in providing education services, activities, and programs, including technical education programs. For additional information regarding Canutillo Independent School District's policy of nondiscrimination contact: Executive Director for Human Resources, (915) 877-7423, 7965 Aircraft Road, El Paso, Texas 79932.

El Distrito Escolar Independiente de Canutillo no discrimina en cuanto a raza, color, origen, género, edad o discapacidad en lo que se refiere a sus prácticas de empleo o a proveer servicios, actividades y programas educativos y vocacionales. Para mayor información respecto a la política de no discriminación del Distrito Escolar Independiente de Canutillo, favor de contactar a: Director Ejecutivo de Recursos Humanos, (915) 877-7423, 7965 Aircraft Road, El Paso, TX 79932.

CATEGORY	Fort Bliss BUILDING		EP County		City of EP		CISD at GES*		PROPOSED CISD PWR	
	2011	2008	2008	2008	2006	2008	2006	2008		
BUILDING CONSTRUCTION TRADES										
Carpenter	10.45	(12.00 + 50) 12.50	(12.00 + 50) 12.50	(12.00 + 50) 12.50	10.45	(12.00 + 50) 12.50	10.45	(12.00 + 50) 12.50		
Acoustical Ceiling Installation	10.45	14.71	14.71	14.71						
Rough	10.79	10.79	10.79	10.79	10.79	10.79	10.79	10.79	10.79	10.79
Installation, including Drywall and Metal Stud	(13.15 + 2.29) 15.44	15.44	15.44	15.44	(13.15 + 2.29) 15.44	15.44	(13.15 + 2.29) 15.44	15.44	(13.15 + 2.29) 15.44	15.44
Formbuilding / Formsetting	14.26	14.26	14.26	14.26	14.26	14.26	14.26	14.26	14.26	14.26
All Other Work / Millwright	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
Caulker / Joint Sealant	17.78	17.78	17.78	17.78	17.78	17.78	17.78	17.78	17.78	17.78
Door and Hardware, Locksmith	(12.00+1.35) 13.35	13.35	13.35	13.35	(12.00+1.35) 13.35	13.35	(12.00+1.35) 13.35	13.35	(12.00+1.35) 13.35	13.35
Drywall and Ceiling Tile and Leather	(12.00 + 50) 12.50	12.50	12.50	12.50	(12.00 + 50) 12.50	12.50	(12.00 + 50) 12.50	12.50	(12.00 + 50) 12.50	12.50
Drywall Finisher / Taper	8.78	8.78	8.78	8.78	8.78	8.78	8.78	8.78	8.78	8.78
Electrician	(21.14+6.33) 27.47	27.47	27.47	27.47	(21.14+6.33) 27.47	27.47	(21.14+6.33) 27.47	27.47	(21.14+6.33) 27.47	27.47
Electronic Technician	19.44	19.44	19.44	19.44	19.44	19.44	19.44	19.44	19.44	19.44
Elevator Installers and Repairers	(18.43 + 1.01) 19.44	19.44	19.44	19.44	(18.43 + 1.01) 19.44	19.44	(18.43 + 1.01) 19.44	19.44	(18.43 + 1.01) 19.44	19.44
Floorlayer, Carpet and Resilient	(31.35 + 15.10) 46.45	46.45	46.45	46.45	(31.35 + 15.10) 46.45	46.45	(31.35 + 15.10) 46.45	46.45	(31.35 + 15.10) 46.45	46.45
Floorlayer, Specialty	11.50	11.50	11.50	11.50	11.50	11.50	11.50	11.50	11.50	11.50
Floorlayer, Wood	11.50	11.50	11.50	11.50	11.50	11.50	11.50	11.50	11.50	11.50
Floorlayer, Wood	11.50	11.50	11.50	11.50	11.50	11.50	11.50	11.50	11.50	11.50
Glaziers	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
HVAC and Refrigeration Mechanic	22.00	22.00	22.00	22.00	22.00	22.00	22.00	22.00	22.00	22.00
Insulation Worker, Mechanical	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
Ironworker	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
Reinforcing, Iron and Rebar	11.50	11.50	11.50	11.50	11.50	11.50	11.50	11.50	11.50	11.50
Structural	8.83	8.83	8.83	8.83	8.83	8.83	8.83	8.83	8.83	8.83
Irrigator, Certified	(10.23 + 36) 10.59	10.59	10.59	10.59	(10.23 + 36) 10.59	10.59	(10.23 + 36) 10.59	10.59	(10.23 + 36) 10.59	10.59
Laborers, Asbestos and Haz Mat Removal	14.92	14.92	14.92	14.92	14.92	14.92	14.92	14.92	14.92	14.92
Laborers, Common	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
Laborers, Skilled	(8.00 + 50) 8.50	8.50	8.50	8.50	(8.00 + 50) 8.50	8.50	(8.00 + 50) 8.50	8.50	(8.00 + 50) 8.50	8.50
Laborers, Skilled	(9.00 + 50) 9.50	9.50	9.50	9.50	(9.00 + 50) 9.50	9.50	(9.00 + 50) 9.50	9.50	(9.00 + 50) 9.50	9.50
Mason, Brick and Block / Bricklayers	17.84	17.84	17.84	17.84	17.84	17.84	17.84	17.84	17.84	17.84
Mason Tender, Brick	10.47	10.47	10.47	10.47	10.47	10.47	10.47	10.47	10.47	10.47
Mason, Cement / Concrete Finisher	11.91	11.91	11.91	11.91	11.91	11.91	11.91	11.91	11.91	11.91
Mason Tender, Cement	9.19	9.19	9.19	9.19	9.19	9.19	9.19	9.19	9.19	9.19
Mason, Rock and Stone	9.00	9.00	9.00	9.00	9.00	9.00	9.00	9.00	9.00	9.00
Operator, Forklift	9.37	9.37	9.37	9.37	9.37	9.37	9.37	9.37	9.37	9.37
Operator, Manlift	12.13	12.13	12.13	12.13	12.13	12.13	12.13	12.13	12.13	12.13
Painter	(10.00 + 50) 10.50	10.50	10.50	10.50	(10.00 + 50) 10.50	10.50	(10.00 + 50) 10.50	10.50	(10.00 + 50) 10.50	10.50
Brush, Roller and Spray	9.17	9.17	9.17	9.17	9.17	9.17	9.17	9.17	9.17	9.17
Paperhangers	10.50	10.50	10.50	10.50	10.50	10.50	10.50	10.50	10.50	10.50
Pipefitter and Steam fitters	18.15	18.15	18.15	18.15	18.15	18.15	18.15	18.15	18.15	18.15
Pipe Layer	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00
Plasterer, Plaster and Stucco Applicator	(13.00 + 50) 13.50	13.50	13.50	13.50	(13.00 + 50) 13.50	13.50	(13.00 + 50) 13.50	13.50	(13.00 + 50) 13.50	13.50
Plumber, certified Med Gas Installer	(20.50 + 7.95) 28.45	28.45	28.45	28.45	(20.50 + 7.95) 28.45	28.45	(20.50 + 7.95) 28.45	28.45	(20.50 + 7.95) 28.45	28.45
HVAC Pipe Only	12.12	12.12	12.12	12.12	12.12	12.12	12.12	12.12	12.12	12.12
All Other Work	14.92	14.92	14.92	14.92	14.92	14.92	14.92	14.92	14.92	14.92
Power Equipment Operator	(11.00 + 1.13) 12.13	12.13	12.13	12.13	(11.00 + 1.13) 12.13	12.13	(11.00 + 1.13) 12.13	12.13	(11.00 + 1.13) 12.13	12.13
Backhoe	(16.43 + 46) 16.89	16.89	16.89	16.89	(16.43 + 46) 16.89	16.89	(16.43 + 46) 16.89	16.89	(16.43 + 46) 16.89	16.89
Crane	10.23	10.23	10.23	10.23	10.23	10.23	10.23	10.23	10.23	10.23
Front End Loader	8.33	8.33	8.33	8.33	8.33	8.33	8.33	8.33	8.33	8.33
Roller	10.25	10.25	10.25	10.25	10.25	10.25	10.25	10.25	10.25	10.25
Roofer	(15.00 + 12.16) 27.16	27.16	27.16	27.16	(15.00 + 12.16) 27.16	27.16	(15.00 + 12.16) 27.16	27.16	(15.00 + 12.16) 27.16	27.16
Sheet Metal Worker	11.10	11.10	11.10	11.10	11.10	11.10	11.10	11.10	11.10	11.10
HVAC Duct Only	(9.76 + 1.47) 11.23	11.23	11.23	11.23	(9.76 + 1.47) 11.23	11.23	(9.76 + 1.47) 11.23	11.23	(9.76 + 1.47) 11.23	11.23
All Other Duct Work	(25.94 + 16.47) 42.41	42.41	42.41	42.41	(25.94 + 16.47) 42.41	42.41	(25.94 + 16.47) 42.41	42.41	(25.94 + 16.47) 42.41	42.41
Sprinkler Fitter, Fire	8.01	8.01	8.01	8.01	8.01	8.01	8.01	8.01	8.01	8.01
Tile Finisher	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
Tile Setter, Marble Setter	9.00	9.00	9.00	9.00	9.00	9.00	9.00	9.00	9.00	9.00
Truck Driver, Light < 26,000 Lbs.	9.00	9.00	9.00	9.00	9.00	9.00	9.00	9.00	9.00	9.00
Truck Driver, Heavy and Tractor trailer	14.69	14.69	14.69	14.69	14.69	14.69	14.69	14.69	14.69	14.69

*Taken from a poor copy.

CATEGORY	Fort Bliss BUILDING	EP County	City of EP	CISD at GES*	EP County
PAING AND STREET CONSTRUCTION, DIRT WORK, HEAVY CONSTRUCTION, PIPELINE WORK, HIGHWAY WAGE RATES	2011	2008	2008	2006	2008
Asphalt Distributor Operator	13.28	12.50	12.50		12.50
Asphalt Paving Machine Operator	13.26	11.41	11.41		11.41
Asphalt Raker	11.44	10.00	10.00		10.00
Backhoe Operator	11.57	11.50	(11.00 + 0.50)		11.57
Bulldozer Operator		10.22	10.22		10.22
Cement Mason, Concrete Finisher (Paving and Structures)	9.29	10.50	10.50		10.50
Concrete Mason, Concrete Finisher (Paving and Structures)	12.44				
Concrete Paving Finishing Machine		14.00	14.00		14.00
Crane Operator		12.07	12.00		12.07
Electrician	23.09	(19.76 + 6.10)	(19.76 + 6.10)		25.95
Electrician	20.27				
Excavator Operator (50,000 Lbs. or less)	13.49	16.10	16.10		16.10
Form Builder / Setter (Structures)	12.26	(12.21 + 0.95)	(12.21 + 0.95)		13.16
Form Setter (Form Work), Carpenter (Paving and Curb)	12.21	12.00	12.00		12.21
Front End Loader	10.43	11.00	11.00		11.00
Front End Loader, (3CY or Less)	13.29				
Front End Loader, (Over 3CY)	13.57				
Grader	11.19				
Laborer, Common	7.96	8.25	8.25		8.25
Laborer, Common	10.58				
Laborer, Skilled		9.72	9.72		9.72
Laborer, Utility	11.33				
Mechanic		14.00	14.00		14.00
Motor Grader Operator, Fine	16.13	16.00	16.00		16.13
Pipe Layer	8.48	9.83	10.25		9.83
Pipe Layer	11.37				
Reinforcing Steel Setter (Paving)		11.75	11.75		11.75
Rock Mason		9.00	9.00		9.00
Scrapper	11.12				11.12
Servicer	13.44	12.00	12.00		13.44
Traveling Mixer Operator		10.00	10.00		10.00
Truck Driver	9.17				
Truck Driver Under 26,000 Lbs.		9.50	9.50		9.50
Truck Driver Over 26,000 Lbs.		12.00	12.00		12.00
Truck Driver, Single Axle	13.16				
Truck Driver, Single or Tandem Axle Dump	14.06				
Tunneling Machine Operator, Heavy		13.61	13.61		13.61
Utility Grade Operator Grade 1		15.00	16.76		15.00
Utility Grade Operator Grade 2		10.00	10.00		10.00
Welder, Certified	13.74	12.08	12.02		13.74
HEAVY					
HIGHWAY					

2012 BUILDING DEFINITIONS

1	Automatic Fire Sprinkler Fitter, Certified	Installation, testing, inspecting and certifying of automatic fire suppression systems in any and all types of structures. Sprinkler Fitters specialize in piping associated with fire sprinkler systems. These types of systems are required to be installed and maintained in accordance with strict guidelines, usually National Fire Protection Association (NFPA) Standards, in order to maintain compliance with building and fire codes. Sprinkler Fitters work with a variety of pipe and materials including plastic, copper, steel, cast iron, and ductile iron. The fire suppression piping may contain water, air, antifreeze, fire retardant foam, gas or chemicals for hood systems. Sprinkler systems installed by Sprinkler Fitters can include but not limited to underground supply, standpipes, fire pumps as well as overhead piping systems.
2	Brickmasons and Blockmasons	Lay and bind building materials, such as brick, structural tile, concrete block, cinder block, glass block, and terra-cotta block, with mortar and other substances to construct or repair walls, partitions, arches, sewers, and other structures. Exclude "Stonemasons". Classify installers of mortarless segmental concrete masonry wall units in "Landscaping and Grounds-keeping Workers".
3	Carpenters – Acoustical Ceiling Installation	Construct, erect, install, or repair the structure for acoustical ceiling tile.
4	Carpenter – Rough	Construct, erect, install, or repair structures and fixtures made of wood, such as concrete forms; building frameworks, including partitions, joists, studding, and rafters; wood stairways, window and door frames. May also install cabinets, and siding. Include brattice builders who build doors or brattices (ventilation walls or partitions) in underground passageways to control the proper circulation of air through the passageways.
5	Carpenter – All Other Work	Construct, erect, install or repair cabinets and other fixtures or structures requiring a high level of workmanship. Includes Cabinetmakers and Bench Carpenters – Cut, shape, and assemble wooden articles or set up and operate a variety of woodworking machines, such as power saws, jointers, and mortisers to surface, cut or shape lumber or to fabricate parts for wood products. Perform related duties such as trim work.
6	Caulker / Sealers	Applies water proofing agents or caulk to a variety of structures and materials
7	Door & Hardware Specialist	Installs doors, hardware and accessories.
8	Drywall and Ceiling Tile Installers	Apply plasterboard or other wallboard to ceilings or interior walls of buildings. Apply or mount acoustical tiles or blocks, strips, or sheets of sound-absorbing materials to ceilings and walls of buildings to reduce or reflect sound. Materials may be of decorative quality. Includes metal stud framing. Exclude "Carpet Installers", "Carpenters – Acoustical Ceiling Installation", and "Tile and Marble Setters".

9	Drywall Finishers & Tapers	Seal joints between plasterboard or other wallboard to prepare wall surface for painting or papering.
10	Electrician	Plan and execute the layout and installation of electrical conduit, switch panels, buss bars, outlet boxes, electrical wires and cables, lighting standards, lighting fixtures, receptacles, switches, and other electrical devices and apparatus necessary for the complete installation of wiring systems. Includes installation of photovoltaic solar panels.
11	Electronic Technician	Set-up, rearrange, or remove switching and dialing equipment used in central offices. Service or repair telephones and other communication equipment on customers' property. May install equipment in new locations or install wiring and telephone jacks in buildings under construction. Install, program, maintain, and repair security and fire alarm wiring and equipment. Ensure that work is in accordance with relevant codes. Exclude "Electricians" who do a broad range of electrical wiring.
12	Elevator Installers and Repairers	Assemble, install, repair, or maintain electric or hydraulic freight or passenger elevators, escalators, or dumbwaiters.
13	Fence Erectors - Include with skilled labor	Erect and repair metal and wooden fences and fence gates around highways, industrial establishments, residences, or farms, using hand and power tools. Excludes rock & stone fences.
14	Floor Layers – Carpet and Resilient	Apply blocks, strips, or sheets of shock-absorbing, sound-deadening, or decorative coverings to floors. Lay and install carpet from rolls, tiles or blocks on floors. Install padding and trim flooring materials. Installs variety of soft floor materials including vinyl and PCP. Exclude wood floors and specialty floors.
15	Floor Layers - Specialty	Prepares surface, installs and finishes specialty floor material such as that found in a gymnasium.
16	Floor Layers - Wood	Install, scrape and sand wooden floors to smooth surfaces using floor scraper and floor sanding machine, and apply coats of finish.
17	Fork Lift Operator	Person certified to operate a fork lift. (Industrial Forklift Operator is in Group 2 in the Heavy Schedule).
18	Glaziers	Install glass in windows, skylights, store fronts, and display cases, or on surfaces, such as building fronts, interior walls, ceilings, and tabletops.
19	Hazardous Materials Removal Workers	Identify, remove, pack, transport, or dispose of hazardous materials, including asbestos, lead-based paint, waste oil, fuel, transmission fluid, radioactive materials, contaminated soil, etc. Specialized training and certification in hazardous materials handling or a confined entry permit are generally required. May operate earth-moving equipment or trucks. Includes mold.
20	Heating, Air Conditioning and Refrigeration Service Technician	Repair and service heating, central air conditioning, or refrigeration systems, including oil burners, hot-air furnaces, and heating stoves. (Installation of systems are performed by sheet metal worker). Includes HVAC mechanic.
21	Insulation Workers - Floor, Ceiling, and Wall - Include with trade	Line and cover structures with insulating materials. May work with batt, roll, or blown insulation materials. May spray material to seal, insulate, or soundproof sections of structure.

22	Insulation Workers – Mechanical	Apply insulating materials, adhesive and any other bonding materials to pipes, ductwork, tanks, boilers, expansion tanks, chiller tanks, grease ducts, valves, fittings, roof drains, or other mechanical systems in order to help control temperature.
23	Irrigator- Landscape, Certified	Certified to install watering systems in various sizes and grades of lawn in order to maintain sufficient pressure and to insure even dispersal of water.
24	Laborer, Common	A general term used on construction work covering many unskilled occupations. Performs unskilled manual duties in all phases of construction. May use tools and other necessary equipment. Does not ordinarily perform work permitting exercise of independent judgment.
25	Laborer, Skilled	Performs manual duties in all phases of construction. May use simple tools and other necessary equipment. May assist other workers by performing a variety of duties such as furnishing materials tools and supplies and holding materials or tools during installation. May work on different phases or areas of a project or with different crafts. Is often transferred from job to job. May direct the work of the common laborer. Has the ability to work without close supervision. Degree of independent judgment required varies with the task performed. Includes tenders and hod carriers.
26	Landscaping and Grounds-keeping Workers – include with Common Labor	Landscape or maintain grounds of property using hand or power tools or equipment. Workers typically perform a variety of tasks, which may include any combination of the following: sod laying, mowing, trimming, planting, watering, fertilizing, digging, raking, sprinkler repair, and installation of mortarless segmental concrete masonry wall units.
27	Lather	Installs light iron and metal furring such as rods, channels, and other bars or systems to which metal lath, rock lath, or other materials used as a substitute for lath are to be attached. Installs metal lath, rock lath, and other materials used as a substitute for lath. Installs metal plastering accessories such as corner beads, door and window casing beads, metal picture mold, chair rails, and other metals plastering accessories which are covered and/or serve as ground or guard.
28	Locksmith	Self explanatory.
29	Manlift Operator - Include with trade	Self-explanatory.
30	Masons, Cement and Concrete Finishers	Smooth and finish surfaces of poured concrete, such as floors, walks, sidewalks, roads, or curbs using a variety of hand and power tools. Align forms for sidewalks, curbs, or gutters; patch voids; use saws to cut expansion joints. Classify installers of mortarless segmental concrete masonry wall units in "Landscaping and Groundskeeping Workers".
31	Mason, Rock	Constructs partitions, fences, walks, etc., using rock. Cutting, grouting and pointing of materials listed above which is necessary shall be part of this classification. May also build or repair rock retaining walls. cutting or placing of rock in mortar or other similar material.

32	Mason, Stone	Constructs partitions, fences, walks, fireplaces, chimneys, smokestacks, etc., using stone, marble, granite, slate and artificial stone. Cutting, grouting, and pointing of materials listed above which is necessary shall be part of this classification. May also build or repair stone retaining wall, cutting or placing of stone in mortar or other similar material.
33	Mechanic	Maintains and repairs construction tools and equipment.
34	Medical Gas Installer, Certified	Assemble, install, alter, and repair pipelines or pipe systems that carry medical gases or liquids. Specialized training and certification required.
35	Metal Building Erector	Assembles prefabricated metal buildings according to blueprint specification, using hand tools, power tools, and hoisting equipment. Erects frame of building, using hoist. Bolts steel frame members together. Attaches wire and insulating materials to framework. Bolts sheet metal panels to framework. Reads blueprint to determine location of items, such as doors, windows, ventilators, and skylights and installs items, using cutting torch, wrenches, and power drill. Trims excess sheet metal, using cutting torch, power saw, and tin snips.
36	Millwright	Self-explanatory.
37	Painters - Building	Paint walls, equipment, buildings, bridges, and other structural surfaces, using brushes, rollers, and spray guns. May remove old paint to prepare surface prior to painting. May mix colors or oils to obtain desired color or consistency. Exclude "Paperhangers."
38	Paper Hanger	Measures, cuts, and hangs wallpaper.
39	Pipelayers	Lay pipe for storm or sanitation sewers, drains, and water mains. Perform any combination of the following tasks: grade trenches or culverts, position pipe, or seal joints.
40	Pipe Fitters and Steamfitters	Assemble, install, alter, and repair pipelines or pipe systems that carry water, steam, air, or other liquids or gases. May install heating and cooling equipment and mechanical control systems. Includes pressurized lines and flow lines for gas, air, and oil found in industrial settings. Includes persons, not certified, who install fire sprinklers.
41	Plaster and Stucco Applicator	Apply interior or exterior plaster, cement, stucco, or similar materials. May also set ornamental plaster. Applies interior and exterior plastering of stone imitation or any patented materials when cast. Applies acoustical plaster or materials used as substitutes for acoustical plaster, as well as the preparatory pointing and taping of drywall surfaces to receive these finishes. Applies scratch and brown coats on walls and ceilings where tile, mosaic or terrazzo is to be applied. Molds and sets ornamental plaster and trim and runs ornamental plaster cornice and molding. Installs metal corner beads when stuck by using plastic materials.
42	Plumbers	Assemble, install, alter, and repair pipelines or pipe systems that carry water, steam, air, or other liquids or gases. May install heating and cooling equipment and mechanical control systems.
43	Reinforcing Iron and Rebar Workers	Position and secure steel bars or mesh in concrete forms in order to reinforce concrete. Includes post-tensioning. Use a variety of fasteners, rod-bending machines, blowtorches, and hand tools. Include rod busters.

44	Roofers	Cover roofs of structures with shingles, tile, slate, asphalt, aluminum, wood, metal and related materials. May spray roofs, sidings, and walls with material to bind or seal sections of structures. Includes metal and membrane roofs.
45	Sheet Metal Workers	Fabricate, assemble, install, and repair sheet metal products and equipment, such as ducts, control boxes, drainpipes, architectural sheet metal, and furnace casings. Work may involve any of the following: setting up and operating fabricating machines to cut, bend, and straighten sheet metal; shaping metal over anvils, blocks, or forms using hammer; operating soldering and welding equipment to join sheet metal parts; inspecting, assembling, and smoothing seams and joints of burred surfaces. Include sheet metal duct installers who install prefabricated sheet metal ducts used for heating, air conditioning, or other purposes.
46	Structural Iron and Steel Workers	Raise, place, and unite iron or steel girders, columns, and other structural members to form completed structures or structural frameworks. May erect metal storage tanks and assemble prefabricated metal buildings. Exclude "Reinforcing Iron and Rebar Workers".
47	Tile and Marble Setters	Apply hard tile and marble to walls, floors, and ceilings. Includes Terrazzo.
48	Truck Drivers, Heavy and Tractor-Trailer (Greater than 26,000 GVW)	Drive a tractor-trailer combination or a truck with a capacity of at least 26,000 GVW, to transport and deliver goods, livestock, or materials in liquid, loose, or packaged form. May be required to unload truck. May require use of automated routing equipment. Requires commercial drivers' license.
49	53-3033.00 - Truck Drivers, Light or (Under 26,000 GVW)	Drive a truck or van with a capacity of under 26,000 GVW, primarily to deliver or pick up merchandise or to deliver packages within a specified area. May require use of automatic routing or location software. May load and unload truck. Exclude "Couriers and Messengers".

- **Welder** - Receives rate prescribed for craft performing operation to which welding is incidental.

2012 HEAVY / HIGHWAY DEFINITIONS

1	Asphalt Distributor Operator	Drives distributor truck, sets spray bars and operates valves and levers to control distribution of bituminous material for highway surfacing. May oil, grease or otherwise services and make adjustments to equipment as needed. Performs other related duties.
2	Asphalt Paving Machine Operator	Operates paving machine that spreads and levels asphaltic concrete on highway. Controls movement of machine, raises and lowers screed, regulates width of screed. May oil, grease, service and make adjustments to equipment as needed. Performs other related duties.
3	Asphalt Raker	Distributes asphaltic materials evenly over road surface by hand-raking and brushing material to correct thickness; may control screed to regulate width and depth of materials; directs Laborers (skilled and unskilled) when to add or take away material to fill low spots or to reduce high spots.
4	Backhoe Operator	Operates a rubber-tired machine mounted with a backhoe bucket on one end and a loader bucket on the other end. Used for excavating ditches and structures, laying pipe and precast concrete structures, carrying material in the loader bucket, and general excavation and backfill. May also be equipped with hydraulic attachments. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. Performs other related duties.
5	Communications Cable Installer	Installs communication cable under direction of telecommunication technician including optical fiber and cable carrying less than 50 volts AC. Operates equipment associated with cable installation. Performs other related duties.
6	Concrete Finisher (Paving and Structures)	Finishes the exposed surfaces of fresh concrete paving, median barrier and every element of concrete structures. Operates bridge deck finishing machine. Forms and finishes edges and joints. Finishes all concrete flatwork, including concrete paving, curbs, driveways, sidewalks, riprap, and gutters. Finishes exposed surface of concrete after forms have been removed by patching imperfections with fresh concrete, rubbing surface with abrasive stone, and directing others in removing excess or defective concrete with power tools. Performs other related duties.
7	Crane Operator, Lattice Boom:	A worker who operates a lattice boom type crane to hoist and move materials, raise and lower heavy weights and perform other related operations. May be crawler type or rubber tired. May include placement of rock riprap, clamshell, dragline, pipe and pile driving operations. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. Performs other related duties.
8	Crane Operator, Hydraulic	A worker who operates a hydraulic telescoping boom type crane to hoist and move materials, raise and lower heavy weights and perform other related operations. May be crawler type or rubber-tired. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. Performs other related duties.

9	Directional Drilling Locator	Assist directional drilling operator in machine setup. Operates locating equipment under direction of the operator. May oil, grease or otherwise service or make necessary adjustments to equipment as needed. Performs other related duties.
10	Electrician	Plan and execute the layout and installation of electrical conduit, switch panels, buss bars, outlet boxes, electrical wires and cables, lighting standards, lighting fixtures, receptacles, switches, and other electrical devices and apparatus necessary for the complete installation of wiring systems, works on overhead distribution systems and underground distribution systems.. Includes installation of photovoltaic solar panels.
11	Excavator Operator	Operates a crawler or rubber-tired machine mounted with an excavator bucket. Used for excavating ditches and structures, laying pipe and precast concrete structures, loading trucks and placing rock riprap. May also be equipped with various hydraulic attachments. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. Performs other related duties.
12	Form Builder/Setter	Works from plans to build, assemble, fit together, align, plumb, and set in place forms for molding concrete structures. Forms may be wood, steel, aluminum, fiberglass or any other type of material. Checks forms while concrete is being placed. Directs others in stripping forms after concrete is placed. May install miscellaneous materials integral to concrete structures. May set precast concrete elements. Prepares for slipforming traffic rail and median barrier. May install permanent metal deck forms. May work with power tools. Performs other related duties. Includes guardrail installation.
13	Form Setter (Paving and Curb)	Fits together, aligns and sets to grade metal and wooden forms for placement of all concrete flatwork, including concrete paving, curbs, driveways, sidewalks, and riprap. Works with survey crew to set stringline for paving, curb and gutter and curb. Performs other related duties.
14	Front End Loader	Operates a rubber-tired, skid steer or crawler type tractor with an attached scoop type bucket on front end. Machine is used to load materials from stockpiles, excavation, charging batch plants, loading and unloading trucks. May be used with attachments in lieu of the bucket. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. Performs other related duties.
15	Instrument Person	Sets up, adjusts and operates surveying instruments, including GPS and total station. Works from plans to establish lines points and grades for construction purposes, keeps notes and records of data. Computes cross sections of work performed for cost or payment purposes. Directs Rod or Chain person (skilled labor) and is responsible for accuracy of this field engineering work. Performs other related duties.
16	Insulation Workers – Mechanical	Apply insulating materials to pipes or ductwork, or other mechanical systems in order to help control temperature on a highway project.

17	Laborer (Common)	A general term used on construction work covering many unskilled classifications requiring work of a physical nature. Performs a variety of work ranging from pick and shovel work to cleaning up lumber with hammer, shoveling and placing concrete, uses air tools, cleans concrete joints and fills joints with sealing compound from bucket or with hose and nozzle from a central source, applies coating of oil to inside face of forms, may help set and strip forms, unloads and transports reinforcing settle, cures newly poured concrete, helps lower pipe in ditch for pipelayers, works with dirt crew keeping construction layout stakes out of the way of dirt-moving equipment. May fine grade excavation and ditches, shovels hot asphalt material. May use power tools and other necessary equipment in demolition work. Does not ordinarily perform work permitting exercise of independent judgment or without close direction by other workers. Installs and maintains erosion control. Performs other related duties.
18	Laborer (Skilled) (Utility)	(AGC)-Performs a variety of manual duties, usually working in a utility capacity by working on multiple projects and tasks where demands require workmen with varied experience and ability to work without close direction. Unloads and transports reinforcing steel. May assist in the placement and tying of reinforcing steel. Directs common laborers in pouring concrete. Erects shoring and bracing. Assists in installation of pipe. Installs, operates, maintains dewatering systems. May assist equipment operators in positioning machines, verifying grades and signaling operators to dumping positions to maintain grades as directed. Uses power tools and air tools. May work as lead man in a labor crew. Installs and maintains erosion control. Is more or less a general utility construction worker. May be a second step in learning a skill. Includes Concrete/Gunite Pump Operator, Concrete Saw Operator, Fence Erector, Flagger, and Sign Erector. Performs other related duties.
19	Mechanic	(AGC-Same) Assembles, sets up, adjusts and maintains and repairs all types of construction equipment and trucks. May perform the duties of a welder in repair of equipment. Performs other related duties.
20	Motor Grader Operator, Fine	Operates motor grader. Performs many of the same duties of Motor Grader, Rough, but in addition performs finish grade work to blue tops or other close specification control. This work is subject to strict inspection and must conform closely to specifications. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. Performs other related duties.
21	Painter	Paints and stains structural steel and concrete surfaces of bridges, retaining walls, or other structures. Directs cleaning and abrasive blasting of surfaces prior to painting or staining. Performs other related duties.
22	Percussion or Rotary Drill Operator	Operates rock drilling equipment that may be used to break rock. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. Performs other related duties.
23	Pipe Layer	Installs concrete, clay, steel, ductile iron, plastic, corrugated pipe and any other type of pipe for storm drainage, water lines, gas lines and sanitary sewer lines. Lays underground communication and electrical ducts. May install and set electrical ground boxes, hand holes, manholes, inlets and other structures. Caulks joints, makes threaded and flanged connections. Installs valves and other accessories. Performs other related duties.

24	Reinforcing Steel Setter (Paving)/ Reinforcing Steel Worker	Works from plans to lay out and install reinforcing steel within forms or in mats of concrete paving. May direct unloading of material. Determines rigging required to complete work. Gives direction to reinforcing steel worker apprentice or common or utility laborers. May install miscellaneous materials integral to concrete structures or paving. May work with power tools. Performs other duties.
25	Reinforcing Steel Setter (Structure)/ Structural Steel Worker	Erects and places fabricated structural steel members, such as girders, plates, diaphragms, lateral bracing, and unites them permanently to form a completed structural steel unit, including reinforcing members. Fastens steel members together by welding or bolting. May include dismantling and erecting large units of equipment. Performs other related duties.
26	Rock Mason	Constructs partitions, fences, walks, etc., using rock. Cutting, grouting and pointing of materials listed above which is necessary shall be part of this classification. May also build or repair rock retaining walls, cutting or placing of rock in mortar or other similar material.
27	Servicer	Drives a truck which carries various fuels, oils, greases and filters. Must have knowledge of and is responsible for the correct oiling and greasing and changing of filters on equipment according to manufacturers' specifications. Uses compressed air grease guns, wrenches and other tools. May make adjustments to clutches, brakes and other mechanical items. Keeps record of service for preventive maintenance records. May have laborer assisting him. May require a Commercial Driver's License if driving truck on public highways. Performs other related duties.
28	Traffic Signal/Light Pole Worker	Sets forms, reinforcing steel, anchor bolts and pours/finishes concrete for traffic signal and light pole foundations. Assembles, erects, and plumbs traffic signal and light pole structures by bolting and other means. Installs signal spans, signal heads, signal detection, and lights on equipment. Installs cabling and wiring in signal and light poles, on signal and light spans and underground raceway systems. Properly identifies and terminates cables and wiring to appropriate equipment. Installs signal controllers and service equipment. Tests and troubleshoots system for proper operation. Performs other related duties.
29	Telecommunication Technician	Installs and troubleshoots communication equipment including cabling for the transmission of communication circuits. Terminates and tests communication circuits including video, voice and data. Installs communication equipment in buildings, outdoor cabinets and pole mounted installations. Installs, terminates and tests optical fiber cables as well as copper communication cable carrying less than 50 volts AC. Performs other related duties.
30	Traveling Mixer Operator	Operates a machine that pulverizes material of the roadbed and may mechanically mix it with asphalt, cement or other stabilizing materials. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. Performs other related duties.
31	Truck Driver, Single Axle	Drives a light capacity truck for transporting loads of construction material. The truck is of single rear axle type, may have various kinds of beds attached such as dump, flat bed, tank, etc. May require CDL license for driving on highway. May service and make necessary adjustments for proper operation of equipment. Performs other related duties.

32	Truck Driver, Tandem Axle	Drives a tandem axle powered tractor. Hauls dirt, rock, aggregates or other material. May require CDL license for driving on highway. May service and make necessary adjustments for proper operation of equipment. Performs other related duties.
33	Tunneling Machine Operator	Operates a machine which creates a tunnel through dirt or rock for the purpose of installing subterranean facilities such as utilities, including sanitary sewer and water mains, storm sewers, pedestrian tunnels, vehicular tunnels and subways. The tunneling machine excavates tunnels greater than 2,500 feet in continuous length. Sets up machine to line and grade. Checks grade during tunneling operation. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. Performs other related duties.
34	Utility Operator Grade 1	Clam, ditching machine, side booms (except those in Grade 2), operator on dredges, cleaning machine, coating machine, back filler, blending machine, water-kote machine, equipment welder, track tractor, derrick, dragline, shovel, motor grader rough grade, Crawler tractor, foundation drill operator (crawler and truck mounted), and pile driver.
35	Utility Operator Grade 2	Pipe, boom truck or winch truck with poles when used for hoisting, side boom (cradling rock drill), tow tractor, farm tractor road boring machine, fork lift (industrial type), pot fireman (power agitated), straightening machine, boring machine, bombardier (track or tow rig), mobile lubrication & service engineer, hydrostatic testing operator, rollagon or similar type equipment, scraper, staking machine, roller operator, concrete paving curing, float, texturing machine, subgrade trimmer, slip form machine, milling machine, self propelled sweeping machine, trenching machine, directional drill, chip spreader, screening plant, joint sealer, and concrete saw, off road hauler, pavement marking machine operator, reclaimer/pulverizer operator, slurry seal or micro-surfacing machine operator, self-propelled hammer operator.
36	Welder, Certified/ Structural Steel Welder	Certified by the American Welding Society to perform structural steel welding. Operates welding equipment. Welds structural steel girders and diaphragms. May weld permanent metal deck forms. Performs other related duties. Includes pipe work that must be performed by a certified welder.
37	Welder	Operates welding equipment. Cuts, lays out, fits and welds metals or alloyed metal parts to fabricate or repair equipment. Welds the joints between lengths of pipe for oil, gas or other types of pipelines. Welds structural steel girders and diaphragms. May assist in welding of permanent metal deck forms. Performs other related duties.



**PREVAILING WAGES ON PUBLIC WORKS
ADDITIONAL INFORMATION**

PREVAILING WAGES ON PUBLIC WORKS

ARE REGULATED BY

THE DEPARTMENT OF LABOR

WAGE AND HOUR DIVISION

WHICH ENFORCES

DAVIS-BACON AND RELATED ACTS (DBRA)

FIRST EFFECTIVE MARCH 3, 1931

Fact Sheet #66: The Davis-Bacon and Related Acts (DBRA)

This fact sheet provides general information concerning DBRA.

Coverage

DBRA requires payment of prevailing wages on federally funded or assisted construction projects. The [Davis-Bacon Act](#) applies to each federal government or District of Columbia contract in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of [public buildings or public works](#). Many federal laws that authorize federal assistance for construction through grants, loans, loan guarantees, and insurance are Davis-Bacon “related Acts.” The “related Acts” include provisions that require Davis-Bacon labor standards apply to most federally assisted construction. Examples of “related Acts” include the Federal-Aid Highway Acts, the Housing and Community Development Act of 1974, and the Federal Water Pollution Control Act.

Basic Provisions/Requirements

Contractors and subcontractors must pay [laborers and mechanics employed](#) directly upon the [site of the work](#) at least the locally prevailing wages (including fringe benefits), listed in the Davis-Bacon wage determination in the contract, for the work performed. [Davis-Bacon labor standards clauses](#) must be included in covered contracts.

The Davis-Bacon “prevailing wage” is the combination of the basic hourly rate and any fringe benefits listed in a Davis-Bacon wage determination. The contractor’s obligation to pay at least the prevailing wage listed in the contract wage determination can be met by paying each laborer and mechanic the applicable prevailing wage entirely as cash wages or by a combination of cash wages and employer-provided bona fide fringe benefits. Prevailing wages, including fringe benefits, must be paid on all hours worked on the site of the work.

Apprentices or trainees may be employed at less than the rates listed in the contract wage determination only when they are in an apprenticeship program registered with the Department of Labor or with a state apprenticeship agency recognized by the Department.

Contractors and subcontractors are required to pay covered workers weekly and submit weekly certified payroll records to the contracting agency. They are also required to post the applicable Davis-Bacon wage determination with the [Davis-Bacon poster \(WH-1321\)](#) on the job site in a prominent and accessible place where they can be easily seen by the workers.

Davis-Bacon Wage Determinations

Davis-Bacon wage determinations are published on the Wage Determinations On Line ([WDOL](#)) website for contracting agencies to incorporate them into covered contracts. The “prevailing wages” are determined based on wages paid to various classes of laborers and mechanics employed on specific types of construction projects in an area. Guidance on determining the type of construction is provided in All Agency Memoranda [Nos. 130](#) and [131](#).

Penalties/Sanctions and Appeals

Contract payments may be withheld in sufficient amounts to satisfy liabilities for underpayment of wages and for liquidated damages for overtime violations under the Contract Work Hours and Safety Standards Act (CWHSSA). In addition, violations of the Davis-Bacon contract clauses may be grounds for contract termination, contractor liability for any resulting costs to the government and debarment from future contracts for a period up to three years.

Contractors and subcontractors may challenge determinations of violations and debarment before an Administrative Law Judge (ALJ). Interested parties may appeal ALJ decisions to the Department's Administrative Review Board. Final Board determinations on violations and debarment may be appealed to and are enforceable through the federal courts.

Typical Problems

(1) Misclassification of laborers and mechanics. (2) Failure to pay full prevailing wage, including fringe benefits, for all hours worked (including overtime hours). (3) Inadequate recordkeeping, such as not counting all hours worked or not recording hours worked by an individual in two or more classifications during a day. (4) Failure of to maintain a copy of bona fide apprenticeship program and individual registration documents for apprentices. (5) Failure to submit certified payrolls weekly. (6) Failure to post the Davis-Bacon poster and applicable wage determination.

Relation to State, Local, and Other Federal Laws

The [Copeland "Anti-Kickback" Act](#) prohibits contractors from in any way inducing an employee to give up any part of the compensation to which he or she is entitled under his or her contract of employment, and requires contractors to submit a weekly statement of the wages paid to each employee performing DBRA covered work.

Contractors on projects subject to DBRA labor standards may also be subject to additional prevailing wage and overtime pay requirements under State (and local) laws. Also, overtime work pay requirements under CWHSSA) and the [Fair Labor Standards Act](#) may apply.

Under [Reorganization Plan No. 14 of 1950](#), (5 U.S.C.A. Appendix), the federal contracting or assistance-administering agencies have day-to-day responsibility for administration and enforcement of the Davis-Bacon labor standards provisions and, in order to promote consistent and effective enforcement, the Department of Labor has regulatory and oversight authority, including the authority to investigate compliance.

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

1-866-4-USWAGE
TTY: 1-866-487-9243
[Contact Us](#)

The Davis-Bacon Act, as Amended



U.S. Department of Labor
Wage and Hour Division

WH Publication 1246
(Revised April 2009)

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Voice phone: 202-693-0675
TDD* phone: 202-523-9530

PUBLIC LAW 107-217—AUG. 21, 2002 [as amended¹]

An Act

To revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, “Public Buildings, Property, and Works”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE 40, UNITED STATES CODE.

Certain general and permanent laws of the United States, related to public buildings, property, and works, are revised, codified, and enacted as title 40, United States Code, “Public Buildings, Property, and Works”, as follows:

TITLE 40—PUBLIC BUILDINGS, PROPERTY, AND WORKS

* * * *

SUBTITLE II—PUBLIC BUILDINGS AND WORKS

* * * *

PART A—GENERAL

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CHAPTER 31 – GENERAL

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SUBCHAPTER IV - WAGE RATE REQUIREMENTS

Sec. 3141. Definition

In this subchapter, the following definitions apply:

(1) Federal government.— The term “Federal Government” has the same meaning that the term “United States” had in the Act of March 3, 1931 (ch. 411, 46 Stat. 1494) (known as the Davis-Bacon Act).²

(2) Wages, scale of wages, wage rates, minimum wages, and prevailing wages.— The terms “wages”, “scale of wages”, “wage rates”, “minimum wages”, and “prevailing wages” include—

(A) the basic hourly rate of pay; and

¹ Pub. L. 109-284 Sec. 6(11), (12), and (13) made three minor technical corrections in Secs 3141(1), and 3142(d) and (e). (Sept. 27, 2006, 120 Stat. 1213.)

² The Davis-Bacon Act, referred to in par. (1), is act of Mar. 3, 1931, ch. 411, 46 Stat. 1494, as amended, which was classified generally to sections 276a to 276a-5 of former Title 40, Public Buildings, Property, and Works, and was repealed and reenacted as sections 3141-3144, 3146, and 3147 of this title by Pub. L. 107-217, Secs. 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304.

(B) for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the forgoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying the costs of apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other federal, state, or local law to provide any of those benefits, the amount of—

(i) the rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person under a fund, plan, or program; and

(ii) the rate of costs to the contractor or subcontractor that may be reasonably anticipated in providing benefits to laborers and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the laborers and mechanics affected.

Sec. 3142. Rate of wages for laborers and mechanics

(a) Application. — The advertised specifications for every contract in excess of \$2,000, to which the Federal Government or the District of Columbia is a party, for construction, alteration, or repair, including painting and decorating, of public buildings and public works of the Government or the District of Columbia that are located in a State or the District of Columbia and which requires or involves the employment of mechanics or laborers shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics.

(b) Based on Prevailing Wage. — The minimum wages shall be based on the wages the Secretary of Labor determines to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there.

(c) Stipulations Required in Contract. — Every contract based upon the specifications referred to in subsection (a) must contain stipulations that—

(1) the contractor or subcontractor shall pay all mechanics and laborers employed directly on the site of the work, unconditionally and at least once a week, and without subsequent deduction or rebate on any account, the full amounts accrued at time of payment, computed at wage rates not less than those stated in the advertised specifications, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and the laborers and mechanics;

(2) the contractor will post the scale of wages to be paid in a prominent and easily accessible place at the site of the work; and

(3) there may be withheld from the contractor so much of accrued payments as the contracting officer considers necessary to pay to laborers and mechanics employed by the contractor or any subcontractor on the work the difference between the rates of wages required by the contract to be paid laborers and mechanics on the work and the rates of wages received by the laborers and mechanics and not refunded to the contractor or subcontractors or their agents.

(d) Discharge of Obligation.— The obligation of a contractor or subcontractor to make payment in accordance with the prevailing wage determinations of the Secretary of Labor, under this subchapter and other laws incorporating this subchapter by reference, may be discharged by making payments in cash, by making contributions described in section 3141(2)(B)(i) of this title, by assuming an enforceable commitment to bear the costs of a plan or program referred to in section 3141(2)(B)(ii) of this title, or by any combination of payment, contribution, and assumption, where the aggregate of the payments, contributions, and costs is not less than the basic hourly rate of pay plus the amount referred to in section 3141(2)(B) of this title.

(e) Overtime Pay.— In determining the overtime pay to which a laborer or mechanic is entitled under any federal law, the regular or basic hourly rate of pay (or other alternative rate on which premium rate of overtime compensation is computed) of the laborer or mechanic is deemed to be the rate computed under section 3141(2)(A) of this title, except that where the amount of payments, contributions, or costs incurred with respect to the laborer or mechanic exceeds the applicable prevailing wage, the regular or basic hourly rate of pay (or other alternative rate) is the amount of payments, contributions, or costs actually incurred with respect to the laborer or mechanic minus the greater of the amount of contributions or costs of the types described in section 3141(2)(B) of this title actually incurred with respect to the laborer or mechanic or the amount determined under section 3141(2)(B) of this title but not actually paid.

3141(2)(B) of this title but not actually paid. Sec.3143.

Every contract within the scope of this subchapter shall contain a provision that if the contracting officer finds that any laborer or mechanic employed by the contractor or any subcontractor directly on the site of the work covered by the contract has been or is being paid a rate of wages less than the rate of wages required by the contract to be paid, the Federal Government by written notice to the contractor may terminate the contractor's right to proceed with the work or the part of the work as to which there has been a failure to pay the required wages. The Government may have the work completed, by contract or otherwise, and the contractor and the contractor's sureties shall be liable to the Government for any excess costs the Government incurs.

Sec. 3144. Authority of Comptroller General to pay wages and list contractors violating contracts

(a) Payment of Wages.—

(1) In general.— The Comptroller General shall pay directly to laborers and mechanics from any accrued payments withheld under the terms of a contract any wages found to be due laborers and mechanics under this subchapter.

(2) Right of action.— If the accrued payments withheld under the terms of the contract are insufficient to reimburse all the laborers and mechanics who have not been paid the wages required under this subchapter, the laborers and mechanics have the same right to bring a civil action and intervene against the contractor and the contractor's sureties as is conferred by law on persons furnishing labor or materials. In those proceedings it is not a

defense that the laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds.

(b) List of Contractors Violating Contracts.—

(1) In general.— The Comptroller General shall distribute to all departments of the Federal Government a list of the names of persons whom the Comptroller General has found to have disregarded their obligations to employees and subcontractors.

(2) Restriction on awarding contracts.— No contract shall be awarded to persons appearing on the list or to any firm, corporation, partnership, or association in which the persons have an interest until three years have elapsed from the date of publication of the list.

* * * *

Sec. 3146. Effect on other federal laws

This subchapter does not supersede or impair any authority otherwise granted by federal law to provide for the establishment of specific wage rates.

Sec. 3147. Suspension of this subchapter during a national emergency

The President may suspend the provisions of this subchapter during a national emergency.

Sec. 3148. Application of this subchapter to certain contracts

This subchapter applies to a contract authorized by law that is made without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), or on a cost-plus-a-fixed-fee basis or otherwise without advertising for proposals, if this subchapter otherwise would apply to the contract.

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

Fact Sheet #66: The Davis-Bacon and Related Acts (DBRA)

This fact sheet provides general information concerning DBRA.

Coverage

DBRA requires payment of prevailing wages on federally funded or assisted construction projects. The [Davis-Bacon Act](#) applies to each federal government or District of Columbia contract in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of [public buildings or public works](#). Many federal laws that authorize federal assistance for construction through grants, loans, loan guarantees, and insurance are Davis-Bacon “related Acts.” The “related Acts” include provisions that require Davis-Bacon labor standards apply to most federally assisted construction. Examples of “related Acts” include the Federal-Aid Highway Acts, the Housing and Community Development Act of 1974, and the Federal Water Pollution Control Act.

Basic Provisions/Requirements

Contractors and subcontractors must pay [laborers and mechanics employed](#) directly upon the [site of the work](#) at least the locally prevailing wages (including fringe benefits), listed in the Davis-Bacon wage determination in the contract, for the work performed. [Davis-Bacon labor standards clauses](#) must be included in covered contracts.

The Davis-Bacon “prevailing wage” is the combination of the basic hourly rate and any fringe benefits listed in a Davis-Bacon wage determination. The contractor’s obligation to pay at least the prevailing wage listed in the contract wage determination can be met by paying each laborer and mechanic the applicable prevailing wage entirely as cash wages or by a combination of cash wages and employer-provided bona fide fringe benefits. Prevailing wages, including fringe benefits, must be paid on all hours worked on the site of the work.

Apprentices or trainees may be employed at less than the rates listed in the contract wage determination only when they are in an apprenticeship program registered with the Department of Labor or with a state apprenticeship agency recognized by the Department.

Contractors and subcontractors are required to pay covered workers weekly and submit weekly certified payroll records to the contracting agency. They are also required to post the applicable Davis-Bacon wage determination with the [Davis-Bacon poster \(WH-1321\)](#) on the job site in a prominent and accessible place where they can be easily seen by the workers.

Davis-Bacon Wage Determinations

Davis-Bacon wage determinations are published on the Wage Determinations On Line ([WDOL](#)) website for contracting agencies to incorporate them into covered contracts. The “prevailing wages” are determined based on wages paid to various classes of laborers and mechanics employed on specific types of construction projects in an area. Guidance on determining the type of construction is provided in All Agency Memoranda [Nos. 130](#) and [131](#).

Penalties/Sanctions and Appeals

Contract payments may be withheld in sufficient amounts to satisfy liabilities for underpayment of wages and for liquidated damages for overtime violations under the Contract Work Hours and Safety Standards Act (CWHSSA). In addition, violations of the Davis-Bacon contract clauses may be grounds for contract termination, contractor liability for any resulting costs to the government and debarment from future contracts for a period up to three years.

Contractors and subcontractors may challenge determinations of violations and debarment before an Administrative Law Judge (ALJ). Interested parties may appeal ALJ decisions to the Department's Administrative Review Board. Final Board determinations on violations and debarment may be appealed to and are enforceable through the federal courts.

Typical Problems

(1) Misclassification of laborers and mechanics. (2) Failure to pay full prevailing wage, including fringe benefits, for all hours worked (including overtime hours). (3) Inadequate recordkeeping, such as not counting all hours worked or not recording hours worked by an individual in two or more classifications during a day. (4) Failure of to maintain a copy of bona fide apprenticeship program and individual registration documents for apprentices. (5) Failure to submit certified payrolls weekly. (6) Failure to post the Davis-Bacon poster and applicable wage determination.

Relation to State, Local, and Other Federal Laws

The [Copeland "Anti-Kickback" Act](#) prohibits contractors from in any way inducing an employee to give up any part of the compensation to which he or she is entitled under his or her contract of employment, and requires contractors to submit a weekly statement of the wages paid to each employee performing DBRA covered work.

Contractors on projects subject to DBRA labor standards may also be subject to additional prevailing wage and overtime pay requirements under State (and local) laws. Also, overtime work pay requirements under CWHSSA) and the [Fair Labor Standards Act](#) may apply.

Under [Reorganization Plan No. 14 of 1950](#), (5 U.S.C.A. Appendix), the federal contracting or assistance-administering agencies have day-to-day responsibility for administration and enforcement of the Davis-Bacon labor standards provisions and, in order to promote consistent and effective enforcement, the Department of Labor has regulatory and oversight authority, including the authority to investigate compliance.

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

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