

2024 MDOT Prevailing Wage Trucker Guidance
Includes: Federal (Oct 23,2023) and State (Feb 13,2024) funded projects.

Rev: 02-25-2024

Truck Drivers of a Contractor or Subcontractor subject to prevailing wage provisions of the contract.

Truck drivers employed by contractors or subcontractors must be paid applicable prevailing wage rates for all onsite driving time related to:

- (A) The transportation that takes place entirely within a location meeting the definition of “site of the work”.
- (B) The transportation of one or more significant portion(s) of the building or work between a secondary construction site and a primary construction site.
- (C) The transportation between an adjacent or virtually adjacent support site and a primary construction site or secondary construction site.
- MDOT Understanding of the above:
 - Trucks being loaded and unloading exclusively on the site of the work are covered by prevailing wages for all time spent onsite.

Truck drivers employed by contractors or subcontractors must be paid applicable prevailing wage rates for all onsite driving time when the time spent on the site of work is NOT *de minimis*.

- (D) “Onsite activities essential or incidental to offsite transportation,” defined as activities conducted by a truck driver on the site of the work that are essential or incidental to the transportation of materials or supplies to or from the site of the work, such as loading, unloading, or waiting for materials to be loaded or unloaded, but only where the drivers time spent on the site of the work is not *de minimis*.
- MDOT Understanding of the above:
 - Trucks coming onsite and offsite on multiple trips of a few minutes at a time, could exceed the *de minimis* exemption and therefore be covered by prevailing wages when aggregated *de minimis* trips exceed 1-hour of time for each day worked onsite.

Truck Drivers of a Material Supplier are NOT subject to prevailing wage provisions of the contract.

A Material Supplier is an entity meeting ALL the following criteria:

- Its only obligations for work on the contract or project are the delivery of materials, articles, supplies, or equipment, which may include pickup of the same in addition to, but not exclusive of, delivery, and which may also include activities incidental to such delivery and pickup, such as loading, unloading, or waiting for materials to be loaded or unloaded; *and*
- Its facility or facilities that manufactures the materials, articles, supplies, or equipment used for the contract or project:
 - Is not located on, or does not itself constitute, the project or contract's primary construction site or secondary construction site as defined in this section; *and*
 - Either was established before opening of bids on the contract or project, or is not dedicated exclusively, or nearly so, to the performance of the contract or project.
- If an entity engages in any construction work that is NOT incidental to Material Supply at the site of the work, it is a contractor or subcontractor, not a material supplier.
 - Therefore, the truck drivers time onsite would be covered by prevailing wages, subject to the *de minimis* exemption above in bullet point (D).

Notes:

If a contractor or subcontractor truck driver meets the same work as specified above in any workweek, the time onsite would be classified as a material supplier and NOT covered transportation.

Bona fide “Owner Operator” truck drivers are not required to pay the prevailing wage rate. It is a requirement to be shown on a certified payroll as an “Owner Operator” truck driver.

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Consolidated Version: MDOT Understanding

Truck Drivers, Covered Transportation

- Truck drivers employed by contractors or subcontractors must be paid applicable prevailing wage rates for:
 - Trucks being loaded and unloading exclusively on the site of the work are covered by prevailing wages for all time spent onsite.
 - Trucks coming onsite and offsite on multiple trips of a few minutes at a time, could exceed the *de minimis* exemption and therefore be covered by prevailing wages when aggregated *de minimis* trips exceed 1-hour of time for each day worked onsite.

Truck Drivers, Material Suppliers

- Truck drivers performing the duties of a material supplier are NOT covered by prevailing wage rates for:
 - Its only obligations for work on the contract or project are the delivery of materials, articles, supplies, or equipment, which may include pickup of the same in addition to, but not exclusive of, delivery, and which may also include activities incidental to such delivery and pickup, such as loading, unloading, or waiting for materials to be loaded or unloaded.
 - If a contractor or subcontractor truck driver performs the same work as specified above, the time onsite would be classified as a material supplier and NOT covered transportation.

Notes:

If a contractor or subcontractor truck driver meets the same work as specified above in any workweek, the time onsite would be classified as a material supplier and NOT covered transportation.

Bona fide “Owner Operator” truck drivers are not required to pay the prevailing wage rate. It is a requirement to be shown on a certified payroll as an “Owner Operator” truck driver.