

Prevailing Wage Compliance 2022

Prevailing Wage Components

Contract Documents

Wage Decisions

Wage Rate Interviews

Overtime

Certified Payrolls

Truck Drivers

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118

Truck Drivers

There are two scenarios that trucking can fall under DBRA requirements and certified payroll may be required:

- Material Delivery (subject to *de minimis*).
- Construction Site (construction influence area).

119

Truck Drivers

Court of Appeals Ruling:

The application of DBRA to truck drivers is based on the definition of “construction, prosecution, completion, or repair” in 29 CFR 5.2(l). Three U.S. appellate court decision in the 1990s helped to clarify these definitions and provide guidelines for the coverage of trucking operations on DBRA sites.

Outcome - Drivers of a contractor or subcontractor who come onto the site for a few minutes at a time merely to drop off or pick up construction materials are not covered by DBRA if the time spent on site is *de minimis*.

120

Truck Drivers

Truck drivers are *covered* under DBRA in the following circumstances:

1. Drivers of a contractor or subcontractor for the time spent working on the site of work
2. Drivers of a contractor or subcontractor for time spent loading and/or unloading materials and supplies on the site of work, if such time is not *de minimis*
3. Truck drivers transporting material or supplies between a facility that is deemed part of the site of work and the actual construction site.

Truck driver are not covered in the following circumstances:

1. Material delivery truck driver while off the site of work
2. Drivers of a contractor or subcontractor traveling between a DBRA job and commercial supply facility while they are off the site of work
3. Truck drivers whose time spent on the site of work is *de minimis*, such as only a few minutes at a time merely to pick up or drop off materials or supplies.

121

Truck Drivers

If a material delivery/supply truck driver is not working exclusively on the site of work, to be covered by DBRA, the time spent working on site must be more than *de minimis* (20-percent or more of the work week).

The *de minimis* assessment is used to determine if the nature of the truck driver's work rises to the level of prevailing wage coverage, which applies to "laborers" and "mechanics".

Drivers working on a single project for 20-percent or more of their work week are considered "laborers" and "mechanics" and due prevailing wage. There is no such thing as a *de minimis* laborer.

122

Truck Drivers – Material Delivery

Delivery of off-site originating materials subject to *de minimis*:

- Sand
- Gravel
- HMA
- Pipe/Manholes/Catch Basins
- Traffic Control Devices
- Other 'Off Site' Originating Material

More than likely will not exceed the *de minimis*.

123

Bona Fide Material Suppliers

The manufacture and delivery of supply items such as sand, gravel, and ready-mix concrete, when accomplished by bona fide material suppliers operating facilities serving the public in general, are not activities covered by prevailing wage. Such bona fide material suppliers are not considered contractors under DBRA.

If a supplier undertakes to perform part of a construction contract as a subcontractor, its laborers and mechanics employed at the site of work are covered.

124

Material Supply - Sand/Gravel Delivery

Stockpiling alone more than likely will NOT exceed *de minimis*



125

Material Supply - Sand/Gravel Delivery

Tail gating alone more than likely will NOT exceed *de minimis*



126

Material Supply - HMA Delivery

Larger jobs with consecutive days of paving may exceed *de minimis*



127

Material Supply - Traffic Control

Placement of barricades along shoulder more than likely will not exceed the *de minimis*



128

Material Supply – Barrier Wall Delivery

May exceed the *de minimis* depending on the length of closure



129

Construction Site - Concrete Delivery (Batch Plant)

This type of work is covered by PW while on the 'site of work'



130

Construction Site - Waiting to be loaded

This time on the "site of work" can exceed the de minimis



131

Traffic Control placed in Roadway

If 'supplier' is placing barricades in roadway this work is covered by PW



132

Trucking Summary

Sites external to the construction influence area may be considered part of the site of work if:

- Dedicated exclusively or nearly so to the contract.
- Adjacent or virtually adjacent to the site of work.



133

Owner Operator Trucking

The USDOL has the following enforcement position with respect of bona fide owner-operators of trucks who own and drive their own trucks:

- The certified payrolls including the names of such owner-operators need not show hours worked nor rates paid, but only the notation "owner-operator".
- Employees hired by owner-operators are subject to DBRA in the usual manner.

This does not apply to owner-operators of other equipment such as bulldozers, backhoes, etc.

134

Highway Truck Driver Wage Classification

TEAM0007-004 06/01/2020

AREA 1: ALCONA, ALGER, ALLEGAN, ALPENA, ANTRIM, ARENAC, BARAGA, BARRY, BAY, BENZIE, BERRIEN, BRANCH, CALHOUN, CASS, CHARLEVOIX, CHEBOYGAN, CHIPPEWA, CLARE, CLINTON, CRAWFORD, DELTA, DICKINSON, EATON, EMMET, GLADWIN, GOGEBIC, GRAND TRAVERSE, GRATIOT, HILLSDALE, HOUGHTON, HURON, INGHAM, IONIA, IOSCO, IRON, ISABELLA, JACKSON, KALAMAZOO, KALKASKA, KENT, KEWEENAW, LAKE, LAPEER, LEELANAU, LENAWEE, LUCE, MACKINAC, MANISTEE, MARQUETTE, MASON, MECOSTA, MENOMINEE, MIDLAND, MISSAUKEE, MONTCALM, MONTMORENCY, MUSKEGON, NEWAYGO, OCEANA, OCEMAW, ONTONAGON, OSCEOLA, OSCODA, OTSEGO, OTTAWA, PRESQUE ISLE, ROSCOMMON, SAGINAW, SANILAC, SCHOOLCRAFT, SHIawassee, ST. CLAIR, ST. JOSEPH, TUSCOLA, VAN BUREN AND WEXFORD COUNTIES

AREA 2: GENESEE, LIVINGSTON, MACOMB, MONROE, OAKLAND, WASHTENAW AND WAYNE COUNTIES

TRUCK DRIVER	Rates	Fringes
AREA 1		
Euclids, double bottoms and lowboys.....	\$ 28.05	.50 + a+b
Trucks under 8 cu. yds.....	\$ 27.80	.50 + a+b
Trucks, 8 cu. yds. and over.....	\$ 27.90	.50 + a+b
AREA 2		
Euclids, double bottoms and lowboys.....	\$ 24.895	.50 + a+b
Euclids, double bottoms and lowboys.....	\$ 28.15	.50 + a+b
Trucks under 8 cu. yds.....	\$ 27.90	.50 + a+b
Trucks, 8 cu. yds. and over.....	\$ 28.00	.50 + a+b

Footnote:
a. \$470.70 per week
b. \$68.70 daily

135

Highway Truck Driver Wage Classification

TEAM0007-004 06/01/2020

	Rates	Fringes
TRUCK DRIVER		
AREA 1		
Euclids, double bottoms and lowboys.....	\$ 28.05	.50 + a+b
Trucks under 8 cu. yds.....	\$ 27.80	.50 + a+b
Trucks, 8 cu. yds. and over.....	\$ 27.90	.50 + a+b
AREA 2		
Euclids, double bottoms and lowboys.....	\$ 24.895	.50 + a+b
Euclids, double bottoms and lowboys.....	\$ 28.15	.50 + a+b
Trucks under 8 cu. yds.....	\$ 27.90	.50 + a+b
Trucks, 8 cu. yds. and over.....	\$ 28.00	.50 + a+b

Footnote:
a. \$470.70 per week
b. \$68.70 daily

FB Hourly Credit:
a. \$470.70 / 40 hours = \$11.77
b. \$68.70 / 8 hours = \$8.59

FB Hourly Credit = \$0.50 + \$11.77 + \$8.59 = \$20.86

Total Package = \$28.00 + \$20.86 = \$48.86

136

Trucking Example

Truck is parked at the company yard every night normal rate of \$15.00/hr.

Mon.: 12 hrs.: ½ hr. travel, 11 hr. project (3 hrs. on the "site of work"), ½ travel

Tue.:

Wed.: 11 hrs.: ½ hr. travel, 10 hr. project (3.5 hrs. on the "site of work"), ½ travel

Thur.: 11 hrs.: ½ hr. travel, 10 hr. project (2 hrs. on the "site of work"), ½ travel

Fri.:

Sat.:

Total hrs. for the week = 34 hrs. (34 x 0.20 = 6.8)

Reg. = 9 + 7.5 + 9 = 25.5

PW = 3 + 3.5 + 2 = 8.5

Premium = 34 - 40 = -6 (0)


137

Trucking Example

TEAM0007-004									
Area 2 Trucks 8+									
BHR	\$28.00								
FB	.50+A+B								
A =	\$470.70/week								
B=	\$68.70/daily								
Example 1									
Example Worker	Non-PW	Su	M	Tu	W	Th	F	Sa	Total
	Reg		9.00		7.50	9.00			25.50
	OT		3.00		3.50	2.00			8.50
									0.00
								Total Hours	34.00
Worker Due:	Non-PW	\$0.00	\$135.00	\$0.00	\$112.50	\$135.00	\$0.00	\$0.00	\$382.50
	Reg	\$0.00	\$84.00	\$0.00	\$98.00	\$56.00	\$0.00	\$0.00	\$238.00
	OT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		\$0.50	\$0.00	\$1.50	\$0.00	\$1.75	\$1.00	\$0.00	\$4.25
	A	\$0.00	\$35.30	\$0.00	\$41.19	\$23.54	\$0.00	\$0.00	\$100.02
	B	\$0.00	\$25.76	\$0.00	\$30.06	\$17.18	\$0.00	\$0.00	\$72.99
								Total Due	\$797.77
	20-percent of work week:		6.8						
**If more than 40 PW hours is worked in a week box A defaults to \$470.70									
**If more than 8 PW hours is worked in a day box B defaults to \$68.70									

138

Trucking Example



WEEKLY CERTIFIED PAYROLL REPORTING FORM

NAME OF CONTRACTOR : Test Contractor Prime		CONTRACTOR'S LICENSE No. 5177197344 SPECIALTY LICENSE No.		ADDRESS : 8885 Ricks Rd., Lansing, MI 48909 PHONE: 5177197344 EMAIL: stroogafam86@gmail.com		PROJECT LOCATION/ CODE / NAME : Multiple Locations / AD-1234 / Test_Road Rehabilitation from I-74 North Detroit																			
PAYROLL No. 2		FOR WEEK ENDING: 02/12/2022 SUBMITTED ON: February 18, 2022		MOTOR CARRIER PERMIT No.		UNION: Non-Union		SELF-INSURED CERTIFICATE No. WORKERS' COMP. POLICY :		WAGE DECISION: MI10001 Highway Mod 1															
NAME, ADDRESS, SSN, DRIVER'S LICENSE, ETHNICITY, GENDER		WORK CLASSIFICATION, LOCATION AND TYPE		HOURS WORKED EACH DAY				TOTAL HOURS	BASE HOURLY RATE	GROSS AMOUNT EARNED		DEDUCTION, CONTRIBUTION AND PAYMENTS													
WHITE, BETTY Emp_001111 XXX-XX-1111		TEAM0007-004 Truck Driver - Area 2 - Trucks, 8 cu. Yds. & Over /Type: Highway		2/6/22	2/7/22	2/8/22	2/9/22	2/10/22	2/11/22	2/12/22	TOTAL HOURS THIS PROJECT	BASE HOURLY RATE OF PAY	TIRS PROJECT	ALL PROJECTS	Federal Tax	Social Security	Medicare	State Tax	Local Taxes /SDI	Other	Savings	Total Deduction			
				S	M	T	W	TH	F	S	8.50	28.00		797.77	95.73	49.86	11.57	33.91	0.00	0.00	0.00	191.07			
CAUCASIAN		1 Statewide		S			3.00		3.50		2.00	42.00													
Female		WD_MID100001		O								0.00	238.00												
				D								0.00													
All or Part of Fringes Paid to Employee: YES		Vacation, Holiday and Dues in Gross Pay: NO Voluntary Contributions in Gross Pay: NO		Rate in Lieu of Fringes		Total in Lieu of Fringes		Total Base Rate + Fringes		Voluntary Pension		Voluntary Medical		H & W Rate		Pension Rate		Vac. Hed. Rate		Training Rate		All Other Rate		Total Fringe Rate to Fed	
				20.86		177.26		48.86		0.00		0.00		0.00		0.00		0.00		0.00		0.00		0.00	

139

Trucking Example

Truck is parked at the company yard every night normal rate of \$15.00/hr.

Mon.: 6 hrs.: ½ hr. travel, 5 hrs. project (2 hrs. on the "site of work"), ½ travel
 Tue.: 8 hrs.: ½ hr. travel, 7 hrs. project (2 hrs. on the "site of work"), ½ travel
 Wed.: 11 hrs.: ½ hr. travel, 10 hrs. project (4 hrs. on the "site of work"), ½ travel
 Thur.: 11 hrs.: ½ hr. travel, 10 hrs. project (4 hrs. on the "site of work"), ½ travel
 Fri.: 9 hrs.: ½ hr. travel, 8 hrs. project (3 hrs. on the "site of work"), ½ travel
 Sat.: 9 hrs.: ½ hr. travel, 8 hrs. project (3 hrs. on the "site of work"), ½ travel

Total hrs. for the week = 54 hrs. (54 x 0.20 = 10.8)
 Reg. = 4 + 6 + 7 + 7 + 6 + 6 = 36
 PW = 2 + 2 + 4 + 4 + 3 + 3 = 18
 Premium = 54 - 40 = 14


140

Trucking Example

TEAM0007-004										
Area 2 Trucks 8+										
BHR	\$28.00									
FB	.50+A+B									
A =	\$470.70/week									
B =	\$68.70/daily									
Example 1										
Example Worker	Non-PW	Su	M	Tu	W	Th	F	Sa	Total	
	Reg		4.00	6.00	7.00	7.00	6.00	6.00	36.00	
	OT Premium		2.00	2.00	4.00	4.00	3.00	3.00	18.00	
							5.00	9.00	14.00	
								Total Hours	54.00	
Worker Due:	Non-PW	\$0.00	\$60.00	\$90.00	\$105.00	\$105.00	\$90.00	\$90.00	\$540.00	
	Reg	\$0.00	\$56.00	\$56.00	\$112.00	\$112.00	\$84.00	\$84.00	\$504.00	
	OT Premium	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$48.33	\$87.00	\$135.33	
	\$0.50	\$0.00	\$1.00	\$1.00	\$2.00	\$2.00	\$1.50	\$1.50	\$9.00	
	A	\$0.00	\$23.54	\$23.54	\$47.07	\$47.07	\$35.30	\$35.30	\$211.82	
	B	\$0.00	\$17.18	\$17.18	\$34.35	\$34.35	\$25.76	\$25.76	\$154.58	
								Total Due	\$1,554.72	
	20-percent of work week:	10.8						OT Premium (540.00 + \$504) / 54 / 2	\$9.67	
**If more than 40 PW hours is worked in a week box A defaults to \$470.70										
**If more than 8 PW hours is worked in a day box B defaults to \$68.70										

141

Trucking Example



WEEKLY CERTIFIED PAYROLL REPORTING FORM

NAME OF CONTRACTOR : Test Contractor Prime		CONTRACTOR'S LICENSE No. 5177197344 SPECIALTY LICENSE No.	ADDRESS : 8885 Ricks Rd., Lansing, MI 48909 PHONE: 5177197344 EMAIL: strongadam86@gmail.com	PROJECT LOCATION / CODE / NAME : Multiple Locations / AB-1234 / Test_Road Rehabilitation from I-74 North Detroit		
PAYROLL No. 2		FOR WEEK ENDING: 02/12/2022 SUBMITTED ON: February 18, 2022	MOTOR CARRIER PERMIT No.	UNION Non-Union		
NAME, ADDRESS, SSN, DRIVER'S LICENSE, ETHNICITY, GENDER		CLASSIFICATION, LOCATION AND TYPE		HOURS WORKED EACH DAY		
WHITE, BETTY ling_bj.1111 XXX-XX-1111 CAUCASIAN Female	EMPLOYEE	TEAM0007-004 - Truck Driver - Area 2 - Trucks, 8 est. Yds. & Over / Type: Highway		TOTAL HOURS THIS PROJECT 12.00		
		2/6/22 2/7/22 2/8/22 2/9/22 2/10/22 2/11/22 2/12/22 S M T W TH F S		BASE HOURLY RATE OF PAY 28.00		
		1 Statewide WD: MI20190001		TOTAL HOURS THIS PROJECT 3.00 3.00 6.00	GROSS AMOUNT EARNED 336.00	
		All or Part of Fringes Paid to Employee: YES		Vacation, Holiday and Days in Gross Pay: NO Voluntary Contributions in Gross Pay: NO		TOTAL HOURS THIS PROJECT 6.00
				Rate in Lieu of Fringes: 20.86 Total in Lieu of Fringes: 375.40		GROSS AMOUNT EARNED 562.02
		Total Base Rate + Fringes: 48.86 Voluntary Pension: 0.00 Voluntary Medical: 0.00 H & W Rate: 0.00 Pension Rate: 0.00 Vac. Hold Rate: 0.00 Training Rate: 0.00 All Other Rate: 0.00		DEDUCTION, CONTRIBUTION AND PAYMENTS Federal Tax: 186.57 Social Security: 97.17 Medicare: 22.54 State Tax: 66.08 Local Taxes / SDI: 0.00 Other: 0.00 Savings: 0.00 Total Deduction: 372.36		

Weighted average overtime used. Contractors advised to add note in the remarks on last page of payroll when using weighted average overtime. Rate in effect is also permissible.

142

Questions?

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LCPtracker Resource Email:
 MDOT-LCPtracker@Michigan.gov



143