

Federal Contracts-Working Conditions: Prevailing Wages in Construction Contracts

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Updated: September 2009

Davis-Bacon and Related Acts

(40 USC 5276a<http://www.dol.gov/whd/regs/statutes/dbra.htm>); **29 CFR Parts 1, 3, 5, 6**
http://www.dol.gov/dol/cfr/Title_29/Chapter_1.htm) and **7**<http://www.dol.gov/cgi-bin/leave-dol.asp?exiturl=http://s.dol.gov/60&exitTitle=www.ecfr.gov&fedpage=yes>)

Who is Covered

The Davis-Bacon and Related Acts (DBRA) are administered by the Wage and Hour Division. These Acts apply to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works.

Basic Provisions/Requirements

The Davis-Bacon Act requires that all contractors and subcontractors performing on federal contracts (and contractors or subcontractors performing on federally assisted contracts under the related Acts) in excess of \$2,000 pay their laborers and mechanics not less than the prevailing wage rates and fringe benefits listed in the contract's Davis-Bacon wage determination for corresponding classes of laborers and mechanics employed on similar projects in the area. Davis-Bacon labor standards clauses must be included in covered contracts.

Apprentices may be employed at less than predetermined rates if they are in an apprenticeship program registered with the Department of Labor or with a state apprenticeship agency recognized by the Department. Trainees may be employed at less than predetermined rates if they are in a training program certified by the Department.

Contractors and subcontractors on prime contracts in excess of \$100,000 are required, pursuant to the Contract Work Hours and Safety Standards Act, to pay employees one and one-half times their basic rates of pay for all hours over 40 worked on covered contract work in a workweek. Covered contractors and subcontractors are also required to pay employees weekly and to submit weekly certified payroll records to the contracting agency.

Employee Rights

The Davis-Bacon and Related Acts provide laborers and mechanics on covered federally financed or assisted construction contracts the right to receive at least the locally prevailing wage rate and fringe benefits, as determined by the Department of Labor, for the type of work performed. The [Wage and Hour Division](http://www.dol.gov/whd/) and respective federal contracting agencies accept complaints of alleged Davis-Bacon violations.

Recordkeeping, Reporting, Notices and Posters

Notices and Posters

Every employer performing work covered by the labor standards of the DBRA must post the WH-1321 "[Employee Rights Under the Davis-Bacon Act](http://www.dol.gov/whd/programs/dbra/wh1321.htm)" poster (<http://www.dol.gov/whd/programs/dbra/wh1321.htm>) at the site of the work in a prominent and accessible place where it may be easily seen by employees. There is no particular size requirement. The wage determination must be similarly posted.

Recordkeeping

Under the DBRA, covered contractors must maintain payroll and basic records for all laborers and mechanics during the course of the work and for a period of three years thereafter. Records to be maintained include:

- Name, address, and Social Security number of each employee
- Each employee's work classifications
- Hourly rates of pay, including rates of contributions or costs anticipated for fringe benefits or their cash equivalents
- Daily and weekly numbers of hours worked
- Deductions made
- Actual wages paid
- If applicable, detailed information regarding various fringe benefit plans and programs, including records that show that the plan or program has been communicated in writing to the laborers and mechanics affected
- If applicable, detailed information regarding approved apprenticeship or trainee programs

Some of the records required to be kept under the law are also required under the Fair Labor Standards Act. See Wage and Hour Division [Fact sheet #21: Recordkeeping Requirements under the Fair Labor Standards Act \(FLSA\)](http://www.dol.gov/whd/regs/compliance/whdfs21.pdf) (<http://www.dol.gov/whd/regs/compliance/whdfs21.pdf>).

Reporting

Each covered contractor and subcontractor must, on a weekly basis, provide the federal agency a copy of all payrolls providing the information listed above under "Recordkeeping" for the preceding weekly payroll period. Each payroll submitted must be accompanied by a "Statement of Compliance." The contractor, subcontractor or the authorized officer or employee of the contractor or subcontractor who supervises the payment of wages must sign the weekly statement. Statements of Compliance are to be made on the form [WH-347 "Payroll \(For Contractors Optional Use\)"](http://www.dol.gov/whd/forms/wh347instr.htm) (<http://www.dol.gov/whd/forms/wh347instr.htm>) or on any form with identical wording. This must be completed within seven days after the regular pay date for the pay period.

Contractors may also be asked to submit, via survey, wage data that may be used by the Wage and Hour Division to determine the locally prevailing wage rates that will apply to workers on Davis-Bacon and DBRA-covered projects. The submission of wage data is encouraged, but voluntary. Contractors and others may use the [WD-10 Form, Report of Construction Contractor's Wage Rates](http://www.dol.gov/whd/programs/dbra/wd10/index.htm) (<http://www.dol.gov/whd/programs/dbra/wd10/index.htm>).

Penalties/Sanctions

Contractors or subcontractors found to have disregarded their obligations to employees, or to have committed aggravated or willful violations while performing work on Davis-Bacon covered projects, may be subject to contract termination and debarment from future contracts for up to three years. In addition, contract payments may be withheld in sufficient amounts to satisfy liabilities for unpaid wages and liquidated damages that result from overtime violations of the Contract Work Hours and Safety Standards Act (CWHSSA).

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

Falsification of certified payroll records or the required kickback of wages may subject a contractor or subcontractor to civil or criminal prosecution, the penalty for which may be fines and/or imprisonment.

Relation to State, Local, and Other Federal Laws

Since 1931, Congress has extended the Davis-Bacon prevailing wage requirements to some 60 related Acts which provide federal assistance for construction through loans, grants, loan guarantees, and insurance. These Acts include by reference the requirements for payment of the prevailing wages in accordance with the Davis-Bacon Act. Examples of the related Acts are the American Recovery and Reinvestment Act of 2009, the Federal-Aid Highway Acts, the Housing and Community Development Act of 1974, and the Federal Water Pollution Control Act.

The Copeland "Anti-Kickback" Act (<http://www.dol.gov/whd/regs/statutes/copeland.htm>) 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 (<http://www.dol.gov/whd/flsa/index.htm>) may apply.

Compliance Assistance Available

The Department of Labor provides employers, workers, and others with clear and easy-to-access information and assistance on how to comply with the Davis-Bacon and Related Acts, such as the DBRA Forms page (<http://www.dol.gov/whd/programs/dbra/forms.htm>). Other compliance assistance related to the Act — including the Davis-Bacon and Related Acts (DBRA) Web Page (<http://www.dol.gov/whd/programs/dbra/index.htm>) and regulatory and interpretive materials — is available on the Compliance Assistance "By Law" (<http://www.dol.gov/compliance/laws/comp-dbra.htm>) Web page. Also, the Wage Determinations OnLine (<http://www.wdol.gov/>) (WDOL) Web site provides a single location for federal contracting officers to obtain Davis-Bacon wage determinations for use in covered contracts. The WDOL Web site library provides a variety of links that relate to compliance with the prevailing wage laws that apply to federal and federally assisted contracts.

DOL Contacts

Wage and Hour Division (<http://www.dol.gov/whd/>)

Contact WHD (<http://www.dol.gov/whd/contactform.asp>)

Tel: 1-866-4USWAGE (1-866-487-9243); TTY: 1-877-889-5627

The Employment Law Guide is offered as a public resource. It does not create new legal obligations and it is not a substitute for the U.S. Code, Federal Register, and Code of Federal Regulations as the official sources of applicable law. Every effort has been made to ensure that the information provided is complete and accurate as of the time of publication, and this will continue. Later versions of this Guide will be offered at www.dol.gov/compliance or by calling our Toll-Free Help Line at 1-866-4-USA-DOL (1-866-487-2365) (1-866-487-2365).

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General Decision Number: WA140074 07/04/2014 WA74

Superseded General Decision Number: WA20130074

State: Washington

Construction Type: Heavy
including water and sewer line construction

County: Kittitas County in Washington.

HEAVY CONSTRUCTION PROJECTS (including sewer/water construction).

Modification Number	Publication Date
0	01/03/2014
1	06/06/2014
2	06/13/2014
3	07/04/2014

CARP0770-002 07/01/2013

	Rates	Fringes
CARPENTER (Including Formwork)...	\$ 26.43	12.85
MILLWRIGHT.....	\$ 38.30	12.60

(HOURLY ZONE PAY: WESTERN AND CENTRAL WASHINGTON - ALL CLASSIFICATIONS EXCEPT MILLWRIGHTS AND PILEDRIVERS

Hourly Zone Pay shall be paid on jobs located outside of the free zone computed from the city center of the following listed cities:

Seattle	Olympia	Bellingham
Auburn	Bremerton	Anacortes
Renton	Shelton	Yakima
Aberdeen-Hoquiam	Tacoma	Wenatchee
Ellensburg	Everett	Port Angeles
Centralia	Mount Vernon	Sunnyside
Chelan	Pt. Townsend	

Zone Pay:

0 -25 radius miles	Free
26-35 radius miles	\$1.00/hour
36-45 radius miles	\$1.15/hour
46-55 radius miles	\$1.35/hour
Over 55 radius miles	\$1.55/hour

(HOURLY ZONE PAY: WESTERN AND CENTRAL WASHINGTON - MILLWRIGHT AND PILEDRIVER ONLY)

Hourly Zone Pay shall be computed from Seattle Union Hall, Tacoma City center, and Everett City center

Zone Pay:

0 -25 radius miles	Free
26-45 radius miles	\$.70/hour

Over 45 radius miles \$1.50/hour

 ELEC0077-001 02/01/2013

	Rates	Fringes
Line Construction:		
LINEMEN.....	\$ 45.62	4%+12.90

 * ELEC0112-014 06/01/2014

	Rates	Fringes
ELECTRICIAN.....	\$ 38.05	17.82

 ENGI0302-007 06/01/2014

	Rates	Fringes
Power equipment operators:		
Group 1A.....	\$ 38.39	17.39
Group 1AA.....	\$ 38.96	17.39
Group 1AAA.....	\$ 39.52	17.39
Group 1.....	\$ 37.84	17.39
Group 2.....	\$ 37.35	17.39
Group 3.....	\$ 36.93	17.39
Group 4.....	\$ 34.57	17.39

Zone Differential (Add to Zone 1 rates):
 Zone 2 (26-45 radius miles) - \$1.00
 Zone 3 (Over 45 radius miles) - \$1.30

BASEPOINTS: Aberdeen, Bellingham, Bremerton, Everett, Kent,
 Mount Vernon, Port Angeles, Port Townsend, Seattle,
 Shelton, Wenatchee, Yakima

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP 1AAA - Cranes-over 300 tons, or 300 ft of boom
 (including jib with attachments)

GROUP 1AA - Cranes 200 to 300 tons, or 250 ft of boom
 (including jib with attachments); Tower crane over 175 ft
 in height, base to boom; Excavator/Trackhoe, Backhoes: Over
 90 metric tons

GROUP 1A - Cranes, 100 tons thru 199 tons, or 150 ft of boom
 (including jib with attachments); Loaders-overhead, 8 yards
 and over; excavator/Trackhoe, backhoes: over 50 metric tons
 to 90 metric tons

GROUP 1 - Cranes 45 tons thru 99 tons, under 150 ft of boom
 (including jib with attachments); Crane-overhead, bridge
 type, 45 tons thru 99 tons; Derricks on building work
 Excavator/Trackhoe, backhoes: over 30 metric tons to 50
 metric tons; Loader- overhead 6 yards to, but not including
 8 yards; Dozer D-10

GROUP 2 - Cranes, 20 tons thru 44 tons with attachments;

Crane-overhead, bridge type-20 tons through 44 tons;
 Excavator/Trackhoe, backhoe: 15 to 30 metric tons;
 Loaders-overhead under 6 yards; Mechanic; Grader (finishing)

GROUP 3 - Cranes-thru 19 tons with attachments; A-frame crane
 over 10 tons; Dozers-D-9 and under; Roller-Plant Mix;
 Excavator/Trackhoe, backhoe: under 15 metric tons;
 Forklift: 3000 lbs and over with attachments; Oiler; Grader
 (non-finishing); Boom Truck over 10 tons

GROUP 4 -Cranes-A frame-10 tons and under; Roller-other than
 plant mix; Forklift: under 3000 lbs with attachments; Boom
 Truck 10 tons and under

 IRON0086-013 07/01/2013

	Rates	Fringes
IRONWORKER.....	\$ 31.60	21.35

 LABO0348-001 06/01/2014

ZONE 1:

	Rates	Fringes
Laborers:		
GROUP 2.....	\$ 21.76	10.30
GROUP 3.....	\$ 23.85	10.30
GROUP 4.....	\$ 24.43	10.30
GROUP 5.....	\$ 24.85	10.30

ZONE DIFFERENTIAL (ADD TO ZONE 1 RATES):

ZONE 2 - \$1.00
 ZONE 3 - \$1.30

BASE POINTS: BELLINGHAM, MT. VERNON, EVERETT, SEATTLE, KENT,
 TACOMA, OLYMPIA, CENTRALIA, ABERDEEN, SHELTON, PT.
 TOWNSEND, PT. ANGELES, AND BREMERTON

ZONE 1 - Projects within 25 radius miles of the respective
 city hall
 ZONE 2 - More than 25 but less than 45 radius miles from the
 respective city hall
 ZONE 3 - More than 45 radius miles from the respective city
 hall

LABORERS CLASSIFICATIONS

GROUP 2: Flagger

GROUP 3: General or Common Laborer; Mason
 Tender-Cement/Concrete; Chipping Guns (Under 30 lbs)

GROUP 4: Grade Checker; Pipe Layer; Chipping Guns (Over 30
 lbs)

GROUP 5: Mason Tender-Brick

PAIN0005-010 04/15/2013

	Rates	Fringes
Painters: (Brush, Roller and Spray).....	\$ 15.58	10.23

SUWA2009-040 08/07/2009

	Rates	Fringes
CEMENT MASON/CONCRETE FINISHER...	\$ 17.21	0.00
LABORER: Landscape.....	\$ 14.67	0.00
OPERATOR: Drill.....	\$ 28.15	8.20
PIPEFITTER.....	\$ 25.98	3.98
TRUCK DRIVER: Dump Truck.....	\$ 19.67	0.00
TRUCK DRIVER: Water Truck.....	\$ 24.36	8.30
TRUCK DRIVER: 10 Yard Truck.....	\$ 24.61	8.34

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.
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Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of "identifiers" that indicate whether the particular rate is union or non-union.

Union Identifiers

An identifier enclosed in dotted lines beginning with characters other than "SU" denotes that the union classification and rate have found to be prevailing for that classification. Example: PLUM0198-005 07/01/2011. The first four letters, PLUM, indicate the international union and the four-digit number, 0198, that follows indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination.

The date, 07/01/2011, following these characters is the effective date of the most current negotiated rate/collective bargaining agreement which would be July 1, 2011 in the above example.

Union prevailing wage rates will be updated to reflect any changes in the collective bargaining agreements governing the rates.

0000/9999: weighted union wage rates will be published annually each January.

Non-Union Identifiers

Classifications listed under an "SU" identifier were derived from survey data by computing average rates and are not union rates; however, the data used in computing these rates may include both union and non-union data. Example: SULA2004-007 5/13/2010. SU indicates the rates are not union majority rates, LA indicates the State of Louisiana; 2004 is the year of the survey; and 007 is an internal number used in producing the wage determination. A 1993 or later date, 5/13/2010, indicates the classifications and rates under that identifier were issued as a General Wage Determination on that date.

Survey wage rates will remain in effect and will not change until a new survey is conducted.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.

Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISION

