

# One-Page Guide to Common Mistakes on DBA Projects

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### Trucking



#### When is a truck driver generally covered by Davis-Bacon (DBA) requirements?

- When he/she is employed by a contractor or a subcontractor on a prevailing wage project; and
- He/she performs work at the "site of work", like moving equipment or transporting materials.

#### What are material suppliers?



Material suppliers are typically vendors who supply construction materials and deliver them to the construction site. Examples of these materials include:

- Rebar
- Pipe
- Lumber
- Grout

#### Are material suppliers covered by Davis-Bacon requirements?



Material suppliers are typically not covered under DBA; however, there are instances where they can be subject to prevailing wages if they perform the work of a laborer or mechanic at the "site of work" and the time spent is not *de minimis*.

### Classifications

#### What are laborers and mechanics?

According to the US Department of Labor (USDOL), they are workers under the employment of contractors and subcontractors who:

- Perform work that is manual or physical in nature;
- Use tools; or
- Perform the work of a trade.



#### Which classifications are exempt from prevailing wages?

Typically, employees whose work is not "physical or manual" in nature are not covered by prevailing wages. This includes executive, administrative, or professional workers.

#### How do you determine the wage rate for a worker?

Workers should be paid according to the hourly wage and fringe rates outlined in the applicable wage determination for that particular worker's specific craft and classification.



**Important note:** A worker's classification must be determined by the work he or she performs, not by the title given by his or her employer.

### Apprentices

#### How does the USDOL determine if a worker can be classified as an apprentice?

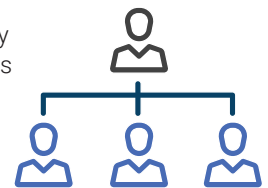
- He/she is registered under an approved state apprenticeship program, which is also recognized by the USDOL's Employment and Training Administration (ETA);
- He/she is registered under a program by the Office of Apprenticeship, Training, Employer, and Labor Services; or
- He/she is in the first 90 days of probationary employment as an "apprentice" in an approved program; however, he/she is not actually registered yet.

#### How do you determine an apprentice's rate of pay?

- Apprentices' wages are associated with their level (i.e., how far along they are in their training program).
- As they move up, the rate of pay changes.
- Typically, level rates are determined by the training program or the trade union's Collective Bargaining Agreement.
- Rates are usually a percentage of the journeyman prevailing wage rate.

#### What are apprentice ratios?

Ratios are a stipulation under DBA requirements that mandates the supervision of apprentices by a minimum number of journeymen. For example, if the apprentice ratio is 3:1, this means that for every 3 apprentices



working on the project, there must be at least 1 journeyman to supervise. **Important note:** Ratio requirements may vary by program and/or by state.