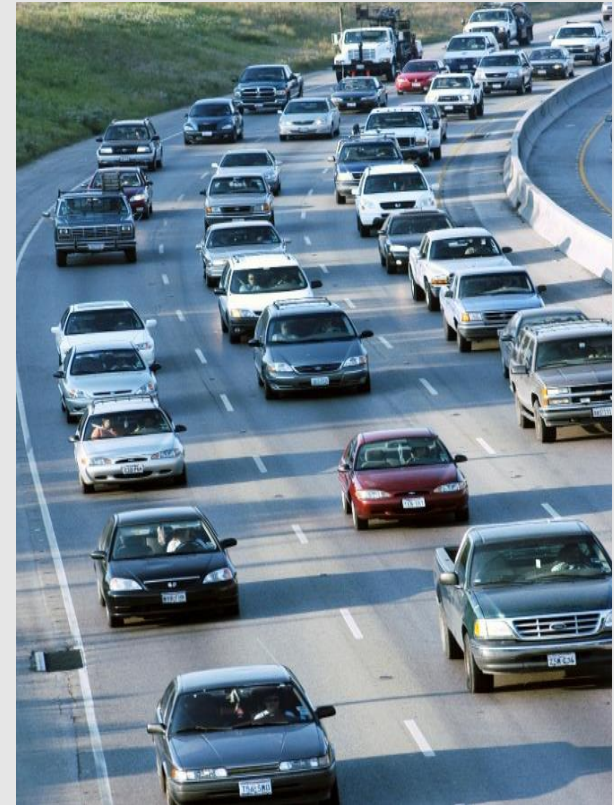




# 2016 WAGE RATE SURVEY

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# Davis-Bacon and Related Acts (DBRA)

- What are Davis-Bacon and Related Acts?
  - Enacted in 1931 Davis-Bacon and Related Acts (29 CFR Parts 1, 3, 5, 6 and 7).
  - Federal requirements to pay local prevailing wages to laborers and mechanics employed on federal government contracts in excess of \$2,000 for construction, alteration, or repair (including painting and decorating) of public buildings or public works.
  - These federal acts apply to all federally funded construction contracts, except for projects with functional class code 6 (rural minor collector) or 7 (local road or street).
  - The Davis-Bacon Act:
    - sets a prevailing minimum wage rate for various labor classifications predetermined by the U. S. Department Labor to be paid to laborers and mechanics;
    - requires the laborers and mechanics be paid weekly at prescribed rates for all hours worked;
    - provides that fringe benefits or wage equivalent are to be paid laborers and mechanics **when included** in the U. S. Department of Labor's prevailing minimum wage rate decision (<http://www.wdol.gov/dba.aspx>);
    - employees performing in more than one classification must be paid at the rate specified for each classification for time actually worked in each classification.

# Davis-Bacon and Related Acts (DBRA)

- The Davis-Bacon Act (cont'd):
  - requires that the contractor post the prevailing minimum wage rates at the job site. The wage determinations (including additional classifications and wage rates approved under the “conformance” process), and the Davis-Bacon poster WH-1321 must be posted by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be *easily* seen by the workers.
- What purpose do the Davis Bacon and Related Acts serve?
  - Designed to protect communities and workers from the economic disruption caused by competition arising from non-local contractors coming into an area and obtaining contracts by underbidding local wage levels.

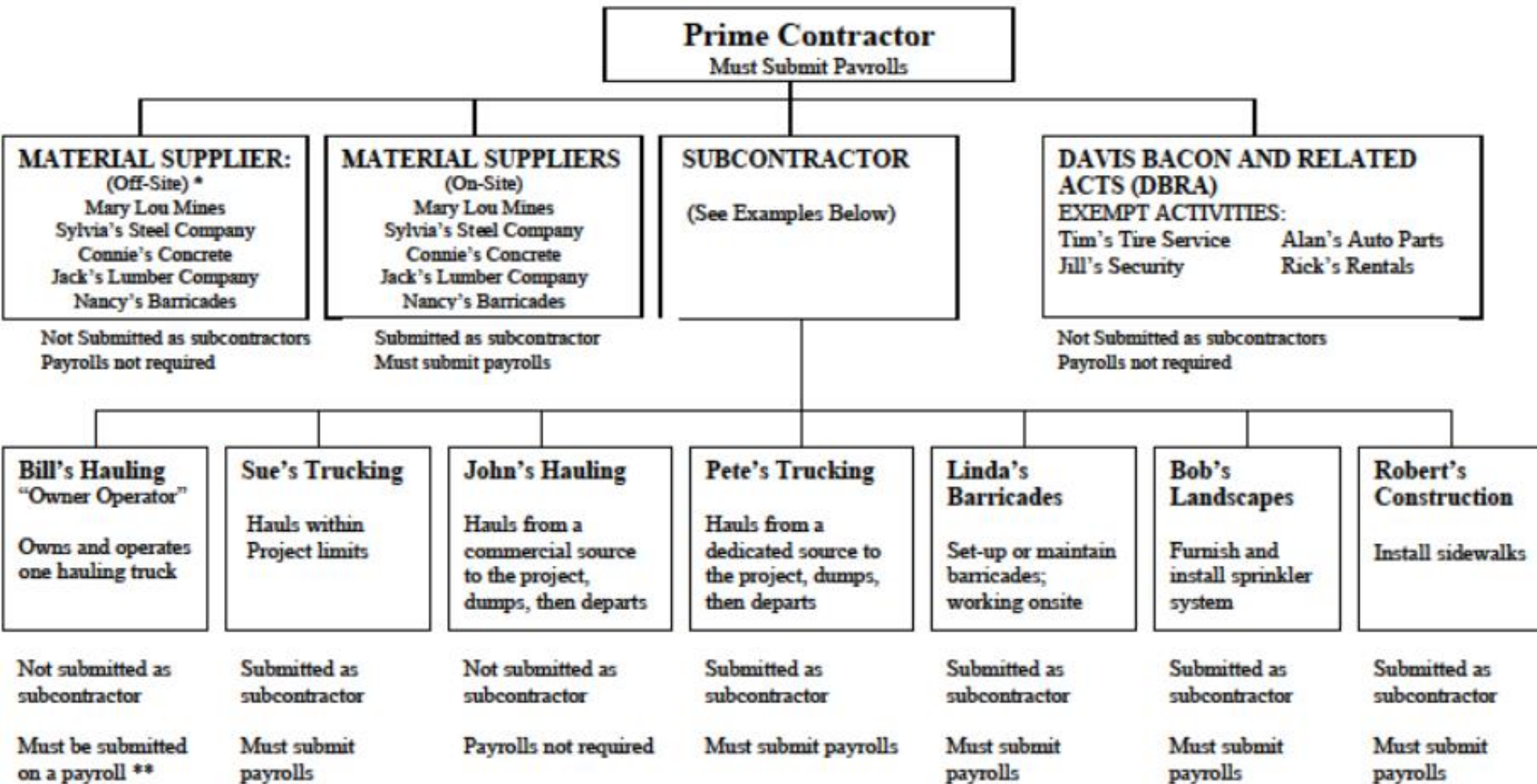
# Davis-Bacon and Related Acts (DBRA)

- Who do the DBRA requirements apply to?
  - Both prime contractors and subcontractors are required to pay “all” mechanics and laborers employed directly on the work-site not less than once a week (unconditionally), without any subsequent deduction or rebate on any account, the full amounts accrued at time of payment, computed at wage rates not less than those outlined in the advertised specifications and on the Department of Labor’s website, regardless of any contractual obligation that may be alleged to exist between the contractor or subcontractor and laborers and mechanics.
    - Laborers & mechanics include workers whose duties are manual or physical in nature.
    - Persons performing the duties of laborers and mechanics must be paid the prevailing wage rate regardless of any contractual arrangement, e.g., an independent contractor or owner-operator relationship.
    - Truckers are required to be paid no less than the approved, advertised “prevailing minimum wages” for times that they are physically on our projects.

# Davis-Bacon and Related Acts (DBRA)

- The Davis-Bacon Act does not apply to:
  - Contractor's supervisory and office employees;
    - Working supervisors (working foremen) are not required to be listed on payrolls unless they are performing labor duties covered by the Davis-Bacon and Related Acts (DBRA) more than 20% of the time. If the supervisor or foreman is working in a covered classification more than 20% of the time, be sure to properly list them in the work classification for the work which they performed and include only that rate paid to them for the covered work performed.
    - Administrative personnel
    - Executive personnel
    - Clerical personnel
  - Contractors, subcontractors or suppliers furnishing supplies and equipment when such operations are located off-site of the project;
  - Contracts with a political subdivision; or
  - Contracts or work agreements for construction work or services with railroads or public utilities when the work or service is done by their employees.

# SUBCONTRACTING AND PAYROLL REQUIREMENTS



\* *Supplying and delivering only; no work performed onsite*

\*\* *Name of truck owner-operator appears on contractor or subcontractors payroll with the designation "Truck Owner-Operator." No other information is required.*

**Note:** *"Do not sublet any portion of a construction Contract without the Engineer's written approval," excerpt from Texas Department of Transportation 2004 Standard Specification for Construction and Maintenance of Highways, Streets, and Bridges, (Spec. Book), Item 8.8, Subcontracting.*

**The requirements listed above also apply to any tiered agreements with subcontractors and material suppliers.**

# Wage Rate Survey

- What is a Wage Rate Survey?
  - It is not a survey in the sense that you log in to a site and answer some questions and then submit once (i.e. Survey Monkey)
  - It is a tracking of all wages paid on construction projects for a designated period for the purpose of updating minimum wage rates and classifications
- How often is a wage rate survey required?
  - USDOL requirements is every three years
- Last survey conducted
  - 2010
- Are there any differences between the last survey and this one:
  - Burden on the Department's district staff and contracting partners
  - We experienced a complete change to our classification numbering
  - No changes expected in this area

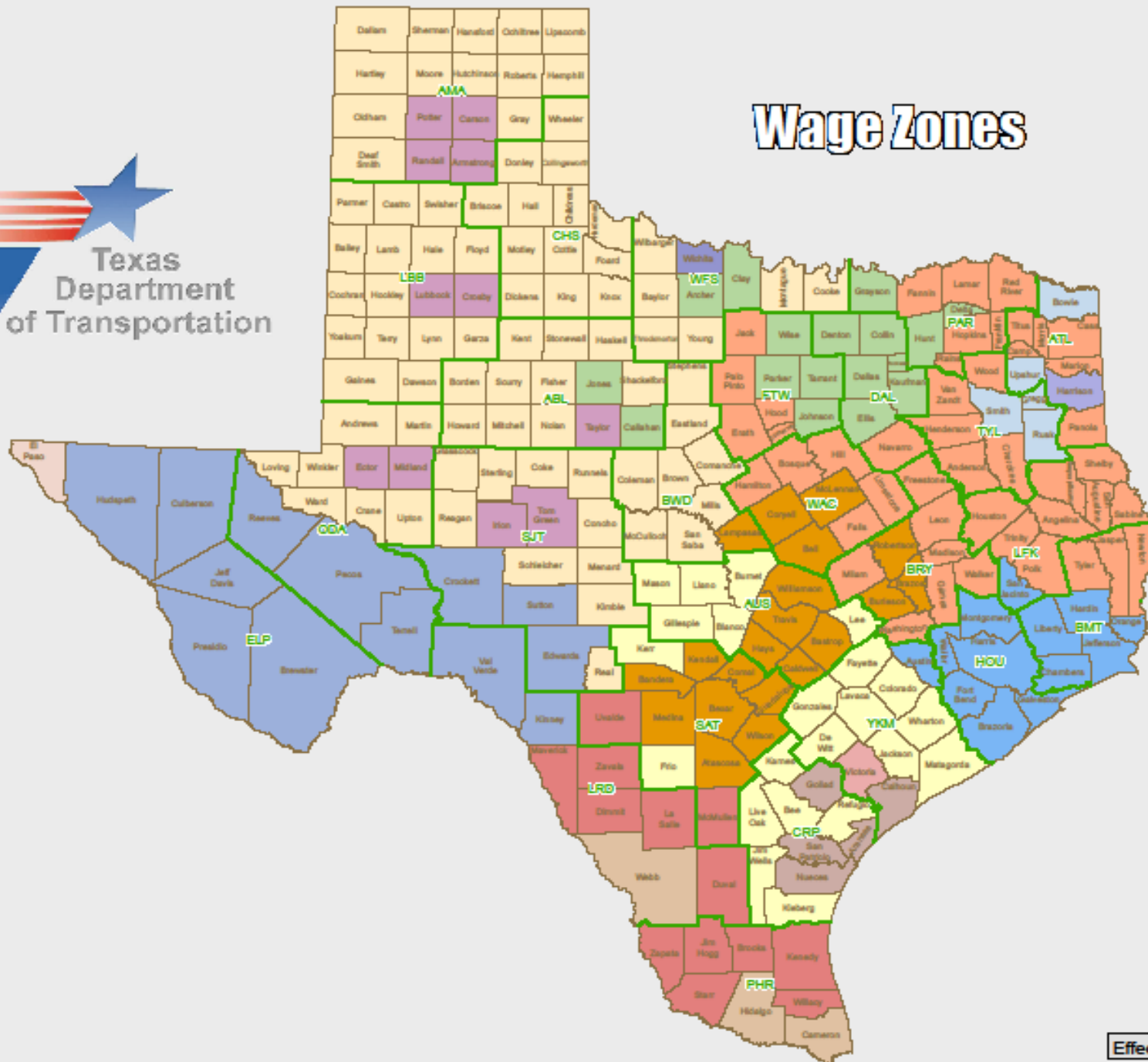
# Wage Rate Survey

- What changes can we expect to the current zones?
  - 16 zones
  - Have proposed to the DOL no changes to zones
- Wage rate survey period
  - Begin June 1, 2016
  - End August 31, 2016
- Survey performed by collection of weekly payrolls
  - Submit certified payrolls to the Area Engineer, designated office, or enter directly into the Electronic Project Records System (EPRS) within 7 days after regular payday.
- Projects that are not a part of the wage rate survey
  - Non-TxDOT projects
  - TxDOT Maintenance projects
    - Not sure how to distinguish the difference?
    - Project numbers that begin with RMC's
    - CSJ's that begin with the number 6





# Wage Zones



Effective: 01-06-2012

The wage rates listed are those predetermined by the Secretary of Labor and State wage paid. To determine the applicable wage rate zone, a list entitled "TEXAS COUNTIES IDENTIFIED BY WAGE RATE ZONES" is provided in the contract. Any wage rate that is not listed must be submitted to the Engineer for approval. IMPORTANT NOTICE FOR STATE PROJECTS; only the controlling wage rate zone applies to the contract. Effective 4-6-2016.

CLASS. #	CLASSIFICATION DESCRIPTION	ZONE TX07 1/8/16	ZONE TX08 1/8/16	ZONE TX11 1/8/16	ZONE TX12 1/8/16	ZONE TX14 1/8/16	ZONE TX16 1/8/16	ZONE TX18 1/8/16	ZONE TX34 1/8/16	ZONE TX35 1/8/16	ZONE TX37 1/8/16	ZONE TX38 1/8/16	ZONE TX40 1/8/16	ZONE TX41 1/8/16	ZONE TX54 1/8/16	ZONE TX56 1/8/16	ZONE TX63 1/8/16
1428	Agricultural Tractor Operator						\$12.69					\$12.35			\$11.75		
1300	Asphalt Distributor Operator	\$14.87	\$13.48	\$13.88	\$15.72	\$15.58	\$15.55	\$15.72	\$13.26	\$15.32	\$15.62	\$14.38	\$14.25	\$14.03	\$13.75	\$14.08	\$14.40
1303	Asphalt Paving Machine Operator	\$13.40	\$12.25	\$12.35	\$13.87	\$14.05	\$14.38	\$14.20	\$13.26	\$13.99	\$14.68	\$12.92	\$13.44	\$12.53	\$14.00	\$14.32	\$12.99
1108	Asphalt Raker	\$12.28	\$10.81	\$12.02	\$14.21	\$11.85	\$12.12	\$11.84	\$11.44	\$12.89	\$12.05	\$11.34	\$11.87	\$11.40	\$12.59	\$12.38	\$11.78
1112	Batching Plant Operator, Asphalt																
1115	Batching Plant Operator, Concrete																
1214	Blaster																
1815	Boom Truck Operator						\$18.38										
1444	Boring Machine Operator																
1305	Broom or Sweeper Operator	\$11.21	\$10.33	\$10.08	\$11.99		\$11.04	\$11.62		\$11.74	\$11.41	\$10.30		\$10.23	\$10.60	\$12.68	\$11.05
1144	Communications Cable Installer																
1124	Concrete Finisher, Paving and Structures	\$13.55	\$12.48	\$13.16	\$12.85	\$12.84	\$12.58	\$12.77	\$12.44	\$14.12	\$13.04	\$13.38	\$12.84	\$12.80	\$12.79	\$12.98	\$13.32
1318	Concrete Pavement Finishing Machine Operator				\$16.05		\$15.48			\$16.05		\$19.31				\$13.07	
1315	Concrete Paving, Curing, Float, Texturing Machine Operator											\$16.34				\$11.71	
1333	Concrete Saw Operator				\$14.87					\$14.48	\$17.33					\$13.99	
1399	Concrete/Gunite Pump Operator																
1344	Crane Operator, Hydraulic 80 tons or less				\$18.22		\$18.38			\$18.12	\$18.04	\$20.21			\$18.83	\$13.86	
1345	Crane Operator, Hydraulic Over 80 Tons																
1342	Crane Operator, Lattice Boom 80 Tons or Less	\$18.82	\$14.39	\$13.85	\$17.27		\$15.87			\$17.27	\$14.87				\$18.42	\$14.97	\$13.87
1343	Crane Operator, Lattice Boom Over 80 Tons				\$20.52		\$19.38			\$20.52	\$17.49				\$25.13	\$15.80	
1308	Crawler Tractor Operator	\$13.98	\$18.63	\$13.62	\$14.26		\$15.67			\$14.07	\$13.15	\$13.38			\$14.80	\$13.88	\$13.50
1351	Crusher or Screen Plant Operator																
1448	Directional Drilling Locator						\$11.67										
1445	Directional Drilling Operator				\$20.32		\$17.24										
1139	Electrician	\$20.98		\$19.87	\$19.80		\$26.35		\$20.27	\$19.80		\$20.92				\$27.11	\$19.87
1347	Excavator Operator, 50,000 pounds or less	\$13.48	\$12.58	\$13.87	\$17.19		\$12.88	\$14.38	\$13.49	\$17.19		\$13.88			\$14.09	\$12.71	\$14.42
1348	Excavator Operator, Over 50,000 pounds		\$15.23	\$13.52	\$17.04		\$17.71			\$18.99	\$18.80	\$18.22				\$14.53	\$13.52
1150	Flagger	\$9.30	\$9.10	\$8.50	\$10.26	\$8.81	\$9.45	\$8.70		\$10.08	\$9.71	\$9.03	\$8.81	\$9.08	\$9.90	\$10.33	\$8.10
1151	Form Builder/Setter, Structures	\$13.52	\$12.30	\$13.38	\$12.91	\$12.71	\$12.87	\$12.38	\$12.26	\$13.84	\$12.98	\$13.07	\$13.81	\$12.82	\$14.73	\$12.23	\$12.25
1160	Form Setter, Paving & Curb	\$12.38	\$12.18	\$13.93	\$11.83	\$10.71	\$12.94			\$13.18	\$12.54	\$11.33	\$10.89		\$13.33	\$12.34	\$13.93
1380	Foundation Drill Operator, Crawler Mounted				\$17.99					\$17.99							\$17.43
1383	Foundation Drill Operator, Truck Mounted		\$16.88	\$22.05	\$21.51		\$16.93			\$21.07	\$20.20	\$20.76		\$17.54	\$21.39	\$15.89	\$22.05
1389	Front End Loader Operator, 3 CY or Less	\$12.28	\$13.48	\$13.40	\$13.85		\$13.04	\$13.15	\$13.29	\$13.89	\$12.64	\$12.89			\$13.51	\$13.32	\$12.17
1372	Front End Loader Operator, Over 3 CY	\$12.77	\$13.89	\$12.33	\$14.96		\$13.21	\$12.86	\$13.57	\$14.72	\$13.75	\$12.32			\$13.19	\$13.17	\$13.02
1329	Joint Sealer																
1172	Laborer, Common	\$10.30	\$9.88	\$10.08	\$10.51	\$10.71	\$10.50	\$10.24	\$10.58	\$10.72	\$10.45	\$10.30	\$10.25	\$10.03	\$10.54	\$11.02	\$10.15
1175	Laborer, Utility	\$11.80	\$11.53	\$12.70	\$12.17	\$11.81	\$12.27	\$12.11	\$11.33	\$12.32	\$11.80	\$11.53	\$11.23	\$11.50	\$11.95	\$11.73	\$12.37
1348	Loader/Backhoe Operator	\$14.18	\$12.77	\$12.97	\$15.88		\$14.12			\$15.18	\$13.58	\$12.87		\$13.21	\$14.13	\$14.29	\$12.90

# Wage Rate Survey

- Collection of wage rate data
  - Submit weekly certified payrolls as is your current process
    - Electronic Project Records System (EPRS), by uploading payroll data file;
    - Create payroll data file by key manual entry directly into the system;
    - Via email or by mail to the Area Office.
  
- Certified Payroll Submittals requirements:
  - Use Form WH-347, or equivalent;
  - Include “Statement of Compliance;”
  - Wholly state-funded and design-build contracts during the survey period must also submit payrolls using with the aforementioned WH-347 and “Statement of Compliance.”

- Payroll records must contain the following information (USDOL Form WH-347)
  - Name
  - Individual Identifying Number
  - Work classification
  - Hours worked each day
  - Hourly rate of pay
  - Deductions made
  - Net wages paid for the week

PAYROLL

(For Contractor's Optional Use; See Instructions at [www.dol.gov/whd/forms/wh347instr.htm](http://www.dol.gov/whd/forms/wh347instr.htm))

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.



U.S. Wage and Hour Division

Rev. Dec. 2008

OMB No.: 1235-0008  
Expires: 02/28/2018

NAME OF CONTRACTOR OR SUBCONTRACTOR ADDRESS

PAYROLL NO. FOR WEEK ENDING PROJECT AND LOCATION PROJECT OR CONTRACT NO.

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT. OR ST.	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK	
				HOURS WORKED EACH DAY										FICA	WITH- HOLDING TAX		OTHER	TOTAL DEDUCTIONS		
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210

Date \_\_\_\_\_

I, \_\_\_\_\_  
(Name of Signatory Party) \_\_\_\_\_ (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by

\_\_\_\_\_ on the  
(Contractor or Subcontractor)

\_\_\_\_\_ ; that during the payroll period commencing on the  
(Building or Work)

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and ending the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

\_\_\_\_\_ from the full  
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

- In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

- Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE

SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.

# Contractor Roles, Responsibilities & Important Tips

- Submit payrolls timely (within 7 days of payment)
- Ensure accuracy of the information reported on payrolls
- Properly classify each employee in accordance with the prevailing wage classifications contained in the contract
- If you have an employee performing in a classification that is not listed in the contract, submit an additional classification request according to current process. Do not include them on the payroll in an improper work classification.
- Note that guards, watchmen, policemen, survey crews, technicians, and service repairmen are not subject to the DBRA and are not required to be listed on project payrolls.
- Do not include overtime wages in the regular rate of pay.
- Do not include lodging or transportation in the regular rate of pay.
- Report only true wages without any fringes, per diem, insurance, etc.
- The prime contractor is responsible for the submission of payrolls by each subcontractor.

## Contractor Roles, Responsibilities & Important Tips (cont'd.)

- If the prime contractor or a subcontractor does not work for a specific week, submit a payroll for that week with the statement “No Work Performed” (typically shown on the Statement of Compliance).
- If the payroll being submitted is the final or last payroll, include a statement indicating “Final Payroll” (typically shown on the Statement of Compliance).
- Submitting payrolls
  - If payrolls are submitted via EPRS by contractor, no action required by district staff or division staff in this area.
  - Manually submitted payrolls, two options:
    - Email to Area Office as an attached pdf (preferred)
    - Send via US Postal Service to Area Office



# TxDOT Districts and Designated Offices Roles and Responsibilities

- If payrolls are submitted by the contractor via EPRS, no action required by district staff
- If payrolls are submitted manually:
  - By email, Area Office staff to forward via email to CST-designated email box
  - By US Postal Service, District staff to scan and send via email to CST-designated email box
- If payrolls are not being submitted by Contractor or Subcontractor
  - District notify Prime Contractor of non-compliance
  - Send letter to Prime Contractor
  - Withhold estimate for failure to comply
  - Contact the Construction Division

# Construction Division Roles and Responsibilities

- Manually input all weekly payrolls received
- Electronically download data from EPRS on a monthly basis
- Analyze data on a monthly basis
- Review and verify data outside the normal ranges
- Submit survey results to the Department of Labor (DOL)

- Impact of survey
  - Wage rate data has a direct impact on establishing the prevailing wage rates on future highway construction projects
  
- EPRS is available on TxDOT's website at:  
<https://apps.dot.state.tx.us/apps/eprs>

**Questions?**

**email: melissa.daniels @txdot.gov**

**phone no.: 512-416-2428**

**Thank You!**