

Labor Compliance and Prevailing Wage

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Federal Davis-Bacon and Related Acts and Bureau of Labor and Industries (BOLI) Covered Projects

Federal Aid over \$2,000
State funded over \$50,000
If federal and state funded both Davis-Bacon Act and BOLI PWR apply

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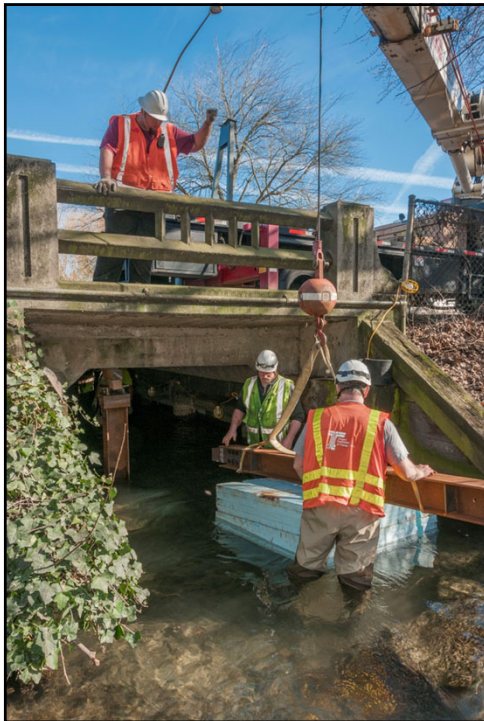
Prevailing Wages

- Wages are set as of Bid Date
- Wages are in place throughout the course of the project
- Base wage rate + fringe rate = total prevailing wage rate (PWR)
- If fringe benefits aren't available, fringe may be paid as wages
- Zone Pay + other differential may be added to the PWR base/fringe



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If both Davis-Bacon and BOLI apply

- Wage rates are compared and the worker is to be paid the higher of the two wage rates – Davis-Bacon/BOLI
- The wage cost estimating tool is used to compare Davis-Bacon and BOLI
- Prepared by the Project Controls Office and found in Doc Express under payment information

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Classifications of Work

- Manual/Physical in nature
- Workers are to be paid for the work they are performing
- BOLI Definitions of Covered Occupations (BOLI website www.boli.oregon.gov)

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Contract Oversight/Due Diligence

- Employee Interview Reports (contractor's workers)
- Performed at least once every six months – not intended as 100% test
- If questions arise, interview reports may be compared to certified payroll reports and inspector daily logs

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Certified Payroll Reporting

- Weekly reporting
- Subcontractors submit to Prime
- Prime contractor submits to ODOT

“Certified” signed statement with exact wording BOLI/Davis-Bacon language, true and accurate

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Certified Payroll Reporting

- “No Work Performed” weeks
- Numbering of payroll reports – intending to be consecutive weeks
- Suspensions of work notes to file

Cross reference back to employee interview reports and inspector daily logs if questions arise

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Certified Payroll/Public Records

- Certified Payroll reports are considered a public record (ORS 192.311-.478)
- If a Public Records request includes certified payroll reports, information is redacted consistent with ORS 192
- If certified payroll reports are requested as a part of a BOLI investigation – information is not redacted

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Wage Complaints & Claims

- BOLI requests all inspector daily logs, certified payroll reports, and prime contractor's bond information
- When a complaint is filed, BOLI has 180 days to review, determine and file a Notice of Claim

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Rental of Operated Equipment

ODOT Specifications 00180.20 (c) 1-4

Intended use – limited to performing minor, incidental, short-duration work with equipment not customarily owned, rented, or leased by the contractor

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Owner/Operators Independent Contractors

- Owner/Operator Trucks
- Lease agreements

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Questions?

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