

# Davis-Bacon

Wage Determination  
Surveys

# Three Basic Elements

- The “prevailing wage” reflects rates paid on “projects of a character similar,” i.e., Building, Residential, Heavy, & Highway construction
- Locality for the Wage Determination (WD) is established by the “city, town, village, or other civil subdivision of the State in which the work is...performed.” County is typically used
- The “prevailing wage” includes both wages and fringe benefits

# Obtaining & Compiling Wage and Fringe Benefit Data

- Surveys conducted by Regional Offices
- Wage & fringe benefit data collected from construction contractors and other interested parties on WD-10 survey forms  
([www.dol.gov/esa/programs/dbra/wd-10.htm](http://www.dol.gov/esa/programs/dbra/wd-10.htm))
- Certified payrolls from Davis-Bacon contracts may be requested from Federal agencies to supplement data from other sources, where appropriate

# Determining Prevailing Wages & Fringe Benefits

- Definition of prevailing wages:
  - Single rate paid to a majority of workers
  - If no majority, use the weighted average rate
- Determining prevailing fringe benefits
  - Single rate paid to a majority
  - If no single rate, then the weighted average (provided a majority receive some fringe benefits)

# Conducting Wage Surveys

- Step 1 – Notify interested parties
- Step 2 - Regional Offices request data from all contractors
- Step 3 - Follow-up with non-responding contractors; clarify data
- Step 4 – Analyze data

# Conducting Wage Surveys

- Step 5 –
- Test data
  - Postmarked by cut off date
  - Projects are active during time frame
  - Proper construction type
  - Data from prescribed area
  - Conduct data verification
- Data that fail tests are not used

# Conducting Wage Surveys

- Step 6 – Calculate rates and apply sufficiency criteria to craft and survey
- Step 7 – Submit survey information and recommended rates to the National Office and issue prevailing wage rate schedules.

# Sufficiency Criteria

- Data sufficiency criteria for survey
- Data sufficiency criteria for craft

# Survey Sufficiency Criteria – Key Classes

- Normally necessary to each of the four major types of construction
- Vary by type and number for each type of construction
- Survey is adequate when rates can be established and WD issued for at least half the key classes for the given type of construction

# Key Classes for Building Construction

- Boilermakers
- Bricklayers
- Carpenters
- Cement Masons
- Electricians
- Heat & Frost  
Insulators
- Iron Workers
- Laborers - Common
- Painters
- Pipefitters
- Plumbers
- Power Equipment  
Operators
- Roofers
- Sheet Metal Workers
- Tile Setters
- Truck Drivers

# Key Classes for Heavy & Highway Construction

- Carpenters
- Cement Masons
- Electricians
- Iron Workers
- Laborers - Common
- Painters
- Power Equipment Operators
- Truck Drivers

# Key Classes for Residential Construction

- Bricklayers
- Carpenters
- Cement Masons
- Electricians
- Iron Workers
- Laborers - Common
- Painters
- Plumbers
- Power Equipment Operators
- Roofers
- Sheet Metal Workers
- Truck Drivers

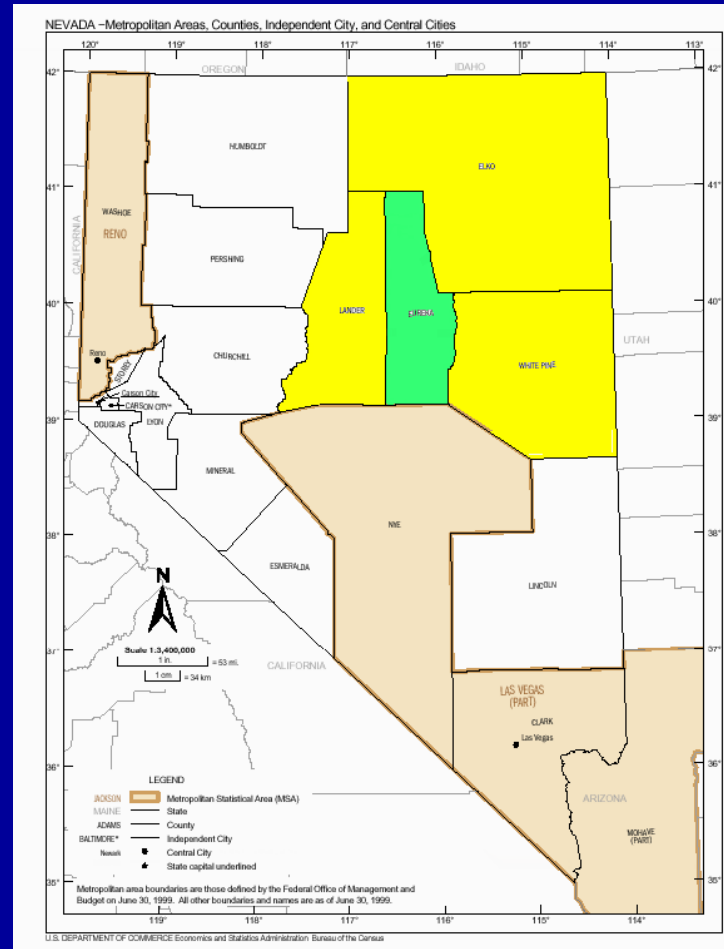
# Craft Sufficiency Criteria

- Criteria: Must receive data from at least 2 contractors on a total of 3 employees
- Calculation Process
  - Construction type
  - County
  - Federal Data (Building & Residential)
  - Expand to Other Counties

# Craft Sufficiency Criteria – Expansion to other Counties

- County
  - Insufficient Data -
- Group (Contiguous Counties-MSA)
  - Insufficient Data
- Supergroup – (Other county groups – CMSA)
  - Insufficient Data
- Statewide – Rural & Metro Not Mixed

# Insufficient in the County - Using Contiguous Counties



# Insufficient Data for a Craft

- If insufficient data for a classification, no rate will be recommended

# Sufficiency & Rate Calculation Example

Adobe Acrobat Standard - [HARRIS WD-22.pdf]

File Edit View Document Tools Advanced Window Help

Open Save Print Email Search Create PDF Review & Comment Secure Sign

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Ironworker, Reinforcing	\$12.058	\$0.00	954	A 0
Ironworker, Structural	\$15.676	\$0.00	188	A 0
* [Laborer: Asphalt Raker]	\$8.50	\$0.16	2/2	M 1
* Laborer: Asphalt Shoveler	\$7.00	\$0.00	1/1	M 3
* Laborer: Athletic Equipment Installer	\$10.00	\$0.00	5/5	M 1
* Laborer: Carpenter tender	\$8.50	\$2.159	8/5	M 1
Laborer: Cement Mason Tender	\$9.863	\$0.00	237	A 0
Laborer: Common or Unskilled	\$9.291	\$0.00	2729	A 0
* Laborer: Landscape	\$13.50	\$1.381	1/1	M 3
Laborer: Mason Tender Brick	\$10.125	\$0.00	52	A 0
Laborer: Pipelayer	\$12.346	\$0.00	13	A 0
Laborer: Plaster Tender	\$12.90	\$2.51	57/53	M 0
* Laborer: Semi-Skilled	\$9.431	\$1.014	108	A 1
* [Laborer: Sign Installer]	\$11.75	\$1.266	1/1	M 3
Laborer: Skilled	\$11.733	\$1.227	56	A 0
* [Laborer: Stage Light Installer]	\$10.00	\$0.00	2/2	M 1
Lather	\$16.90	\$3.61	56/47	M 0
* [Marble Setter]	\$17.60	\$0.00	1/1	M 1
* Millwright	\$17.25	\$3.232	6/6	M 1
Operator-Asphalt Paver	\$13.50	\$0.253	5	A 1
* Operator-Asphalt Roller	\$10.00	\$0.00	2/2	M 3
* Operator-Asphalt Spreader	\$12.00	\$0.00	1/1	M 3
Operator-Backhoe	\$12.544	\$0.00	122	A 0
* Operator-Bulldozer	\$15.00	\$0.00	2/2	M 3
* Operator-Concrete Pump, Truck Mounted	\$15.45	\$0.00	10/6	M 3
* Operator-Core Drill	\$14.806	\$3.505	9	A 3
Operator-Crane	\$17.954	\$3.556	25	A 0

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# Impact of Survey Participation

- Accuracy of WD developed from survey data is dependent upon interested party participation
- Complete WDs are dependent upon survey participation and level of construction activities

Davis-Bacon

Conformance

# Key Criteria

- Work is not performed by classification on the Wage Determination (WD)
- Rate must bear a reasonable relationship to WD rates
- Classification is utilized in the area by the construction industry

# Davis-Bacon

Appeals

Wage Determinations  
& Conformances

# How to Appeal?

- Has an initial determination been made based upon a:
  - Published wage determination (WD)
  - Wage Survey
  - Letter setting forth a position
  - Conformance determination

# How to Appeal? (Cont'd)

- Initial contact on survey related matters should be directed to the Regional Office that conducted the survey

U.S. DOL-ESA

Wage Hour Division

525 Griffin Street – Room 800

Dallas, Texas 75202

# How to Appeal? (Cont'd)

- Initial contact on WD and conformance actions and review and reconsideration requests should be directed to:

Wage & Hour Division Administrator

U.S. Department of Labor

200 Constitution Avenue, NW

Washington DC 20210

# How to Appeal? (Con't.)

- Review and Reconsideration requests:
  - Should be in writing
  - Should include supporting data
  - Will be responded to, or notified that additional time needed, within 30 days

# How to appeal? (Con't.)

- Final rulings of the Administrator may be appealed to the Administrative Review Board (ARB)
  - Requests for review of WDs must be timely (29 CFR 7.2(a))
  - ARB will not request contracting agency to postpone contract action (29 CFR 7.4(b)).
- The ARB issues final agency decisions on behalf of the Secretary of Labor

# “Interested Person”

- Can be any of the following who are working on, employed on, or seeking work or employment on a covered contract containing a Davis-Bacon WD:
  - Contractor, or representing association
  - Laborer or mechanic, or any labor organization representing such worker; or
- Can be any Federal, State, or local agency concerned with the administration of a proposed contract or a contract containing a WD

# Web Sites

- **FOR GENERAL INFORMATION –  
SURVEY SCHEDULE - ELECTRONIC  
WD-10 - WD-10 INSTRUCTIONS –  
REGION ADDRESSES & PHONE  
NUMBERS**

**[www.dol.gov/esa/programs/dbra/index.htm](http://www.dol.gov/esa/programs/dbra/index.htm)**

- **FOR DAVIS BACON WAGE  
DETERMINATIONS –**

- **[www.wdol.gov](http://www.wdol.gov)            or  
[www.access.gpo.gov/davisbacon](http://www.access.gpo.gov/davisbacon)**

# Survey

- Location:
- Type of Construction:
- Timeframe:
  - Project – ACTIVE DATES
  - Not Start or End Date of Project

# Survey

- Start Date of Survey
- Cut Off Date:  
(All data submitted must be postmarked or submitted electronically by this date)

# Survey

- Regional Survey Personnel:

# Survey Submission Forms

- Form WD-10
- Electronic Form WD-10