

# EMPLOYEE RIGHTS UNDER THE DAVIS-BACON ACT

## FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

|                         |   |
|-------------------------|---|
| <b>PREVAILING WAGES</b> | You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.  |
| <b>OVERTIME</b>         | You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.   |
| <b>ENFORCEMENT</b>      | Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for up to three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment. |
| <b>APPRENTICES</b>      | Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.   |
| <b>PROPER PAY</b>       | If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:   |

Tony Samon, CFO  
Community Action Agency  
1214 Greenwood Avenue  
Jackson, MI 49203  
Ph: (517) 784-4800 or 1 (800) 491-0004  
Email: [tsamon@caajlh.org](mailto:tsamon@caajlh.org)

or contact the U.S. Department of Labor's Wage and Hour Division.



For additional information:

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



**WWW.WAGEHOUR.DOL.GOV**

This project wage determination is issued in response to a request from the Department of Energy (DOE) for prevailing wage rates specific to weatherization of residential structures as those structures are defined in the All Agency Memorandum 130 and 131. This wage determination has application only to weatherization construction projects on existing residential structures as described in the SF 308 submitted by DOE. The primary purpose of the project for which this wage determination is being issued is weatherization and is not for the renovation, repair, or new construction of residential structures. All other types of residential construction projects are subject to the published general residential wage determinations for the State of Michigan found on [www.wdol.gov](http://www.wdol.gov).

Weatherization work for purposes of this wage determination is defined as minor repairs, batt insulation, blown insulation, window and door repair, and weather stripping, solar film installation, air sealing, caulking, minor or incidental structural repairs, duct sealing, air sealing, installation of light bulbs, and installation of smoke detectors. In Michigan, the Department’s recent survey determined as a matter of prevailing practice that these duties are performed by a weatherization worker classification. The survey also found specialty weatherization work performed on weatherization construction projects. Specialty weatherization work is the (1) replacement of doors and windows; (2) installation and repair of furnace/cooling (HVAC) systems and all associated work involved with the installation of the HVAC system including electrical, pipe, and duct work. Classifications performing this work are also listed on this project wage determination.

Wage payment data submitted for the State of Michigan included wage data information for a weatherization crew chief classification. This classification of worker is essentially a working foreman who performs the same tasks as the weatherization worker, but who is responsible for supervision, job oversight, forms completion, work assignments, and quality assurance. The additional duties are not “laborer or mechanic” work as defined by the Davis-Bacon and related Acts regulations, but are more supervisory in nature. The Department issues various classifications of workers when the duties are defined and distinct from all other classifications of workers on the wage determination. The “laborer or mechanic” duties of the crew chief are not sufficiently distinct to warrant the issuance of a separate classification on the wage determination. Moreover, the Department does not issue separate wage determinations based on a worker’s skill, experience or individual training.

Therefore, the weatherization crew chief is not listed as a separate classification of worker. The weatherization crew chief must be classified as a weatherization worker and paid at least the applicable wage determination rate of the weatherization worker when performing weatherization work. There is no restriction however to paying the weatherization crew chief more than the weatherization worker wage rate listed on the wage determination

STATE: **Michigan**

COUNTIES: See below

Decision #: **2009-MI-001**

DESCRIPTION OF WORK: Weatherization construction on existing residential structures to include minor repairs, batt insulation, blown insulation, window and door repair, and weather stripping, solar film installation, air sealing, caulking, minor or incidental structural repairs, duct sealing, air sealing, installation of light bulbs, and installation of smoke detectors. This also includes (1) the replacement of doors and windows and the repair; (2) the installation of hot water heaters and the installation and repair of furnace/cooling (HVAC) systems and all associated work involved with the installation of the HVAC system including electrical, pipe, and duct work.

The following is a key to the county chart below. The first figure in each classification column is the hourly rate and the rate following the “+” is the fringe benefit rate. A blank in the classification column signifies that there is no or insufficient data from either source and therefore no applicable rate.

Any unlisted classifications needed for work not included within the scope of the classifications listed below may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

| Weatherization Survey |                       |                                       |   | Existing Residential Wage Determination ( <a href="http://www.wdol.gov">www.wdol.gov</a> ) |                    |                |        |                    |
|-----------------------|-----------------------|---------------------------------------|---|--|--------------------|----------------|--------|--------------------|
| Counties              | Weatherization Worker | Doors & Windows Weatherization Worker | HVAC/Furnace/Heating & Cooling Mechanic | Carpenter  | Electrician        | Plumber        | Roofer | Sheet metal Worker |
| Hillsdale             | \$12.56               | \$19.00+3.99                          | \$35.00                                 | \$7.25   | \$8.00             | \$7.25         | \$7.25 | \$7.25             |
| Jackson               | \$11.00               | \$19.00+3.99                          | \$35.00                                 | \$14.29+3.33   | \$22.71+10.71      | \$22.63+14.74  | 10.94  | \$12.34+3.88       |
| Lenawee               | \$11.00               | \$19.00+3.99                          | \$35.00                                 | \$14.29 +3.33  | \$34.73+14.70+4.5% | \$35.52+15.65* | 10.94  | \$12.34+3.88       |