

factories, fabrication plants, batch plants, tool yards, etc. are "on-site" when they are dedicated exclusively or nearly so to the performance of the contract and are in close geographic proximity, nearby and adjacent to the public construction project. Established commercial pits are not included. If you are not sure, contact the Alaska Wage and Hour Administration.

13. How do I track my hours?

It is extremely important to keep an accurate account of all time worked. Keep a log that shows the date (month/day/year), time spent on the project, the project name and number, equipment used and your mileage. You should also have a brief note of what you were doing at the time; i.e., hauling grub from one job site to another, hauling material from a pit (location) to a project, loading/unloading, etc. Make sure you keep a copy for your records including all truck tickets.

14. Am I entitled to per diem?

Maybe. Employers shall ensure that an employee who is employed on a project that is more than 65 road miles or more from the U.S. Post Office in either Fairbanks, Juneau, or Anchorage or is inaccessible by road in a two-wheel drive vehicle and who is not a domiciled resident of the locality of the project shall receive meals and lodging. In lieu of meals and lodging, per diem must be paid at \$75 a day. If lodging is provided, employers are to pay \$36 a day for meals.

Where can I find answers regarding Workers' Compensation?

State of Alaska
Division of Workers' Compensation
labor.alaska.gov/wc/home.htm
907-465-2790

Who do I contact about payroll tax deductions?

Federal Taxes - IRS
www.irs.gov
1-800-829-1040

State Unemployment Insurance Taxes
Employment Security Tax
labor.alaska.gov/estax/
907-269-4850

State of Alaska
Department of Labor and Workforce Development
Wage and Hour Administration
labor.alaska.gov
labor.alaska.gov/lss/home.htm
907-269-4900

Free Wage and Hour Seminars:

Anchorage

Third Tuesday of each Month
11am - Title 36 Little Davis-Bacon

Anchorage Regional Office
3301 Eagle St., Suite 301
Anchorage, AK 99503-4149
907-269-4900

Fairbanks

Second Wednesday of each Month
11am - Title 36 Little Davis-Bacon

Fairbanks Regional Office
675 Seventh Ave., Station J
Fairbanks, AK 99701
907-451-2886

Juneau

Third Monday of each Month
11am - Title 36 Little Davis-Bacon

Juneau Regional Office
1111 W. Eighth St., Suite 302
Juneau, AK 99801-1802
907-465-4842

Wasilla

Second Wednesday of each Month
11am - Title 36 Little Davis-Bacon

Wasilla Office
877 Commercial Drive
Wasilla, AK 99654
907-352-2558

State of Alaska
Department of Transportation
Division of Measurement Standards and
Commercial Vehicle Enforcement
dot.state.ak.us
dot.state.ak.us/mscve/main.cfm
1-800-478-7636



Common Questions for Truck Drivers on Public Construction Projects



1. What is the Little Davis-Bacon Act?

The Little Davis-Bacon Act (LDBA) is a set of state laws in Title 36 patterned after the Federal Davis-Bacon Act. Little Davis-Bacon establishes minimum prevailing wage rates and related requirements on public construction contracts awarded by the State of Alaska or a political subdivision of the state. Only projects that exceed \$2,000 are covered. The primary purpose of the act is to establish a level playing field for labor costs on publicly funded construction projects.

2. How do I know if it is Davis-Bacon or Little Davis-Bacon?

The Davis-Bacon Act (DBA) is a set of federal laws applicable to public construction projects funded by federal agencies. Some projects, such as highway projects, are funded with a mix of state and federal funds and are covered by both federal and state laws. If the wage rates differ between the federal and state rates, workers receive the higher rate. Projects funded solely through federal agencies are covered exclusively by the DBA and are not monitored by the state.

3. What do you mean by state or a political subdivision of the state?

- any state department or agency
- state university
- boroughs
- cities
- villages
- school districts or
- other political subdivision of the state

4. Am I an employee or an independent contractor (owner/operator)?

“Red flags” are raised when a truck driver does not own their own truck and they lease a truck to perform work for a broker/subcontractor/contractor. Some of the red flags are as follows.

- You are asked to purchase a business license
- You are asked to purchase workers’ compensation insurance
- You are told where to park the truck at night
- You are told where to work
- You work for a “fixed” amount or “hourly” rate
- You are not free to work where you want
- You are not free to work when you want
- You do not pay for fuel, grease, brake fluid, anti-freeze, windshield fluid, maintenance or repair of the truck

- You do not find your own work
- You do not advertise to the general public
- You have very little investment in your business
- You cannot realize a profit or loss based on how you manage your business.

This list does not include everything needed to make a determination concerning your employment relationship. You are encouraged to contact your nearest Wage and Hour Administration office for any questions on this subject.

5. Do I have to submit my own certified payroll?

Yes, if you are a truck owner and have incorporated or if you are an LLC and file your taxes as a corporation, you are an employee of the corporation you created. As an employee you must be paid weekly and unconditionally. Certified payrolls must be submitted no less than bi-weekly.

6. Do owner/operators have to be reported on certified payrolls?

Yes, owner/operators who work on the project are not required to pay themselves each reporting period, but must report all hours worked, the actual payments received under the terms of the contract, and the period covered by each payment. After deducting operating expenses, the actual payment received by an owner/operator must meet or exceed the minimum prevailing rate of pay in the applicable work classification for each hour worked “on-site” on a public construction project.

7. What if a driver is dispatched to a public construction job?

If a contractor is under contract to provide trucks on a public construction project and leases a truck to an individual truck driver or dispatches an owner/operator working on that project, the contractor must pay no less than the prevailing wage for each hour worked in each certified payroll reporting period to that driver. Certified payrolls must be submitted no less than bi-weekly. All owner/operator truck drivers who are dispatched to the project must appear on a certified payroll.

8. What is required on certified payrolls?

All blank spaces must be accurately completed on certified payrolls. If you need assistance, please contact the Alaska Wage and Hour Administration.

9. What if I am not getting paid the rate in pamphlet 600?

Contact the Alaska Wage and Hour Administration. Wage and Hour determines the proper issue of pamphlet 600 to be used, the period of time it is to be used and the correct work classification. Pamphlet 600, Laborers’ & Mechanics’ Minimum Rates of Pay, is published in April and September. The applicable pamphlet must be posted on the project site. If it is not, please contact the Alaska Wage and Hour Administration. An employee can be paid more than the minimum prevailing rate of pay but cannot be paid less.

10. I work on several different LDB projects and private projects during the week, what should my rate of pay be?

Your rate of pay will be determined by the issue of pamphlet 600 that is applicable to the public construction contract. For non-LDB projects your rate of pay is determined by your employer or contract. If, as an employee, you worked at more than one rate of pay and earned overtime, the overtime is to be paid by no less than the weighted average method. If you need assistance, please contact the Alaska Wage and Hour Administration.

11. Am I entitled to overtime?

All eligible employees are entitled to overtime pay at the rate of one and one-half times the regular rate of pay for work performed more than 8 hours in a day and more than 40 regular or straight time hours in a week. Under Title 36 the total straight time is any combination of the basic hourly rate plus bona-fide benefits. An overtime rate is calculated at one and one-half times the basic hourly rate as published in pamphlet 600 plus the fringe benefits.

12. When am I entitled to Little Davis-Bacon Wages?

- when you perform work on the footprint of the project,
- when you are hauling material or equipment away from the project to the first designated drop off point,
- after unloading you return directly to the construction site, and
- when you are traveling between two “on-site” locations.

Borrow/material pits, plants, job headquarters, mobile