

Frequently Asked Questions Regarding Truck Driving

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 meet or exceed \$ 25,000 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?

- state departments or agencies
- state universities
- boroughs
- cities
- villages
- school districts or
- other political subdivisions 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, antifreeze, 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 through the online system by logging into MyAlaska, at <https://my.alaska.gov> and clicking on **LSS Filing Services**.

6. 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.

7. 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.

8. 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.

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

The Wage and Hour Administration 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 amount must be calculated using to the weighted average method. If you need assistance, please contact the Alaska Wage and Hour Administration.

11. Am I entitled to overtime?

With few exceptions, 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 the Prevailing Wages on public construction project?

When you perform work on-site or you are employed by a bona fide material supplier or common carrier, and you are assisting in specific placement of asphalt or concrete, or stocking materials on floors, in buildings or multiple locations on-site, or otherwise performing work necessary for a public construction project. “On-site” work areas include but are not limited to fabrication plants, mobile factories, batch plants, borrow

pits, rock quarries, job headquarters and tool yards. In general, round trip and return trip driving activities are covered. All mobilization and demobilization activities are covered.

13. When am I *not* entitled to the Prevailing Wages on a public construction project?

When you are employed by a bona fide material supplier or common carrier and are merely delivering materials, supplies or equipment.

14. If I am a truck driver who works for a contractor or subcontractor on a project and I haul materials, equipment, or supplies away from a public construction project, am I entitled to prevailing wages?

Yes, you are entitled to prevailing wages for the entire round-trip, including associated demobilization trucking activities. This is true for an employee as well as an owner/operator. If you do not return to the public construction project, you are still entitled to prevailing wages for the time required to haul materials and equipment from the project until the truck is offloaded.

15. If I am a truck driver who works for a contractor or subcontractor on a project and I transport materials, equipment or supplies to a public construction project (mobilization), am I entitled to prevailing wages?

Yes, you are entitled to prevailing wages, including for the time spent on all round-trip associated trucking activities for the purposes of completing the public construction contract. This is true for an employee as well as an owner/operator.

16. If I am an employee who drives a truck for a “bona-fide material supplier” or “common carrier,” am I entitled to prevailing wages?

No, unless you do more than mere delivery.

17. If I am a truck driver contracted with a bona-fide material supplier or common carrier, am I entitled to prevailing wages when delivering materials from a location that is not “on-site,” such as a material supplier’s home yard or warehouse that is not dedicated exclusively or nearly so to performance of one or more public construction project?

Yes. Contractors working for a material supplier must pay their employees the prevailing wage for delivering materials to a public construction project. However, employees of a bona fide material supplier are not entitled to prevailing wages for deliveries.

18. What is a “Bona Fide Material Supplier”?

A commercial enterprise serving the public in general and supplies sand, gravel, ready mixed concrete, hot asphalt, or other construction material to both public and private projects, whose existence or operation is NOT dedicated exclusively or nearly so to one or more public construction projects. A bona fide material supplier should be viewed as an established enterprise with a permanent source of materials, rather than an enterprise that purchases the material from another source and transports that material. Being able to supply the material as advertised and contracted for is not the governing factor in determining the validity of a bona fide material supplier.

19. What is a “Common Carrier”

A commercial enterprise that advertises itself to the public as offering to transport freight or passengers and delivers multiple types of freight to multiple clients for both public and private construction on a recurring basis. It does not include a enterprise whose existence or continuing operations rely exclusively or nearly so on one or more public construction projects. Freight does not include dirt, sand, gravel, rock or other naturally occurring earth materials.

20. 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 equipment from one job site to another, hauling material from a pit (location) to a project, loading/unloading, etc. Make sure you keep a copy, including all truck tickets for your records.

Alaska Department of Labor and Workforce Development
Wage and Hour Administration
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

Where can I find answers regarding:

- **AK Commercial Vehicle Enforcement**
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
- **Federal Payroll Tax Deductions?**
Federal Taxes - IRS
www.irs.gov
1-800-829-1040
- **AK Payroll Tax Deductions?**
Ak Unemployment Insurance Taxes
Employment Security Tax
labor.alaska.gov/estax/
907-269-4820
- **Worker’s Compensation?**
State of Alaska
Division of Worker’s Compensation
labor.alaska.gov/wc/home/htm
907-465-2790
- **Unemployment Insurance Benefits?**
www.labor.state.alaska.gov/esd
907-269-4700