

Marywood University

Policies and Procedures

Davis-Bacon Act Compliance Policy

I. Scope

This Davis-Bacon Act (“DBA”) Compliance Policy applies to all faculty, staff, and other individuals who purchase contractor and subcontractor services that are being performed on federally funded contracts in excess of \$2,000.

II. Policy Statement

This policy ensures compliance with the Federal Regulation DBA codified as 40 U.S.C 3141-3148.

III. Policy:

Under the provisions of the DBA, contractors and subcontractors must pay their laborers and mechanics directly employed upon the site of the work no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. This Policy includes contractors and subcontractors performing on federally funded contracts in excess of \$2,000 for construction, alterations, repairs (including painting and decorating), and also including craft positions such as plumber, carpenter, cement mason/concrete finisher, electrician, insulator, laborer, lather, painter, power equipment operator, roofer, sheet metal worker, truck driver, and welder.

The following information must be included in all applicable DBA contracts:

1. *Local Prevailing Wage Rates and Benefits* – service employees paid under the federal funded contract must receive salary rates and benefits which conform to the U.S. Department of Labor’s determination of local prevailing wages and benefits for the same employee class.
2. *Enforcement* – the U.S. Department of Labor has enforcement powers, including debarment, to correct contractor violations. Please view the

Department of Labor's website for all pertinent information related to compliance with labor standards.

3. *Recordkeeping* – records must be kept for three years and are subject to investigation by the U.S. Department of Labor.
4. *Health and Safety* – working conditions must meet health and safety standards under 29 CFR Part 1925.
5. *Pay Period* – service employees under the contract must be paid at least on a weekly basis.
6. *Premium Overtime* – service employees under the contract are required to be paid premium overtime at 1.5 times salary after 40 hours of work per week.
7. *Wage Offset for Benefits* – employees who are ineligible for health insurance must be furnished with equivalent benefits or cash equivalent. Average health and welfare benefits must equal the U.S. Department of Labor's determination of fringe benefit costs. Information on such prevailing wage and benefit rates must be supplied to employees.
8. *Minimum Wages*- In the absence of a wage determination for certain classes of employees, those employees may not be paid less than the minimum wage established under the Fair Labor Standards Act.

Effective date: December 13, 2024.

Policy History:

12/16/2024: The President approved the establishment of this policy upon the recommendation of the Policy Committee of the University at their December 13, 2024 meeting.

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**Mary Theresa Gardier Paterson, Esquire
Secretary of the University and General Counsel**