

Virginia Prevailing Wage FAQs

For further questions please send all requests to: PrevailingWage@doli.virginia.gov

- 1) Helper is not listed, is Helper a classification that gets a wage determination?

Answer – No, helper is not included in a General Wage Determination. If you think your project needs a “helper” wage determination you must prove the following conditions:

- a) The work duties are defined and distinct from listed classifications
- b) The use of helpers is an established practice in the area
- c) The helper is not employed as a trainer, or apprentice

- 2) Apprentice or trainee is not listed as a classification, do I have to pay my apprentice or trainee the prevailing wage?

Answer – If the apprentice, or trainee is registered in a bona fide apprenticeship program that is registered with the US Department of Labor, Commonwealth of Virginia, or an out-of-state agency then the wages paid to such an individual will be specified by the apprenticeship, or training agreement and is not subject to prevailing wage rates.

- 3) What if a wage rate changes during the course of a public works project?

Answer – The wage determination that is given during the bid solicitation and related contract award establishes the rate that must be paid for the entire term of the contract. The contracting agency in charge of the project will have an accurate, up-to-date copy of the correct wage determination to share with potential contractors.

- 4) What rates apply for a project that mixes multiple construction types on the same public work? (example: Heavy and Highway construction are both present on the same project)

Answer – Using the guidance of AAM 130 and 131, we follow the US Department of Labor’s process for multiple wage determinations. First, two conditions apply:

- a) At least 20% of the total project is a different type of construction
AND/OR
- b) The different type of construction is at least \$1,000,000 in cost.

If this applies to the project, the contracting agency will make the determination of which Wage Determinations are needed and what sections of the project each determination applies to.

- 5) Does the Virginia Department of Labor and Industry do specific project wage determinations?

Answer – There are no specific project determinations made. All projects subject to Virginia's Prevailing Wage Act come from the general wage determination. DOLI will add specific classifications to the General Wage Determination as needed.

- 6) What if I believe an error has occurred in the wage determination process?

Answer – In the event that you think an error has occurred, either in the listing of wage determinations, or in the calculation of specific wages, please fill out the form on the Virginia Department of Labor and Industry website titled "Appeal for Clarification of Wage Determination". In this form you can list the reason for your appeal and can submit all relevant documents to help support your appeal. DOLI understands that any delays can disrupt the bid process, so all appeals are handled as quickly as possible.

- 7) What if I need an additional classification in order to submit my bid?

Answer – If you believe that you need additional wage determinations for one or more labor classifications please submit the form titled "Request for Additional Wage Classification" found on the Virginia Department of Labor and Industry website. In this form you will be able to list any additional classifications needed, the job descriptions, and a suggested wage rate, if you have one available. Include any relevant documents with your form and DOLI will respond to your request informing you of our decision along with an updated Wage Determination sheet for the area in question. Please note that this form must be sent to DOLI from the contracting agency, but the form should contain the contractor's suggested wage rate.

- 8) Do I have to pay the prevailing wage rates for work done off-site?

Answer – Virginia uses the US Department of Labor interpretation of where Davis-Bacon applies (29 CFR 5.2), which is:

- a) A site dedicated exclusively, or near so, to the performance of the contract

AND

- b) A site adjacent, or virtually adjacent to the site of work

- 9) What criteria does DOLI use when calculating a prevailing wage rate?

Answer – DOLI relies primarily on the DBA General Wage Determinations for each area within Virginia. In the event of a missing classification all relevant information is used to find a wage rate that bears a reasonable relationship to the other wage rates contained in the General Wage Determination.