



Book Policy Manual

Section Board Review Spring 2024 (38.2)

Title Vol. 38, No. 2 - February 2024 New PREVAILING WAGE

Code po6350

Status

### **New Policy - Vol. 38, No. 2**

#### **6350 - PREVAILING WAGE**

☒ ] The Superintendent shall designate a Prevailing Wage Coordinator for the District who shall be tasked with ensuring compliance with State and Federal regulations concerning prevailing wage rate. **[END OF OPTION]**

**[DRAFTING NOTE: If a District selects the above option, the District should also select "Prevailing Wage Coordinator" in the two (2) options below. If the District did not select the above option, select "Superintendent" in the two (2) options below. As a reminder, Superintendent includes the Superintendent's designee by definition. See po0100.]**

The ~~(-) Superintendent~~ ☒ Prevailing Wage Coordinator **[END OF OPTION]** shall oversee the District's obligations under M.C.L. 480.1101, et seq. including, but not limited to, ensuring the following:

- A. A contract for a State Project, entered into pursuant to advertisement and invitation to bid, which requires or involves the employment of Construction Mechanics shall not be approved unless the wage and fringe benefits rate in the contract are not less than the prevailing rates in the Locality in which the work is to be performed.
- B. Before advertising for bids on a State Project, the ~~(-) Superintendent~~ ☒ Prevailing Wage Coordinator **[END OF OPTION]** shall ask the Commissioner to determine the prevailing rates of wages and fringe benefits for all classes of Construction Mechanics called for in the contract.
- C. A schedule of these rates shall be made part of the specifications for the work to be performed and shall be printed on the bidding forms.
- D. If a contract is not awarded or construction is not undertaken within ninety (90) days of the date of the Commissioner's determination of prevailing rates, the Commissioner must make a redetermination before the contract is awarded.
- E. Every contractor and subcontractor must fulfill its obligations under the statute relating to prevailing wages on State Projects.
- F. Every contract for a State Project must contain the statutory language providing that Construction Mechanics are intended beneficiaries of the contractual prevailing wage, fringe benefit, and non-discrimination, non-retaliation requirements, and provide that any Construction Mechanic aggrieved by the failure of a contractor or subcontractor to pay prevailing wages or benefits as specified in the contract or retaliation associated therewith, may bring an action in a court of competent jurisdiction against the contractor or subcontractor for damages or injunctive relief along with other remedies prescribed by statute.
- G. The District shall maintain certified payroll records and other records required by law for a minimum of three (3) years.

Contracts on State Projects which contain provisions regarding payment of prevailing wages as determined by the United States Secretary of Labor or which contain minimum wage schedules which are the same as prevailing wages in the Locality as determined by collective bargaining agreements or understandings between bona fide organizations of Construction Mechanics and their employers are exempt from the above requirements.

Additionally, the above requirements do not apply to a State Project if it was paid for, in whole or in part, from revenues from a millage that was authorized under the revised school code, if the millage was authorized before February 13, 2024.

### **Definitions**

*Commissioner* means the Department of Labor and Economic Opportunity.

*Construction Mechanic* means a skilled or unskilled mechanic, laborer, worker, helper, assistant, or apprentice working on a State Project but shall not include executive, administrative, professional, office, or custodial employees.

*Locality* means the county, city, village, township, or school district in which the physical work on a State Project is to be performed.

*State Project* means new construction, alteration, repair, installation, painting, decorating, completion, demolition, conditioning, reconditioning, or improvement of public buildings, schools, works, bridges, highways, or roads authorized by a contracting agent.

M.C.L. 480.1101, et seq.

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Legal M.C.L. 480.1101, et seq.

**Last Modified by Pat Kreger on May 1, 2024**