



State of Alaska

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

Search[HOME](#)[JOB SEEKERS](#)[WORKERS](#)[EMPLOYERS](#)[RESEARCH AND ANALYSIS](#)[RETURN ON INVESTMENT](#)

KNOW YOUR RIGHTS WAGE AND HOUR EMPLOYEE'S FREQUENTLY ASKED QUESTIONS



**Alaska Department of Labor & Workforce
Development, Labor Standards and Safety
Division, Wage and Hour Administration**

1251 Muldoon Road, Suite 113

Anchorage, AK 99504

TITLE 36 – Public Contracts, aka “Little Davis Bacon Act”/LDBA

- ▶ LDBA is the State’s prevailing wage law
- ▶ Patterned after the federal “Davis-Bacon Act.”
- ▶ Applies to public construction contracts that exceed \$25k
- ▶ LDBA wages required for work performed “Onsite” on a public construction project.

What is Public Construction?

Defined in AS 36.95.010 (3)

"public construction" or **"public works"** means the on-site field surveying, erection, rehabilitation, alteration, extension or repair, including painting or redecorating of buildings, highways or other improvements to real property under contract for the state, a political subdivision of the state, or a regional school board;



TITLE 36 – PUBLIC CONTRACTS, Pamphlet 400

- Contains the applicable statutes and regulations that apply to public construction contracts
- can be viewed and printed from here:
<http://labor.alaska.gov/lss/forms/Pam400.pdf>

Title 36 Public Contracts



**Wage and Hour
Administration
Pamphlet 400**

**Statutes
Regulations**

November 2018



Alaska Department of Labor
and Workforce Development
Labor Standards and Safety Division



**ALASKA DEPARTMENT OF LABOR
& WORKFORCE DEVELOPMENT**

AS 36.05 – Wages and Hours of Labor

- ▶ **AS 36.05**
- ▶ Filing Requirements
- ▶ Prevailing Wages
- ▶ Apprentices
- ▶ \$\$\$\$\$ Violations \$\$\$\$\$
 - ▶ Investigations
 - ▶ Withholding
 - ▶ Debarment
 - ▶ Possible Criminal Penalties



AS 36.10 – Employment Preference

- ▶ 90% resident hire requirement
- ▶ State funded projects
- ▶ Specific classifications
- ▶ Waiver process –
 - ▶ Valid for specific workers
 - ▶ Valid for 6 months
 - ▶ Not retroactive
- ▶ Penalties for violations equal wages due to displaced residents. \$\$\$\$ - ouch.
- ▶ Penalties withheld and retained by agency

DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT ALASKA EMPLOYMENT PREFERENCE INFORMATION

By authority of [AS 36.10.150](#) and [§ AAC 30.064](#), the Commissioner of Labor and Workforce Development has determined the State of Alaska to be a Zone of Underemployment. A Zone of Underemployment requires that Alaska residents who are eligible under [AS 36.10.140](#) be given a minimum of 90 percent employment preference on public works contracts throughout the state in certain job classifications. **This 90 percent Alaska resident hiring preference applies on a project-by-project, craft-by-craft or occupational basis and must be met each workweek by each contractor/subcontractor in each of the following classifications:**

Boilermakers	Electricians	Laborers	Roofers
Bricklayers	Engineers & Architects	Mechanics	Sheet Metal Workers
Carpenters	Equipment Operators	Millwrights	Surveyors
Cement Masons	Foremen & Supervisors	Painters	Truck Drivers
Culinary Workers	Insulation Workers	Piledriving Occupations	Tug Boat Workers
	Ironworkers	Plumbers & Pipefitters	Welders

This determination became effective July 1, 2017, and remains in effect through June 30, 2019. This determination will be applied to projects with a bid submission deadline on or after July 1, 2017 and to projects previously covered by the 2015 Alaska employment preference determination. This will afford contractors an opportunity to consider the impacts of Alaska resident hire in their bids.

The first person on a certified payroll in any classification is called the "first worker" and is not required to be an Alaskan resident. However, once the contractor adds any more workers in the classification, then all workers in the classification are counted, and the 90 percent calculation is applied to compute the number of required Alaskans to be in compliance. To compute the number of Alaskan residents required in a workweek in a particular classification, multiply the total number of workers in the classification by 90 percent. The result is then rounded down to the nearest whole number to determine the number of Alaskans that must be employed in that classification.

If a worker works in more than one classification during a week, the classification in which they spent the most time would be counted for employment preference purposes. If the time is split evenly between two classifications, the worker is counted in both classifications.

If you have difficulty meeting the 90 percent requirement, an approved waiver must be obtained before a non-Alaska resident is hired who would put the contractor/subcontractor out of compliance ([§ AAC 30.081\(e\)\(f\)](#)). The waiver process requires proof of an adequate search for qualified Alaskan workers. Qualified Alaska residents identified through the search must be hired before waivers for non-resident workers may be granted. To apply for a waiver, contact the nearest Wage and Hour Office for instructions.

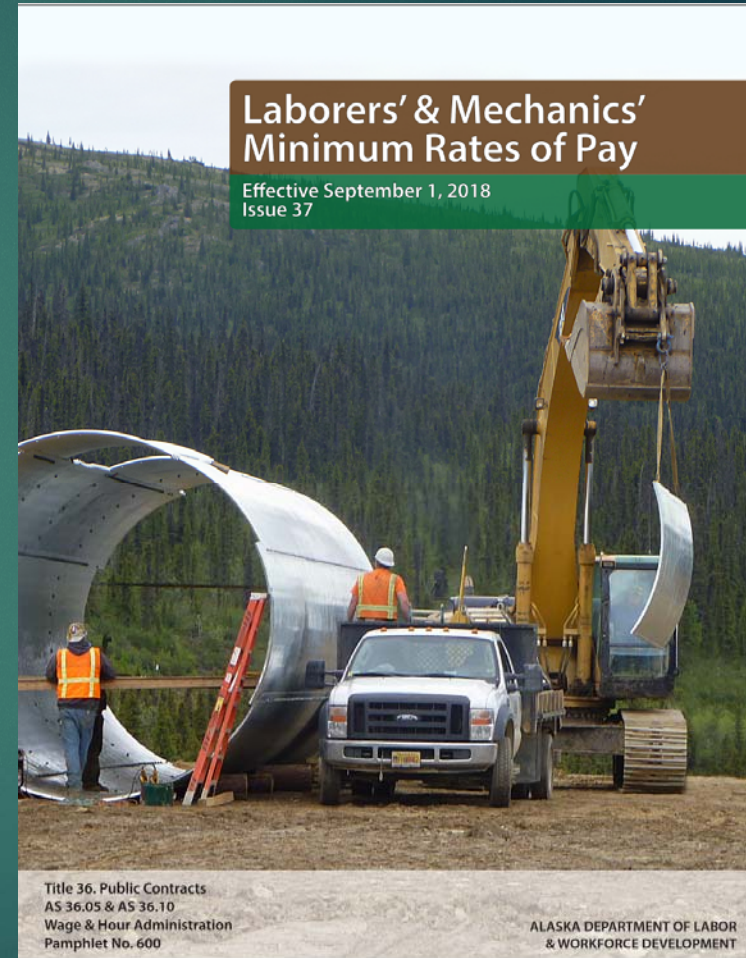
Here is an example to apply the 90 percent requirement to four boilermaker workers. Multiply four workers by 90% and drop the fraction (.90 X 4 = 3.6 - .6 = 3). The remaining number is the number of Alaskan resident boilermakers required to be in compliance in that particular classification for that week.

The penalties for being out of compliance are serious. [AS 36.10.100](#) (a) states "A contractor who violates a provision of this chapter shall have deducted from amounts due to the contractor under the contract the prevailing wages which should have been paid to a displaced resident and these amounts shall be retained by the contracting agency." If a contractor/subcontractor is found to be out of compliance, penalties accumulate until they come into compliance.

Contractors are responsible for determining residency status. If you have difficulty determining whether a worker is an Alaska resident, you should contact the nearest Wage and Hour Office. Contact Wage and Hour in Anchorage at (907) 269-4900, in Fairbanks at (907) 451-2886, or in Juneau at (907) 465-4842.

Laborers' & Mechanics' Minimum Rates of Pay, Pamphlet 600

- Published by DOLWD twice per year
- Includes the minimum prevailing wages required for work performed on site
- Applicable issue depends on project bid date
- A list of current issues of Pam600 can be viewed and printed from here:
<http://www.labor.alaska.gov/lss/pamp600.htm>



Filing Requirements

1. Notice of Award
2. Notice of Work
3. Filing Fee
4. Certified Payroll
5. Change Orders
6. Notice of Completion



NOTICE OF AWARD

- ▶ Submitted by Contracting Agency
- ▶ Filed online through myAlaska – LSS Online Filing Services, File Notice of Award
- ▶ Includes initial contract details.
- ▶ Use this to file change orders over \$10k

Contractor Applications



[File Notice of Work](#)

Use this tool to file a Notice of Work. File the Notice as soon as you are awarded a contract. A Notice of Work is required before you can begin working on site and must be submitted to the Department of Labor.



[Search Contractors for Submitted Payroll](#)

Contractors, Agencies, and the general public use this tool to verify that a Certified Payroll was submitted for a given contractor/project/week.

[Upload/Submit Certified Payroll and Employee Lists](#)

Certified Payrolls from the weekly and bi-weekly spreadsheets can be automatically uploaded and submitted. Employee Lists (formerly called Demographics) can also be submitted automatically by either uploading the information from the Employee List tab in the Certified Payroll spreadsheets or by uploading a comma separate file (CSV).



- [Directions](#)

- Download a copy of the [Weekly Certified Payroll Spreadsheet](#)

- Download a copy of the Bi-Weekly Certified Payroll Spreadsheet **Coming Soon!**

- Ready to upload? [Test for correct formatting](#) of the Certified Payroll or the Employee List



[File Notice of Completion](#)

Use this tool to file a Notice of Completion. This must be done after the project is complete. The Awarding Agency will be notified when a Notice of Completion is filed and all filing fees are paid, assuming there are no compliance issues associated with the project or contractor.



[Pay Filing Fees Electronically](#)

Use this tool to pay filing fees associated with Notices of Work or Completion. Payment can be made using a bank account or a Master Card or Visa. Manual Payment information is also available through this interface. If you have any questions about payments, please contact your local office (see below).

Public / Agency Applications



- [File Notice of Award](#) •

Use this tool to inform LSS that a contract has been awarded.



[Search Notice of Award](#)

Agencies, Contractors and the general public use this tool to search for previously filed Notice of Awards. Can search by Agency, Project, Contractor and contract number.



[Search filed Notice of Work, Notice of Completion](#)

Anchorage
1251 Muldoon Road, Suite 113
Anchorage, AK 99504-2098
Phone: (907) 269-4900
Fax: (907) 269-4915
statewide.wagehour@alaska.gov

Fairbanks
675 7th Avenue, Station J-1
Fairbanks, AK 99701-4596
Phone: (907) 451-2886
Fax: (907) 451-2885
statewide.wagehour@alaska.gov

Juneau
1111 W. 8th St. Rm 302
P.O. Box 111149
Juneau, Alaska 99811-1149
Phone: (907) 465-4842
Fax: (907) 465-3584
statewide.wagehour@alaska.gov

NOTICE OF WORK

- ▶ Submitted by Prime Contractor
- ▶ Filed online through myAlaska – LSS Online Filing Services – File Notice of Work
- ▶ Includes additional contract details
- ▶ Must be filed **BEFORE** work starts on the project.
 - Exception for emergency work

Contractor Applications



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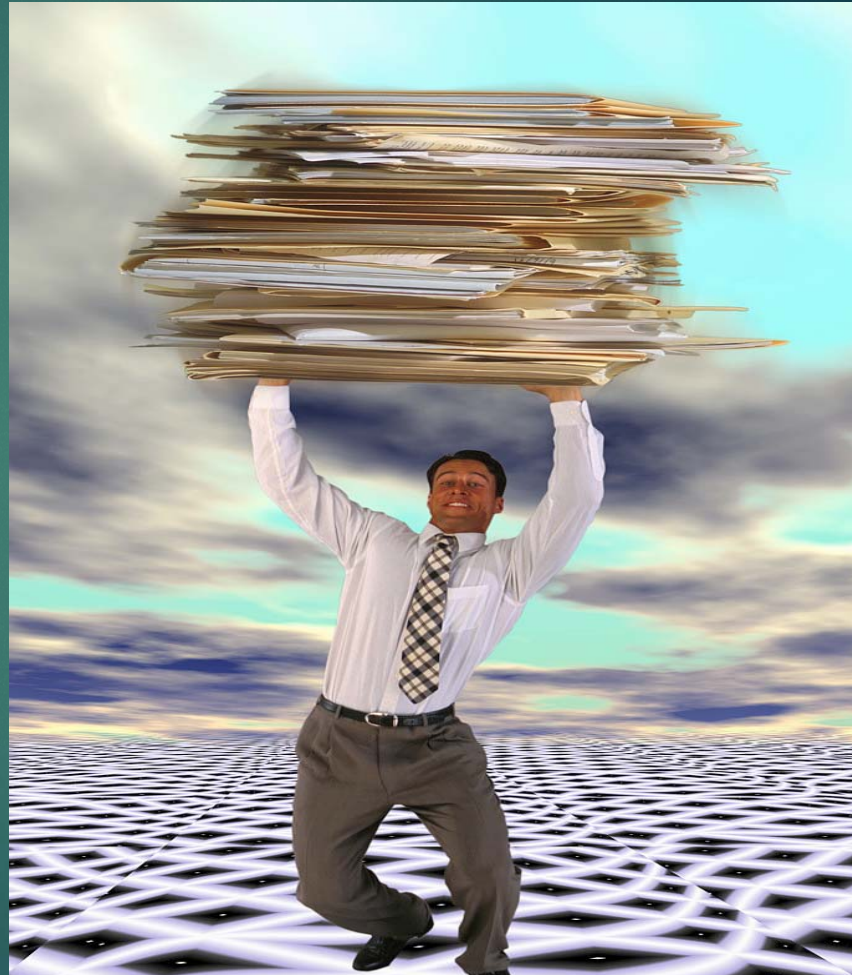
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CERTIFIED PAYROLLS

- ▶ All contractors, subcontractors, owner operators are required to submit certified payrolls
- ▶ Payrolls are due bi-weekly
- ▶ EE's must be paid weekly/unconditionally
- ▶ Can file electronically through myAlaska, or file paper form
- ▶ Paper certified payroll must include form 07-6058 statement of compliance with original signature.
- ▶ SSN#, Domicile address, Classification and Class Codes are required
- ▶ Missing/Non Compliant CP's may hold up the NOC process



ONLINE CERTIFIED PAYROLLS



1. CONTRACTOR & PROJECT
-Add a new project or edit an existing project
2. DEMOGRAPHICS
-Add employees and their demographic data such as name, address, SSN, certificate of fitness, hire date, level (Journeyman, Apprentice), union member, owner operator
3. PAYROLL
-Enter actual payroll data such as hours, rate of pay, deductions, etc.
4. REVIEW
-A chance to review the certified payroll information prior to submitting to Wage and Hour.
5. SIGN & SUBMIT
-This is the Statement of Compliance page
-"Click to Sign." This is your electronic signature and is acceptable
6. FINISHED
-Your opportunity to print your receipt for submittal.

NOTICE OF COMPLETION

- ▶ Submitted by Prime Contractor
- ▶ myAlaska – LSS Online Filing Services – File Notice of Completion
- ▶ Updates final contract details including subcontractors and final contract amount.
- ▶ Review process (CP's, sub list, \$ Verification)
- ▶ Approval or denial

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A person wearing a dark blue suit, light blue shirt, and striped tie is holding a white rectangular sign with rounded corners. The sign has the words "FRINGE BENEFITS" in bold, red, serif capital letters. The background of the slide features large, overlapping teal and blue circles and a red rectangle in the top right corner.

FRINGE BENEFITS

- ▶ Flat rate for all hrs worked
- ▶ Paid one of 3 ways
 - ▶ Union Trust
 - ▶ Approved Plan
 - ▶ 15th of each month
 - ▶ ERISA Compliant
 - ▶ Accepted by IRS
 - ▶ Cash on Check
- ▶ Statement of Compliance, box #6

Board and Lodging: Remote Sites

8 AAC 30.052 – 8 AAC 30.056

- ▶ Board and Lodging (Per Diem)- New Regulation Effective for projects bid on or after 4/11/19
- ▶ Employer must provide Board and Lodging to all classifications if:
 - ▶ Project is 65 road miles from FBX, JNO, or ANC Int'l Airport
 - ▶ Employee domiciled more than 65 road miles from project
- ▶ If no commercial facilities available, employer must provide temporary facilities (labor camp)
- ▶ Employer may provide per diem in lieu of Board and Lodging only in specific circumstances.
 - ▶ Double asterisk in pamphlet 600

APPRENTICE WORKERS

- ▶ Must be registered with USDOL Office of Apprenticeship
- ▶ Apprentice/JM Ratio
 - ▶ Bootstrapping not allowed
- ▶ Unregistered apprentices – JM Rate of pay
- ▶ Out of Ratio/Unsupervised – JM Rate of Pay
- ▶ JM Expired/Invalid COF – JM Rate of Pay

US DOL, OFFICE OF APPRENTICESHIP TRAINING:
John Hakala 907-271-5035