

Davis-Bacon Act in Weatherization Training Centers

This document will provide summary guidance on adherence to the Davis-Bacon Act (DBA) as it pertains to specific activities undertaken by Weatherization Training Centers (WTC). In general, any time a construction related activity is undertaken under a Recovery Act funded project DBA should be considered.

- Construction of props, enhancement and fit-out of training facilities:
 - If an outside contractor is hired to perform actual construction work on the training facility or to construct training aids, DBA applies.
 - Supervising employees of the WTC staff who perform construction related tasks generally do not fall under DBA. In the event that a staff member exceeds 20 percent of their hours performing construction related activities, then the hours should be tracked in the certified weekly payroll.

- On-Site Training of Students:
 - If on-site training occurs at a Weatherization Assistance Program (WAP) funded job-site as part of the standard Weatherization (Wx) work then DBA wages must be paid to all persons who participate in the work. Example: If students are sent out with a Wx crew to participate in the work while learning skills, the students must be paid the wages as set forth in the DOL Weatherization Wage Determination.
 - If students are taken to a WAP funded job-site for the sole purpose of observation (i.e., no tool is picked up or used) then Davis-Bacon does not apply. A trainer can take students through the home, let them observe a Wx crew in action and demonstrate techniques as long as the students do not participate in the activities.
 - If students are taken to a home that has been donated or procured for the sole purpose of training (i.e., no Wx work is completed with WAP funds), then that home is essentially a training prop and DBA does not apply.
 - Students participating in a Department of Labor certified program are exempt from DBA and will be paid the wages as set forth for the certified program.