

PUBLIC WORK
Guidelines for Classification and Policy
for Truck Drivers

1) Truck Driver - Delivery of Materials
(EXCEPT Asphalt/Concrete in Nassau & Suffolk Counties)

Where materials or supplies are delivered to a public work site and dropped or stockpiled, the hauling dropping and/or stockpiling of such materials is not subject to prevailing wage requirements.

Further, the work of contractor's employees who are involved in the pick-up and delivery of supplies from outside suppliers are not subject to prevailing wage requirements. The work of these drivers, whose work is off-site, would instead be governed by whatever agreed upon rate existed between the drivers and their employers.

2) Supply of Asphalt/Concrete on Long Island ONLY

In Nassau and Suffolk counties, drivers hauling asphalt and/or concrete from commercial plants to or from a public work project will be covered by a prevailing wage rate. Specifically, the driver would have to be paid prevailing wage rates from the time he commences loading until the completion of his delivery at the public work site. If he were to continue to shuttle between the plant and the public work site, he would continue to receive the prevailing wages until the completion of his final delivery. If he then goes to a private location, his prevailing wage rate would end upon his leaving the public job site. Time spent in making deliveries at private projects would not be prevailing wage time.

3) Supply of Asphalt/Concrete from commercial plants
(EXCEPT Nassau & Suffolk Counties)

Individuals who are employed as drivers hauling asphalt/concrete to and from commercial plants (EXCEPT Nassau & Suffolk Counties) are not subject to prevailing wage requirements.

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4) Supply of Asphalt/Concrete to and from Portable Batch Plants

Individuals who are employed as drivers hauling asphalt and/or concrete to and from portable batch plants established for the sole purpose of supplying public work projects are required to be paid prevailing rates.

5) Truck Driver – Dumping Time

When material is to be removed from a project site, all time spent by a driver awaiting the loading of his truck is time for which prevailing wages must be paid. The time spent in the actual hauling away of the material, however, when removal is not a contractual requirement with the public owner, and the removal is not for stockpiling, storage or reprocessing purposes, is not subject to the payment of prevailing wages. However, as noted above, if the contract requires that material be removed to a dedicated site, or be transferred to a designated location, then the time loading, traveling and unloading would all be subject to the payment of prevailing wages to the driver.

6) Truck Driver – Dedicated Site

Where material to be later used on-site is moved to a dedicated site for storage, stockpiling or processing, work at that dedicated site, as well as travel time to and from the job site would be subject to prevailing wage rates.

7) Truck Driver – Designated Site

When the contractor utilizes a site designated by the contracting agency (not necessarily on the public job site) for re-use, storage, stockpiling or processing of materials to be used at sometime on the site, or disposed of at the site, work at that location would also be considered subject to the prevailing wage law. Travel time between the job site and the designated site of disposal, re-use, or for the storage, stockpiling or processing of the materials would be subject to the payment of prevailing

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wages. If no such requirements are present, only time on or about the project site would be covered.

8) Truck Driver – Waiting Time

Waiting time, whether on or off the site, while waiting to be loaded with general construction debris is to be compensated at the prevailing wage rate for truck drivers. If directed to wait off-site away from the project, the waiting time would still require the payment of prevailing wage rate.

9) Fuel Delivery – Article 8

The delivery of fuel to a public work site by a fuel supply company whether to a dedicated fuel storage tank, an on-site fuel truck, and/or individual fueling of construction equipment is considered a supply function and is not covered under Article 8.

However, workmen in the employ of a public work contractor providing on-site fueling functions are covered.

10) Fuel Delivery – Article 9

Where the contract involves delivery to a single location, only the time spent delivering the product is covered.

When a contract involves multiple locations, prevailing rates must be paid for the travel between each location as well as the time spent delivering the product. If the supplier leaves the public site to deliver to a private location, prevailing rate ceases to be required upon completion of the public site delivery. Prevailing rates would resume when the supplier begins delivery at the next public location.