

APPLICATION OF PREVAILING WAGES TO PROFESSIONAL SURVEY CREWS

Approved by the Public Policy Committee on December 4, 2013

Adopted by the Executive Committee of the Board on Direction on December 11, 2013

WHEREAS, professional surveyors have attained professional qualifications, who are qualified to practice the profession of surveying by the various states, and employ certain technicians on crews who work under the responsible charge of licensed professional surveyors, and

WHEREAS, professional surveyors and their crews are expected to place service before profit, honor and standing of the profession before personal advantage, and the public welfare above all other considerations; and

WHEREAS, professional survey crews are bound by the canons of the surveying profession to develop and communicate their work product and analyses without bias or personal interest; and

WHEREAS, surveying crews are not “laborers or mechanics” within the meaning of the Davis-Bacon Act of 1931 (40 U.S.C. § 276a) in that their work is not “manual or physical in nature”;

WHEREAS, in a 1962 letter, the Department of Labor concluded that where the work of an individual working in a survey crew is considered professional or sub-professional, the individual is not a laborer or mechanic within the meaning of the Davis-Bacon Act; and

WHEREAS, the Wage and Hour Division (WHD) of the U.S. Labor Department announced a policy in March 2013 that would avoid “an unduly narrow interpretation of the types of duties” qualifying as physical or manual labor by surveying crews, thereby rendering these crews subject to the requirements of the Davis-Bacon Act;

THEREFORE, BE IT RESOLVED

that the American Society of Civil Engineers (ASCE) opposes any effort by the Labor Department to consider an expansive definition of the terms “laborers or mechanics” to include professional surveying crews within the coverage of the prevailing wage determinations of the Davis-Bacon Act.