Systems Start-ups and Prevailing Wage

This project is subject to both the Davis-Bacon Act and Related Act (DBA-RA) and the NJ Prevailing Wage Act. The NJEDA's Labor Standards Compliance division must enforce the prevailing wage requirement that is ***more stringent between federal and NJ State requirements.***

The Davis Bacon Act recognizes that job titles vary widely and change quickly in the computer industry, computer systems analysts, computer programmers, software engineers or other similarly skilled workers in the computer field are eligible for prevailing wage exemption as professionals. However, the NJ Prevailing Wage Act requires payment of prevailing wage to computer systems analysts, computer programmers, software engineers or other similarly skilled workers in the computer field. These prevailing wage classifications include any inspection/testing/programming (including minor adjustments) that is needed to get a system started after the installation has taken place, to be paid at the Electrician rate of pay or at the Pipefitter rate of pay.

It is the responsibility of the NJEDA's Labor Standards Compliance division to verify that prevailing wage (base cash rate + fringe) is met per hour, per week, on the federal Certified Payroll. It is the responsibility of the awarded General Contractor to provide proof of payment when fringe benefit paid to a fund, plan, or program.

Learned Professional

As per review by the EDA and the New Jersey Department of Labor, pursuant to 29 CFR Part 541, "Learned Professional" is an applicable prevailing wage exemption under this HUD funded project. To be deemed qualified under this exemption, employees must meet all the following criteria:

The employee must be compensated either on a salary or fee basis at a rate not less than $455* per week or, if compensated on an hourly basis, at a rate not less than $27.63 an hour;

The employee must be employed as a computer systems analyst, computer programmer, software engineer or other similarly skilled worker in the computer field performing the duties described below;

The employee's primary duty must consist of:
1. The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;
2. The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
3. The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
4. A combination of the aforementioned duties, the performance of which requires the same level of skills.

System manufacturers must provide the EDA Labor Compliance Officer a list of the "Learned Professional(s)" (name and title) prior to start of their work. The EDA will review the list for eligibly under this exemption and notify you if acceptable. Additional employees that do not meet these criteria, and are associated with the start-up/connection of the system(s), must pay the applicable prevailing wage rate as per the Official Wage Determinations issued by the NJEDA's Labor Standards Compliance group.