

## **PREVAILING WAGE EMPLOYEE RIGHTS**

**This is a summary of prevailing wage rights. For further information please refer to Virginia Code 2-2-4321.3 or contact (804) 371-2327.**

### **General Information**

Virginia's prevailing wage law covers all mechanics, laborers and workers on all state public works projects, financed in whole or in part by public funds when the total overall project cost is more than \$250,000. It also applies where a local government has passed an ordinance applying the prevailing wage law to their public works projects.

### **Rights**

A. Employees are entitled to receive the prevailing rate of wages and benefits for the classification of work being performed. Fringe benefits are paid at straight time rate for all hours including overtime.

B. Employees who believe they have not been paid the prevailing wage for their classification may file a claim with the Department of Labor and Industry Labor & Employment Law Division BY using the [Claim for Unpaid Wages Form](#) (English) or Descargar la versión en Español de [la reclamación por impago de salarios de forma](#).

*Note: Employees should be sure to check box 15 to indicate this is a state or local project*

C. Employees may also take the employer to court on their own. They may sue the employer to recover unpaid wages or wages due because of an incorrect labor classification. The court shall award the wages owed plus prejudgment interest (eight percent accruing from the date the wages were due).

If you need a lawyer to handle the case for you may call the Virginia Lawyer Referral Service at 1-800-552-7977 or 804-775-0808.

D. Employees are protected from retaliatory action for making a complaint against their employers for Prevailing Wage violations.

1, Employees may file a complaint with Department of Labor and Industry by downloading the form and instructions located [here](#).

2. Employees may file a civil action under § 40.1-27.3.