



MASSACHUSETTS BUILDING TRADES COUNCIL

Francis X. Callahan, Jr., President

Jeff Sullivan, Vice President

Louis A. Mandarini, Jr., Secretary-Treasurer

November 1, 2019

John H. Ronan
Office of the General Counsel
Department of Labor Standards
19 Staniford Street, Second Floor
Boston, MA 02114

Dear Mr. Ronan,

I am writing to submit testimony on the topic of prevailing wage rate classification for drawbridge operators as heard by your office on October 22, 2019.

It is the position of the Massachusetts Building Trades Council that the opinion letter [PW-2014-06-12.05.14] issued December 2, 2014 should stand.

The work in question remains construction under M.G.L c. 149 sections 26 and 27 as it is the responsibility of the 'construction contractor to provide drawbridge operators at all times during the bridge rehabilitation project in place of regular state or municipal employees.'

The classification of "Drawbridge Operator" is properly within the jurisdiction of the International Brotherhood of Electrical Workers (IBEW) as it is contained in the collectively bargaining agreement between the IBEW and the National Electrical Contractors Association (NECA). In accordance with M.G.L c. 149 sections 26 and 27, the commissioner shall determine the proper wage rate as "...a wage rate or wage rates have been established in certain

trades and occupations by collective agreements or understandings in the private construction industry between organized labor and employers.”

While I believe the above arguments are sufficient to address the issue at hand I feel compelled to address the arguments raised by MassDOT at the hearing. The rates of pay in other states and for drawbridge operators in non-construction settings within Massachusetts, even when under a non-construction related collective bargaining agreement have no bearing on a wage determination for public construction under M.G.L c. 149 sections 26 and 27.

The financial impact cited was not a fair comparison in that the rate established by the commissioner for Drawbridge Operator and all classifications under M.G.L c. 149 sections 26 and 27 are based on wages and benefits including, “Payments by employers to health and welfare plans, pension plans and supplementary unemployment benefit plans...” The rates presented for comparison appear to include only wages without factoring in fringe benefits. This artificially inflates the so-called premium for drawbridge operation during construction. Regardless, a premium has no bearing on the determination of the proper wage rate under the statute.

I respectfully urge the Department of Labor Standards to deny MassDOT’s request for reconsideration of the prevailing wage rate applicable to drawbridge operators.

Sincerely,

A handwritten signature in dark ink, appearing to read "Francis X. Callahan Jr.", written in a cursive style.

Francis X Callahan Jr
President