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EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF LABOR STANDARDS

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November 19, 2024

RE: Job Classifications for Fire Alarm System Repair, Maintenance, and Operation

This opinion letter from the Massachusetts Department of Labor Standards (DLS) determines the appropriate job classifications for the repair, maintenance, and operation of fire alarm systems. DLS only classifies tasks in the context of setting prevailing wage rates, which establish a minimum wage for these tasks. The classification does not limit who can be assigned to perform the tasks. DLS does not presume to settle any jurisdictional trade disputes.

Background

Massachusetts' Prevailing Wage Law applies to the construction of public works by the Commonwealth, or by a county, town, authority or district. *See* G.L. c. 149, §§ 26, 27. DLS sets the prevailing wage rates based on "collective agreements or understandings in the private construction industry between organized labor and employers." *See* G.L. c. 149, § 26. DLS determines the appropriate job classifications for prevailing wage projects based on these collective agreements and understandings as well as any other available evidence. *See* G.L. c. 149, § 27. Additionally, DLS may revise such job classifications if it deems such a change advisable. *See* G.L. c. 149, § 27.

DLS previously issued an opinion letter dated April 18, 1997 (1997 opinion letter) stating that the Telecommunications Technician job classification could be used to cover the "repair, maintenance, and operation" of fire alarm systems, while the Electrician job classification covered the "installation of fire alarm systems." DLS made this determination based, among other things, on the then-applicable collective bargaining agreement (CBA) between the International Brotherhood of Electrical Workers (IBEW) Local 103 and the Electrical Contractors Association of Greater Boston, Inc., as well as subsequent correspondence from Local 103.

In 2024, DLS received a copy of a new CBA between IBEW Local 223 and the Rhode Island and Southeast Massachusetts Chapter of the National Electrical Contractors Association (NECA). This CBA specifically excluded fire alarm systems from the scope of the Telecommunications Agreement. In contrast, the current version of the Telecommunications Agreement between IBEW Local 103 and the Boston Chapter of NECA (as confirmed via email) continues to include the repair, maintenance, and operation of fire alarm systems as within the scope of a Telecommunications Technician. Based on the differences between these two CBAs, DLS determined that a gap or inadequacy might exist between the 1997 opinion letter on this subject

and current conditions. To that end, DLS initiated the Prevailing Wage Opinion Letter Process, and, as part of that process, held a public hearing and invited all interested parties to submit evidence and testimony regarding the proper classifications for the repair, maintenance, and operation of fire alarm systems in different regions of the Commonwealth.

Hearing

DLS held its public hearing on November 6, 2024, via Webex. All interested parties were invited to testify and/or submit written evidence. IBEW Local 223 testified that the repair, maintenance, and operation of fire alarm systems was removed from their Telecommunications Technician Agreement and placed into their Inside Electrician Agreement and that this new classification was appropriate for the territory within their jurisdiction. IBEW Local 103 and the Greater Boston Chapter of NECA confirmed that their Telecommunications Technician Agreement continues to cover the repair, maintenance, and operation of fire alarm systems in the towns in their jurisdiction. Additionally, the record for this hearing includes both Local 103 and Local 223's current Telecommunications Agreements, which detail both the scope of the work included in these Agreements and the towns that each Agreement covers.

Analysis

The Director of DLS has the authority not only to determine job classifications for prevailing wage projects, but also to “revise such classification[s] from time to time, as he may deem advisable.” *See* G.L. c. 149, § 27. DLS’ “Public Review Process of Prevailing Wage Opinion Letters” (“PW Policy”) sets forth the circumstances and procedure under which DLS issues prevailing wage opinion letters concerning such job classifications. Pursuant to that policy, after holding the requisite public hearing, DLS must “consider all relevant evidence presented at the hearing or in any additional submittals, including, but not limited to: testimony of persons with knowledge and expertise, provisions of CBAs that address the work at issue, . . . [and] evidence of current practices (union and non-union) . . .”

In this instance, following the November 6, 2024 public hearing and in consideration of all relevant evidence, DLS issues the following classifications to be applied prospectively to all construction-related Prevailing Wage jobs:

For the towns listed in the attached Appendix A¹, the job classification Telecommunications Technician shall not cover the “repair, maintenance, and operation” of fire alarm systems. For the remainder of Massachusetts towns, the job classification Telecommunications Technician shall continue to cover the “repair, maintenance, and operation” of fire alarm systems.

¹ These towns listed in Appendix A constitute the current territorial jurisdiction of the Telecommunications Agreement between IBEW Local 223 and the Rhode Island and Southeast Massachusetts Chapter of NECA that governs the Electrical Industry of Southeast Massachusetts & Vicinity. Should this territorial jurisdiction change in the future, DLS will update Appendix A as appropriate and notify all relevant parties of the change.

**Appendix A to DLS' November 19, 2024 Opinion Letter
Regarding Job Classifications for Fire Alarm System
Repair, Maintenance, and Operation**

Abington, Acushnet, Avon, Barnstable, Berkley, Bourne, Brewster, Bridgewater, Brockton, Buzzards Bay, Carver, Chatham, Dartmouth, Dennis, Dighton, Duxbury, East Bridgewater, Eastham, Easton, Fairhaven, Fall River, Falmouth, Freetown, Halifax, Hanover, Hanson, Harwich, Holbrook, Kingston, Lakeville, Manomet, Mansfield, Marion, Marshfield, Mashpee, Mattapoisett, Middleboro, New Bedford, North Abington, North Easton, Norton, Norwell, Onset, Orleans, Otis Air Base, Pembroke, Plainville, Plymouth, Plympton, Provincetown, Randolph, Raynham, Rehoboth, Rochester, Rockland, Sagamore, Sandwich, Scituate, Somerset, South Easton, Stoughton, Swansea, Taunton, Tisbury, Truro, Wareham, Wellfleet, West Bridgewater, Westport, Whitman, Yarmouth, plus Nantucket, Martha's Vineyard and all Islands.