



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF LABOR STANDARDS

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In July of 2019 the Massachusetts Department of Transportation (“MassDOT”) requested that the Department of Labor Standards (“DLS”) review the prevailing wage rates set for “Drawbridge Operators” on public works construction projects. M.G.L. c. 149, s. 26 requires the Director of DLS to set rates for all trades performing work on public construction sites. MassDOT argues that the rates currently established for drawbridge operation outside the public construction world bear no resemblance to the rates currently set for prevailing wage projects. On October 22, 2019 DLS held a public hearing in Boston. Interested parties appeared and submitted testimony and other evidence.

Drawbridges must accommodate both vessel and vehicle travel. Their mechanical operation allows them to be built lower and less obtrusively than fixed-span models but their dual functionality makes their operation necessary for boat traffic even when they are under construction, repair, or being painted. During such times, the drawbridge itself becomes a “public works construction site” and all those working on site, including the Drawbridge Operator, must be paid a prevailing wage rate. Pursuant to M.G.L. c. 149, s. 26, that rate shall be a “rate per hour ... determined by the commissioner ...not ...less than [the rate] ... established ... by collective agreements between organized labor and employers...in the same trades and occupations”.

Massachusetts has twenty-six drawbridges; of those, nineteen are owned by MassDOT. Bridge operation is effectuated by an operator at a control panel, housed in a tower or other enclosure from where the bridge’s traffic lights, safety gates, locks, signals and movement can be controlled. Currently, MassDOT drawbridge operation outside of construction is performed by contractors, as well as MassDOT employees with the job titles “Bridge Operator I” and “Bridge Operator II.” MassDOT provides the instruction and certification for all Bridge Operators. Their training consists of forty hours of instruction, supervised practice in the operation of each bridge that an operator may be assigned to operate, and a written examination, which covers among other things pertinent Coast Guard regulations. Without MassDOT certification Bridge Operators may not independently operate a drawbridge. The Bridge Operators are represented by The American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO, and its affiliate Council 93 which is a component union and member of the Coalition of MassDOT Unions. The Commonwealth has recognized the Coalition of MassDOT Un-

ions as the exclusive collective bargaining representative of persons employed in the job title “Bridge Operators.”

Inexplicably, until now DLS has not referred to the agreement between MassDOT and the Coalition of MassDOT Unions when setting the Drawbridge Operator (Construction) prevailing wage rate. Rather, DLS was taking the “Drawbridge Operator” rate from the International Brotherhood of Electrician’s Local 103 agreement despite the fact that there is very little overlap between the qualifications of a licensed electrician and a certified Bridge Operator. Although electricians have in the past been successfully trained and certified by MassDOT as Bridge Operators, an electrician’s license is not required and the eight thousand hours of on-the-job training and six hundred hours of related technical instruction that an apprentice electrician must put in to sit for the journey person’s electrical exam does not contain any instruction on bridge operations or excuse the electrician from the Bridge Operator’s certification process.

Pursuant to M.G.L. c. 149, s. 27, the Director of DLS is required to “classify jobs” on prevailing wage projects. Furthermore, the statute gives the Director the right to “revise such classification from time to time, as he may deem advisable”. After hearing from all interested parties, DLS has determined that the rate of the classification of Drawbridge Operator (Construction) should be revised. Hereinafter, the Department shall set a prevailing wage rate for a Drawbridge Operator (Construction) consistent with the rates negotiated between MassDOT and the Coalition of MassDOT Unions. The new Drawbridge Operator (Construction) prevailing wage rate shall be included in prevailing wage sheets issued for newly advertised contracts, as well as in annual updated prevailing wage sheets issued for multi-year contracts.

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