

WAGE RATE SCHEDULES

The wage rate schedule issued for the project by DLS will remain in effect for the entire project, except in the case of multi-year construction projects. For construction projects lasting more than one year, awarding authorities must request an updated rate schedule from DLS, which will become effective on the anniversary date of the contract.

A copy of the wage rate schedule is required by law to be posted in a visible location at the public construction work site.

A wage rate schedule issued for another project may not be used on any other project. Each wage rate schedule applies only to the public works project for which it was issued.

PENALTIES

Contractors may be called upon to demonstrate how they could complete the project and comply with the prevailing wage law.

Non-compliance with the law subjects the contractor to potential civil and criminal liability as well as debarment and stop work orders. The awarding authority may also, under certain circumstances, be subject to civil liability. M.G.L. c. 149, § 28

Note that projects that are federally-funded, or partially federally-funded, may require Davis-Bacon wage rates issued by the U.S. Department of Labor, Wage and Hour Division. For more information, contact: 1-866-4-USWAGE or Boston District Office: (617) 624-6700 or Taunton Area Office: (508) 821-9106.

ADMINISTRATION AND ENFORCEMENT

Two state government agencies have different responsibilities related to the prevailing wage laws:

Administration and Interpretation

DLS is responsible for issuing wage schedules and job classifications, and making determinations on the applicability of the prevailing wage. Appeals of prevailing wage rate schedules may be made to DLS.

MA Department of Labor Standards
19 Staniford Street, 2nd Floor
Boston, MA 02108
(617) 626-6953
www.mass.gov/dols/pw

Enforcement

The Office of the Attorney General's Fair Labor Division is responsible for enforcing the prevailing wage laws and receives all bid protests.

Office of the Attorney General
Fair Labor Division
One Ashburton Place
Boston, MA 02108
(617) 727-3465
www.mass.gov/ago/fairlabor

This information is brought to you by:
Office of Attorney General Andrea Joy Campbell

THE MASSACHUSETTS PREVAILING WAGE LAWS

M.G.L. c. 149, §§ 26-27H
M.G.L. c. 6C, § 44
M.G.L. c. 71, § 7A
M.G.L. c. 121B, § 29
CH. 195 OF THE ACTS OF 2014



AN IMPORTANT GUIDE FOR AWARDING AUTHORITIES

PREVAILING WAGE IN MASSACHUSETTS

The Massachusetts prevailing wage laws require that covered employees on public works projects be paid a minimum hourly rate set by the Department of Labor Standards (DLS). The prevailing wage laws apply to both union and non-union employers/employees. The Attorney General's Office (AGO) enforces these laws.

AWARDING AUTHORITY DEFINED

The law provides that public works by "the commonwealth, or by a county, town, or district" require the payment of prevailing wages. In general, this means all public agencies and their subdivisions, including state agencies, counties, authorities, cities, towns, school departments, highway or public works departments, water departments, housing authorities, and other municipal departments are covered by the prevailing wage laws.

CERTIFIED PAYROLL RECORDS (CPRs)

For construction projects, all contractors and sub-contractors are required to file certified payroll records directly with the awarding authority on a weekly basis. These records must contain accurate information detailing each employee's name, address, occupational classification, hours worked and wages paid. The records must be certified and signed by the contractor or agent under the pains and penalties of perjury. All contractors and sub-contractors must submit the records directly to the awarding authority every week and a final statement of compliance within fifteen days of the completion of the contractor and/or sub-contractor's work.

COVERED PROJECTS

The law states that all "public works" projects require payment of prevailing wages. The law applies to all covered public works projects, regardless of the cost or size of the project and applies to projects that are exempt from bidding requirements.

The following public work is covered by the requirement to pay prevailing wages:

- Public construction work, including additions and alterations to public buildings: M.G.L. c. 149, §§ 26-27D
- Use of trucks, vehicles, and other equipment to perform public works functions including trash and recycling collection and hauling: M.G.L. c. 149, § 27F
- Moving office furniture and fixtures: M.G.L. c. 149, § 27G
- Cleaning state office buildings or buildings leased by the state: M.G.L. c. 149, § 27H
- Transportation of students to public schools, including charter schools: M.G.L. c. 71, § 7A
- Certain housing authority employees such as maintenance workers, laborers, and mechanics: M.G.L. c. 121B, § 29
- MA Convention Center Authority security guard services: Chapter 195 of the Acts of 2014
- MassDOT relocation of utilities or utility facility: M.G.L. c. 6C, § 44

If you have a question about whether or not a project requires prevailing wages, you must contact DLS.

HOW TO COMPLY

Every awarding authority **must**:

- Request official prevailing wage rate schedules from DLS before bids or quotes are solicited for public works projects. Requesting a prevailing wage rate schedule is easy. Visit www.mass.gov/dols/pw to register as a requestor and get more information about the automated system.
- Make copies available (free of charge) to all bidders or persons providing price quotes. Since DLS does not issue wage rate schedules directly to contractors, the awarding authority must provide them to all bidders.
- Ensure that all bids reflect prevailing wage rates and should, therefore, review all bids carefully.
- Include the wage rate schedule in the contract, once a contractor has been selected.
- Ensure that no contractor with whom you are engaging is debarred from engaging in public work. Check the AGO website for the latest debarment list.
- Monitor the contractors' compliance with the prevailing wage laws. For construction projects, weekly certified payroll records (CPRs) must be collected from all contractors (and subcontractors) and kept on file. You are encouraged to notify the AGO's Fair Labor Division if contractors fail to comply with this provision or if you believe that a contractor is not paying prevailing wages.