

Prevailing Wage Opinion Letter 1-21-04

January 21, 2004

Re: Water Meter Installer - Hours Worked Off-Site

I am writing in response to your request for this Office's written opinion regarding the applicability of the Massachusetts Prevailing Wage Law, M.G.L. c. 149, §§26-27. Specifically, you have asked if workers must be paid the state prevailing wage for certain work performed away from the construction site. As I understand it, your company employs workers who are paid the prevailing wage when performing water meter installation work in residential homes and other facilities. [1] You would like to confirm that these workers may be paid a different hourly rate when driving from site to site during the work day, attending trainings or meetings, or dropping off door knob notices. The Massachusetts prevailing wage law applies to the construction of public works by the commonwealth, or by a county, town, authority or district. G.L. c. 149, §§26, 27. The term "construction" is defined, in pertinent part, as "additions to and alterations of public works." G.L. c. 149, §27D. The work you have described - driving from site to site during the day, attending trainings or meetings, or dropping off door knob notices - does not constitute an addition to or alteration of a public work; therefore, prevailing wage is not required. Of course, state minimum wage law would require the payment of at least the statutory minimum wage for such work required by an employer. See 455 C.M.R. §§2.01, 2.03(4). I hope this information has been helpful. If you have any further questions, please feel free to contact me.

Sincerely,

Lisa C. Price

Legal Counsel

[1] Installation of water meters in public and private facilities for the purpose of measuring water consumption for consumer billing is considered construction of public works and subject to the state prevailing wage law. See DLI Policy Statement, July 9, 1993.