



OFFICE OF THE COMMISSIONER
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The Commonwealth of Massachusetts
Executive Office of Labor
Department of Labor and Industries
Leverett Saltonstall Building, Government Center
100 Cambridge Street, Boston, 02202

July 8, 1988

Civil Defense Agency and
Office of Emergency Preparedness
400 Worcester Road
P.O. Box 1496
Framingham, MA 01701-0317

ATTENTION: MR. ROBERT J. BOULAY

Re: PAYMENT OF PREVAILING WAGE IN DISASTER RECOVERY REIMBURSEMENT

Dear Mr. Boulay:

Thank you for your correspondence of May 17, 1988, in which you refer to a recent meeting among Mr. Peter Waltonen, Deputy General Counsel, Massachusetts Department of Labor and Industries, Mr. Jerome Meister, MCDA Operations Office, and Mr. Edward Lamphier, MCDA Disaster Recovery Officer, with regard to payment of the prevailing wage in disaster recovery reimbursement.

The Department of Labor and Industries is required to enforce the prevailing wage law. M.G.L. C. 149, Section 27F specifically prohibits, as a matter of law, any reimbursement, including reimbursement by Civil Defense, pursuant to an agreement that does not contain a stipulation requiring that the prevailing wage rate be paid to the operators of rental equipment.

We therefore request that Civil Defense make every effort to ensure that its agreements contain the statutorily required stipulation and that requests be made to the Commissioner of Labor and Industries to determine the prevailing wage rates pursuant to M.G.L. C. 149, Section 27.

In order to ensure that rate determinations do not delay the emergency work that you described, I suggest that our staffs jointly develop a system to ensure that contractors receive accurate information in a timely fashion. For this purpose, I suggest that Mr. Meister meet with Maureen Tivnan, Mgr. of Technical Services at the Department of Labor & Industries. She can be reached at 727-3492.