



DEPARTMENT OF LABOR AND INDUSTRIES

DIVISION OF OCCUPATIONAL STATISTICS

100 CAMBRIDGE STREET, 11TH FLOOR

BOSTON, MASSACHUSETTS 02202-0003

ROBERT J. PREZIOSO
Director

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September 21, 1994

Frederick W. Marino, President
Felix A. Marino Co., Inc.
32 Corwin St., P.O. Box 431
Peabody, MA 01906

Re: Prevailing Wage Classifications

Dear Mr. Marino:

Thank you for meeting with us on September 16, 1994 and explaining and demonstrating the pavement-patching process developed by the Felix A. Marino Co., Inc. (the "Marino Co.").

This letter responds to your inquiry regarding whether the process of pavement-patching developed and used by the Marino Co. is sufficiently different from traditional paving and patching operations to render the existing prevailing wage job classifications inapplicable to employees of the Marino Co., thereby necessitating the establishment of new job classifications.

It is the determination of the Department of Labor and Industries that the Marino Co.'s infrared pavement-patching operation does not warrant the establishment of new job classifications.

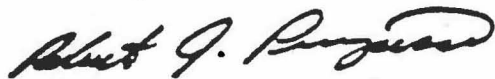
It is our belief that the factors which distinguish the Marino Co.'s paving operations from others are the types of materials used (such as MARIMIX™ and various chemical sealants), the sequence of their application, and the quality and characteristics of the final product. However, there appears to be significant similarity between the job tasks performed by employees of the Marino Co. and employees of other contractors engaged in traditional paving operations, rendering the Department's existing job classifications applicable to the Marino Co.'s employees.

Based on our observations, the majority of the Marino Co.'s patching process involves driving trucks, loading and unloading wheelbarrows of asphalt, raking asphalt, and compacting and rolling asphalt -- tasks which are part of every paving operation. The requirement that employees of the Marino Co. have special knowledge of the unique materials utilized in your paving operations, the sequence of their application, and the use of infrared heat to cure asphalt does not significantly affect the nature of the tasks performed.

Based on the foregoing, please be advised that you are required to pay your employees wages as prescribed by the Department on all public works projects.

If you have any additional questions regarding this matter, do not hesitate to contact Spencer Demetros or me.

Sincerely,



Robert J. Prezioso
Director

cc: Spencer C. Demetros
General Counsel, DLI

Peter Waltonen, Esq.