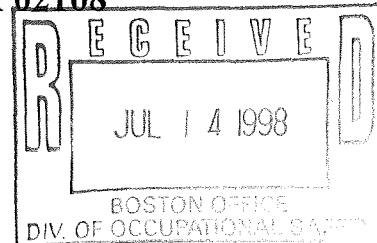


*The Commonwealth of Massachusetts*  
**Department of Labor and Workforce Development**

**One Ashburton Place, 14th Floor  
Boston, MA 02108**

ARGEO PAUL CELLUCCI  
GOVERNOR

ANGELO R. BUONOPANE  
DIRECTOR



TEL: (617) 727-6573  
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June 13, 1998

Edward Sullivan, Jr.  
Business Manager  
S.E.I.U. Local #254  
11 Beacon Street, Suite 200  
Boston, MA 02108

Re: May 18, 1998 Meeting: Prevailing Wage Rates for the Cleaning of Public Building or Space Rented by the Commonwealth

Dear Mr. Sullivan:

Thank you for taking the time on May 18<sup>th</sup> to meet with me and members of my staff from the Department of Labor and Workforce Development and the Division of Occupational Safety (DLWD/DOS). At the meeting, you, Mr. Donald Coleman, and representatives from three signatory contractors requested that DLWD/DOS remove the part-time "Cleaner, Janitor, Porter" occupational classification, along with its corresponding hourly wage rate, from the prevailing wage schedules issued under M.G.L. ch. 149, s. 27H.

You argued that because the three signatory contractors pay part-time employees at the higher full-time rate on current state contracts, they are at a competitive disadvantage when bidding on future public contracts which allow the part-time rate to be paid. While it is laudable that, as a matter of practice, the contractors who attended the May 18<sup>th</sup> meeting are paying part-time employees at the full-time rate on current state contracts, to remove the part-time classification from the wage schedules would violate the spirit of the prevailing wage law and well-developed administrative procedures for issuing prevailing wage schedules. Consequently, DLWD/DOS cannot accommodate your request.

The Massachusetts prevailing wage law (M.G.L. ch. 149, ss. 26-27H) requires DLWD/DOS to issue minimum (also called "prevailing") wage rates which must be paid to persons who work on various public projects. As required by section 26 of the statute, DLWD/DOS looks to the occupational titles and rates of wages established by collective agreements between organized labor and employers when setting prevailing wage rates. With

respect to wage schedules issued for janitorial/maintenance contracts with the commonwealth, DLWD/DOS relies on the terms and conditions of S.E.I.U.'s master janitorial agreement. As you know, that agreement contains an occupational classification for part-time workers (29 hours or less per week) who are paid 25 cents less per hour than full-time workers. Accordingly, the full-time and part-time rates established in the S.E.I.U. agreement are reflected on the prevailing wage schedules issued by our office.

DLWD/DOS scrupulously reviews the terms and conditions of all collective bargaining agreements before issuing prevailing wage schedules to ensure that the occupational classifications and wage rates used on public projects precisely reflects those established between unions and private employers. In addition to the statutory requirement mentioned above, this practice is important for two reasons. First, it harmonizes administrative protocols when calculating prevailing wage rates for 14 different types of public work. Second, it removes all arbitrariness from DLWD/DOS's rate calculation which is particularly important to forestall challenges to criminal cases brought by the Attorney General's Office against alleged violators of the prevailing wage law.

If you have any further questions concerning this matter, please do not hesitate to contact me at 727-6573 or Mr. Prezioso or Mr. Field directly at 727-3452.

Sincerely,



Angelo Buonopane  
Director

cc: Janice Tatarka, Chief of Staff  
Department of Labor and Workforce Development

Robert Prezioso, Deputy Director  
Division of Occupational Safety

Stewart Field, Prevailing Wage and Statistics Manager  
Division of Occupational Safety