



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY

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GOVERNOR

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ROBERT J. PREZIOSO
DEPUTY DIRECTOR

November 12, 1999

Maria Camerlango
E. Amanti & Sons, Inc.
392 Highland Av.
Salem, MA 01970

Re: Prevailing Wage Applicability; Testing and Balancing of HVAC Systems

Dear Ms. Camerlango:

This letter responds to your request for clarification of whether the testing and balancing of HVAC systems - Heating Ventilating and Air Conditioning systems - is covered under the prevailing wage law.

Pursuant to M.G.L. ch. 149, § 27D, prevailing wage rates apply to construction work which is defined as "additions to and alterations of public works, the installation of resilient flooring in, and the painting of, public buildings and public works ..." Any persons engaged in such work must be paid prevailing wage rates:

The testing and balancing of HVAC systems, when conducted as part of a construction or alteration project, would require payment of prevailing wage rates. Whether the testing and balancing is performed as part of the installation of a new system or the repair of an existing system, such tasks are necessary for components to be installed correctly and to bring the system into proper service.

In other circumstances when testing and balancing is not part of a construction or alteration project, prevailing wage rates would not apply. This generally includes testing and balancing on a functioning HVAC system. Any construction or alterations performed to repair defects uncovered during testing and balancing would, however, require payment of prevailing wage rates.

If you have any further questions concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Prezioso". The signature is fluid and cursive, with the first name "Robert" being the most prominent.

Robert J. Prezioso
Deputy Director

cc: Linda Hamel, General Counsel, DOS
Benjamin B. Tymann, DOS
Francis X. Flaherty, Office of the Attorney General