



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY
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April 6, 2000

Anne Perkins, Project Director
Rural Development, Inc.
42 Canal Road, P.O. Box 30
Turners Falls, MA 01376

Dear Ms. Perkins:

Thank you for your letter requesting a determination of prevailing wage applicability to activities conducted by Rural Development, Inc. ("RDI").

I have enclosed a copy of letter determination issued last year by the Division of Occupational Safety ("DOS") to the Town of Adams that states that M.G.L. ch. 149, §§ 26-27, pertaining to the payment of prevailing wage for public works construction, does not apply to publicly-funded construction of private residences.

DOS finds the circumstances of RDI's activities substantially similar to those delineated in the Town of Adams letter, in that, RDI, a non-profit entity is constructing private residences with some public support through the U.S. Department of Agriculture (albeit not at the level of direct HUD funding support existing in the Adams' projects). Consequently, RDI's activities as described in your letter do not constitute public works construction and RDI is not bound to pay members of the carpentry crew the state prevailing wage.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Sincerely,

Benjamin B. Tymann
Program Manager

Enclosure