THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY
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May 19, 2000

Ms. Maria Camerlengo
E. Amanti & Sons, Inc.
392 Highland Avenue
Salem, MA 017970

Dear Ms. Camerlengo:

Thank you for your letter requesting a formal determination regarding the appropriate occupational classification for individuals performing testing and balancing of heating, ventilation, and air conditioning (HVAC) systems as part of a public works construction or alteration project. I appreciate your patience in awaiting a reply to your request.

As you know, the Division of Occupational Safety ("DOS") administers the prevailing wage law for construction of public works in the Commonwealth (M.G.L. ch. 149, §§26-27D). Sections 26 and 27 of the statute authorize DOS to classify public works jobs and set the rate of pay for such classifications in accordance with established collective bargaining agreements in the construction industry. DOS thus looks to the language of existing collective bargaining agreements in making trade jurisdiction determinations.

The applicable language of existing collective bargaining agreements between sheet metal unions and the sheet metal, roofing, ventilating and air conditioning industry in Massachusetts clearly encompasses the testing and balancing of all air handling equipment and duct work. The applicable language of existing pipefitter collective bargaining agreements, however, claims jurisdiction over testing of hot water heating systems.

DOS therefore determines that, when HVAC testing and balancing is part of a public works construction or alteration project, "Sheet Metal Worker" is the proper prevailing wage occupational classification for testing and balancing of air-based HVAC systems and "Pipefitter" is the appropriate classification for testing and balancing of hot water-based heating systems.

Please be advised that DOS will soon revise its minimum wage rate schedules to reflect this occupational determination and will clearly delineate occupational classifications for all elements of HVAC work with corresponding wage rates.

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

Sincerely,

Benjamin B. Tymann
Program Manager

cc: Robert J. Prezioso, DOS Deputy Director
Linda Hamel, DOS General Counsel
Francis X. Flaherty, Chief, Fair Labor and Business Practices Division, AGO
Dana J. Kelly, Assistant Business Manager, Pipefitters Asso., Local 537
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