

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY
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JANE C. EDMONDS
Director
ROBERT J. PREZIOSO
Deputy Director

February 25, 2003.

Mr. Stephen J. Isaac, President
Electrical Engineering & Service Co., Inc.
289 Centre Street
Holbrook, MA 02343

Re: Applicability of Prevailing Wages for Electrical Equipment Testing.

Dear Mr. Isaac:

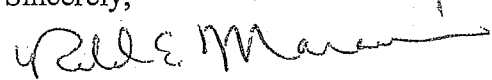
I am responding to your letter dated February 6, 2003 to the Division of Occupational Safety ("DOS"). In your letter, you ask DOS to provide you with a letter stating that you are exempt from the prevailing wage rate requirements when providing start-up testing of electrical distribution equipment.

DOS will not issue a letter saying you are "exempt" from anything under the prevailing wage law, G.L. c.149, sections 26-27H. Your letter does not provide enough information about the particular work involved in "start-up testing," therefore no specific answer can be given.

DOS has ruled, in certain areas, that testing can sometimes be part of a construction or alteration project. I have attached three applicability determination letters in reference to testing. The first two DOS letters are dated November 12, 1999 and May 19, 2000 and require prevailing wages to be paid for testing and balancing of HVAC systems when conducted as part of a construction or alteration project. The third letter is dated May 27, 1999 and does not require prevailing wages to be paid for fire alarm system testing. However, if repairs need to be done when testing the fire alarms, the repair time would be subject to the prevailing wage requirement.

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

Sincerely,



Ronald E. Maranian
Program Manager

cc: Robert J. Prezioso
Deputy Director
Division of Occupational Safety

Kathryn B. Palmer
General Counsel
Division of Occupational Safety

Daniel Field
Division Chief
Office of the Attorney General