



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY
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October 21, 2003

Michel Zannelli
Seekonk Public Schools
69 School Street
Seekonk, MA 02771-5992

Re: Applicability of Prevailing Wage to Plant Operator

Dear Mr. Zannelli:

I am writing in response to your request for this Office's written opinion regarding the applicability of the Massachusetts Prevailing Wage Law, M.G.L. c. 149, §§26-27. Specifically, you have asked whether the law would apply to a contract for a "plant operator" at the Seekonk Public Schools.

As I understand it, the School is issuing a bid for a plant operator to monitor the addition of methanol to a large septic system at the Seekonk Middle School. This individual will come to the school on a regular basis, meter the appropriate quantity of methanol into the system, and then extract a sample and test the results. The operator then submits the test results to the Department of Environmental Protection and the local water board.

The Massachusetts prevailing wage law applies to the construction of public works by the commonwealth, or by a county, town, authority or district. G.L. c. 149, §§26, 27. The term "construction" is defined, in pertinent part, as "additions to and alterations of public works." G.L. c. 149, §27D. The work you have described does not constitute an addition to or alteration to the septic system; therefore, the state prevailing wage law does not apply to this contract.

I hope this information has been helpful. Please note that this opinion is based solely on the information provided with your request. The existence of other facts not

contained in your request might require a different conclusion. If you have any further questions, please feel free to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lisa C. Price", with a stylized, flowing script.

Lisa C. Price
Legal Counsel

cc: Robert J. Prezioso, Deputy Director, DOS
Kathryn B. Palmer, General Counsel, DOS
Daniel S. Field, Division Chief, Office of the Attorney General, Fair Labor &
Business Practices Division