

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY
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November 18, 2003

Stephen O'Donnell
International Brotherhood of Electrical Workers
Local Union No. 104
130 West Street
Walpole, MA 02081

Re: Certified Payroll Reports

Dear Mr. O'Donnell:

This letter responds to your request for clarification of whether certified weekly payroll reports are required to be submitted to awarding authorities for bulb and photo cell replacement work performed on street lights.

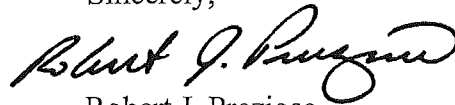
The Massachusetts prevailing wage law requires all contractors on public works construction projects to submit certified weekly payroll reports to the awarding authority, G. L. c. 149, § 27B. This requirement must be fulfilled for all workers who perform construction work on public projects.

As I have written to you and your colleague at Local No. 104, Jeff Place, bulb and photo cell replacement work is not construction work, as that term is defined by G. L. c. 149, § 27D, and therefore not subject to the requirements of the prevailing wage law. Because these tasks are not covered by the prevailing wage law, the certified weekly payroll provisions of G. L. c. 149, § 27B are not required as a condition of compliance with the prevailing wage law. Be advised that any awarding authority may, as a condition of its contract or arrangement with any contractor, impose a similar reporting requirement for its own monitoring or auditing purposes that is outside the scope of the prevailing wage law.

Also, please be aware that certified weekly payroll reports are not required to be submitted by contractors for work performed under G. L. c. 149, § 27F, the section of the prevailing wage law covering certain operators of equipment engaged in public works. See my letter to Mr. Place dated January 9, 2003.

If you have any further questions concerning this matter, contact Lisa Price, Legal Counsel, or me at (617) 727-3492.

Sincerely,



Robert J. Prezioso
Deputy Director

cc: Kathryn B. Palmer, General Counsel
Lisa Price, Legal Counsel
Daniel Field, Office of the Attorney General