



Labor and Workforce Development

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September 2, 2014

Re: Job Classification for Concrete Pavement Cutting

Dear XX:

This letter responds to your inquiry regarding job classifications for operators of pneumatic tools and operators of walk-behind gasoline-powered saws to cut bituminous or concrete pavement. You have asked the Department to review an Opinion Letter dated September 2, 2004, which set forth job classifications for the two types of work. (PW-2004-02-09.02.04). The DLS agrees that clarification is needed of the job classifications.

The 2004 letter addressed "natural gas main installation works" for several municipalities. Your letter does not specify a particular public works project, but requests classifications for the cutting of concrete with different tools. The type of work described is covered in more than one collective bargaining agreement. You reference the Heavy and Highway Agreement between the Labor Relations Division of Construction Industries of Massachusetts, Inc. and Massachusetts & Northern New England Laborers' District Council of the Laborers' International Union of North America, AFL-CIO ("Laborers' Heavy & Highway"). According to the 2004 Opinion, the appropriate job classification for the pneumatic tool operator is "Pneumatic Drill/Tool Operator (Heavy & Highway)." The DLS clarifies that for heavy and highway construction, "Pneumatic Drill/Tool Operator (Heavy & Highway)" is the proper classification for pneumatic tool operators. The premium over the basic wage applies to this classification.

The DLS clarifies that for heavy and highway construction, the proper job classification for operators of gasoline-powered, or non-pneumatic, concrete and bituminous saws is "Laborer (Heavy & Highway)."

Another collective bargaining agreement also covers this type of work. Article XXII, Trade Autonomy, of the Building & Site Construction Agreement between Massachusetts & Northern New England Laborers' District Council of the Laborers' International Union of North America, AFL-CIO and the Labor Relations Division of Construction Industries of Massachusetts, Inc. and Building Trades Employers' Association of Boston and Eastern Massachusetts, Inc. ("Laborers' Building & Site") sets out the trade jurisdiction for building and site work. Article XXII, Section 29, Use of Tools and Equipment Operations, covers the "operation of all hand, pneumatic, electric motor; combustion or air-driven tools or equipment..." For building and site construction, the proper job classification for a pneumatic, gasoline-powered, or otherwise-powered jackhammer or paving breaker operator is "Jackhammer & Paving Breaker Operator Laborers (Building & Site)." The premium over the basic wage is properly added to this classification. Operation of any other type of bituminous or concrete cutter or saw is properly classified as "Laborer (Building & Site)."

We hope this information is helpful. Please do not hesitate to contact this office if you have any further questions.

Very truly yours

Jean Zeiler

General Counsel