



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF LABOR STANDARDS

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February 2, 2016

Opinion Letter

PW 2016-02.02.2016

Re: Spray-on Cementitious Fireproofing

Dear XXXXXX,

This letter is written in response to your request for a determination of the proper job classification for workers whose duties involve spraying cementitious fireproofing on public projects subject to the prevailing wage law, G. L. c. 149, § 26 and 27.

In determining the appropriate job classification and prevailing wage for such public works, DLS looks to the collective agreements and understandings in the private construction industry between organized labor and employers. G.L. c.149, § 26. Spraying of cementitious fireproofing is found in the Mason/Plasterers Agreement, Article XIV, sec. 1, (n), which states in relevant part, "The claim of jurisdiction for work to be performed by plasterers shall include...the following specified work...(n) all materials and sealants used for fireproofing, including application by spraying, shall be the work of Plasterers ..." Thus, the correct prevailing wage for such fireproofing, shall be the Plasterer's rate and this rate shall be applicable to anyone directly involved with the application of cementitious fireproofing material. However, ancillary tasks such as tending, unloading material, lifting supplies, covering surfaces with protective tarps or plastic, sweeping, cleaning, etc. - traditionally done by laborers, shall remain their travail and shall require compensation at a laborer's rate.

If you have any additional questions, or I can be of further assistance, please do not hesitate to call.

Sincerely,

John H. Ronan
General Counsel