



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

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SECRETARY

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DIRECTOR

February 9, 2016

PW-2016-02.09.16

Dear XXX,

This letter is written in response to your letter dated February 1, 2016 requesting clarification for the proper job classifications of workers involved in the abrasive blasting and painting of bridges in Massachusetts. In making such a determination, this office looks to the collective bargaining agreements between organized labor and management.

Bridge painting is covered under the Trade Jurisdiction of the Painter's Agreement, which specifically claims trade autonomy over the following: "All employees engaged in the cleaning, preparation, painting, coating and sealing of surfaces on bridges, bridge support systems, and tanks, including the preparation of related cleanup of liquid, steam, sand, or similar blasting operations, erection of containment systems and except by mutual agreement between the employer and the union, erection and dismantling of all rigging."¹

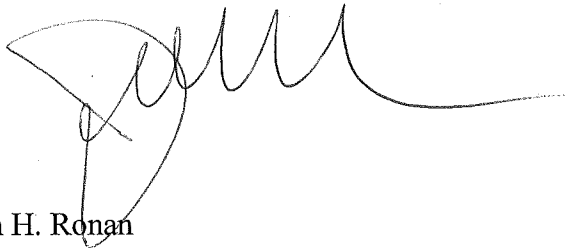
Thus, workers *involved* in the sanding, scraping, blasting, painting, vacuuming of bridges are required to be paid the rate set forth on DLS's prevailing wage schedule under "Painter (Bridges/Tanks)". This includes all operators of spray equipment, blasters, vacuums, recycling trucks, etc. Additionally, it covers those on-site employees handling of any part of any apparatus that would do the same - including the hoses used for blasting, painting and vacuuming.

In your letter, you specify five tasks peripherally associated with the abrasive blasting and painting of a bridge and request clarification whether they should be deemed "painters" or "laborers". As stated above, operators of equipment and hose handlers should be classified as "painters". The tasks of loading and unloading trailers and performing yard work can be handled by "laborers". Handling supplies on-site and delivering them as needed to Painters already engaged in bridge work, as opposed to delivering supplies to the work site, would the work of a painter or an apprentice painter.

¹ Art. II, section 1 (B), Agreement Between Painters & Allied Trades District Council 35 and Painters & Finishing Employers Association of New England, Inc. & Glass Employers Association of New England, Inc. (July 1, 2013 – June 30, 2017)

I hope this letter has been helpful. If I can be of any further assistance, please do not hesitate to call.

Very truly yours,

A handwritten signature in black ink, appearing to read 'John H. Ronan'. The signature is fluid and cursive, with a large initial 'J' and 'R'.

John H. Ronan

JHR/jbd