



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY
WWW.STATE.MA.US/DOS

JANE SWIFT
GOVERNOR

ANGELO R. BUONOPANE
DIRECTOR

ROBERT J. PREZIOSO
DEPUTY DIRECTOR

January 29, 2002

Jeff Place, Recording Secretary
International Brotherhood of Electrical Workers
Local No. 104
130 West Street
Walpole, MA 02081

Re: Prevailing Wage Rates; Street Lights on Power Utility Poles

Dear Mr. Place:

This letter responds to your request for clarification of the proper occupational classification to be used by employees of contractors engaged in the repair of street lights on power utility poles owned by municipalities.

When a municipality contracts for the repair of publicly-owned street lights, the contractor must pay prevailing wage rates in accordance with M.G.L. ch. 149, §§ 26 -27D to all employees on the project. Awarding officials are required to acquire prevailing wage schedules from the Division of Occupational Safety ("DOS") for each such project and make those schedules available to all prospective bidders.

The proper occupational classifications for work involving the "construction," "addition," or "alteration" (§§ 26 - 27D) of publicly-owned street lights are Groundman / Truck Driver, Heavy Equipment Operator, and Journeyman Lineman. These classifications are listed on all prevailing wage schedules issued by DOS for such work. Awarding officials may not use other rates or occupational classifications in place of those established by DOS. (For a description of activities deemed to be "construction," "addition," or "alteration," see the attached letter to John Shortsleeves dated August 22, 2000 from DOS's Benjamin B. Tymann.)

If you have any further questions concerning this matter, please do not hesitate to contact me.

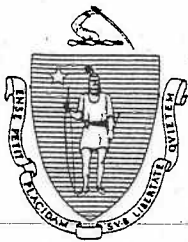


Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Prezioso". The signature is fluid and cursive, with a large, stylized initial "R".

Robert J. Prezioso
Deputy Director

cc: Kathryn B. Palmer, General Counsel
Ronald E. Maranian, Program Manager
Daniel S. Field, Office of the Attorney General



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ARGEO PAUL CELLUCCI
GOVERNOR

JANE SWIFT
LIEUTENANT GOVERNOR

ANGELO R. BUONOPANE
DIRECTOR

ROBERT J. PREZIOSO
DEPUTY DIRECTOR

August 22, 2000

John Shortsleeves, Esq.
70 Bailey Boulevard
Haverhill, MA 01830

Dear Attorney Shortsleeves:

Thank you for your inquiry regarding the applicability of G.L. ch. 149, §§ 26-27E to the Town of Arlington's upcoming contract for street light maintenance. As we discussed by phone yesterday, municipal projects are generally subject to the payment of the prevailing wage if they result in "additions to and alterations of public works." G.L. ch. 149, § 27D.

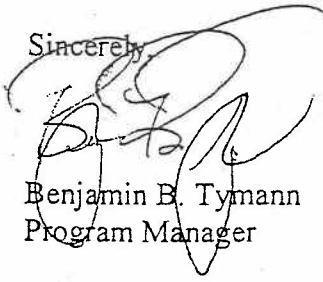
You submitted a portion of the scope of work for the street light project, which includes the six following primary activities:

- | | |
|----------------------------|--------------------------------------|
| -Photo cell replacement | -Head replacement |
| -Light bulb replacement | -Bracket installation or replacement |
| -Starter board replacement | -Pole replacement |

Of these six activities, all but the photo cell and light bulb replacement work will result in an alteration of the public work. The work of replacing street light starter boards, heads, brackets, or poles, or other repair or electrical service work to the street light system must be paid at the prevailing wage.

Thank you for your inquiry. If I may be of further assistance, please do not hesitate to contact me.

Sincerely,


Benjamin B. Tymann
Program Manager

cc: Robert Prezioso
Lisa Price, Office of the Inspector General



International Brotherhood of Electrical Workers

Local Union No. 104

Chartered January 24, 1900

130 West Street • Walpole, MA 02081 • Tel (508) 660-3900 • Fax (508) 660-0986



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January 17, 2002

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Ronald Maranian, Operations Manager

Division of Occupational Safety

Department of Labor & Workforce Development

399 Washington Street-5th Floor

Boston, MA 02108

Dear Mr. Maranian:

This letter seeks clarification from your office as to which classification for minimum hourly wage rates on public works, pursuant to M.G.L. c. 149 & 26 to 27H, would apply for the following job duties:

Repair and maintenance of street lights on power utility poles.

Such work includes the replacement of lamps and/or photo cells, but is NOT limited to this. It may include replacement of light standard and/or light head with new equipment and/or the removal of individual light standards from the power source. The power source is an energized conductor of electricity which can exceed the usual secondary voltage level of 120/240 volts up to primary distribution levels, e.g. 4,160 volts or 13,800 volts and/or such running of an energized conductor from pole to pole.

Such work requires using a bucket truck or physically climbing of wood poles to reach, inspect and determine the problem. This work is usually performed in the "power zone", is within reaching or falling distance, including any tools or equipment used, of energized conductors.

Further, it is our understanding that the awarding authority contracting for this public work takes the position that the contractor is not required to pay the minimum hourly prevailing wage rate as set by your office and contained in the rate sheets, but may instead pay the hourly wage rate provided by for under the awarding authorities collective bargaining agreement with its own public employees. Would you be so kind as to set forth your position on this issue?

If you require further information, please do not hesitate to contact me.

Very truly

Jeff Place, Second District Outside
Organizing Coordinator

JP/vk

*Fixed response
1/28/02
See attached
Letter Sent
1/29/02*

RECEIVED
JAN 22 2002
DIV. OF OCCUPATIONAL SAFETY
BOSTON OFFICE