

The Commonwealth of Massachusetts
Department of Labor and Workforce Development
Division of Occupational Safety

ANGELO BUONOPANE
Director

ROBERT J. PREZIOSO
Deputy Director

February 3, 1998

Richard D. Wayne, Esq.
Hinckley, Allen & Snyder
28 State Street
Boston, MA 02109-1775

Re: Prevailing wage; material hauling; S.M. Lorusso collective bargaining agreements

Dear Mr. Wayne:

In response to your request, I have reviewed the collective bargaining agreements provided to me between West Roxbury Crushed Stone Division of S.M. Lorusso and Excavating and Building Material Local Union #379 and between Teamsters Local Union #653 and West Sand and Gravel Company Division of S.M. Lorusso and Sons.

First, given the absence of a credible argument to support your assertion that crushed stone should not be considered a type of "gravel," as that term is used in M.G.L. ch. 149, section 27, the transportation of crushed stone to or from a public works project requires the payment of prevailing wage rates to all persons engaged in said transportation.

That being the case, your affirmation that S.M. Lorusso Co. transports gravel under the terms of the aforementioned collective bargaining agreements seems to necessitate that the Division of Occupational Safety ("DOS") consider those agreements when establishing prevailing wage rates in accordance with M.G.L. ch. 149, section 26. Currently, the Teamsters Heavy Construction Agreement is the only agreement used by DOS to establish prevailing wage rates for truck drivers on public construction projects.

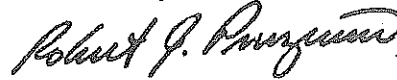
In order to properly consider the S.M. Lorusso agreements in the establishment of prevailing wage rates, DOS must first acquire copies of all Teamster collective bargaining agreements that may cover employees engaged in construction or construction-related work.

Attached is a copy of the letter sent to Paul V. Walsh, Chairman of the International

Brotherhood of Teamsters, which requests specific information about the Teamster agreements that may be relevant to the setting of prevailing wage rates for public construction projects. Once I have received that information, I will promptly inform you of any changes that will be made to the prevailing wage schedules issued by DOS.

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

Sincerely,



Robert J. Prezioso,
Deputy Director

cc: Paul V. Walsh
Spencer C. Demetros, Esq.
Janice Tatarka, Esq.
Stewart Field
John Pourbaix