

March 13, 2003

Mr. Mark E. Rousseau, Procurement Specialist  
Commonwealth of Massachusetts  
Division of Employment and Training  
19 Staniford Street  
Boston, MA 02114

Re: Prevailing Wage Applicability; Division of Employment and Training ("DET") Disposal of Office Furniture.

Dear Mr. Rousseau:

This letter responds to your request dated February 28, 2003 to the Division of Occupational Safety ("DOS") as to whether the Massachusetts prevailing wage law, G.L. c.149, sections 26-27G, applies to the disposal of office furniture from the DET warehouse in Chelsea and the DET central office in Boston.

According to your request, DET workers will be moving and loading the office furniture and then a vendor would truck the load to the scrap/recycling facility for processing.

DOS has determined that prevailing wages do not apply based on the fact that DET is using its own labor to move the office furniture. Section 27G of the prevailing wage law is only for employees of moving contractors. The statute states: "No contract for the moving of office furniture and fixtures shall be entered into or given by the commonwealth or by a county, city, town or district unless said contract contains a stipulation requiring prescribed rates of wages, as determined by the commissioner, to be paid to the employees of a moving contractor." (emphasis added)

This determination is based on the facts provided in your letter. If there are any changes or if additional facts concerning this work come to your attention, please convey them to me immediately for consideration.

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

Sincerely,

Ronald E. Maranian  
Program Manager

cc: Robert J. Prezioso  
Deputy Director  
Division of Occupational Safety

Kathryn B. Palmer  
General Counsel  
Division of Occupational Safety

Daniel Field  
Division Chief  
Office of the Attorney General