

THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT  
DIVISION OF OCCUPATIONAL SAFETY  
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DEPUTY DIRECTOR

April 19, 2002

Stephen F. O'Donnell, Organizer  
Jeff Place, Organizing Coordinator  
International Brotherhood of Electrical Workers  
Local Union No. 104  
130 West Street  
Walpole, MA 02081

Re: Street Light Repair and Maintenance; Prevailing Wage Rates

Dear Messrs. O'Donnell and Place:

Thank you for your letter dated April 16, 2002 concerning the workers who repair and maintain street lights.

Your concern about certain workers who "do not meet the criteria set forth in the OSHA standards" for the type of work they perform is best directed to OSHA for investigation. Qualification requirements for workers who perform particular tasks are not regulated under the prevailing wage law.

The prevailing wage law does, however, establish the occupational classifications and rates of wages paid to workers on public works projects. As you know, prevailing wage schedules for each such project are issued by the Division of Occupational Safety ("DOS") containing the occupational classifications and rates of wages that must be used on the project. For more information about the activities covered by the occupational classifications issued for street light repair projects, see DOS's letters dated January 29, 2002 and August 22, 2000.

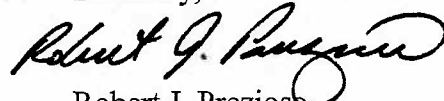
In response to your report that some contractors are creating their own occupational classifications and rates of wages on street light repair projects, it is DOS's position that both assertions would violate the prevailing wage law. Employees on public works projects are

required to be classified and paid in accordance with the prevailing wage schedule issued for the projects on which they work.

I recommend that you report all alleged violations to the Office of the Attorney General, Fair Labor and Business Practices Division. That Division is responsible for enforcing the prevailing wage law. I will forward a copy of your letter and this response accordingly.

If you have any further questions concerning this matter, please do not hesitate to Ronald E. Maranian, DOS's prevailing wage program manager, or me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert J. Prezioso", written in a cursive style.

Robert J. Prezioso  
Deputy Director

cc: Kathryn B. Palmer, General Counsel  
Ronald E. Maranian, Program Manager  
Daniel Field, Office of the Attorney 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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April 16, 2002

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Division of Occupational Safety

Robert J. Prezioso, Deputy Director

399 Washington Street, 5th Floor

Boston, MA 02108

Dear Mr. Prezioso:

I regret having to send you this letter with regards to the ongoing issue of street lighting repair and maintenance and the confusion involving the interpretation of the letter originating from the Division of Occupational Safety.

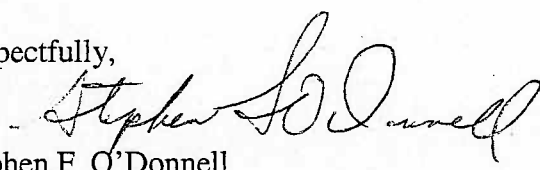
The problem has developed wherein some contractors have deemed that it is acceptable to perform portions of the work, i.e. photo cell and bulb replacement, with employees who are not qualified to perform this task safely. Their actions are motivated by economics and not employee safety.

Our first concern is for the employee performing this duty, and it is our determination upon investigation that most of these employees do not meet the criteria set forth in the OSHA standards for Construction Industry, as spelled out in subpart V of that publication.

Some contractors have, and still are, using a non-existent E.M.T. (Electrical Maintenance Technician) classification to perform this work, and have set their own minimum wage rates as well. It is our contention that these contractors are not only circumventing minimum wage rate standards but certified payroll reporting laws as well.

We would welcome the opportunity to meet with your office and clarify this issue once and for all and hopefully put it to rest.

Respectfully,

  
Stephen F. O'Donnell  
Organizer

**RECEIVED**

APR 18 2002

DIV. OF OCCUPATIONAL SAFETY  
BOSTON OFFICE

  
Jeff Place  
2nd District Outside Organizing Coordinator