

Prevailing Wage Opinion Letter 04-20-07

April 20, 2007

I am writing in response to your request for this Office's written opinion regarding the applicability of the Massachusetts Prevailing Wage Law, G.L. c. 149, §§26-27. Specifically, you have asked for confirmation of the proper job classification for persons performing certain work on a housing authority building project.

As I understand it, the work was performed at XXXX and awarded by the XXXX Housing Authority. Due to water leakage, the building needed exterior brick work, temporary and new windows, and waterproofing work. [1] You have asked for the appropriate job classification for the following tasks:

- 1. Installation of Temporary and Permanent Windows:** Workers measured, cut and installed wood blockings, temporary windows/plywood, and metal/wood studs) The proper job classification for this work is *Carpenter*. Workers also loaded and unloaded stacks of wood blocking, and temporary windows/plywood. The proper job classification for this work is *Laborer: Carpenter Tender*.
- 2. Waterproofing:** Workers waterproofed two walls of the building. Workers installed membrane waterproofing; sprayed on glue, and cut, measured and installed Carlyle membrane on the walls. The proper job classification for this work is *Brick/Stone/Artificial Masonry (inc. Masonry Waterproofing)*.
- 3. Brickwork:** Works laid brick, mixed mortar and installed brick ties. The proper job classification for this work is *Brick/Stone/Artificial Masonry (inc. Masonry Waterproofing)*.
- 4. Sheathing:** Workers cut, measured and installed new sheathing. The proper job classification for this work is *Carpenter*.
- 5. Scaffolding:** Scaffolding on the project was erected for use by multiple trades. The proper job classification for this work is *Laborer*.
- 6. Demolition:** Demolition work was done simultaneously as the project progressed, and included general clean-up and vacuum. The proper job classification for this work is *Laborer*.
- 7. Operation of a Forklift/Lull:** The servicing and refueling of this equipment, if done on site by the operator of that equipment, should be paid at that operator's rate. For the appropriate operator rate, see the attached letter to Mario Paiva, dated April 30, 2002.
- 8. Insulation:** Workers measured, cut and installed batts; installed densglas with screwgun and rotozip; and measured, cut and installed scoreboard. The proper job classification for this work is *Carpenter*.
- 9. Painting:** Workers prepared surfaces with a wire brush and scraper, painted with finish or primer, and mixed and thinned finishes. The proper job classification for this work is *Painter (Repaint - Spray or Sandblast, or Taper (Brush), whichever method was used.)*
- 10. Loading and unloading various building materials:** The proper job classification for this work is *Laborer Tender (Multi-Trade Tender, or Carpenter, Mason, Cement Finisher Tender, when assisting such skilled tradespersons, as noted in #1.)*

For your information, I have attached copies of the trade autonomy sections of the relevant collective bargaining agreements discussed above.

I hope this information has been helpful. If you have any further questions, please feel free to contact me.

[1] The building required other work, assumedly roofing, that was to be performed under a different contract.

Sincerely,
Lisa C. Price
Deputy General Counsel