

## **Prevailing Wage Program Opinion Letter April 30, 2010**

April 30, 2010

Re: Confirmation of the Classification under the Massachusetts Prevailing Wage Law of Manhole Rehabilitation and Repair/Relining of Sewer Pipes

I write in response to your letter, dated April 2, 2010, in which you request that the Division of Occupational Safety ("DOS") confirm the job classification under the Massachusetts Prevailing Wage Law for workers who perform manhole rehabilitation, catch basin cleaning and sewer lining work on public works projects. Specifically, you have asked us to confirm the classifications for the following tasks:

1. Catch Basin TV Operator. The worker drives a box truck containing recording equipment which received a close circuit video feed from a camera system that is attached to a mechanical crawler in order to "see" the extent of any debris within the catch basins and/or sewer pipes.
2. Inspection and Repair/Reline of Sewer Pipes. The worker drives a box truck (under 26,000 lbs) which has a mechanical crawler with a video camera attached and which connects to a diaphragm tube through which chemicals flow in order to determine whether there is any air loss between the joints of the sewer pipes. If the inspection determines that the joints are faulty, a chemical compound is shot via the truck through the diaphragm tube into the faulty joints and pipes to create a lining.
3. Manhole Rehabilitation. The worker enters water-infiltrated manholes. The surface of the manhole is prepared for treatment with water blasting. After preparation, the surface of the manhole is covered by hand with watertight cement or sprayed with by hand with epoxy.
4. Workers use Jet Vacs to clean storm drains and sewer lines.

### **Explanation**

The Massachusetts prevailing wage law applies to the construction of public works by the commonwealth, or by a county, town, authority or district. *G.L. c. 149, §§26 and 27*. Section 27F of the law requires that any lease, rental or other arrangement under which a truck or other vehicle or equipment is to be engaged in public works contain a stipulation requiring that prevailing wages, as determined by the DOS, be paid to the operators of such trucks, vehicles or equipment. When public awarding authorities enter into agreements subject to § 27, including for the cleaning of catch basins, DOS sets prevailing wage rates based on "collective agreements or understandings in the private construction industry between organized labor and employers." *G.L. c. 149, §26*. DOS also looks to these agreements and understandings to determine the appropriate job classifications under the prevailing wage law.

Each of your inquiries is addressed below.

1. Catch basin cleaning work, including the inspection thereof, using vacuum or "Vac-Haul" trucks is paid at the rate for "Vac-Haul/Catch Basin Cleaning" as indicated on the rate sheet. Catch basin cleaning or inspection workers using 2 axle, 3 axle or 4/5axle trucks are paid at the rate for "2 Axle", "3 Axle" or "4/5 Axle" trucks as indicated on the rate sheet. The DOS established these classifications by reference to the state wide collective bargaining agreement known as the "Massachusetts Heavy Construction Agreement" between the International Brotherhood of Teamsters, Locals 42, 49, 59, 170,

251, 25, 404 and 653, and the Labor Relations Division of the Construction Industries of Massachusetts.

2. Inspection and Repair/Relining of Sewer Pipes. Inspection repair/relining of sewer pipes, as described, using 2 axle, 3 axle or 4/5 axle trucks is paid at the rate for "2Axle", "3 Axle" or "4/5 Axle" trucks as indicated on the rate sheet. The DOS established these classifications by reference to the state wide collective bargaining agreement known as the Massachusetts Heavy Construction Agreement" between the International Brotherhood of Teamsters, Locals 42, 49, 59, 170, 251, 25, 404 and 653 and the Labor Relations Division of the Construction Industries of Massachusetts.

3. Manhole rehabilitation work, as described above, is paid at the rate for "Laborer" as indicated on the rate sheet. The DOS established this classification by reference to the collective bargaining agreements known as the "Building and Site Construction Agreement" between the Massachusetts Laborers District Council of the Laborers International Union of North America, AFL-CIO and the Labor Relations Division of the Associated General Contractors of Massachusetts, Inc. and the Building Trades Employers Association of Boston and Eastern Massachusetts, Inc. and by the collective bargaining agreement known as the "Heavy and Highway Agreement between the Labor Relations Division of Construction Industries of Massachusetts, Inc. and Massachusetts Laborers' District Council of the Laborers' International Union of North America AFL-CIO.

4. Workers use Jet Vacs to clean storm drains and sewer lines. Please refer to the response to #1, above.

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

Sincerely,  
Patricia A. DeAngelis  
Legal Counsel