

Prevailing Wage Opinion Letter 05-12-04

September 8, 2004

Re: Occupational Classification Request

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 a determination of the appropriate job classification for cutting brick and block on a school building project in XXXX, Massachusetts.

As you know, the Division of Occupational Safety (DOS) issues prevailing wage schedules, which include occupational classifications and wage rates, for public works construction projects based on "collective bargaining agreements in the private construction industry between organized labor and employers: See G.L. c. 149, §26. Additionally, DOS looks to these agreements to establish craft jurisdictions.

In this instance, the Bricklayer and Allied Craftworkers' collective bargaining agreement (between the Bricklayer and Allied Craftworkers on behalf of the Foxboro, Lowell, and Worcester Chapters and the Mason Contractors' Association of Massachusetts, Inc.) establishes the craft jurisdiction for the *Brick/Stone/Artificial Masonry (Incl. Masonry Waterproofing)* occupational classification and wage rate. The Laborers' collective bargaining 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.) establishes the craft jurisdiction for the *Laborer: Mason Tender* occupational classification and wage rate. The relevant portions of these agreements are attached for your reference. It appears from these agreements that the work of cutting brick and block on such a project would be the work of the *Brick/Stone/Artificial Masonry (Incl. Masonry Waterproofing)* occupational classification.

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

Sincerely,
Lisa C. Price
Deputy General Counsel