

DO THE PREVAILING WAGE RATES CHANGE IF A PROJECT LASTS MORE THAN A YEAR?

Yes. For public construction projects lasting more than one year, contractors must obtain updated wage rate schedules from the awarding authority and must pay no less than those rates to covered workers. For all prevailing wage rate projects, all wage increases listed on the wage rate schedule, if any, must be paid effective the specific dates listed.

DO I NEED OSHA TRAINING TO BE WORKING ON A PUBLIC CONSTRUCTION PROJECT?

Yes. You must complete the OSHA 10 training in order to work on a public construction project in Massachusetts. You must carry documentation of your OSHA 10 training when you are on the worksite.

MY BOSS SUSPENDED ME BECAUSE SHE SAID I MADE A COMPLAINT TO THE AG'S OFFICE ABOUT MY PAY. SHE TOLD ME I HAVE TO LEARN MY LESSON FOR BEING A TROUBLEMAKER. IS THIS LEGAL?

No. An employer is prohibited from retaliating, discharging, discriminating or punishing an employee in any way as a result of any action taken on the part of an employee to seek his or her rights under the wage and hour provisions of chapters 149 and 151, including assisting the Attorney General in any investigation or proceeding. An employer is also prohibited from taking any adverse action against an employee who has made a complaint to the AGO, or to any other person, about his or her rights under the state wage and hour laws. M.G.L. c. 149, s. 148A and G.L. c. 151, s. 19 (1).

ADMINISTRATION AND ENFORCEMENT

Two state government agencies have different responsibilities related to the prevailing wage laws:

Administration and Interpretation

The Department of Labor Standards (DLS) is responsible for issuing wage schedules and job classifications, and making determinations on the applicability of the prevailing wage. Appeals of prevailing wage rate schedules may be made to DLS.

MA Department of Labor Standards
19 Staniford Street, 2nd Floor
Boston, MA 02108
(617) 626-6953
www.mass.gov/dols/pw

Enforcement

The Office of the Attorney General's Fair Labor Division is responsible for enforcing the prevailing wage laws and receives all bid protests.

Office of the Attorney General
Fair Labor Division
One Ashburton Place
Boston, MA 02108
(617) 727-3465
www.mass.gov/ago/fairlabor

This information is brought to you by:
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THE MASSACHUSETTS PREVAILING WAGE LAWS

M.G.L. c. 149, §§ 26-27H
M.G.L. c. 6C, § 44
M.G.L. c. 71, § 7A
M.G.L. c. 121B, § 29
CH. 195 OF THE ACTS OF 2014



AN IMPORTANT GUIDE FOR

WORKERS

WHAT ARE THE PREVAILING WAGE LAWS?

The Massachusetts Prevailing Wage Laws require that covered employees on public works projects be paid a special minimum hourly rate called the 'Prevailing Wage'.

In Massachusetts, all workers are presumed to be employees. The prevailing wage must be paid on public works projects regardless of whether you are employed by the general contractor, a filed sub-bidder, or any sub-contractor. The prevailing wage laws apply to both union and non-union employers/employees.

WHEN DOES YOUR EMPLOYER HAVE TO PAY THE PREVAILING WAGE?

Your employer must pay you the prevailing wage for the following public work:

- Public construction work, including additions and alterations to public buildings: M.G.L. c. 149, §§26-27D
- Use of trucks, vehicles, and other equipment to perform public works functions including trash and recycling collection and hauling: M.G.L. c. 149, §27F
- Moving office furniture and fixtures: M.G.L. c. 149, §27G
- Cleaning state office buildings or buildings leased by the state: M.G.L. c. 149, §27H
- Transportation of students to public schools, including charter schools: M.G.L. c. 71, §7A
- Certain housing authority employees such as maintenance workers, laborers, and mechanics: M.G.L. c. 121B, §29
- MA Convention Center Authority security guard services: Chapter 195 of the Acts of 2014
- MassDOT relocation of utilities or utility facilities: M.G.L. c. 6C, §44

HOW DO I KNOW WHAT PREVAILING WAGE RATE I'M ENTITLED TO?

The Department of Labor Standards (DLS) issues a specific prevailing wage rate schedule for all prevailing wage projects. For public construction projects, a copy of the wage rate schedule must be posted in a visible location at any public construction work site. For non-construction jobs that are subject to prevailing wage, you should ask your employer for a copy of the wage rate schedule or you can contact the DLS for a copy. If you have a question about what rate you should be paid, contact DLS at (617) 626-6953.

WHICH BENEFITS CAN BE INCLUDED IN THE PREVAILING WAGE RATES?

Payments by employers to bona fide employee benefit plans for health and welfare, pension and supplemental unemployment, in accordance with applicable collective bargaining agreements or understandings between organized labor and employers, can be included in the wage rates. On prevailing wage rate schedules, you can see which benefit plan contributions comprise the total prevailing wage rate.

DOES THIS MEAN THAT MY EMPLOYER HAS TO PROVIDE EMPLOYEE HEALTH, PENSION AND SUPPLEMENTAL UNEMPLOYMENT BENEFIT PLANS?

No. For the purposes of prevailing wage requirements, only those amounts actually contributed by an employer to a health and welfare, pension and supplemental unemployment plan may be deducted from the total prevailing wage rate.

If an employer makes no contributions to allowable benefit plans, the employer must pay the worker the total rate as wages.

CAN MY EMPLOYER DEDUCT THE VALUE OF SICK AND VACATION TIME FROM THE TOTAL WAGE RATE?

No. The following deductions from the prevailing wage rates are not permissible in Massachusetts: vacation time, sick time, training funds, charitable contributions, workers' compensation, unemployment insurance, or uniforms.

CAN APPRENTICES BE USED ON A PREVAILING WAGE CONSTRUCTION PROJECT?

Yes. However, all apprentices working on a public works construction project must be registered with the DLS, Division of Apprentice Standards (DLS/DAS). Each apprentice must keep his/her apprentice identification card on his/her person during all work hours on the project. An apprentice registered with DAS may be paid the lower apprentice wage rate at the applicable step as provided on the prevailing wage rate schedule. Any apprentice not registered with DLS/DAS, regardless of whether or not they are registered with any other federal, state, local, or private agency must be paid the journeyworker's rate for the trade. For more information about apprenticeship requirements, please contact DAS at 617-626-5409.