



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY
WWW.STATE.MA.US/DOS

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May 17, 2000

ROBERT J. PREZIOSO
DEPUTY DIRECTOR

Wayne J. Griffin, President
Wayne J. Griffin Electric, Inc.
116 Hopping Brook Road
Holliston, MA 01746

Dear Mr. Griffin:

Thank you for your letter requesting a formal determination regarding the appropriate occupational classification for installers of heating, ventilation, and air conditioning (HVAC) controls on public works construction projects.

As you know, the Division of Occupational Safety ("DOS") administers the prevailing wage law for construction of public works in the Commonwealth (M.G.L. ch. 149, §§26-27D). Sections 26 and 27 of the statute authorize DOS to classify public works jobs and set the rate of pay for such classifications in accordance with established collective bargaining agreements in the construction industry. DOS thus looks to the language of existing collective bargaining agreements in making trade jurisdiction determinations.

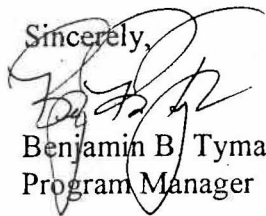
The applicable language of existing collective bargaining agreements between electrical unions and the electrical industry in Massachusetts clearly encompasses the installation of electrical systems and devices for heating purposes. It should be noted that the uniform language of the corresponding teledata agreements does not claim such work within its scope. In addition to the plain language of the agreements, this division of work has recently been confirmed in discussions with Michael Monahan, Business Agent of Local 103, I.B.E.W. of Greater Boston, and Karen Courtney of the Foundation for Fair Contracting.

As such, DOS hereby determines that "Electrician" is the proper prevailing wage occupational classification for HVAC control work.

Please be advised that DOS will soon revise its minimum wage rate schedules to clearly delineate occupational classifications for all elements of HVAC work with corresponding wage rates.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



Benjamin B. Tymann
Program Manager

cc: Robert J. Prezioso, DOS Deputy Director
Linda Hamel, DOS General Counsel
Francis X. Flaherty, Chief, Fair Labor and Business Practices Division, AGO
Michael Monahan, Business Agent, Local 103 of I.B.E.W.
Karen Courtney, Foundation for Fair Contracting