

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR
DIVISION OF OCCUPATIONAL SAFETY

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Commissioner

November 7, 2005

William Castle, V.P.
National Metering Services, Inc.
163 Schulyler Avenue
P.O. Box 491
Kearny, NJ 07032

Dear Mr. Castle:

I am writing in response to your request for this Office's written opinion regarding the applicability of the Massachusetts Overtime Law, M.G.L. c. 151, §1A, and the Massachusetts Prevailing Wage Law, M.G.L. c. 149, §§26-27. As your questions are unrelated, I will answer them separately.

As I understand it, your employees work from Tuesday to Saturday. You have asked if your employees are entitled to time and one-half pay for work performed on a prevailing wage project on Saturday, or if such pay is only due when an employee works over 40 hours in a given workweek.

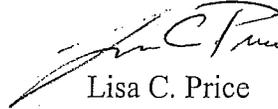
In Massachusetts, there is no statutory requirement for premium pay for work performed on Saturdays. The Massachusetts Overtime Law, M.G.L. c. 151, §1A, governs overtime requirements; there is no separate provision for such under the state prevailing wage law. State overtime law requires time and one-half pay for all covered, non-exempt workers when their hours exceed 40 hours in a given workweek. M.G.L. c. 151, §1A. An employee's workweek must be a fixed and regularly recurring period of 168 hours - seven consecutive days. Therefore, assuming that your employees do not work more than 40 hours during your established seven-day workweek, there is no statutory requirement for overtime pay.

Your second question concerns whether the residential or commercial plumber rate should be used for water meter installation. Please be advised that the prevailing wage schedules issued by DOS do not distinguish between those two job classifications

because no operative collective bargaining agreements in Massachusetts contain separate classifications for residential or commercial work. Therefore, the plumber rate should be paid for all water meter installation jobs.

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

Sincerely,



Lisa C. Price
Deputy General Counsel

cc: Robert J. Prezioso, Commissioner, DOS
Kathryn B. Palmer, General Counsel, DOS
Chris Buscaglia, Deputy Division Chief, Office of the Attorney General, Fair
Labor & Business Practices Division