



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY
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DEPUTY DIRECTOR

September 5, 2001

Ms. Kelly D'Astous
Chester Municipal Electric Light Department
Middlefield Road
Chester, MA 01011

Re: Prevailing wage rates; Chester Municipal Electric Light Department.
Use of Municipal Employees Building and Upgrading Power Lines for School
District Projects in the Towns of Chester and Russell and the Use of Municipal
Employees for Relocating Poles on State Highway.

Dear Ms. D'Astous:

This letter responds to your request of the Division of Occupational Safety ("DOS") to determine if the requirements of the Massachusetts prevailing wage law (M.G.L. c. 149, sec. 26-27H) apply to the use of municipal employees building and upgrading power lines for school district projects in the Towns of Chester and Russell and also the use of municipal employees for relocating poles on state highway.

You state in your letter that the school district project involves renovations, construction, and additions in five of the seven towns comprising the district at an estimated cost of \$46 million. You also state that each town voted on the project and will pay more than \$1,000 in a special appropriation towards it. After receiving three prior applicability determinations from DOS, you have interpreted the determinations to mean that your employees would be paid prevailing wage for the projects in Chester and in Russell as the projects involve a school (public building) and a special appropriation by each town. You have also provided us with letters on the scope of the work to be performed for the new school in your town. In addition, you have also stated that "If our municipal employees were relocating poles for widening of a state highway, they would not be paid prevailing wage, as it doesn't involve a public building or a special appropriation."



You are correct in your interpretation that your employees would be paid prevailing wage for the projects in Chester and in Russell as the projects involve a school (public building) and a special appropriation by each town since M.G.L. c. 149, sec. 26-27H states that prevailing wages would apply to municipal employees if the employees are involved in the construction of public works *and* the project has been funded by a special appropriation of more than one thousand dollars.

You are also correct in your interpretation that the use of municipal employees for relocating poles on a state highway would not be paid prevailing wages because the project has not been funded by a special appropriation of more than one thousand dollars.

If I may be of any further assistance to you on this matter, please do not hesitate to contact me.

Sincerely,



Ronald E. Maranian
Program Manager

cc: Robert J. Prezioso, Deputy Director, DOS
Kathryn Palmer, General Counsel, DOS
Daniel S. Field, Office of the Attorney General