

Prevailing wage Opinion Letter-04-09-09

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, §§26-27D. Specifically, you have asked for confirmation of the job classification applicable to persons who perform the handling and installation of steel or iron reinforcing rods for concrete reinforcement, including, as part of the rebar unloading, handling and installation process, i.e., the unloading, stockpiling, sorting, measuring and marking for installation, on-site fabrication, torching or other cutting, bending, handling, welding, cad-welding, splicing, joining, connecting, placing, aligning, and tying of rebar ("Rebar Work"), on a bridge rehabilitation project in XXXX, MA (the "Project").

As you know, the Massachusetts prevailing wage law applies to the construction of public works by the commonwealth, or by a county, town, authority or district. G.L. c. 149, §§26, 27. The term "construction" is defined, in pertinent part, as "additions to and alterations of public works." G.L. c. 149, §27D. When public awarding authorities contract for construction work, within the meaning of the statute, the Division of Occupational Safety (DOS) sets prevailing wage rates for these projects based on "collective agreements or understandings in the private construction industry between organized labor and employers." G.L. c. 149, §26. DOS also looks to these agreements and understandings to determine the appropriate job classifications under the prevailing wage law.

For the town of XXXX, the agreement between Local Union No. 7, Boston, Mass., of the International Association of Bridge, Structural, Ornamental & Reinforcing Iron Workers and Building Trades Employers' Association of Boston and Eastern Mass., Inc. and Labor Relations Division of the Associated General Contractors of Mass., Inc. (Ironworker's CBA), establishes the craft jurisdiction for the *Ironworker* occupational classification and wage rate.

Based upon a review of the Ironworker's CBA, this Office confirms that the appropriate job classification for performance of: "handling and installation of steel or iron reinforcing rods for concrete reinforcement, including, as part of the rebar unloading, handling and installation process, i.e., the unloading, stockpiling, sorting, measuring and marking for installation, on-site fabrication, torching or other cutting, bending, handling, welding, cad-welding, splicing, joining, connecting, placing, aligning, and tying of rebar" at the work site is *Ironworker*. This opinion is consistent with the previous opinion letter of this Office issued on April 26, 2000, from Angelo Buonopane to you, which stated that "[t]he loading and unloading of iron and other metal components at the work site fairly falls within the Ironworkers jurisdiction." As a point of clarification, while the previous version of the Ironworker's CBA did not specifically detail what tasks are included in the term "handling" of iron and other metal components at the work site, as pointed out in the 4/26/00 letter, the current Ironworker's CBA, effective date September 16, 2004, specifically delineates that work. The effect of the more detailed language in the current Ironworker's CBA serves to clarify the description of the *Ironworker* job classification, but does not enlarge the craft jurisdiction of the *Ironworker* at the work site beyond what was encompassed in the 4/26/00 letter. If any such work was involved on the Project, the appropriate job classification for this work is *Ironworker*.

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

Sincerely,
Nicholas Arienti
Deputy General Counsel

