

Prevailing wage opinion letter-10-09-09

In response to your recent inquiry, please be advised that section 27B of Chapter 149 of the General Laws provides, in relevant portion, as follows:

Section 27B. Every contractor, subcontractor or public body engaged in said public works to which sections twenty-seven and twenty-seven A apply shall keep a true and accurate record of all mechanics and apprentices, teamsters, chauffeurs and laborers employed thereon, **showing the name, address and occupational classification of each such employee on said works, and the hours worked by, and the wages paid to, each such employee**, and shall promptly furnish to the attorney general or his representative, upon his request, a copy of said record, signed by the employer or his authorized agent under the penalties of perjury. For every week in which an apprentice is employed by a contractor, subcontractor or public body subject to this section, **a photocopy of the apprentice's apprentice identification card, issued pursuant to section 11W of chapter 23, shall be attached to the records submitted under this section**. Such records shall be open to inspection by any authorized representative of the department at any reasonable time, and as often as may be necessary. Every contractor and subcontractor required to keep such a record shall submit a copy of said record to the awarding authority directly on a weekly basis. ... (Emphasis added)

Thus, pursuant to the statute, the information required on the certified payroll records is:

- For each employee: the name, address, occupational classification, hours worked and wages paid, and
- For each apprentice: in addition to the above information, a photocopy of the apprentice's ID card.

Although the model Certified Payroll Record contains fields for additional information, this additional information is not required by law. It is recommended, however, because it allows the awarding authority and/or attorney general to more readily determine whether the provisions of applicable laws are being complied with. To the extent that employees are paid bi-weekly, inclusion of the payroll check number on the certified payroll record only for the week in which the check was issued will suffice for this purpose.

Similar to the additional information in the model certified payroll record form, the language at the top of the model statement of compliance is not law. It is intended for informational purposes only. It does not add-to or alter, in any way, the required information under G.L. c. 149, section 27B.

I hope this information is helpful. If you have further questions, please feel free to contact me directly.

Sincerely,
Laura M. Marlin
Commissioner