

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY
www.mass.gov/dos

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LAURA M. MARLIN
Commissioner

October 26, 2007

Jocelyn Jones, Esq.
Deputy Division Chief, Fair Labor Division
Office of the Attorney General
100 Cambridge Street
Boston, MA 02202

Dear Ms. Jones:

Your letter to Commissioner Marlin, dated September 26, 2007, has been forwarded to me for response. I understand that you are seeking this Office's written opinion regarding the applicability of the Massachusetts Prevailing Wage Law, G.L. c. 149, §§26-27. Specifically, you are seeking clarification of prevailing wage job classifications for a public school demolition project.

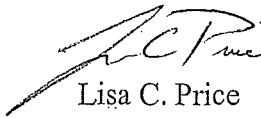
The project in question is the complete demolition of the Auburn High School. Prior to demolition of the building, workers will be removing asbestos from the heating system steam pipes, ceilings, floors (tile), walls, roof, doors, and windows. You would like to know whether *Asbestos Worker (Pipes & Tanks)* or the *Laborer: Hazardous Waste/Asbestos Remover* is the proper job classification for the removal work.

The Division of Occupational Safety (DOS) sets prevailing wage rates for public works projects based on "collective bargaining agreements in the private construction industry between organized labor and employers. See G.L. c. 149, §26. Additionally, DOS looks to these agreements to establish craft jurisdictions. For the town of Auburn, the Asbestos and Hazardous Abatement Workers Agreement between the International Association of Heat & Frost Insulators and Asbestos Workers Local 6 establishes the craft jurisdiction for the *Asbestos Worker (Pipes & Tanks)* occupational classification and wage rate. The Massachusetts State-Wide Wrecking and Environmental Remediation agreement between the Massachusetts Building Wreckers' and Environmental Remediation Association, Inc. and the Massachusetts Laborers District Council establishes the craft jurisdiction for the *Laborer: Hazardous Waste/Asbestos Remover*.

After a review of these collective bargaining agreements, and a memorandum of understanding entered into by the respective unions regarding trade jurisdiction, it is this agency's determination that all the work you have described would be the work of the *Laborer: Hazardous Waste/Asbestos Remover*. Please note, however, that this decision assumes a total demolition project, where the heating system and its components are to be disposed of. If the removal work on the heating system were being done to an intact system, the work would be that of the *Asbestos Worker (Pipes & Tanks)*.

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: Laura M. Marlin, Commissioner, DOS
Kathryn B. Palmer, General Counsel, DOS
Joanne Goldstein, Division Chief, Office of the Attorney General, Fair
Labor Division