



The Official Website of the Executive Office of Labor and Workforce Development (EOLWD)

Labor and Workforce Development

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Notice to Awarding Authorities

The Massachusetts Prevailing Wage Law

M.G.L. c. 149, §§26-27

NOTICE TO AWARDING AUTHORITIES

- The enclosed wage schedule applies only to the specific project listed at the top of the schedule, and these rates will remain in effect for the duration of the project, except in the case of multi-year projects. For projects lasting longer than one year, awarding authorities must request updated rates.
- You should request an updated wage schedule from the Department of Labor Standards if you have not opened bids or selected a contractor within 90 days of the date of issuance of the enclosed wage schedule.
- The wage schedule shall be incorporated in any advertisement or call for bids for the project for which it has been issued.
- Once a contractor has been selected by the awarding authority, the wage schedule shall be made a part of the contract for that project.

NOTICE TO CONTRACTORS

- The enclosed wage schedule must be posted in a conspicuous place at the work site during the life of the project.
- The wages listed on the enclosed wage schedule must be paid to employees on public works projects regardless of whether they are employed by the prime contractor, a filed sub-bidder, or any sub-contractor.
- The enclosed wage schedule applies to all phases of the project, including the final clean-up. Contractors whose only role is to perform final clean-up must pay their employees according to this wage schedule.
- All apprentices must be registered with the Massachusetts Division of Apprenticeship Standards (DAS) in order to be paid at the lower apprentice rates. All apprentices must keep his/her apprentice identification card on his/her person during all work hours. If a worker is not registered with DAS, they must be paid the "total rate" listed on the wage schedule regardless of experience or skill level. For further information, please call 617-626-5409, or write to:
DAS, 19 Staniford Street, 1st Floor, P.O. Box 146759, Boston, MA 02114.



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Notice to Drivers of BITUMINOUS CONCRETE

PREVAILING WAGE NOTICE

TO PUBLIC AWARDING AUTHORITIES AND CONTRACTORS

September 1, 2006

DRIVERS WHO HAUL BITUMINOUS CONCRETE (ASPHALT)

The Massachusetts Supreme Judicial Court recently affirmed that drivers who haul bituminous concrete to public construction projects are not covered by the Prevailing Wage Law while off-site, including time spent over-the-road and picking-up materials. These drivers are covered by the Prevailing Wage Law only while on-site at the public construction project.

In [Teamsters Joint Council No. 10 v. Department of Labor, et al.](#), 447 Mass. 100 (2006), the SJC upheld a 2001 administrative decision limiting the applicability of prevailing wage rates to the time bituminous drivers spend at the public construction site. This most recent decision of the SJC followed a 1989 ruling that had upheld an earlier Department of Labor (and Industries') policy that had deemed this category of drivers to be "teamsters" under the Law and, therefore, entitled to prevailing wage rates. See [Construction Industries of Massachusetts v. Commissioner of Labor and Industries](#), 406 Mass. 162 (1989). However, the earlier court case had left open the question of whether this entitled these bituminous drivers to prevailing wage rates for their over-the-road time as well as their on-site time. This most recent decision has now answered that question.

All of the requirements of the Prevailing Wage Law, including certified weekly payroll requirements, apply to bituminous drivers for all time spent at the public construction site.

DRIVERS WHO HAUL READY-MIX CONCRETE (CEMENT)

Drivers who haul ready-mix concrete to public construction projects are not covered by the Prevailing Wage Law while off-site, including time spent over-the-road and picking-up materials. These drivers are covered by the Prevailing Wage Law while on-site at the public construction project. This applicability determination was established by a 2001 administrative decision of the Department of Labor's Division of Occupational Safety.

All of the requirements of the Prevailing Wage Law, including certified weekly payroll requirements, apply to ready-mix drivers for all time spent at the public construction site.

Please feel free to contact the Department of Labor Standards at (617) 626-6953 if you have any questions. Questions about enforcement of the Prevailing Wage Law may be directed to the Attorney General's Fair Labor and Business Practices Division at (617) 727-3465.



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Notice Concerning the Removal and Application of Paint on Bridges and Tanks

NOTICE TO AWARDING AUTHORITIES AND CONTRACTORS CONCERNING THE REMOVAL AND APPLICATION OF PAINT ON BRIDGES AND TANKS ISSUED: DECEMBER 23rd, 2009

All awarding authorities and contractors are hereby notified that the "Painter (Bridges/Tanks) occupational classification shall be used for the following tasks on public works construction projects covered by the prevailing wage law, Mass. G.L. c. 149, §§ 26 to 27D

Painter (Bridges/Tanks)

"Tanks," for the purposes of the classification "Painter (Bridges/Tanks), are defined as "steel above-ground water storage tanks."

- The erection and dismantling of scaffolding, rigging and containment for bridge work and tank painting operations.
- Surface preparation, including removal of all types of paint on bridges and tanks.
- The application of paint on bridges and tanks.
- The clean-up of debris resulting from paint removal operations on bridges and tanks.

The application or removal of paint on or from other types of tanks, is classified as "Painter/Taper (Brush/New)", for new tanks, or "Painter/Taper (Brush/Repaint) for existing tanks.

Awarding authorities are encouraged to make this notice available to all contractors who may be engaged in projects involving the removal or application of paint on bridges and tanks. If you have any questions concerning this matter, please call (617) 626-6952.

**WEEKLY PAYROLL RECORDS REPORT
& STATEMENT OF COMPLIANCE**

In accordance with Massachusetts General Law c. 149, §27B, a true and accurate record must be kept of all persons employed on the public works project for which the enclosed rates have been provided. A Payroll Form is available from the Department of Labor Standards (DLS) at www.mass.gov/dols/pw and includes all the information required to be kept by law. Every contractor or subcontractor is required to keep these records and preserve them for a period of three years from the date of completion of the contract.

On a weekly basis, every contractor and subcontractor is required to submit a certified copy of their weekly payroll records to the awarding authority; this includes the payroll forms and the Statement of Compliance form. The certified payroll records must be submitted either by regular mail or by e-mail to the awarding authority. Once collected, the awarding authority is required to preserve those records for three years from the date of completion of the project.

Each such contractor and subcontractor shall furnish weekly **and** within 15 days after completion of its portion of the work, to the awarding authority directly by first-class mail or e-mail, a statement, executed by the contractor, subcontractor or by any authorized officer thereof who supervised the payment of wages, this form, accompanied by their payroll:

STATEMENT OF COMPLIANCE	
_____, 20_____	
I, _____,	
(Name of signatory party)	(Title)
do hereby state:	
That I pay or supervise the payment of the persons employed by	
_____ on the _____	
(Contractor, subcontractor or public body)	(Building or project)
and that all mechanics and apprentices, teamsters, chauffeurs and laborers employed on said project have been paid in accordance with wages determined under the provisions of sections twenty-six and twenty-seven of chapter one hundred and forty nine of the General Laws.	
Signature _____	
Title _____	

MASSACHUSETTS WEEKLY CERTIFIED PAYROLL REPORT FORM



Company's Name:		Address:		Phone No.:		Payroll No.:																
Employer's Signature:		Title:		Contract No.:		Tax Payer ID Number:		Work Week Ending:														
Awarding Authority's Name:		Public Works Project Name:		Public Works Project Location:		Min. Wage Rate Sheet Number:																
General / Prime Contractor's Name:		Subcontractor's Name:		Employer's Hourly Fringe Benefit Contributions																		
Employee Name & Complete Address	Work Classification:	Employee is OSHA 10 certified (?)	Appr. Rate (%)	Hours Worked							Project Hours (A) All-Over Hours	Hourly Base Wage (B)	Health & Welfare Insurance (C)	ER/SA Pension Plan (D)	Supp. Unemp. (E)	(B+C+D+E)		(A x F)		Project Gross Wages	Check No. (H)	
				Su.	Mo.	Tu.	We.	Th.	Fr.	Sa.						Total Hourly Prev. Wage (F)	Total Gross Wages					

Are all apprentice employees identified above currently registered with the MA DLS's Division of Apprentice Standards? YES NO

For all apprentices performing work during the reporting period, attach a copy of the apprentice identification card issued by the Massachusetts Department of Labor Standards / Division of Apprentice Standards. No apprentices are identified above

NOTE: Pursuant to MGL c. 149, s. 27B, every contractor and subcontractor is required to submit a true and accurate copy of their certified weekly payroll records to the awarding authority by first-class mail or e-mail. In addition, each weekly payroll must be accompanied by a statement of compliance signed by the employer. Failure to comply may result in the commencement of a criminal action or the issuance of a civil citation.

Date Received by Awarding Authority / /
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