

By Mr. Valley of Boston, petition of Thomas J. Valley, Sandra Graham, Argeo P. Cellucci, Mary Jane McKenna and Stephen W. Doran relative to establishing prevailing wages and job opportunities in the Commonwealth. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Five.

AN ACT ESTABLISHING PREVAILING WAGES AND JOB OPPORTUNITIES IN THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The first sentence of the first paragraph of section
2 26 of chapter 149 of the General Laws is hereby amended by
3 inserting after the word "chauffeurs", in line 2, as appearing in
4 section 32 of chapter 627 of the acts of 1954 the word: — ,helpers.

1 SECTION 2. Said first paragraph of said section 26 of chapter
2 149 is hereby further amended by striking out the third and fourth
3 sentences as appearing in chapter 334 of the acts of 1947 and
4 inserting in place thereof the following eleven sentences: —

5 The rate per hour of the wages paid to said mechanics and
6 apprentices, teamsters, chauffeurs, laborers and helpers in con-
7 struction of public works shall be the prevailing wage as deter-
8 mined by the Commissioner after said Commissioner conducts a
9 wage survey. For purposes of this section the prevailing wage shall
10 be the wage paid to the majority of the mechanics, apprentices,
11 teamsters, chauffeurs, laborers and helpers in the classification on
12 similar projects in the area, provided however that if a helper
13 classification is not identifiable on similar projects in the area then
14 such classification shall be established at a wage rate not less than
15 as provided in this section. The term "majority" shall be defined to
16 mean more than fifty per cent. If the same wage is not paid to a
17 majority of those employed in the aforementioned classifications,

18 the prevailing wage shall be the average of the wage paid weighted
19 by the total employed in the classification. The term "area" as used
20 in this section shall mean the city, town or county of the common-
21 wealth in which the work is to be performed. If there has not been
22 sufficient similar construction within the area in the past year to
23 make a wage determination, wages paid on similar construction in
24 surrounding cities, towns or counties, may be considered provided
25 that projects in metropolitan areas may not be used as a source of
26 data for a wage determination in a rural area, and projects in rural
27 areas may not be used as a source of data or wage determination for
28 a metropolitan area. In determining the aforementioned wage rates
29 the Commissioner shall not consider wage rates paid on Federal or
30 Federally assisted projects subject to Davis-Bacon prevailing wage
31 requirements or state or state assisted projects subject to Section 26
32 of Chapter 149 of the General Laws — provided, that the paid
33 wages to laborers employed on said works shall not be less than
34 those paid to laborers in the municipal service of the town or towns
35 where said works are being constructed; provided, further, that
36 where the same public work is being constructed in two or more
37 towns, the wages paid to laborers shall not be less than those paid
38 to laborers in the municipal service of the town paying the highest
39 rate. The Commissioner is hereby authorized to establish regula-
40 tions to conduct the aforementioned wage surveys. Such regula-
41 tions shall be established only after public notice and public hear-
42 ing on the proposed regulations. In no event shall the rate per hour
43 of wages paid to a laborer who is employed in a helper classifica-
44 tion in the construction of public works be less than a multiple of
45 two times the so-called minimum wages as established in Section
46 One of Chapter One Hundred and Fifty-One, provided further that
47 such helpers may participate on construction of said public works
48 at a ratio of not more than one helper to two mechanics, teamsters,
49 chauffeurs and laborers. This section shall also apply to regular
50 employees of the Commonwealth or of a county, town or district,
51 when such employees are employed in the construction, addition to
52 or alteration of public buildings for which special appropriations
53 are provided in an amount in excess of Two Hundred and Fifty
54 Thousand Dollars.

1 SECTION 3. The fifth sentence of said first paragraph of said
2 section 26 of said chapter 149 is hereby further amended by striking
3 out the word “minimum”, in line 5, as appearing in section 1 of
4 Chapter 609 of the acts of 1964 and inserting in place thereof the
5 word: — prevailing.

1 SECTION 4. Said section 26 of chapter 149 as amended by
2 chapter 609 of the acts of 1964 is hereby further amended by adding
3 at the end of the first paragraph as appearing the following
4 sentence: — This section shall be applicable to the construction of
5 public works where the estimated cost of said works exceeds two
6 hundred and fifty thousand dollars.

1 SECTION 5. Section twenty-seven of chapter one hundred and
2 forty-nine of the General Laws is hereby amended by inserting in
3 line 5, in the first sentence as appearing in chapter 394 of the acts of
4 1983 after the word “chauffeurs” the word: — , helpers.

1 SECTION 6. Said section twenty-seven of said chapter one
2 hundred forty-nine is further amended by inserting in line 13, as
3 appearing in chapter 394 of the acts of 1983 after word “chauf-
4 feurs” the word: — , helpers.

1 SECTION 7. Said section twenty-seven of said chapter one
2 hundred and forty-nine as amended by chapter 394 of the acts of
3 1983 is further amended by striking out the fifth sentence and
4 inserting in place thereof the following sentence: “The Commis-
5 sioner shall proceed to determine such prevailing wage pursuant to
6 the provisions of section twenty-six and shall furnish said official
7 or public body with a schedule of such prevailing wage as soon as
8 said determination shall have been made, provided however that
9 the Commissioner shall not establish nor furnish such schedule if
10 said public official or public body estimates the cost of said public
11 works to be not more than two hundred and fifty thousand dollars.

