

HOUSE No. 4889

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 11, 1968.

The committee on Ways and Means, to whom was referred the Bill providing for the payment of prevailing wages in the fabrication of parts for the construction of public buildings and public works (printed in Senate, No. 1149), report that the same ought to pass in the form of a new draft herewith submitted (House, No. 4889).

For the committee,

ARTHUR L. DESROCHER.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Eight.

AN ACT PROVIDING FOR THE PAYMENT OF PREVAILING WAGES IN THE FABRICATION OF PARTS FOR THE CONSTRUCTION OF PUBLIC BUILDINGS AND PUBLIC WORKS.

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. Section 27D of chapter 149 of the General
2 Laws, as most recently amended by section 2 of chapter 475
3 of the acts of 1961, is hereby further amended by adding the
4 following:—and the fabrication including prefabrication,
5 assembly and finish in a shop or other place off the construc-
6 tion site of (a) structural steel and miscellaneous metal, (b)
7 concrete and masonry, and (c) parts of the construction for
8 erection on the construction site, including plumbing, heat-
9 ing, ventilating, air conditioning and electrical work, spe-
10 cially fabricated to conform to certain sizes and shapes or
11 parts of the construction work as set forth in the plans and
12 specifications forming a part of a contract for a public
13 building or public work but not including the manufacture of
14 equipment for the construction. No such fabrication shall be
15 done outside the commonwealth unless and until the fabri-
16 cator has appointed a resident agent for the service of process
17 in the commonwealth, the department is satisfied that such
18 fabrication will be performed by employees receiving not less
19 than the wage rates established for such fabrication and the
20 fabricator has furnished a bond to the person contracting
21 with the fabricator to secure payment by the fabricator of the
22 rates established by the department. Such bond may be
23 enforced by the department for the benefit of the employees
24 of the fabricator and by the employees for their own benefit.
25 The fabricator shall refund to the department all expenses
26 incurred in making investigations of wage rates paid by that
27 fabricator for fabrication performed outside the boundaries of
28 the commonwealth.

29 Prior to furnishing any official or public body with a
30 schedule of the wage rates to be paid to mechanics, teamsters,
31 chauffeurs and laborers employed in shops or plans fabricat-
32 ing such materials, the commissioner shall make an investiga-
33 tion of the prevailing wages being paid such workers in
34 fabricating shops located within the commonwealth and if he
35 finds that such wages have been established in such trades
36 and occupations by collective bargaining agreements between
37 organized labor and their employers, his determination of the
38 rates to be paid such shop workers in fabricating materials for
39 public works projects shall conform with such agreements;
40 otherwise his determination of wage rates to be paid shall be
41 not less than the prevailing wage rates for such shop workers
42 in a representative area of the commonwealth where such
43 materials are fabricated.

1 SECTION 2. Section 27C of said chapter 149 is hereby
2 amended by adding the following sentence:—The commis-
3 sioner shall not take action to enforce the provisions of this
4 section against any person who is not the employer of
5 mechanics, teamsters, chauffeurs and laborers involved.

