



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

Prevailing Wage
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May 5, 2011

Jeffery J. Owen, Business Manager/Financial Secretary
United Association Local Union # 32
595 Monster Road SW, # 213
Renton, WA 98057

Re: Scope of Work Determination, Refrigeration Mechanics and Sheet Metal Workers

Dear Mr. Owen:

Thank you for your February 9, 2011 letter asking about the correct prevailing wage scopes of work for certain work under Port of Seattle contract number MC-0316730 for the Bus Maintenance Facility Construction. You asked for determinations on the "installation of HVAC Ductwork (inclusive of dry-side HVAC equipment and flue vents) and Refrigeration Piping (inclusive of the Vehicle Exhaust System and refrigeration Piping)." I appreciate the follow-up communication that clarified the question was about the refrigeration piping and did not relate to the vehicle exhaust system.

The answer below is based on the information you provided. References to the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC) are included. Again, this answer is based on your fact set. If the facts differ from those you provided, the answers may be different.

RCW 39.12.020 requires that "The hourly wages to be paid to laborers, workers or mechanics, upon all public works and under all public building service maintenance contracts of the state or any county, municipality, or political subdivision created by its laws, shall be not less than the prevailing rate of wage for an hour's work in the same trade or occupation in the locality within the state where such work is performed."

Scope of work descriptions are adopted to describe the different trades and occupations that perform work subject to the Washington State prevailing wage law, Chapter 39.12 RCW. Under the provisions of RCW 39.12.015, the Industrial Statistician establishes the prevailing rate of pay.

Please remember that the state's prevailing wage law, Chapter 39.12 RCW, does not regulate who may perform a particular trade and occupation (task or activity) but does regulate the prevailing rate of pay required on public work for tasks and activities as defined by the scope of

work descriptions. The scopes require the various wage categories that correspond to the trades and occupations described. In short, the prevailing wage requirements do not control work assignments (such as under a PLA) but do control the wages required for the specific work.

The Sheet Metal Worker (WAC 296-127-01372) performs "The handling, conditioning, assembling, installing, servicing, repairing, altering and dismantling of the duct work for the heating, ventilation and air conditioning systems regardless of the materials used and the setting and the servicing of all equipment and all supports and reinforcements in connection therewith." The "installation of HVAC Ductwork (inclusive of dry-side HVAC equipment and flue vents)" would be performed by a Sheet Metal Worker. If the Vehicle Exhaust System is a ventilation duct work system to extract vehicle exhaust from the bus maintenance facility, such work would also be performed by a Sheet Metal Worker.

The refrigeration piping is not within the scope of work for a Sheet Metal Worker. Rather the Refrigeration Mechanic (WAC 296-127-01367) installs "industrial, commercial, residential, and marine refrigeration systems involved in cold storage, ice making, cooling, heating, air conditioning, humidifying, dehumidifying or dehydrating and charge (pump gas or fluid in the system), start, test, service, and repair the installed systems." That work specifically includes work to lay-out, cut, thread, bend, and connect pipe to functional components and to the water or power system of premises. The Refrigeration Mechanic also performs work to move, lift, and install all compressors, pumps, motors, controls, switches, gauges, valves, condensers, evaporators, and other fixtures and appurtenances included in the refrigeration systems.

The scope of work for the Sheet Metal Worker does include some very limited and specific overlap with the scope for the Refrigeration Mechanic: "The installation of expansion and discharge valves, air filters, and water filters in heating, ventilation and air conditioning systems."

The Refrigeration Mechanic scope of work includes "all compressors, pumps, motors, controls, switches, gauges, valves, condensers, evaporators, and other fixtures and appurtenances included in the refrigeration systems." This includes the specific refrigeration devices also mentioned in the Sheet Metal Worker scope and much more refrigeration system work that is not within the scope of work for Sheet Metal Workers.

Where two scopes have overlapping language either scope may perform the work identified in that overlap, but may not perform work beyond the work identified in the respective scope.

Sheet Metal Worker may install expansion valves, discharge valves, air filters, and water filters (but not the refrigeration piping work) "in heating, ventilation and air conditioning systems."

Again, the scope of work distinctions between trades and occupations do not control who may perform the specific work, but instead regulate the prevailing rate of wage required on public work for the particular actions.

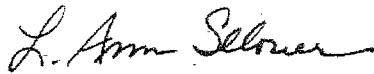
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Licensing issues, whether local or state, that may be relevant to refrigeration work are informative but not controlling in the application of the prevailing wage scope of work descriptions. Of course, nothing in the prevailing wage law, Chapter 39.12 RCW, would override any such licensing requirement.

Washington State prevailing wage information, including the WACs, are available on the Department's web site: <http://www.lni.wa.gov/TradesLicensing/PrevWage/default.asp>

I hope this answers your questions. If you need additional information or have questions, although I am unavailable, please call Ann Selover at (360) 902-5334 or e-mail her at sela235@lni.wa.gov.

Sincerely,



for David J. Soma, J.D., Ph.D.
Industrial Statistician
Prevailing Wage Program Manager

cc: Erik Pound, Business Agent, UA Local 32 Refrigeration Mechanics
Carolyn Wickliff, PLA Program Manager, Port of Seattle