



STATE OF WASHINGTON  
DEPARTMENT OF LABOR AND INDUSTRIES

Prevailing Wage  
PO Box 44540 • Olympia, Washington 98504-4540  
360/902-5335 Fax 360/902-5300

April 17, 2013

Noah K. Williams  
Reed Longyear Malnati & Ahrens, PLLC  
1415 Norton Building  
801 Second Avenue  
Seattle, WA 98104

Re: Paramount Communications CWU Shaw Smyser Hall Data Upgrades –  
Telecommunications Technician Scope of Work

Dear Mr. Williams:

Thank you for your January 31, 2013 letter to José Rodriguez, Assistant Director for Specialty Compliance Services asking for a modification and reconsideration of the Correction Notice for Intent #551350. Pursuant to my email message to you on February 12, I will address your concerns through this determination response.

This is a determination of the Industrial Statistician regarding coverage of the referenced work under Washington's prevailing wage laws and is made pursuant to RCW [39.12.015](#). See the attached document, "*Prevailing Wage Determination Request and Review Process*."

I want to apologize for the time this process has taken. The formal determinations and redeterminations can become involved and take some time. However, it appears, your issue did not require this involved process and we could have handled it much more quickly through some lower level review.

Here, our processing staff person made an error and did so repeatedly. The form should have been approved based on the work as it was described. Now that I am fully aware of the situation, I had one of our computer system administrators pull the form back into pending so the form could be processed for approval. Intent #551350 has now been approved.

In the future, if you or your client believes a form was returned for correction in error, please use our general prevailing wage program contacts: [pwl@lni.wa.gov](mailto:pwl@lni.wa.gov) or 360-902-5335. A Specialist can assist with technical questions. If your concerns are not resolved with the guidance from a Specialist, please contact me with your question. As the Industrial Statistician, I am responsible for determinations of the

Noah K. Williams

April 17, 2013

Page 2 of 2

prevailing rate of wage. See RCW [39.12.015](#). If you need further review of guidance I may provide, I have attached a document that details that more formal process.

As a point of clarification, there are some limits to the data cabling work that may be performed at the prevailing rate of pay for the Telecommunication Technicians, [WAC 296-127-01378](#). The work inside the building to do data cabling and fiber optic lines, may be performed at the prevailing rate of pay for the Telecommunications Technicians as long as: (1) the system does not contain any functions that are specific to the Electronic Technicians scope of work ([WAC 296-127-01322](#)); and (2) the work is within the work allowed as telecommunications under the electrical licensing law, chapter [19.28](#) RCW. I am attaching a document that explains these scope of work distinctions in greater detail that you may find helpful in addressing future concerns.

Again, I am sorry for the delay in approval of this form, and will be addressing the issue with our forms review staff.

If you have additional questions, please let me know.

Sincerely,



L. Ann Selover

Industrial Statistician/Program Manager

[Ann.Selover@Lni.wa.gov](mailto:Ann.Selover@Lni.wa.gov)

(360) 902-5330

Attachments

cc: José Rodriguez, L&I Assistant Director for Specialty Compliance

## Prevailing Wage Determination Request and Review Process

---

RCW 39.12.015 is the basis for requesting a determination, since it provides:

All determinations of the prevailing rate of wage shall be made by the industrial statistician of the department of labor and industries.

If you disagree with a determination the industrial statistician provides, WAC 296-127-060(3) provides for a review process:

(3) Any party in interest who is seeking a modification or other change in a wage determination under RCW [39.12.015](#), and who has requested the industrial statistician to make such modification or other change and the request has been denied, after appropriate reconsideration by the assistant director shall have a right to petition for arbitration of the determination.

(a) For purpose of this section, the term "party in interest" is considered to include, without limitation:

(i) Any contractor, or an association representing a contractor, who is likely to seek or to work under a contract containing a particular wage determination, or any worker, laborer or mechanic, or any council of unions or any labor organization which represents a laborer or mechanic who is likely to be employed or to seek employment under a contract containing a particular wage determination, and

(ii) Any public agency concerned with the administration of a proposed contract or a contract containing a particular wage determination issued pursuant to chapter [39.12](#) RCW.

(b) For good cause shown, the director may permit any party in interest to intervene or otherwise participate in any proceeding held by the director. A petition to intervene or otherwise participate shall be in writing, and shall state with precision and particularity:

(i) The petitioner's relationship to the matters involved in the proceedings, and

(ii) The nature of the presentation which he would make. Copies of the petition shall be served on all parties or interested persons known to be participating in the proceeding, who may respond to the petition. Appropriate service shall be made of any response.

If you choose to utilize this review process, you must submit your request within 30 days of the date of the applicable industrial statistician's determination or response to your request for modification or other change. Include with your request any additional information you consider relevant to the review.

Direct requests for determinations, and for modification of determinations via email or letter to the prevailing wage industrial statistician:

L. Ann Selover  
Industrial Statistician/Program Manger  
Department of Labor & Industries  
Prevailing Wage  
P O Box 44540  
Olympia, WA 98504-4540  
[Ann.Selover@Lni.wa.gov](mailto:Ann.Selover@Lni.wa.gov)

## Prevailing Wage Determination Request and Review Process

---

Direct requests via email or letter seeking reconsideration (redetermination) by the assistant director to:

Elizabeth Smith, Assistant Director  
Department of Labor & Industries  
Fraud Prevention and Labor Standards  
P O Box 44278  
Olympia, WA 98504-4278  
[Elizabeth.Smith@Lni.wa.gov](mailto:Elizabeth.Smith@Lni.wa.gov)

Direct petitions for arbitration to:

Joel Sacks, Director  
Department of Labor & Industries  
P O Box 44001  
Olympia, WA 98504-4001

If you choose to utilize this arbitration process, you must submit your request within 30 days of the date of the applicable assistant director's decision on reconsideration (redetermination). Submit an original and two copies of your request for arbitration to the Director personally, or by mail. The physical address for the Director is 7273 Linderson Way, SW, Tumwater, WA 98501.

WAC 296-127-061 also contains the following provisions regarding petitions for arbitration:

In addition, copies of the petition shall be served personally or by mail upon each of the following:

- (a) The public agency or agencies involved,
  - (b) The industrial statistician, and
  - (c) Any other person (or the authorized representatives of such person) known to be interested in the subject matter of the petition.
- (2) The director shall under no circumstances request any administering agency to postpone any contract performance because of the filing of a petition. This is a matter which must be resolved directly with the administering agency by the petitioner or other party in interest.
- (3) A petition for arbitration of a wage determination shall:
- (a) Be in writing and signed by the petitioner or his counsel (or other authorized representative), and
  - (b) Identify clearly the wage determination, location of project or projects in question, and the agency concerned, and
  - (c) State that the petitioner has requested reconsideration of the wage determination in question and describe briefly the action taken in response to the request, and
  - (d) Contain a short and plain statement of the grounds for review, and
  - (e) Be accompanied by supporting data, views, or arguments, and
  - (f) Be accompanied by a filing fee of \$75.00. Fees shall be made payable to the department of labor and industries.

# Distinctions Between the Prevailing Wage Scope of Work Descriptions for Electronic Technicians (WAC 296-127-01322) and Telecommunication Technicians (WAC 296-127-01378)

## The Scope of Work Descriptions

### **WAC 296-127-01322**

#### **Electronic technicians.**

(1) For the purpose of the Washington state public works law, chapter 39.12 RCW, electronic technicians install, operate, inspect, maintain, repair, and service:

- (a) Radio, television and recording systems and devices;
- (b) Systems for paging, intercommunication, public address, wired music, clocks, security and surveillance systems and mobile radio systems; and
- (c) Fire alarm and burglar systems.

(2) When installed for the specific purpose of carrying low voltage wiring, the work identified in subsection (1) of this section includes:

- (a) Installing unlimited lengths of nonmetallic conduit;
- (b) Installing incidental metallic conduits of no longer than ten feet nor larger than one inch;
- (c) Pulling wiring through conduit, except as provided in subsection (3) of this section; and
- (d) All the cleanup required in connection with electronic technician's work.

(3) The work identified in subsection (1) of this section does not include pulling wiring through conduit that exceeds ten feet in length for the purpose of installing fire alarm systems.

[Statutory Authority: Chapter 39.12 RCW and RCW 43.22.270, 09-19-118, § 296-127-01322, filed 9/22/09, effective 11/1/09. Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051, 00-15-077, § 296-127-01322, filed 7/19/00, effective 7/19/00.]

### **WAC 296-127-01378**

#### **Telecommunication technicians.**

For the purpose of the Washington state public works law, chapter 39.12 RCW, telecommunications technicians install, inspect, maintain, repair and service telecommunication systems.

The work includes, but is not limited to:

(1) Main distribution frame (MDF). The distribution frame where the permanent outside lines entering a building terminate and the subscriber's line multiple cabling and trunk multiple cabling originate. It is usually located on the ground floor of a building.

(2) Intermediate distribution frames (IDF). Distribution frames which provide flexibility in allocating the subscriber's number to the line or equipment in the office which is to be associated with the particular line. These frames are located on each floor of a building.

(3) Blocks. Subpanels. They are connecting devices where large feed cables terminate at the distribution frames.

(4) Common equipment or key service unit. Consists of a backboard assembly, an equipment mounting frame, for connecting external telephones and Pacific Northwest Bell lines.

(5) Instruments, terminals, sets. Communications equipment at either end of a circuit. Equipment at a subscriber's or user's terminal including such items as telephones.

(6) Ancillary equipment. Add-on equipment such as bells, buzzers, speakerphones, headsets, automatic dialers, recorders, etc.

(7) Telephone cable.

(a) Network channel service cable owned by the telephone companies.

(b) Riser cables between floors of a building.

(c) Distribution cables installed on each floor of a building in the floor or the ceiling.

(d) Inside wires between the telephone and the connection to the distribution cable.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. 00-15-077, § 296-127-01378, filed 7/19/00, effective 7/19/00.]

## **Scopes of Work and the Prevailing Rate(s) of Pay**

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.

## **Electrical Scopes of Work for Inside Work**

Certain scopes of work for electrical work have some commonality and some important distinctions. For example, an Inside Wireman Electrician (WAC 296-127-01323) may perform the work described in the Inside Wireman Electrician scope, work that happens to fully include the smaller universes of work described in the Electronics Technician scope of work (WAC 296-127-01322) and the Telecommunications Technicians scope of work (WAC 296-127-01378).

## **Specific Work Called Out in a Scope of Work Description**

Often scopes will identify certain work that is specifically performed by that particular scope of work. For example, the Electronic Technician scope of work identifies specific systems that are the work of an Electronic Technician:

- Radio
- Television
- Recording systems
- Paging
- Intercommunication
- Public address
- Wired music
- Clocks
- Security
- Surveillance
- Mobile radio

- Fire alarm
- Burglar alarm

Public work on those specific systems requires, at a minimum, the Electronic Technician scope of work and its corresponding prevailing rate of pay for public work.

Although the prevailing wage scope of work descriptions are not derived from and do not necessarily parallel the electrical licensing laws, it may be useful to note certain systems that cannot be done by a Telecommunication Technician under those electrical licensing laws. Please remember the prevailing wage law and scope of work descriptions often will have further limits or parameters.

The electrical licensing laws do not allow Telecommunication Technicians to work on these systems:

- fire protection signaling systems
- intrusion alarms
- access control systems
- patient monitoring systems
- energy management control systems
- industrial and automation control systems
- HVAC/refrigeration control systems
- lighting control systems
- stand-alone amplified sound or public address systems

### **The Electronic Technicians Scope of Work (WAC 296-127-01322)**

The Electronic Technicians scope is for work on limited energy systems that are not voice over distance systems unless that voice function is combined with one or more of the low voltage systems such as those identified in the Electronic Technicians scope of work:

- Radio
- Television
- Recording systems
- Paging
- Intercommunication
- Public address
- Wired music
- Clocks
- Security
- Surveillance
- Mobile radio
- Fire alarm
- Burglar alarm

Public work on these low voltage systems requires, at a minimum, the Electronic Technician scope of work and its corresponding prevailing rate of pay for public work.

Data communications (specifically bits and bytes but not transmission of voltage) were not addressed when the Electronic Technicians scope was drafted. Electronic Technicians can install systems that have data communications inside buildings.

For specific details, please see the scope of work description(s).

## **The Telecommunication Technicians Scope of Work (WAC 296-127-01378)**

The Telecommunication Technician scope of work is for voice over distance communications and is often referred to as the “inside” Telecommunications scope since the scope is written for those voice over distance communication systems inside the point of demarcation that marks the end of the work for the Outside Telephone Line Construction scope of work (WAC 296-127-01377).

Telecommunication technicians can install systems that have voice over distance communications inside buildings so long as the system does not contain any possible systems or functions that are:

1. Specific to the Electronic technician scope of work, or
2. Not allowed as telecommunications under the electrical licensing law, Chapter 19.28 RCW.

Data communications (specifically bits and bytes but not transmission of voltage) were not a factor when the Telecommunication Technicians scope was drafted. The Telecommunication Technicians can install systems that have data communications inside buildings so long as the system does not contain any possible systems or functions that are:

1. Specific to the Electronic Technicians scope of work, or
2. Not allowed as telecommunications under the electrical licensing law, Chapter 19.28 RCW.

For specific details, please see the scope of work description(s).

## **Scope of Work Questions?**

Questions on scope of work distinctions may be addressed to the Industrial Statistician:

L. Ann Selover  
Industrial Statistician  
Prevailing Wage Program Manager  
P.O. Box 44540  
Olympia, WA 98504-4540



LAW OFFICES OF  
**Reed Longyear Malnati & Ahrens PLLC**

A PROFESSIONAL LIMITED LIABILITY COMPANY

DOUGLAS W. AHRENS  
JASON W. BURNETT  
LARISSA L. CHAN  
CHRISTINAL. CORWIN  
MICHAEL J. LONGYEAR  
MICHAEL C. MALNATI  
DANAN G. MARGASON  
FREDRIC D. REED  
JULIE R. SOMMER  
JOHN R. VAUGHNEY  
NOAH K. WILLIAMS  
SHANE L. YELISH

1415 NORTON BUILDING  
801 SECOND AVENUE  
SEATTLE, WASHINGTON 98104-1517  
FACSIMILE (206) 624-6672  
TOLL FREE (877) 239-2596  
TELEPHONE (206) 624-6271

WWW.RLMALAW.COM  
nwilliams@RLMALAW.COM

WILLIAM L. MALTMAN  
1921-2004

LAWRENCE R. HENNINGS  
1899-1993

January 31, 2013

VIA U.S. MAIL, FACSIMILE (360) 902-5292, and EMAIL

José Rodriguez  
Assistant Director  
Department of Labor & Industries  
Specialty Compliance Services  
PO Box 44400  
Olympia, WA 98504

Re: Intent Id. 551350  
Company Name: Paramount Communications  
Awarding Agency: Central Washington University  
Contract #: 10680-01

**REQUEST FOR MODIFICATION**

Dear Mr. Rodriguez:

Paramount Communications requests modification and reconsideration of the Correction Notice under Intent ID 551350. Paramount Communications appropriately described the work of a Telecommunications Technician (WAC 296-127-01378) in its *Notice of Intent to Pay Prevailing Wages* (Notice of Intent).

The determination that the work performed is that of an Inside Wireman-Electrician (WAC 296-127-01323) is incorrect. The tasks Paramount performs do not require work with high voltage lines or cabling, or otherwise exposing or requiring workers to install, connect or work with high voltage electrical lines, circuits, and related equipment and materials.

The contract for services is not for electrical wiring, but for the upgrade of telecommunication (data cabling/fiber optic) lines at Shaw Smyser Hall at Central Washington University. See the attached Supplemental Work Order 10680-01 and referenced exhibits.

The telecommunications work described in the Notice of Intent only involves the installation of fiber-optic/data cabling lines and the finishing work required to connect and utilize the network. These lines are used for the transmission of data or voice; they cannot be used to transmit high-voltage or high current electricity. Paramount's work does not involve connecting its installations to high voltage/current systems or lines.

The scope of work described in both Paramount Communications' bid, and the Supplemental Work Order anticipate the work will be performed by a telecommunications technician. See the attached "Scope of Work" and Supplemental Work Order.

Paramount Communications does not perform the electrical work associated with an Inside Electrician. To the extent any work needs to be performed by an electrician that work is sub-contracted out and paid at the appropriate rate. To date the services Paramount has provided have required no sub-contract.

The fields of electrical and telecommunications work remain very different. The certification required to work with the fiber-optic/data-cabling lines is not the same as an Inside Electrician's. A significant portion of Paramount's business is performing telecommunication installations for electrical contractors who do not have the requisite skills or expertise for the work. Likewise, Paramount sub-contracts with electrical contractors as needed because Paramount does not perform electrical installations, connections, or wirings.

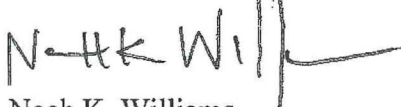
If it is the Department's stance that all fiber-optic and data-cabling installations are now solely performed by an Inside Wireman this change was made without notice. This new stance is contrary to the WAC's, traditional, and current work practices in the telecommunications field. If the Department is seeking to change, or redefine the scope of work performed by the two positions, it has not made its position clear or provided the appropriate notice and comment period. As a result of this lack of clarity as to how these two positions are distinguished it is not possible for contractors to provide reasonably accurate bids for public work projects involving fiber-optic or data cabling.

Paramount's Statement of Intent to Pay Prevailing Wages for Telecommunications Technicians should be approved. The work described in the invoices dated September 4, 2012 and September 28, 2012, describe materials and work appropriately categorized within the scope of a Telecommunications Technician.

Please contact me should you require any additional or supporting documentation and comments regarding the above. Paramount Communications remains devoted to resolving this issue and working with the Department and Central Washington University.

Very truly yours,

REED LONGYEAR MALNATI & AHRENS PLLC



Noah K. Williams  
Attorney for Paramount Communications