



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES
Prevailing Wage
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360/902-5335 Fax 360/902-5300

December 14, 2011

Jim Tosh, Business Representative
IBEW Local Union No. 46
19802 62nd Avenue South
Kent, WA 98032

Re: Prevailing Wage – Electronic Technicians – HVAC Systems

Dear Mr. Tosh:

Thank you for your letter of November 28 requesting a reconsideration of the Department's position stated in determinations dated May 26 and August 23, 2011 that the only correct prevailing wage scope of work descriptions for work on HVAC control systems are Inside Wireman Electricians (WAC 296-127-01323) and Sheet Metal Workers (WAC 296-127-01372).

My staff and I have thoroughly reviewed this issue with contractors who perform this work, and most recently I had an opportunity to meet with you, Mike Grunwald, International Representative, 9th District for the International Brotherhood of Electrical Workers (IBEW), and with representatives of the National Electrical Contractors Association (NECA) and the Electrical Industry Group of Washington to discuss this work.

Through those discussions and review it is evident that the existing practice of the industry, both union and non-union, is that low voltage technicians, i.e., Electronic Technicians (WAC 296-127-01322) work with Inside Wireman Electricians installing HVAC control systems. As part of such endeavors, it appears that it is industry practice to use Electronic Technicians to install the low voltage portion of such systems.

Based on the consensus of the diverse groups referenced (IBEW, NECA, the Electrical Industry Group of Washington, and various contractors) regarding current practices and the appropriateness of the Electronic Technicians classification of work for such tasks, it appears that to exclude Electronic Technicians from this type of work is a narrower reading of WAC 296-127-01322 than the language of the rule requires. Although HVAC control systems are not specifically listed within the Electronic Technicians scope of work, the work performed on such systems is very much akin to and often overlaps with work performed on other listed systems, i.e., security, surveillance, fire alarm, burglar alarm systems, etc.

For the reasons set forth above, to the extent to which the May 26 and August 23, 2011 determinations referenced above exclude Electronic Technicians from performing work on low voltage control systems as part of HVAC systems, those determinations no longer apply. However, in an effort to make clear the intent of this determination I will set forth below the appropriate worker classifications for the various types of work addressed:

1. Work on low voltage control systems as part of HVAC systems may be performed utilizing the Inside Wireman Electricians and Electronic Technicians prevailing wage worker classifications. Electronic Technicians can perform only work allowable under the 06 electrical license.
2. The Sheet Metal Workers classification may be used for work on low voltage control systems as part of HVAC systems.
3. The Telecommunication Technicians scope of work (WAC 296-127-01378) is not correct for performance of work on low voltage control systems as part of HVAC systems. The Telecommunication Technicians scope of work is for voice over distance communications.

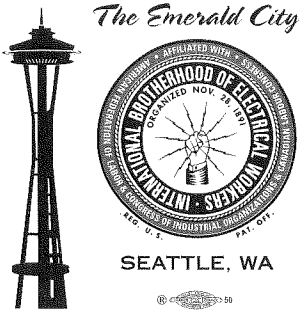
I hope this sufficiently sets forth the appropriate worker classifications for the described work. If you require further clarification, please let me know.

Sincerely,



L. Ann Selover
Industrial Statistician
Program Manager

cc: Barry Sherman, NECA
Mike Grunwald, IBEW
Terry Hatch, Electrical Industry Group of Washington
Brian Allen, ATS Automation



INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

LOCAL UNION NO. 46

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PHONE (253) 395-6500 · FAX (253) 872-7059

November 28, 2011

Ms. L. Ann Selover
Industrial Statistician & Prevailing Wage Program Manager
Department of Labor and Industries
PO Box 44540
Olympia, WA 98504-4540

RE: Prevailing Wage – Electronic Technicians – HVAC Systems

Dear Ms. Selover,

I would first like to thank you for taking the time to meet with all of us on October 28, 2011. I recognize how busy you are and I am grateful for the time you spent with us.

As you recall the purpose of our visit was to clarify the Department's interpretation of the scope of work for an Electronic Technician performing installation of the low voltage portion of a HVAC System and discuss the practices in the industry. Under WAC 296-127-011 I understand you have the authority to make corrections to the established rates when an error has occurred. While I am not certain of the characterization of an error having occurred, I do believe the Department may not have had all of the pertinent facts relative to this particular scope of work when the Department's letters on this subject were written dated May 26 and August 23, 2011.

Last year the Scope of Work was expanded to include "All work permitted by the State of Washington under RCW Chapter 19.28 for the 06 classification excluding line rated raceway systems". The scope does allow for the installation of up to twenty (20) feet for a stub ups. This recent change affected most of the jurisdictions throughout Washington State with the exception of King, Kitsap, Jefferson and Clallam Counties. The reason these four counties were not affected is because it was already in our Scope of Work and has been permissible for several years. Our Collective Bargaining Agreements were outdated and subsequently revised to reflect current industry practices.

My request for reconsideration is based on the existing practices of the industry, both Union and non-Union. IBEW and our partners in the industry, NECA, are in agreement that Low Voltage Technicians are working with Inside Construction Electricians installing HVAC Systems in a broad range of projects, everything from a small tenant improvement to large commercial buildings. These jobs also vary from private to public work. During our discussion I had mentioned my fear that the current position of the Department has the potential to bankrupt employers across the State because both

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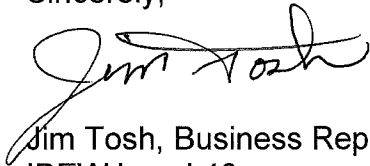
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Union and non-Union contractors have had Electronic Technicians performing this work for several years. The first time I installed Low Voltage HVAC controls was the summer of 1997 at Terminal Park, an elementary school in Auburn. It has been, and continues to be, a standard industry practice to utilize 06 licensed low voltage technicians (Electronic Technician) to install the low voltage portion of energy management and/or building management systems. I would also point out that it is not a standard practice to have phone and data technicians (Telecommunication Technician) install these systems. Each IBEW/NECA sponsored JATC in the State is teaching HVAC/Energy Management systems to their third year Sound and Communication Apprentices. Low voltage controls are a part of the curriculum from our National Apprenticeship program, NJATC.

In summary I respectfully request the Department to revise its position, in regard to Low Voltage HVAC controls, to reflect the current industry practices, the current training provided to our Apprentices and the content of our Agreements.

I appreciate your time and consideration and look forward to receiving your decision.
Thank you.

Sincerely,



Jim Tosh, Business Representative
IBEW Local 46

cc: Barry Sherman, Director Puget Sound Chapter NECA
Klaas DeBoer, Director SW Chapter NECA
Cindy Austin, Director Cascade Chapter NECA
Dave Chally, Director Inland Empire Chapter NECA
Virgil Hamilton, Business Manager IBEW 46
Ken Brown, Business Manager IBEW 73
Dennis Callies, Business Manager IBEW 76
Pete Marsh, Business Manager IBEW 112
Joe Peters, Business Manager IBEW 191