



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

Prevailing Wage
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March 7, 2012

Miriam Israel Moses, Executive Director
REBOUND
2800 First Avenue, Ste. 216
Seattle, WA 98121

Re: Handling of Electrical Equipment on Construction Sites

Dear Ms. Moses:

Thank you for your December 23, 2011 request for a determination regarding the correct prevailing wage worker classification for the moving and placing of certain electrical equipment and materials on a public work job site.

You described and asked me to consider several scenarios:

1. Loading of electrical equipment owned by the Port of Seattle from a temporary storage site onto trucks for transportation to the public work construction job site.
2. On the public work construction job site, unloading the electrical equipment from a truck with a forklift, and placing the equipment on a pad where electricians then hooked it up.
3. On the public work construction job site, the truck was driven next to a pad, and then the equipment was attached by the truck driver to a crane, hoisted up from the truck, and lowered onto a pad where electricians then hooked it up.

[RCW 39.12.020](#) requires that “[t]he 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 trade or occupation in the locality within the state where such work is performed.”

The scope of work answers identify only the correct prevailing rate(s) of wage that may apply to each scenario. The appropriate prevailing wage rates do not alter, suspend or supersede any other

applicable requirements in law. Other areas of law that may regulate this work include the electrical licensing laws in [chapter 19.28 RCW](#).

1. Loading of electrical equipment owned by the Port of Seattle from a temporary storage site onto trucks for transportation to the public work construction job site.

For the facts described in this situation, loading onto a truck of items that are later incorporated into the project site requires the payment of prevailing wage rates. In this situation the items that will be incorporated into the site are electrical equipment. [WAC 296-127-01323](#) specifically provides that the work of an Inside Wireman Electrician includes “the handling and moving of any electrical materials, equipment and apparatus on the job site.” If the “temporary storage site” is part of the “job site” as referenced in [WAC 296-127-01323](#), the loading of the equipment must be paid at the Inside Wireman Electrician wage rate. The Inside Wireman Electrician/Construction Stock Person is an appropriate rate for this segment of the work if that rate is available in the county where the work is performed.

You indicated in your description of this situation that although the work as originally planned would have involved delivery of the equipment directly to the project job site, in this instance the general contractor who was not a party to the delivery contract, determined that there was insufficient space on the site to store the equipment until it was needed. Thus, at the general contractor’s direction, the trucking company took the equipment to its own warehouse for storage, where it remained until the general contractor called the trucking company and requested a given piece of equipment when the site was ready for its installation.

The 1988 Washington Supreme Court case in *Everett Concrete Products v. L&I*, 109 Wn.2d 819 (1988), provides us some assistance in addressing this issue. That case law requires that we apply a liberal interpretation of the law for its purpose of worker protection. The general contractor’s changing of the place for delivery of the equipment and not paying the same prevailing wage rate that would have been applied had the delivery occurred as planned, would not meet the guidance provided by this case law. Following the reasoning in *Everett*, the loading of the equipment onto the truck from the temporary site is regarded as part of the “job site” for the purpose of interpreting and applying the Inside Wireman Electrician and/or Inside Wireman Electrician/Construction Stock Person wage rates, and those rates apply to the work at issue.

2. On the public work construction job site, unloading the electrical equipment from a truck with a forklift, and placing the equipment on a pad where electricians then hooked it up.

You indicated that once the equipment arrived at the job site, the truck driver got out of the truck, onto a forklift, and placed the equipment on a pad where electricians then hooked it up. Referring to the discussion above, [WAC 296-127-01323](#) provides that the work of an Inside Wireman Electrician includes “the handling and moving of any electrical materials, equipment and apparatus on the job site.” Therefore, when the truck driver got out of the truck and operated the forklift to load the equipment onto the pad, this limited operation of the forklift for moving the

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electrical equipment could appropriately be paid at the Inside Wireman Electrician and/or Inside Wireman Electrician/Construction Stock Person rates of pay. It could also be paid at the rate of pay for Operating Engineers (Equipment Operators), [WAC 296-127-01354](#). It would be inappropriate, however, to pay for this task at the Truck Drivers rate of wage.

3. On the public work construction job site, the truck was driven next to a pad, and then the equipment was attached by the truck driver to a crane, hoisted up from the truck, and lowered onto a pad where electricians then hooked it up.

In this instance as well, when the truck driver attached the electrical equipment to the crane, that task constituted work of an Inside Wireman Electrician and/or Inside Wireman Electrician/Construction Stock Person and must be paid at those wage rates. Here, as with each situation addressed above, the correct wage rate to be applied to the work performed is determined based on the specific nature of the work performed, rather than the job title of the worker performing the tasks.

These answers are based on the facts you provided. They are specific to prevailing wage law and the wage rate required for the scope of work identified. References to the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC) are included. If the facts differ from those addressed here, the answers may be different as well. The answers do not address work assignments among various work groups that may be the subject of a project labor agreement (PLA) or other contract that might pertain to the project.

I hope this answers your questions. If you need additional assistance, please let me know.

Sincerely,



L. Ann Selover
Industrial Statistician
Program Manager

cc: Lisa Hornfeck, Port of Seattle

Miriam Israel Moses
Executive Director

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REBOUND

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December 23, 2011

Ann Selover
Industrial Statistician & Prevailing Wage Program Manager
Department of Labor and Industries
P.O. Box
Olympia, WA

Dear Ms. Selover:

Re: Request for Scope of Work Determination
Electricians versus Truck Drivers – Transport versus Delivery
Handling and Moving of Materials on the Jobsite.

This letter requests a formal determination regarding the correct scope of work for use on projects in which electrical equipment and related apparatus is being transported to a job site by truck, unloaded from the truck, attached to a crane for hoisting and moving on the site, or being otherwise moved on the site for placement at its final resting place where it will be installed and connected.

While there is no scope of work for Truck Drivers, the related Greenbook arbitrations regarding jurisdictional disputes between Operators and Truck Drivers and Electricians and Truck Drivers, specifically define the work of the Truck Driver as one of transport, not delivery. Transport consists of carrying something from point A to point B. Once the truck has arrived at Point B, transport is completed. [See Appended Materials].

The Electrician's Scope of Work; however, deals specifically with the handling, moving and placement of all electrical equipment and related apparatus on the job site. As it says:

The handling and moving of any electrical materials, equipment and apparatus on the job site. [Emphasis added]

The work in question is being performed for the construction of the Car Rental Facility at Sea-Tac Airport, a public works project that is being performed under a Project Labor Agreement. This request; however, does not involve the PLA or an existing grievance... it is a situation that is currently occurring, has previously occurred and must, at this point, be resolved.

There is no other Scope of Work that so specifically describes these duties when electrical equipment is involved. We believe that this description makes clear that, from the moment the Truck Driver halts his/her truck at "Point B," the place at which the transport is completed, all movement, inclusive of unloading the truck, by hand or with any necessary equipment, falls under the Scope of Work established for "Electricians – Inside," and must be compensated at the rate established under this scope.

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We do acknowledge that, when certain specific types of power equipment are required to move or hoist electrical equipment, etc., the operation of this equipment may fall under the Scope of Work for Operators, unless it falls under the exceptions noted in the Electrician's Scope for the installation, repair and maintenance of highway and signal lighting systems and highway and street traffic signal systems; however, outside of the exceptions for work performed by Operators, all movement of any electrical material, equipment, or apparatus is covered under the Electrician's Scope of Work.

This letter requests that you affirm our interpretation of the scopes of work and the related prevailing wage rates established for this work. Further, we would request that you affirm that any award of work, or subcontract for work to a given trade, is not binding on the state for the purposes of prevailing wage. Rather, if the work in question is being performed by Truck Drivers, then those truck drivers, irrespective of the signatory status of their employer, are required to be paid the prevailing rate of wage for the work performed, and not for their job titles.

In this case, when electrical gear is being unloaded from trucks after those trucks have arrived at the jobsite, so that it can be moved from those trucks to its final resting place on the site, that work falls under the scope of work for Electricians [Inside Wiremen], and must be compensated at the prevailing wage established for that scope.

Because this project is currently in progress, I hope that I may look forward to your determination in the very near future. For your convenience, I have enclosed the Greenbook determination to which this letter refers, along with an as yet unsigned copy of a letter that the Port of Seattle has prepared for Virgil Thompson, Business Manager of IBEW, Local 46, acknowledging the interpretation of the Scopes of Work expressed herein.

Thank you in advance for your prompt attention to this matter.

Sincerely,



Miriam Israel Moses
Executive Director

cc: Virgil Hamilton, Business Manager, IBEW, Local 46
Bob Gorman, Business Representative, IBEW, Local 46
Elwood Evans, Business Representative, IBEW, Local 46
Janet Lewis, Business Representative, IBEW, Local 46
Gary Schmitt, Labor Relations Director
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