



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES
Prevailing Wage
PO Box 44540 • Olympia, Washington 98504-4540
360/902-5335 Fax 360/902-5300

November 26, 2012

John Franklin, Sales Engineer
Eastside Communications, Inc.
SCS Certified
11808 NE 160th Street
Bothell, WA 98011

Re: Applicable Prevailing Wage Rate of Wage for Installation of Fiber Optic Cable Between Traffic Signal Cabinets

Dear Mr. Franklin:

Thank you for your request for a determination of the appropriate prevailing wage rate of wage for your company's installation of fiber optic cable between traffic signal cabinets for a Washington State Department of Transportation (WSDOT) project in Pierce County. I apologize for the delay in responding to your inquiry and hope it has caused you no inconvenience.

Determinations of the prevailing rate of wage are made by the industrial statistician of the Department of Labor & Industries (L&I). See the attached document, "*Prevailing Wage Determination Request and Review Process.*"

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

I understand that you disagree with guidance provided to you by our technical specialist staff who advised you that the work at issue must be paid at the Inside Wireman Electricians ([WAC 296-127-01323](#)) prevailing wage rate. Rather, you state that you believe Telecommunication Technicians ([WAC 296-127-01378](#)) is the correct classification for the referenced work. Your basis for this position is that the fiber you are installing for this project will be used for a variety of services, including voice and data and "it does not transmit electricity, only light waves."

My review of the facts indicates that the work is identified by WSDOT as part of a "signalization system" since it is described as "provide and install fiber optic cable between traffic signal

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cabinets to include termination and testing.” Contrary to your reference that this is a “low voltage wiring only” system, it seems that the cables are an integral part of the traffic control signal system, and such systems, as I understand them, are line voltage, carrying significant amounts of electrical current.

In addition, the Inside Wireman Electricians scope of work description specifically states that “[t]hey install, repair and maintain highway and street lighting systems and highway and street traffic signal systems.” The scope of work also has a subsection (2) which specifically identifies another worker classification, power line construction, that may work with the Inside Wireman Electrician when installing repairing and maintaining “highway and signal lighting systems and highway and street traffic signal systems.” No similar specific references are contained in the Telecommunication Technicians scope of work.

Although the Outside Telephone Line Construction ([WAC 296-127-01377](#)), Telecommunication Technicians, and Electronic Technicians ([WAC 296-127-01322](#)) scopes of work may also apply to certain fiber optic cable work, none of those scopes of work contain the specific language of the Inside Wireman Electricians scope of work that addresses the specific type of traffic signal system work you are performing for this project.

Considering the nature of the work you identify and the specific language of the Inside Wireman Electricians scope of work with respect to that work, the information previously provided you, that the applicable rate of wage for the work is that listed for Inside Wireman Electricians is correct.

I appreciate your interest in prevailing wage compliance and the opportunity to address your concerns. If you have further questions, please let me know.

Sincerely,



L. Ann Selover
Industrial Statistician/Program Manager
Ann.Selover@Lni.wa.gov
(360) 902-5330

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, please 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 to the industrial statistician for modification or change to:

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

Direct requests seeking reconsideration by the assistant director to:

José Rodriguez, Assistant Director
Department of Labor & Industries
Specialty Compliance Services
P O Box 44400
Olympia, WA 98504-4400
Rodr235@Lni.wa.gov

Prevailing Wage Determination Request and Review Process

Direct petitions for arbitration to:

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

From: John Franklin [<mailto:JFranklin@eastsidecommunications.com>]

Sent: Friday, December 16, 2011 6:20 AM

To: Selover, Ann (LNI)

Cc: John Rego

Subject: Prevailing wage re-determination

Hi Ann,

I got your name from Sean Anderson at LNI in regards to a prevailing wage determination that I feel is not correct for our trade.

The details of this project are as follows:

- Customer: WSDOT
- Scope of Work
 - Provide and install fiber optic cable between traffic signal cabinets to include termination and testing
 - All conduit is provided and installed by others.
 - Work is outside.
 - Job is in Pierce County

I spoke with Ramona on this the other day and she said that we have to use Electrician-Inside Wireman which is \$56.24/hour.

In my experience over the last 12 years in WA and NV this rate is nearly double to average rate paid to these workers for the exact same work in a non prevailing wage environment.

I feel the correct classification should be Telecommunications Technicians which is \$28.29/hour and is much more in line with what workers in our industry make on non prevailing wage jobs. This is also the rate we have used for all of inside work on prevailing wage jobs where our typical job includes wiring for telephones and computers including fiber optic and copper backbone cabling.

I did look up the WAC definition of Electrician-Inside Wireman and am puzzled that fiber optic cabling is included with this trade. 90% of our customers are Electrical outfits that do not know how to install telephone/computer/copper/fiber telecommunications cabling and sub out this work to companies like ours. Nearly all of the rest of work described in the Electrician-Inside Wireman would never be performed by a telecommunications cabling company nor are we licensed to do this work. Lastly on this definition is the fact that fiber does not transmit any electricity but transmits only light waves which makes me wonder even more why this would under the Electrician classification.

I also reviewed the definition of Telecommunications Technicians and this definition is exactly what we do and although it does not mention fiber optics specifically it does mention Riser cables which in our industry is another term for backbone cabling when working inside a building to connect IDF's/MDF in the telecommunications system. Backbone cabling consists of multipair copper, coaxial and fiber optic cable and is what we do each and every day.

In particular I have copied the first line of the WAC for Telecommunications Technician:

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

The key word in my mind is “telecommunications systems” which is exactly what we do.

My first thought was to us Telephone Line Construction-Outside-Installer as this work is being performed outside. I spoke with Ramona at LNI on this and she was very adamant that this definition is for “voice” transmission only. I do not know any telecommunications company that provides and installs only “voice” systems. With the convergence of voice and data in our industry just about any media (copper, fiber, coax) can be and is used for voice and data along with a variety of other services.

The fiber we are installing for the WSDOT will used for a variety of services including voice and data and does not transmit electricity, only light waves.

Lastly this project has federal funding and is subject to the Davis Bacon Wages. On the “Building” list there is a wage listed for Electrician (Low voltage wiring only) at \$24.15 + \$10.95 fringe. This would also be appropriate for us in my opinion. The “low voltage wiring only” is not listed on in the “heavy” or “highway” sections.

I have never challenged a prevailing wage before so am unsure of the right process. Can you please let me know if this is the right first step and if you need any other info form me.

I would be happy to discuss this with you further at your convenience.

Thank you for your consideration in this matter.

Cheers,

John Franklin
Sales Engineer

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