



STATE OF WASHINGTON  
DEPARTMENT OF LABOR AND INDUSTRIES

Specialty Compliance Services  
PO Box 44400 @ Olympia, Washington 98504-4000

May 7, 2007

Lewis L. Ellsworth  
Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim  
Post Office Box 1157  
Tacoma, Washington 98501

Dear Mr. Ellsworth:

This letter is in response to your request for reconsideration regarding determination relating to the Sound Transit Contract No. TRA/LR 39-02 C700 Royal Brougham Way to Airport Way South.

In response to your request, I reviewed the documents that were submitted in reference to this case, including the July 5, 2005, wage determination issued by Acting Industrial Statistician Cindy Hanson. I also reviewed the correspondence provided by the Pacific Northwest Regional Council of Carpenters. In addition, I reviewed the Ironworkers scope of work (WAC 296-127-01339) and the Carpenters Scopes of Work (WAC 296-127-01310). Also, I viewed photographs of the site of the completed work to make certain that all photographs provided to me as evidence truly reflect the nature of the raw materials and skills required to complete such a project. The photographs of the work that were taken by L&I staff are attached to this letter.

In making a determination for the appropriate classification for purposes of the Prevailing Wage Law (Chapter 39.12 RCW and Chapter 296-127 WAC), the department uses the established Scope of Work descriptions found in WAC 296-127-013. In situations where the scope does not provide specific guidance on a given type of work, the department looks further and utilizes the provisions of WAC 296-127-013 to either make a decision. In this case, I find that further review using the methods prescribed in WAC 296-127-013 is not necessary as the Iron Workers Scope of Work is clear on this issue as it states:

*"Ironworkers perform all work in connection with filed fabrication and/or erection, installation, removal, wrecking and dismantling of structural, architectural and reinforcing iron and steel, ornamental lead, bronze, brass, copper and aluminum and plastics or other materials when used in place thereof... The work performed by Ironworkers includes but is not limited to locks, gates, metal forms and railings (including pipe)."*

Lewis Ellsworth  
Page 2  
May 7, 2007

I believe that the scope explained above makes clear that the work in question falls under the iron workers scope of work. Further, as I understand it, the railings run the entire path of the project and are therefore not what would generally be referred to as a handrail. Also, the work in question required all of the tools and skills common to the trade of iron worker to complete. These skills and tools include but are not limited to welding for fabrication of and erection of the types of handrails in question.

Based on the aforementioned scope of work and the information provided, I am reaffirming both Cindy Hanson's July 5, 2005, determination on this issue and Dave Soma's July 20, 2006, reaffirmation of that determination.

I hope this letter serves to provide you with the necessary information and clarification relating to the work in question.

Sincerely,

Patrick Woods  
Assistant Director

cc: David Soma, Industrial Statistician

Enclosures