

**PREVAILING WAGE PROGRAM – (360) 902-5330
SPECIALTY COMPLIANCE DIVISION
PO BOX 44510, OLYMPIA, WA 98504-4510**

August 28, 2006

Dale W. Cannon
Secretary/Treasurer
Business Manager
Hod Carriers and General Laborers Union, Local 242
2800 First Avenue, Room 50
Seattle, WA 98121

Project: C-60 Contract at Sea Tac Airport
Baggage Conveyors and Dispensers
Contract Number: MC 0311023
Awarding Agency: Port of Seattle

Dear Mr. Cannon:

The Department has been asked if certain work being performed on the above referenced project is work that is subject to the state Prevailing Wage Law, Chapter 39.12 RCW, and if so, the appropriate prevailing rate of wage for the classification of work performed.

The Department has determined that the work in question is covered under Chapter 39.12 RCW and the appropriate Scope of Work and prevailing rate of wage would be that of Laborer (WAC 296-127-01344) or Millwright (WAC 296-127-01351).

The work in question is the testing work in connection with the construction of the baggage conveying systems. The scope of this work, is contained in the contract as follows: “The work of this section (Section 14540) includes furnishing all materials, equipment, labor, supervision, tools and items necessary for the construction, installation, connection, *testing*, and operation of all conveyor electrical work for this Project, as indicated on the Baggage System Drawings and described in this section (Section 14540) of the specifications.”

Based on a review of the public works contract for which this work is being performed, I have concluded that the Washington State Prevailing Wage Law requirements do apply to the workers who are performing the testing of the Baggage Conveyors and Dispensers systems.

The work in question is work that is being performed upon a public works project for the Port of Seattle and therefore, the workers, laborers and mechanics employed upon this public work are entitled to the prevailing rate of wage for the classification of labor performed pursuant to RCW 39.12.020.

Any individual employed in a professional capacity is not a laborer or mechanic as these terms are used under RCW 39.12.020 and therefore not covered by the Act. There has been no information provided that would indicate that the workers employed for testing purposes are working in a professional capacity.

Testing work is typically a part of the installation process and required of many crafts. For example, plumbers perform pressure tests on piping systems, electricians perform voltage and resistance tests on electrical circuits, sheetmetal workers perform testing of air-handling equipment and duct work. This testing work is part of the construction and installation process and performed by the same craft that installed the equipment. Although certain types of testing may not involve or require the skills used during construction or the installation of a system, it is work that is part of that process and necessary for the completion of the contracted work.

However, in this instance, the testing work in question is unique. The testing work in question, and before me, is limited to the placement of test baggage on the conveyors and is work assisting the craft that is doing the actual testing of the conveyors and dispensers. The actual testing is done by the millwrights as they observe the bags traversing the conveyors and dispensers and evaluating whether or not the system is performing as designed. The millwrights would then make any adjustments necessary to enable the system to perform as intended.

As stated above, this testing work is work that is covered under the prevailing wage law and workers performing this work are entitled to the prevailing rate of wage for the classification of work performed. The testing work performed on the conveyor system is work that is part of the construction process and necessary for the completion of that craft's work. The workers must then test the system to evaluate its mechanical operation and make any adjustments or modifications to ensure that the work meets contract specifications. Testing work would normally fall under the scope of the craft that is responsible for the installation and proper operation of the conveyor system. In this case, however, the unique nature of the process allows for the utilization of laborers or millwrights to do the placing of test baggage on the conveyor system. The process of lifting the bags and placing them on the conveyor is more akin and a better fit to the laborers' scope of work which states: "...lift, carry and hold building material tools and supplies."

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Therefore it is my determination that the work would fall under either the Scope of Work for laborers or the Scope of Work for millwrights and that either craft can place the test baggage on the conveyors with the millwrights performing the actual testing to evaluate the systems mechanical operation and making any adjustments or modifications.

We appreciate all of the information provided by each interested party and hope this determination letter serves to provide you with the necessary information and clarification relating to the work in question.

Sincerely,

David J. Soma
Industrial Statistician
Prevailing Wage Program Manager

Cc: Paul Powell, Port of Seattle
Charles F. Matthews, Director, Human Resources, G & T Conveyor Co., Inc.
Richard H. Robblee, Attorney, Rinehart & Robblee
Earl Smith, Compliance Investigator, WFCF