



STATE OF WASHINGTON  
DEPARTMENT OF LABOR AND INDUSTRIES

Prevailing Wage  
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360/902-5335 Fax 360/902-5300

November 17, 2014

James W. Talbot  
Law Offices of James W. Talbot  
210 Summit Avenue East  
Seattle, WA 98102

Re: Request for Determination – Earthheat, Inc. – Prevailing Wage Classification for Laying of Geothermal Piping

Dear Mr. Talbot:

Thank you for your January 3, 2014 letter requesting a determination regarding the prevailing wage classification for the laying of geothermal piping. After careful study of your request and the facts presented by your situation, I have concluded that a prior determination on this topic issued by the Department on May 28, 2013 applies to your situation as well. A copy of that determination is enclosed. Since the prior determination addresses the current issues raised, the department will not issue a new determination, but will rely on the May 28, 2013 determination to address the issues raised by Earthheat.

The May 28, 2013 determination is a detailed and accurate application of the relevant prevailing wage scope of work descriptions found within chapter 296-127 WAC. The reason Landscape Construction (WAC 296-127-01346) prevailing wage rates were not applied is because those rates apply only to the beautification of a plot of land. The project in question is more functional than aesthetic.

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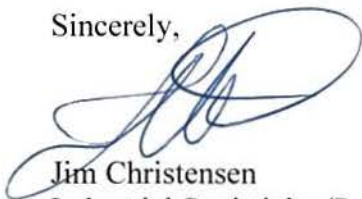
Utilities Construction (Underground Sewers and Water Lines) prevailing wages apply to sewer and water distribution systems which are enumerated in the opening paragraph of that scope of work description (WAC 296-127-01389.) They include water mains, sanitary sewer mains, underground storm sewers and branch lines. Branch lines connect sewer and water pipes within public right of ways with customers. HDPE pipe is rarely, if ever, used in these applications. The Pierce County Traffic Facility project's geothermal piping system is a closed loop "process" piping system as opposed to a system for supplying water to the facility's plumbing system or sewer piping to remove waste water.

We understand that, for purposes of workers' compensation insurance, your client uses a "Utility line construction; underground, N.O.C." risk classification #0107-00. The Insurance Services division of Labor and Industries classifies industries for purposes of insurance underwriting. In contrast, the Prevailing Wage Program classifies workers for purposes of applying statistically-determined wage standards.

Finally, we understand that certain piping structures located outside buildings are often not constructed by plumbers who must be certified to perform such work under chapter 18.106 RCW. As with the workers' compensation insurance topic above, plumber certification law exists for purposes other than regulation of wages paid, and is administered using a classification scheme that does not mirror the prevailing wage scope of work descriptions in chapter 296-127 WAC.

If there were new or different facts the answer might be different. However, in the facts presented, the May 28, 2013 determination is applicable.

Sincerely,



Jim Christensen  
Industrial Statistician/Program Manager

Enclosure

cc: Barbara Nobregas, Pierce County  
Elizabeth and Gerald Maloney, Earthheat, Inc.  
Mathew Arnold, Betschart Mechanical  
Deanna Phillips, Walsh Construction