

**PREVAILING WAGE PROGRAM – (360) 902-5335
SPECIALTY COMPLIANCE SERVICES DIVISION
PO BOX 44540, OLYMPIA, WA 98504-4540**

April 20, 2006

Ms. Miriam Israel Moses
Executive Director
REBOUND
2701 First Avenue, Suite 240
Seattle, WA 98121

RE: Applicability of Inside Electricians 10% Tunnel Differential to Shafts for Sound Transit Beacon Hill Light Rail Tunnel Project

Dear Ms. Moses:

This letter is to respond to your request for a determination as to the applicable prevailing rate of wage for Inside Electricians working in the shafts on the above-referenced public works project.

The prevailing wages for Inside Electricians working in Clallam, Jefferson, King and Kitsap counties establishes a separate wage rate for Inside Electrician working in a tunnel. This separate wage rate is established because the union wage rate prevailed when establishing the prevailing wage rate for the majority of Inside Electricians in King County (as well as other counties stated above). The tunnel rate as reflected in IBEW Local 46's Collective Bargaining Agreement (CBA) and is recognized as the prevailing rate. This tunnel rate is reflected in the Prevailing Wage Rate publication for Inside Electricians in the respective counties.

Language in the CBA Section 3.33 Tunnel Construction states: (a) All workers employed under the terms and conditions of this Agreement working on new tunnel construction and working in the tunnel shall be paid the regular hourly wage plus ten percent (10%) for such work. However, this shall not apply to tunnels constructed by the open cut method.

There is no dispute that the tunnel rate, as reflected, is the correct prevailing rate of wage for Electricians working in King County on the above referenced public works project and in the tunnel.

However, the determination the department has been asked to make is whether this wage rate also applies to work in shafts. Specifically, the shafts associated with the above project.

Your position, as stated, is that the tunnel rate established for Electricians in the respective counties should also apply to work in shafts because of past precedent and

based on WISHA regulations.

The department has not been provided with any evidence or compelling documentation that based on Local 46's CBA or past practice in regards to applying the tunnel rate to work in shafts on any past tunnel project.

In reference to your claims regarding WISHA regulations, WISHA regulations are enacted to protect the safety and welfare of workers, not to establish the hourly rate of wage for workers employed on public work projects.

Therefore, because the wage rate in question is one based on IBEW Local 46's CBA, we look to that agreement as to what type of work the Electrician's wage rate applies to. As stated above, language in that agreement is specific to new tunnel construction. The agreement clearly excludes the wage rates applicability to cut and cover operations, and also is silent on other underground construction operations and structures such as shafts. The omission of a reference to shafts and the exclusion of cut and cover tunnels would suggest that the author recognized different types of below ground excavations and purposely excluded shafts. In addition, the CBA addresses restricted hours in a tunnel with compressed air and again, does not include shafts.

You suggest a shaft is considered a tunnel. Common definitions of tunnel include: a covered passageway; specifically, a horizontal passageway through or under an obstruction; and a subterranean gallery (as in a mine). These definitions clearly anticipate a lack of an overhead opening. The shafts more closely resemble the open cut tunnel than a tunnel. The open cut tunnel is specifically excluded from the 10% differential.

Based on the above, the tunnel rate established for Inside Electricians in the counties as specified above will apply to work performed in a tunnel but would not be applicable to work performed in the shafts questioned.

The department appreciates all of the information provided as well as the time and effort invested by everyone involved.

I hope this letter serves to address your request. If you have any questions or need further clarification, feel free to contact my office at 360-902-5330.

Sincerely,

David J. Soma
Industrial Statistician
Prevailing Wage Program Manger

Cc: Obayashi Corporation
IBEW Local Union No. 46