



The FAIR CONTRACTOR

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FFCM HELPS CONSTRUCTION WORKERS RECOVER \$675,000+ IN 2005

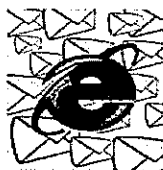
The Foundation for Fair Contracting of Massachusetts initiated actions to recover more than \$675,000 dollars for public construction workers last year, the organization's single greatest yearly number to date. That figure involved several major cases, including judgments of \$73,000 and \$75,000 against contractors who failed to pay or underpaid their employees and more than \$379,000 against a Holyoke contractor who failed to pay his employees the prevailing wage. (See below)

FFCM Executive Director Karen Courtney says that the group's success in helping to recoup money for public construction workers in 2005 sends a strong signal to construction workers and contractors alike. "For the people who are out there laboring on public-funded construction jobs, the FFCM can help you get

the money you're owed," says Courtney. "For contractors, the message is that the FFCM is here to ensure that everyone complies with the laws."

Courtney notes that last year the FFCM received complaints from construction workers regarding underpayment and nonpayment of wages, misclassification, unregistered apprenticeship programs and phony pension plans. Upon receiving such complaints, FFCM monitors typically review the certified weekly payrolls of the specified contractor, looking for any sign of illegality or irregularity. Cases that merit further investigation are then transmitted to the Attorney General's office, the Division of Apprentice Training, or other applicable state and federal agencies.

The FFCM was founded in 1992 to assist construction workers in collecting backpay and benefits in the event of wage violations. The organization also reviews bids submitted by contractors for public construction jobs. "We're always on the look out for bids that are so low that the contractor can't possibly complete the job without breaking the law," says Courtney. "That raises a red flag for us."



Email Tip Lands Contractor Big Bill

The anonymous email tip arrived at the offices of the Foundation for Fair Contracting of Massachusetts in December of 2004. "Check out Curran Construction in Holyoke," urged the tipster. "They do all of the city's work and do not pay wages according to prevailing rates." The FFCM began an investigation and soon alerted the Attorney General's office, which recently ordered the Holyoke contractor to pay \$379,000 in penalties and restitution to 15 employees.

Explains FFCM Western Massachusetts monitor Art Butler, "The AG's office ended up going back and looking at three years worth of work done by Curran. It turned out that on a number of publicly funded jobs, they hadn't been paying the legal rate."

In April, James A. Curran, former president of James A. Curran General Contractor Inc., pleaded guilty to one

count each of willful failure to pay prevailing wage and willful failure to provide true and accurate payroll records. In court, Curran paid in full the \$291,475 owed to his 15 employees and also paid a \$50,000 penalty.

The charges stemmed from complaints from employees who performed work for Curran between 2001 and 2004. The employees worked as welders, masons, drivers, equipment operators and laborers. Curran General Contractor Inc. was contracted with Holyoke Gas & Electric Department to perform excavation and restoration work related to utility services in Holyoke. As a result of his guilty plea, Curran has been debarred from working on publicly-funded construction projects for five years.





Lampasona Concrete Corporation and its president, Anthony Lampasona, Jr. of Franklin, MA, have agreed to pay more than \$73,000 in back wages and a \$1000 penalty after failing to pay overtime to 65 current and former employees on multiple construction projects from 2002 to 2004.

D & D Enterprises, Inc. and its owners, Raymond J. Delmonico and Matthew Delmonico of West Bridgewater, MA, have been ordered to pay \$26,967 in back pay and penalties after failing to pay an employee the prevailing wage on multiple public works projects between April and September of last year.

J.D. Contracting, Inc. and owner John J. Kane of Monson, MA have been ordered to pay a total of \$11,800 in fines and restitution after the AG's office determined that the company had failed to pay prevailing wages for a public works project at UMass Amherst that spanned nearly two years. FFCM transmitted the case to the AG's office where inspectors determined that the company had intentionally failed to pay the prevailing wage to its employees.

Lighting Retrofit Services, Inc. and owners Richad Cohee and Thomas Nutile of Wilmington, MA must pay a total of \$6,698 in back wages and penalties after failing to pay an employee the prevailing wage for work performed on the UMass Amerst Energy Conservation and Electrical Retrofit project. FFCM notified the AG's office after determin-

ing that at least one employee had been misclassified and was being paid a lower rate than what he was owed.

Industrial Technical Services, Inc. and owner Francis X and Elizabeth A. Neylon of Westfield, MA have been ordered to pay a civil penalty of \$6000 after the AG's office determined that they had underpaid an employee by more than \$30,000. FFCM transmitted the case to the AG's office after an inspection of certified payroll records revealed that the company was continuing to pay an employee the apprentice rate—after the worker had completed his apprenticeship. In addition to paying the \$6000 penalty, the company also paid more than \$30,000 directly to the employee.

H & S Drywall Finishers and owner, Enrique Hernandez, of Worcester, MA have been ordered to pay a total of \$5,779 after failing to pay two employees the prevailing wage on a public works project at Westfield State College between February and July of 2005. After receiving complaint alleging underpayment of wages, FFCM reviewed employee payrolls and notified the AG's office about several suspected wage and overtime violations.

Longsdale Concrete Construction Inc. and its president, Jose C. Almeida of Cumberland, RI have been ordered to repay a total of \$3,796 after failing to pay the prevailing wage to 23 workers on the Kingston New Town Hall project. Payroll records showed that the company was paying laborers less than the rate required by state law.

Taplin Landscaping, LLC and its manager, James M. Taplin, Jr., of Pepperell, MA have been ordered to pay back \$330 to six employees and a \$200 civil citation for unintentional failure to pay employees the prevailing wage while working on the Stoughton MWRA Connection Transmission project.



The Fair Contractor is a publication of the non-profit Foundation for Fair Contracting of Massachusetts. The FFCM mailing address is Box 256, State House Station, Boston, MA 02133. The Fair Contractor accepts letters to the editor. For information, call 1-800-224-FAIR or write www.ffcm.org.

DEBARMENT LIST

1. **Electrical Energy Services, and Bruce Phillips, Owner, 1455 Concord Street, Framingham, MA 01701** – debarred for a period of five years beginning April 26, 2001 through **April 26, 2006.**

2. **DNK Construction and Ronald Caramanica, Owner, 21 Central Avenue, Lakeville, MA 02347** debarred for a period of 5 years beginning April 11, 2002 through **April 11, 2007.**

3. **Jason M. Cortell & Associates, Inc. and its officer, Jason M. Cortell, of 504 Union Wharf, Boston, MA 02109** have been debarred for a period of 5 years beginning June 7, 2004 through **June 7, 2009.** This debarment excludes work on the following projects: 1. South Boston Piers Transitway Project at Russia Wharf in Boston; 2. Route 2 Improvement Project DEIR in Leominster & Fitchburg; 3. Term Sampling/Logan Clam Flats Mitigation Project at Logan Airport in Boston; 4. Post-EIR Permitting, Runway 14/32 at Logan Airport in Boston; 5 Airport Improvements FEIR Project in Nantucket; 6. Environmental Regulatory Tracking; ConEd & Cambridge Research Park in Cambridge; 7 Marina Development, Federal & State Environmental Permits in Plymouth.

4. **Milton Marder, of 18 Maple Street, Maynard, MA 01754,** has been debarred for a period of 8 years beginning March 16, 2005 through **March 16, 2013.**

5. **Better Taping, and its owner, Paul E. Better, both of 20 Dana Road, Barre, MA 01005** have been debarred for a period of 1 year beginning September 29, 2005, through **September 29, 2006.**

6. **A-Quality Removal, Inc. and its president, Sheri Homsey, both of 80 Haverhill Road, Salem, NH 03079** have been debarred for a period of 1 year beginning July 5, 2005 through **July 5, 2006.**

7. **J. D. Drywall Systems, Inc. and its owner, Joseph P. Daily, of 116 Strong Road, Southampton, MA 01073** have been debarred for a period of 1 year beginning August 15, 2005 through **August 14, 2006.**

8. **L. Addison & Associates, Inc. of 65 North Avenue, Wakefield, MA 01880** has been debarred for a period of 1 year beginning January 20, 2006 through **January 20, 2007.**

9. **TMJ Construction Corporation, and its owner, Michael Jenkins, both of 72 Amherst Road, Merrimack, NH, 03054** have been debarred for a period of 5 years beginning April 13, 2006 through **April 13, 2011.**

10. **James A. Curran of 7 Curran Lane, Holyoke, MA 01040** has been debarred for a period of 5 years beginning April 5, 2006 through **April 5, 2011.**

AG AND DAT TO ENFORCE APPRENTICE ID CARDS



Massachusetts apprenticeship law now requires that apprentices who work on publicly-funded construction jobs carry an apprentice ID card. The cards, which include a picture of the apprentice, information about his or her employer and the estimated date upon which the apprentice will graduate, are intended to prevent abuses of the apprenticeship system and to protect workers. In recent years a growing number of contractors have been cited for violations involving unregistered training programs and misclassification of workers. The Division of Apprentice Training (DAT) will monitor the ID's.

The law also requires contractors employing apprentices on public projects to submit to the awarding authority photocopies of applicable apprentice ID cards with their weekly certified payroll. Failure to do so constitutes failure to submit true and accurate payrolls, a violation of MGL Chapter 149.

The apprentice ID law applies to all in and out-of-state contractors performing public work. For more information about getting ID cards for your apprentices; contact the DAT at (617) 626-5409.

SUSPENSION LIST

The following companies had their apprenticeship programs suspended by the Massachusetts Division of Apprenticeship Training (DAT) for the period November 14, 2005 through May 14, 2006. During this period the companies listed were not apprentice program sponsors and could not legally classify or pay any of their employees as apprentices on state or federal projects. These companies must reapply to DAT if they wish to become sponsors again; they are not automatically reinstated.

- Absolute Heating, Inc., Easton, MA
- Commercial Electrical Contractors, Inc, Worcester, MA
- Eaglepoint Point Builders, Inc, Belmont, MA
- Excell Electric, Inc, Clinton, MA
- Greaves Electric Co., Inc, Needham, MA
- Mechanical Advantage Corporation, Plymouth, MA
- Northland Investment Corporation, Newton, MA
- Red Technologies, LLC, Springfield, MA
- Rockwell Roofing, Inc., Leominster, MA
- Taunton Control Works, Inc., Taunton, MA
- United Power Corp. Electrical Contractors, Inc., Peabody, MA
- Verizon Equipment Installation, Malden MA
- W.H. Hughes, Inc., Waltham, MA

DANGER

**ASBESTOS
REMOVAL IN
PROGRESS**

Asbestos Contractor Pays \$75,000

When an employee at an asbestos removal company contacted the FFCM in the spring of 2004, he had an alarming tale to tell. He hadn't been paid in weeks, complained the worker, and when his employer did pay him it was often in cash and at a rate far below the prevailing wage. Former FFCM monitor Chris Burger transmitted the case to the AG's office which launched an investigation into the company, ARC Environmental Specialist, Inc., of Peabody, MA. Two years later, ARC admitted to having broken the law, made a payment of \$20,000 and agreed to pay \$55,000 to resolve prevailing wage and record keeping violations on 15 different public works projects. The money will go to 53 employees who worked on some of the projects including the Holten-Richmond School in Danvers, the Veterans Memorial High School in Peabody, the Memorial Elementary School in Upton and the Watertown High School in Watertown. In addition to hearing from a worker employed by ARC, the FFCM also received a tip from a Clerk of the Works in a town in which ARC was under contract.

Step Up to the Rate

FFCM monitors have recently noted a disturbing pattern of contractors failing to give their workers mandated step increases on public construction jobs. The state-issued prevailing wage rates sheet included in the specifications for every project details the required rates for each trade over the course of the entire job. Periodic step increases with effective dates appear on all rate sheets. Contractors should be careful to pay the step raises and awarding authorities should check to make sure they're being paid. "It doesn't matter whether or not it's intentional", explains FFCM's Don Sauvageau. "If contractors don't pay the increases, they're breaking the law".

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The Foundation for
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P.O. Box 256
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