



THE FAIR CONTRACTOR

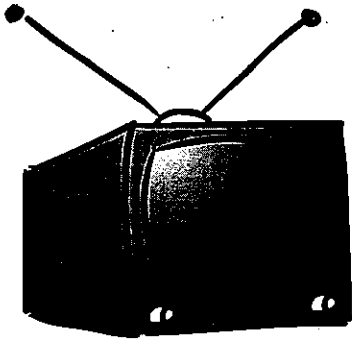
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FFCM on a Screen Near You

For the fourth year in a row, the Foundation for Fair Contracting aired a TV commercial on stations all over Massachusetts, alerting public construction workers about their rights on the job. The ad, which ran for almost a month, encouraged workers to call the FFCM if they had been the victims of prevailing wage fraud or other scams.

Chris Burger, a field monitor for the FFCM, says that the ad drew hundreds of responses, some recounting wage violations from many years ago. "Our phones started ringing the morning after the ad first ran and they haven't stopped since," said

Burger. "Airing this ad is a great way to let workers know that they absolutely have rights on the job and that there is a place to call if they need help. This is especially important as we gear up for the summer construction season."

While the TV ad may be popular with area construction workers, some Massachusetts contractors didn't seem to appreciate it at all. "Some of their calls were what you might call less than friendly," said Burger.

Federal Law Change Won't Impact State Enforcement, Advocates Say

A decision by the Bush Administration to block new rules governing the awarding of federal contracts won't impact enforcement efforts in Massachusetts, says Karen G. Courtney, Director of the Foundation for Fair Contracting. The new rules, which would have gone into effect at the beginning of the year, required that government agencies take into account a company's record of complying with the law – including prevailing wage laws – before awarding contracts.

Known as the 'responsible contractor rule' – similar to ordinances already on the books in many Massachusetts cities – the requirement was quietly scuttled by the Bush Administration, which used a little known procedure unique to government contracting law. But as the FFCM's Courtney explains, contractors who come into Massachusetts with a history of breaking the

law had better watch out – even without the new federal rules. "Our enforcement mechanism is set up so that if you come into this state with a history of low-balling, wage violations, or debarments, we're going to find out. And we'll make sure that the awarding authorities are aware of that history too. Federal responsible contracting language could have been an important enforcement tool," concludes Courtney, "but the real enforcement oversight is right here at the state level."



Debarred
South

Division
Massachusetts

Anchor Contractors, Inc., East Weymouth, MA. Debarred through 10/19/03.

Cathy Lee Construction, Rehoboth, MA. **Cathy Lee Curry & James Curry, Sr.** Debarred through 10/05/01.

Richard Dill, Bellingham, MA. Debarred through 8/04/01.

Arthur D. Grodd, Longmeadow, MA. Debarred through 3/22/03.

J&M Painting, Buzzards Bay, MA. Debarred through 6/05/03.

Moretti Construction & Peter Moretti, Wakefield, MA. Debarred through 1/25/02.

Joseph. R. Nogueira, Arlington, MA. Debarred through 6/29/02.

Carl Pearson, Hanover, MA. Debarred through 10/5/01.

R.H.D. Construction Company, Inc., Medford, MA. Debarred through 6/29/02.

Rousseau Concrete Services & Maurice Rousseau, South Hadley, MA. Debarred through 4/05/02.

Syigma Electric, Inc., Bellingham, MA. Debarred through 8/04/01.

Peter C. Varrasso, Jr., Plymouth, MA. Debarred through 10/19/03.

Peter C. Varrasso, Sr., Weymouth, MA. Debarred through 10/19/03.

West Side Masonry, Wakefield, MA. Debarred through 1/25/02.

AG Expands Enforcement Area New Office Opens in Southeastern Massachusetts

The state Attorney General's office recently opened a new branch in New Bedford as part of an effort to expand law enforcement efforts across the state. The opening of the office is seen as a clear sign by fair contracting advocates that the AG is stepping up his enforcement activities in the Southeastern part of the state.

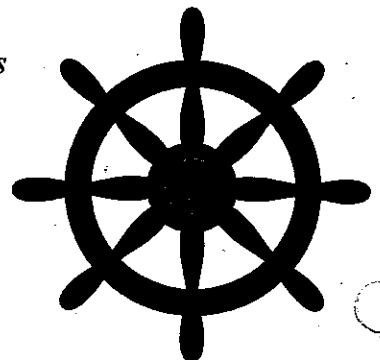
Fall River native Mary O'Neil, formerly a full-time attorney in the Fall River Corporation Counsel's office, has been tapped to lead the new branch. "Having a real physical presence in the community means something," said O'Neil. "When you know that the AG's office is right around the corner or down the road from your job site, hopefully you'll take the state's wage laws a little more seriously."

Regional offices already exist in Western and Central Massachusetts; the addition of a Southcoast branch will provide workers and residents in Fall River, New Bedford and other towns in the area with easy access to the state's primary legal authority.

A press release put out by the AG's office indicated that the New Bedford branch would be particularly concerned with the protection of worker rights. "We're here to protect workers and assist them if they're not being paid the prevailing wage," said O'Neil. For more information about public construction laws, or to file a complaint against an employer, call 508-990-9700.

Danvers Marine Construction Company 'Docked' for Wage Underpayment

A former employee of a Danvers-based construction company will soon receive \$5,500 in back wages after the firm agreed to a settlement with the Massachusetts Attorney General's office. **C. White Marine** agreed to pay the back wages and a penalty based on charges that his company violated the state's prevailing wage law on two public construction jobs in 1999. *For pile driving work on the Town of Chilmark's West Dock addition and the Town of Plymouth's Fish Pier, a worker was paid approximately \$6.75 an hour.* Assistant Attorneys General Jocelyn Jones and Anita Maietta of the Fair Labor and Business Practices Division handled the case, with assistance from Inspector Greg Reutlinger.



DEBARMENT LIST

Creative Construction and Improvements, Inc.

Vicki Malone, President, Springfield, MA. Debarred through March 24, 2005.

George Vasiliades d/b/a/ Olympic Painting,

George Vasiliades, President, Peabody, MA. Debarred through October 19, 2001.

Northeast Sweeping and Disposal Corporation

Edward Crasco, President, Revere, MA. Debarred through November 20, 2001.

EMP Sweeping & Asphalt Paving Corporation,

Deanna Zucchari, President, Walpole, MA. Debarred through November 20, 2001.

Amaral Excavating, Inc.

Daniel P. Amaral, President, Somerville, MA. Debarred through February 3, 2002.

Michael A. Tremble d/b/a/ Mike's Painting

Huntington, MA. Debarred through August 24, 2002.

Francisco Morgado & Sons Inc.

Adrian Morgado, President and Marina Morgado, New Bedford, MA. Debarred through November 16, 2002.

Tiger HVAC Services, Inc.

John M. Powers, President, South Boston, MA. Debarred through June 21, 2001.

CDR Construction LLC

Richard A. Dixon, Jr., President, East Windsor, CT. Debarred through September 9, 2001.

United Painting Company & John C. Dudley and John A. Dudley

Owners, Waltham, MA. Debarred through June 1, 2001.

Electrical Energy Services, & Bruce G. Phillips, Owner, Jupiter, FL

debarred through April 26, 2006.

Diamond Construction and Associates & Zachary Pinnick, President,

Randolph, MA. Debarred through October 24, 2003.

Zenone Inc. Told to 'Pump' Up Wages

Zenone, Inc., a Franklin-based general contractor, has been ordered to pay a civil penalty and back wages after failing to pay the prevailing wage last spring on the New Bedford Pump Station public works project. *Since 1999, the contractor's employees have repeatedly contacted the Foundation for Fair Contracting regarding wage questions and for assistance in filing complaints with the Attorney General's office.* Zenone Inc. was ultimately cited for having bilked three employees on the project out of their wages. "We get calls from Zenone employees all the time," said FFCM monitor Chris Burger. "I'm glad to see that some of these workers are finally getting what they should have been paid in the first place."



MA Communications Co. 'Excels' at Wage Fraud

Excell Communications, Inc, a cable installation firm based in Worcester, has agreed to pay nearly \$7,000 in wages owed to 4 former employees. The workers were paid less than the prevailing wage while employed on the Newton South High School public works project between August of 1999 and June of 2000. Excell was cited under the state's civil enforcement mechanism, an amendment to existing wage laws that went into effect in 1998. Under the expanded law, the array of available remedies for various wage and hour violations was substantially increased.



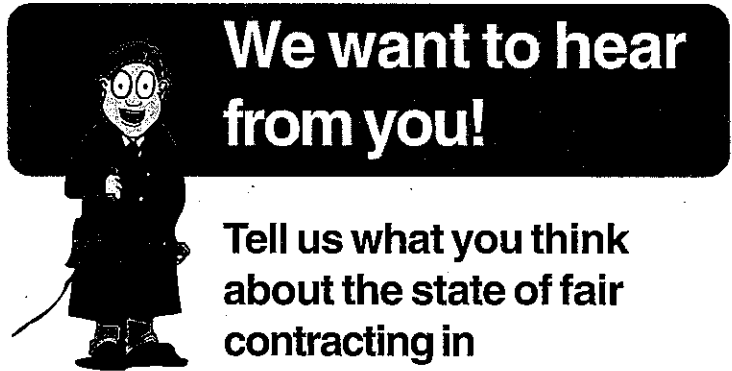
Haverhill Construction Co. Caught Underpaying Immigrant Workers

Advanced Building Systems, Inc., a construction company based in Haverhill, MA, recently agreed to pay \$36,000 to settle charges that it failed to pay overtime to 79 immigrant workers. The case arose after three carpenters employed on a construction project in Cambridge between 1995-1998 complained to the Attorney General's office that they weren't being paid overtime. *An investigation launched by AG Reilly revealed that violations at Advanced Building Systems were widespread.* The company had failed to pay the 79 immigrant workers overtime wages and also failed to list the workers on its payroll records. "This is a great victory for the immigrant workforce in Massachusetts," said Reilly. "Immigrant workers are susceptible to abuse by unscrupulous employers. We it clear that the state's employment laws p. Massachusetts workers, regardless of where they come from. *If you do a day's work, you get a day's pay.*"

Audit Finds Big Trouble at Temp Labor Firm

Labor Ready, the largest blue-collar temporary employment service in the US, may have misclassified construction workers across the country, say officials at the State of Washington Department of Labor and Industry. The officials recently found that the firm owes their state more than \$734,000 for workers compensation premiums, interest and penalties for 1998. The results of their investigation were similar to the findings of an audit in Ohio, which found that Labor Ready

had significantly misclassified workers' compensation contributions and underreported the size of its construction work force. **A typical misclassification: temp construction workers were regularly sent to building sites to remove debris, but were classified as 'groundskeepers' was used to greatly reduce the firm's contribution to state workers compensation systems.** Connecticut, Missouri and South Carolina are reportedly considering launching similar investigations.



We want to hear from you!

Tell us what you think about the state of fair contracting in

Massachusetts. Send your e-mails to: ffcm@tiac.net, or send us a letter:

**Foundation for Fair Contracting
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www.ffcm.org

***Comments may be edited for length**

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