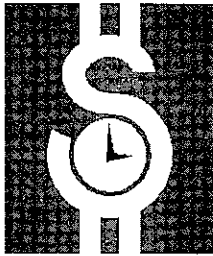


The Prevailing Wage



Volume Three, Issue Three A NEWSLETTER FOR CONSTRUCTION WORKERS Fall/Winter 1999

Your Rights: On Line



It had to happen some time: the Foundation for Fair Contracting is now on the web. Check out our new site at www.ffcm.org for all of the latest information about your rights on the job, a list of contractors who've been debarred (the ones you may not want to work for) and answers to questions we're asked most frequently. Questions like: what is the prevailing wage and who should get it? What benefit payments can your boss deduct from your paycheck? What should you do if you're being ripped off? We've got lots of helpful links too—federal agencies, state agencies—and information on what they do and how to contact them. Stop and by and take a look. Do you know of other sites we should link to? Send us an e-mail at ffcm@tiac.net and let us know.

Arrival of Fall Means Start of Apprenticeship Training

Autumn is definitely in the air and that means that training programs for new and returning apprentice construction workers are under way. With public construction in Massachusetts in the midst of a major boom, apprentice programs in many construction-related trades are more popular than ever. Quantity doesn't always mean quality, though. As contractors around the region find themselves short-handed, the temptation to cut corners—especially when it comes to their apprentice programs—can prove too much for some contractors to resist. Make sure you don't get taken!

Turn to page 3 for our guide to apprenticing the smart way.

What's Inside?

Compliance Man Answers Your Questions p. 2

New Law Pays Off p. 3

Legal Update

Five workers took on one of the biggest paving contractors in the state—and didn't go home empty handed



About a year and a half ago, 5 construction workers took on one of the largest paving contractors in the state. With the help of the **Foundation for Fair Contracting**, they filed what's called a class-action suit, accusing the company of bilking workers out of nearly \$1,000,000 in overtime pay.

As a result of the threatened lawsuit, the **Roads Corporation** decided to take another look at how their employees were being paid. The review paid off in a big way for employees of Roads, who have since received an estimated \$500,000.

The company wasn't too happy when they heard that they were being sued—especially by their own workers. In fact, they were so unhappy that they filed a suit of their own.

Continued on back page

Compliance Man



Dear Compliance Man:

I just finished working on a new school project doing floor covering. My boss told me that it wasn't a prevailing wage job. But now people are starting to tell me that since it was a public school, I should have gotten the rate. How do I know if a job

is public and if I should be getting the rate?

High and Dry in Holyoke

Dear H & D:

Good question. The general rule of thumb is that if the project is publicly funded—like a public school, a city or state office building, a highway or a bridge—than you should be 'getting the rate.' Try asking some of your co-workers what they're getting paid. If everyone else on the job is being paid the prevailing wage except for you, that may be a sign that something is wrong!

Also, state law requires that information about minimum wage rates be posted on the job site if it's a prevailing wage job. Take a look. Is the information posted? Is your job classification up there? Does your paycheck match the information? If you're getting paid less than what the state says the minimum is, that's another sign that there could be something funny going on.

Since there's no absolute way to tell, your best bet is to call the Foundation for Fair Contracting 1-800-224-FAIR. We have information on every public job in Massachusetts and can tell you how much you should be making, and what to do if you're making less.

Good luck!

Compliance Man

Got a question about your rights on the job? Ask Compliance Man. He'll know the answer. Send it to The Foundation for Fair Contracting, P.O. Box 256 Boston, MA 02133-0256

All questions are confidential

Dear Compliance Man:

I live in New Hampshire and do construction for a living, mostly asbestos removal. For the last few months, we've been coming down to Massachusetts to work on a job renovating a town hall. Our boss pays us the same as what we get in New Hampshire, but we heard from another guy on the job that we should be getting more since we're in Massachusetts. Do you know what the story is for workers who don't live in Massachusetts?

Not Clear in New Hampshire

Dear Not Clear:

If you work on a public job in Massachusetts, meaning that it's a job paid for by our tax dollars—city, state, or federal—you get the prevailing wage. Part of the confusion here results from the fact that New Hampshire, unlike Massachusetts, has no state prevailing wage law. This means that unless a project receives federal funds—like a highway—you'll be paid whatever the contractor wants to pay you.

When you're working on a public job in Massachusetts, though, even if it's for a contractor who's based out of state, you should be receiving the prevailing wage. If you have questions about how much you and your coworkers should be making, call the Foundation for Fair Contracting at 1-800-224-FAIR. And make sure to keep good records of how much you're working, what kind of jobs you're on and when.

Best of luck,
Compliance Man



New Law Pays Off

Massachusetts has a new wage law that makes it easier for workers to go after employers who rip them off. According to the Attorney General's Office, the law is already paying off. Here's a quick look at some contractors who've had recent run ins with the wage enforcement law:

Ronald Lambert, Lambert Roofing Co.

Intentionally failed to pay prevailing wages on the Merrimac Fire, Police, DPW building project.

Total ordered to pay: \$4,136;

Inspector: Greg Reutlinger

James A. Fiset, Fiset Excavation

Intentionally failed to submit certified payroll records on the Naquag (Rutland) Elementary School project. Fined \$1,000; Inspector: Steven Troiano

Michael Lahart, Avondale Painting

Failed to keep accurate payroll records on the Francis Parkman School project

Fined \$250; Inspector: Jeremy Banks

Nicholas H. Des Champs, Des Champs Laboratories, Inc.

Intentionally failed to submit certified payroll records on the Atkinson Pool/HVAC Ventilation System project.

Fined \$250; Inspector: David Bieksha

William Bankus, Family Floors

Failed to submit certified payroll records on the Francis Parkman School project.

Fined \$100; Inspector: Jeremy Banks

Theodora Kalfopoulos, Colorworks Unlimited, Inc.

Intentionally failed to furnish true and accurate payroll records on the Pepperell Town Hall

Fined \$250; Inspector: Greg Reutlinger.

Apprenticing—The Smart Way

(Continued from front)

Apprenticing is a great way to get on the job training—and get paid at the same time. But be wary of contractors who are more interested in cheap labor than in making sure that you're getting the training you need. Here are a few tips to help you through your apprenticeship—the smart way.

What are you reading?

The on-the-job training you're getting is only part of the program. If you are part of a registered apprenticeship program, you should also be receiving classroom instruction.

Too Many Apprentices?

Is every second or third worker on your job site an apprentice? This could be a sign that something shady is going on. State law requires that registered apprenticeship programs maintain a balance of journeyworkers to apprentices. How else are you going to learn anything?

Do you feel like you could do this forever?

Well, hopefully you won't have to. The whole point of apprenticing is that after a certain number of years of training, you'll go on to become a full-fledged journeyworker. We've run across some contractors, however, who don't seem to understand this. The job always seems to end before the apprentices get a chance to attend their graduation parties. If you've been an apprentice for more than 4 years, you may be in trouble.

These are a few things to watch out for as you go through your apprentice training. If these tips set off any alarms, call the Foundation for Fair Contracting at 1-800-224-FAIR. We'll run a quick check and make sure your apprenticeship program is registered with the state. We can also give you more info on your rights as an apprentice.

Apprentices Have Rights Too

**Call 1-800-224-FAIR
to find out more**



The Wage Watch is published quarterly by the non-profit Foundation for Fair Contracting of Massachusetts. The FFCM mailing address is Box 256, State House Station, Boston, MA 02133. *The Wage Watch* accepts Letters-to-the-editor. For information, call 1-800-224-FAIR.

Where to Find Help

FCCM Hotline
1-800-224-FAIR

The Industrial Accident Board
1-617-727-4900

National Labor Relations Board
1-617-565-6700

Occupational Health & Safety Administration
1-617-565-7164 (OSHA)

Mass. Dept. of Labor & Workforce Development
1-617-727-3492

U.S. Department of Labor--Wage and Hour Div.
1-617-565-2066

Division of Apprentice Training
1-617-727-3486

IRS--for Tax-related Questions
1-800-829-1040

Attorney General's Office--Wage Complaints
1-617-727-3477

AG's Springfield Office
1-413-784-1128

AG's Pittsfield Office
46 Summer St. Pittsfield
(Open Tuesday) 1-413-784-1128

AG's Worcester Office
340 Main St., 2nd Fl., Worcester
(Open Mon.) 1-508-792-9404

AG's Fall River Office
(Open Tues.) 1-508-672-9026

Legal Update Continued from Page One

In their counter suit, Roads argued that the workers didn't have a case and that the original suit should be tossed out of court.

But the judge didn't think so. He tossed out Roads case and said that the workers' suit should go forward.

A decision was recently issued. Unfortunately, the judge ruled in the company's favor.

"It's a complicated case," explains Janine Yodanis of the Foundation for Fair Contracting. "Cases like this are never black and white, but the important thing here is that these workers are standing up for their rights. And because these employees took a stand, Roads ended up paying back its workers nearly half a million dollars."

Fighting a big company is never easy and the five workers who came forward all those months ago to speak out on behalf of their coworkers deserve a big thank you.


An appeal is still under consideration.

The Foundation for Fair Contracting encourages workers who've been cheated out of wages or overtime to file Private Right of Action Suits against their employers. To find out if you're eligible to sue your employer for triple damages

Call 1-800-224-FAIR

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