

The Prevailing Wage



Volume Five, Issue One

A Newsletter for Construction workers

Spring 2003

New Apprentice ID Law Will Help Keep Contractors Honest

Apprenticing is a great way to learn a construction trade. But for some contractors, the lure of cheaper labor is the real attraction of apprenticeship. Too often, these less-than-honest bosses pad their payrolls with apprentices. Or worse: they attract aspiring construction workers into fake programs that aren't registered with the state.

Thanks to a new state law, apprentice fraud will soon be a little harder for contractors to get away with.

Your Name Here

Sponsor Info:

Trade Info:

Apprentice # 00000



By requiring ID cards, the state hopes to crack down on contractors who take advantage of apprentices, or operate illegal apprentice programs

Starting this spring, apprentices will be required to carry a picture ID card containing their trade, apprentice number, the name and address of their program sponsor, along with their start and completion date.

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inside: your questions, the rap sheet, by the numbers.

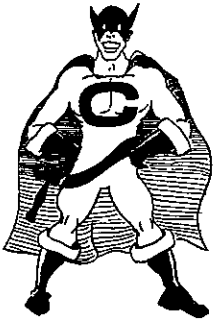
The FFCM: 10 Years of Helping Workers Like You

If this is the first time you've ever received the Wage Watch, you may be wondering: just what is the FFCM and what do they want with me? Well, don't throw us away quite yet—we're here to help. For more than a decade, the non-profit Foundation for Fair Contracting of Massachusetts has been helping public construction workers like you. We make sure that you're getting the wages that you're entitled to. And if a contractor rips you off, we'll help you get that money back. So keep reading, and if there's anything the FFCM can do to help you, give us a call at 1-800-224-FAIR. It's free—and confidential.

FFCM On the Small Screen

Do you reach for the remote as soon as a commercial comes on? Not so fast! This spring, the FFCM will be taking to cable airwaves across the state, telling public construction workers about their rights. From overtime to employer tax fraud, the ad offers everything you need to know about your rights in less than a minute. Now that's one ad worth staying tuned to.





Compliance Man

Answering your questions about law, life on the job, and more.

Dear Compliance Man:

I recently got a mailing from you folks and it showed me working on a construction project way out in Worcester. Well, I've never worked out there. So why would my name show up on some project that I've never worked on?

Confused in Canton

Dear Confused:

Unfortunately the situation you described happens all too often. Here's how it works: Massachusetts requires every contractor who works on public construction projects to submit certified payrolls to the state, showing who's working on the project and how much they're getting paid. Some contractors pad their payrolls with fake names to avoid paying the legally-mandated wage. Some of these ghost workers are just that—ghosts—but others are like

you, real folks who are listed on projects they've never worked on. So what does it mean for you? Other than an unpleasant surprise, not much. But for the employer who misused your name, it's likely to mean all sorts of trouble. Contractors who pad their payrolls with "ghosts" often have plenty to hide, and the Attorney General won't hesitate to look into this contractor's story. Thanks for writing.

Dear Compliance Man:

My boss has a habit of paying us late. Is there anything we can do?

Overdue in Otis

Dear Overdue:

Your boss may be late with the checks, but he's on time when it comes to breaking the law. Under Massachusetts law, late payment of wages is NOT allowed. Chapter 149, Section 148 of the state's general code says that workers like you MUST be paid every two weeks. Employers who fail to deliver the checks on time are breaking the law and can be sued for back wages. If you think you may have a case, call us at 1-800-224-FAIR. It's free and confidential.

Do you have a question? E-mail us at info@ffcm.org, or write to the address below.

Contractor Skips Town, Now Owes Big Bucks



We've heard of contractors who break the law, but this story shocked even us. Poutous Contracting of Fitchburg was apparently so opposed to paying its workers the legal rate that the company simply abandoned the jobsite. Workers who

showed up at the Princeton Library renovation project in July of 2000 found their bosses missing in action. The company's construction trailer had been abandoned; their phone disconnected. "It's a pretty dra-

matic story, but it shows how far some contractors are willing to go to get around the law," says FFCM monitor Chris Burger.

Workers from Poutous contacted the FFCM to report that the company was misclassifying some employees and underpaying others. Well, two years later, the Poutous workers have gotten some relief. The Attorney General's office recently announced that Poutous Contracting and its president, Sophia Poutous, had entered into a settlement, acknowledging that they'd failed to pay employees for all of the hours worked on various public works projects. The company agreed to pay restitution to the tune of \$15,713.09 to three employees



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 or write www.ffcm.org.



The Rap Sheet

The following contractors were recently 'rapped' by the Massachusetts Attorney General's Office for violating the state's wage and hour

laws. The Foundation For Fair Contracting was involved in each citation, from meeting and advising workers, to providing information and assisting in filing complaints.

Richard A. Robie and his company, **Robie Window Systems** of Ipswich, MA must pay a total of \$12,425 after failing to pay prevailing wages on the Chelsea High School project last year. An investigation by AG inspector Brian Macera found that 10 glaziers who worked for Robie had not gotten the legally-required wage between May and August of last year. The company was also cited for failing to hand over true and accurate payrolls. The FFCM was contacted by a worker on the site last year who reported that he and others were being underpaid.

Allen R. Bernier and **A. B. High Voltage** must pay \$4,761 for failing to pay the prevailing wage to three electricians who worked on the Massasoit Community College project in Brockton in 2001. AG inspector Cecile Byrne determined that three workers had been underpaid on the job. High Voltage was also cited for failure to furnish true and accurate payrolls between May and December of 2001. The FFCM noticed the payroll discrepancies during a routine inspection.

Antonio Alves and **Cornerstone Masonry, Inc** of North Dartmouth, must pay a total of \$4,785.06 after the AG's office found that the company intentionally failed to pay the prevailing wage on a public works project. An investigation by AG inspector Brian Macera determined that the company failed to pay prevailing wages to 5 employees on the University of Massachusetts Dartmouth Dormitories project between May and July of last year.

Story of the month

Landscaper Sentenced to Jail

Paul Bilafer, owner of Bilafer Landscaping in Framingham has been sentenced to a little vacation, courtesy of the Massachusetts Attorney General's office. Bilafer pled guilty earlier this year to seven counts of failure to pay wages, one count each of failure to pay overtime to five employees, failure to pay unemployment contributions and failure to provide payroll records to the AG's office. The time for his crime: ten days. Officials at the house of corrections are hoping that Bilafer will use his landscaping talents to spruce things up a bit.

The following cases have been resolved by the Attorney General's office. In each case, the contractor involved paid a fine, but no citation was issued.

The Attorney General's office reports that **Araujo Brothers**, a plumbing contractor based in New Bedford, has agreed to pay \$1680.82 in response to a complaint brought by the Foundation For Fair Contracting of Massachusetts that the contractor was underpaying insulators on a public works job in Halifax.

According to the AG's office, **Incor Group, Inc**, has agreed to pay \$4123.25 in restitution in response to a complaint brought by the FFCM. While inspecting certified payrolls, the FFCM noticed a number of problems including underreporting of hours on the Norwell Middle and High School projects.

The AG's officer reports that General contractor **J.T. Callahan** and four subcontractors have agreed to pay \$7,775 in restitution for underpaying laborers on the Harwich Elementary School project last year.

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Contractors will also be required to attach photocopies of the IDs to the certified payroll records they submit to the state. "This is going to help a lot as far as protecting the rights of apprentices," said Karen Courtney, Executive Director of the FFCM. "It's going to be much harder for contractors to pretend that workers are apprentices."

In recent years, the FFCM and the Attorney General's office have investigated a number of high-profile cases involving apprentices. In one such case, a Belmont electrical contractor was forced to pay more than \$50,000 in back wages to eleven workers that he'd classified as apprentices. Not only did the contractor fail to properly register the apprentices with the state, he paid them as little as \$14 an hour.

The new apprentice ID law will go into effect in April of 2003. Any questions about the program can be answered by calling the state's Division of Apprentice Training at 617-727-3486.

Where to Find Help

FFCM Hotline - 1-800-224-FAIR

**Division of Apprentice Training
1-617-727-3486**

**IRS - For tax-related questions
1-800-829-3676**

**National Labor Relations Board
1-617-565-6700**

**Occupational Health & Safety Administration
1-617-565-8110**

**Massachusetts Department of Labor
1-617-727-3492**

The Massachusetts Attorney General's Fair Labor and Business Practices Division at one of the following locations near you:

**200 Portland St.
Boston, MA 02114
617-727-3465**

**165 Liberty St.
Springfield, MA 01103
413-784-1128**

**One Exchange Place
Worcester, MA 01608
508-792-7600**

**184 North St.
Pittsfield, MA 01201
413-447-7324 x218**

**105 William St.
New Bedford, MA 02740
508-990-9700**

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Boston, MA 02133**

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