



Survey Says...

Dear Construction Worker:

For nearly two decades the Foundation for Fair Contracting of Massachusetts has been working on your behalf, making sure that employers respect your rights and pay you the wages you are entitled to under the prevailing wage laws. In the last three years alone, we've helped construction workers just like you file complaints resulting in over \$2 million in back pay and overtime. And by shining a light on the illegal practices of law-breaking contractors, the FFCM has helped to raise standards across the industry.

Now the FFCM needs your help. In this special issue of the Wage Watch, we're conducting a survey of public construction workers in Massachusetts. By filling out this anonymous, completely confidential questionnaire, you'll help us get a better handle on the problems that are currently facing construction workers in the Commonwealth.

For us, yours is the voice that counts. By returning the survey in the enclosed envelope—no postage required—or by filling out an online version on our website www.ffcm.org, you'll help the FFCM focus on the issues and concerns that matter most to the men and women who build this state every day.

Thanks for your participation.

Karen G. Courtney
Executive Director
Foundation for Fair Contracting of Massachusetts



Dear Compliance Man:
I got hired as a painter six months ago. I was happy to find work but there's always been something kind of funny about this job. My boss says that we're not employees but independent painters. Since I started I've worked on a couple of schools and some private stuff and I always get paid the same flat rate, no taxes taken out. Is this illegal?

Painted into a Corner

Dear Painted:
Thanks for writing. I understand how tough it is in this economy to come forward and question an employer when so many construction workers are out of work. Your instinct is almost certainly correct though. For years, employers have been trying to skirt state and federal wage laws by claiming that you are your own boss. In fact, a study of construction contractors in Massachusetts found that 14% of them had wrongly classified their workers as independent contractors, denying them the wages and benefits they're legally entitled to and sticking them with a major bill come tax time. Fortunately, both state and federal authorities have begun to crack down on this particular scam. The bottom line: if your boss calls the shots about where and when you work and provides you with the equipment necessary to do your job, you are NOT an independent contractor.

**FOR LOG BOOK
CALL 1-800-224-FAIR**

Dear Compliance Man:

I worked construction last year on a public job and I'm pretty sure I got paid less than what I was supposed to be getting. If I'm right and my former boss owes me money, how do I get it back? What happens to him if it turns out that he was breaking the law?

Shortchanged in Somerset

Dear Shortchanged:
You've come to the right place! If you suspect that you've been paid less than the prevailing wage on a public job, the Foundation for Fair Contracting can help. Contact us by phone, email, letter or fax. We'll discuss your complaint with you and send you the form and information you need to start the process. Using whatever information we receive from you and the additional documents we've collected, we'll help you assemble as complete a complaint as possible for transmittal to the state enforcement agency – the Office of the Attorney General. Their Fair Labor Practices Division will assign an investigator to your case who'll determine whether and just how much money you're owed. Your investigator might also contact you for additional information. The Attorney General will notify you of the outcome. You can contact the Foundation at any time during the investigation process for updates. The Attorney General may also issue a citation and additional penalties against your former employer.

How long does the process take? This often depends on how clearly you're able to document your case. And the sooner you get started, the sooner you're likely to get the money you are owed!

REMEMBER ALWAYS KEEP A LOG OF ALL YOUR JOBS – HOURS WORKED, WORK PERFORMED, WAGE RATES – AND YOUR PAY STUBS SO THAT IF YOU NEED TO FILE A COMPLAINT, YOU'LL HAVE THE RECORDS YOU NEED! WE'LL BE HAPPY TO SEND YOU ONE OF OUR LOG BOOKS.



The Wage Watch is published 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.



Prevailing Wage Survey

Confidential – No Postage Required

1. Age _____ 2. Sex (M/F) _____ 3. State of Residence _____
4. Are you a union member? _____ 5. Number of years in current job _____
6. Job title (circle one): Laborer Equipment Operator Carpenter Painter Electrician
Roofer Floorlayer Ironworker Glazier Drywall Taper Telecom Tech
Other: _____
7. Have you ever served an apprenticeship? _____ In which trade? _____
Did you complete the apprenticeship? _____ Hourly rate as an apprentice: _____
8. If you were an apprentice, did you receive classroom instruction? _____ other related instruction?

9. Have you ever been required to carry your own workers' compensation insurance? _____
10. Have you ever had to pay your own medical bills resulting from a work related injury? _____
11. What was your hourly rate on your most recent public works project? _____
12. What was your hourly rate on your most recent private project? _____
13. On your most recent construction project, were you an employee or an independent contractor?

14. Have you ever been paid in cash for construction work? _____
15. Does your employer provide: (Circle all that apply)
a.) health insurance plan b.) pension plan c.) vacation
16. Are you required to make a contribution to: (Circle all that apply)
a.) health insurance plan b.) pension plan c.) vacation account
17. Where do you get information on the prevailing wage law: (Circle one)
1. Foundation for Fair Contracting 2. State Officials 3. Clerk of the Works
4. Co-workers 5. Newspapers 6. Your Employer

18. If you had to estimate, what percentage of contractors cheat on prevailing wages? _____

19. When you work more than 40 hours in a week (overtime) do you get: (Circle one)
a.) Time and a half b.) Straight time c.) Other (Please explain) _____

20. Roughly how many hours of overtime (more than 40 hours in a week) did you work last year?

21. Which of the following statements do you believe to be closest to the truth:
Wage and benefits in the construction industry are: (Circle one)
a.) getting better b.) getting worse c.) staying the same

22. If I had a question about prevailing wages or my rights, I would contact: (Circle one)
1. The Attorney General 2. The Department of Labor 3. The Foundation for Fair Contracting
4. A Union 5. My Boss

23. Do you agree or disagree with the following statements: (Circle one)
The government should do more to enforce the prevailing wage.
Agree Disagree

I would not file prevailing wage or overtime complaint because I would probably be fired.
Agree Disagree

24. Have you ever been interviewed by a government prevailing wage inspector? _____

25. Use the following space to describe a situation in which you have been cheated out of prevailing wage or overtime pay. You don't have to mention names if you would rather not.
