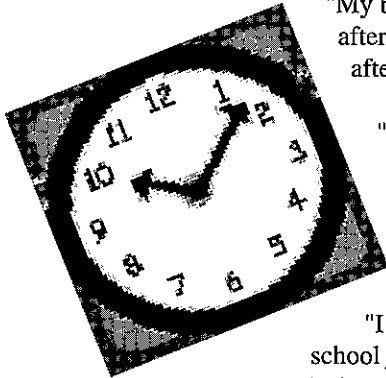


Know your rights!

Overtime and Misclassification

Construction is thriving throughout Massachusetts with roadway improvements, bridge reconstructions, school renovations, town hall additions, sewer system updates, and new library construction. The building boom means that construction workers are working long hours in many different classifications.

The Foundation for Fair Contracting of Massachusetts has received hundreds of calls this year from workers who have been misclassified or cheated out of overtime pay. Here is what some workers had to say:



"My boss only pays me overtime after 50 hours in a work week, not after 40."

"I worked 62 hours this week and I only received straight time. My boss told me he wouldn't pay overtime on a prevailing wage job."

"I operate a back hoe at a school job at least 4 hours a day. But I always get paid as a laborer."

"My boss paid me as a telecommunications worker, even though I'm working as an electrician. There is nearly a \$10.00 difference per hour!"

Some Facts on Overtime & Misclassification

\$ Overtime (one and a half times your rate) **must** be paid to all employees who work more than 40 hours per week.

\$ If you work more than forty hours in a week for the same employer but on different work sites, you **must** still receive overtime.

\$ Overtime **must** be paid on private or public construction projects.

\$ You **must** be paid the correct rate for your classification on prevailing wage project. (There are specific rates for machine operators, laborers, cement finishers, insulators, and floorcoverers, to name a few.)

\$ If you operate a backhoe for one hour and then work as a laborer the rest of the day, you **must** receive operator rate for that first hour.

Some Helpful Tips

\$ Keep records! Keep a log book of all hours worked and the type of work you performed. Keep your paystubs.

\$ Call the Foundation for Fair Contracting for a free logbook at 1-800-224-FAIR

\$ If you think you are owed wages, call us and we'll tell you how to get them back!

Inside

Compliance Manp. 2

Busted!p. 3

Resourcesp. 4



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.

Dear Compliance Man,

I have worked as a laborer on "rate job" road projects in Hartford, Connecticut, and the Springfield, Mass. area currently. I have been told that we have been getting ripped off on Over-Time pay. How can I put an end to this shell game?

-(Name Withheld) in Easthampton

Dear Easthampton,

You can end the thievery by maintaining a logbook, keeping paystubs, and by calling the Foundation "800" number for information on filing a complaint with the Attorney General's office. However, for your non-Massachusetts projects like Hartford, you cannot file the complaint in this state. But you can call the Foundation for Fair Contracting of Connecticut, Inc. at (860)674-3764 or 1-(800)469-0900 for more information making a Nutmeg state complaint.

Dear Compliance Man,

I work for a contractor that does some prevailing wage rate projects. I do carpentry, operate a front-end loader, tie rebar, and general labor. The boss hired me as a laborer, and says that you only get the rate you were hired for.

-Not Buying It in Lowell

Dear Not Buying,

Good call! Now make sure you're keeping a logbook of each trade you work on (say, Tuesday, July 11, 3 hrs operator; 2 hrs, laborer; 2 hrs ironwk; 2 hrs carp..." etc. And hang on to those paystubs, or if you're being paid by personal check, copy these. In fact, keep a copy of everything. All of this will help back up your claim when you file a complaint. Call me toll-free for more info (1-800-224-FAIR).

Apprentices Alert



The following three employers have had their apprenticeship programs suspended. If you work for either of these employers, they may not classify you as an apprentice or pay you as an apprentice during the period of suspension. If you are classified as an apprentice during this period, they owe you money! Call the Foundation for Fair Contracting, 1-800-224-FAIR, and we'll tell you how to get it back.

Tiger HVAC Services, Inc.

160 W. Broadway
South Boston, MA 02127
Suspended: November 17, 1999

Millis Plumbing Co., Inc.

220 Norfolk St.
Walpole, MA 02081
Suspended: June 12, 2000 - December 12, 2000

General Mechanical Contractors, Inc.

29A Sword St.
Auburn, MA 01501
Suspended: June 15 - December 15, 2000

cont. on page 4

FFCM Television Ads on Prime Time

The Foundation for Fair Contracting ran its annual television advertising campaign this spring and generated hundreds of calls from construction workers throughout Massachusetts. The ad alerted viewers to their rights on public construction projects. Issues such as rate of pay, independent contracting, misclassification, and overtime pay were addressed.

Karen Courtney, the Director of the FFCM, is enthusiastic about the response from workers. "The average construction worker doesn't have many places to go for help. These TV spots give folks with questions and complaints regarding prevailing wage work a number to call which will meet their needs immediately. I hope contractors are also put on notice that there is a watchdog organization set up to help workers take a stand against unscrupulous employers," she said.



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.

Attorney General Issues Dozens of Citations

So far this year, dozens of contractors have been cited by the AG's office for violating prevailing wage laws and wage and hour laws. The amendments to the Prevailing Wage Law calls for "debarment from public construction after three citations for the intentional violation of the prevailing wage law issued on three different occasions." Here are some recent citations:

Violation of Prevailing Wage Law

- Mario Susi & Sons** ⇒ Failure to pay prevailing wages—Capital Improvement Project, Avenue De Lafayette. Penalty: \$1000
⇒ Failure to furnish true and accurate certified payroll records—Capital Improvement Project, Avenue de Lafayette. Penalty: \$1000
- Highliner Roofing and Remodeling** ⇒ Failure to submit certified payroll records—Vinson Owen School Project. Penalty: \$100
- Dave Gardner Contractor & Supply** ⇒ Failure to submit certified payroll records—Vinson Owen School project. Penalty: \$100.
⇒ Failure to furnish true and accurate certified payroll records—Lemuel Shattuck Hospital project. Penalty: \$100
⇒ Failure to furnish true and accurate certified payroll records—Vinson Owen School. Penalty: \$554
- Sharpe Painting Contractors, Inc.** (3 citations) ⇒ Failure to submit certified payroll records three times—Berlin Public Safety and Municipal Facilities Building. Penalties: \$250, \$1000, and \$3000
⇒ Failure to submit certified payroll records to the awarding authority—Triton Regional Junior Senior High School. Penalty: \$5000
- ACE Restoration Company, Inc.** ⇒ Failure to furnish true and accurate certified payroll records—Somerville Housing Authority Masonry Repairs project. Penalty: \$250
- Barrett Building Contractors** ⇒ Failure to pay prevailing wage—Northampton Housing Authority. Penalty and Restitution: \$3922
⇒ Failure to submit certified payroll records—Northampton Housing Authority project. Penalty: \$450
⇒ Failure to furnish certified payroll records for inspection to a representative of the AG for work—Northampton Housing Authority project. Penalty: \$450
⇒ Failure to furnish true and accurate certified payroll records—Northampton Housing Authority project. Penalty: \$450
- Baystate Fence Co.** ⇒ Failure to submit certified payroll records to the awarding authority—Armory Street School project. Penalty: \$1550
- Tiger HVAC Services Inc.** ⇒ Failure to submit certified payroll records—Jaworek School in Marlborough. Penalty: \$1000
- Associated Excavating Inc.** ⇒ Failure to furnish certified payroll records for inspection to a representative of the AG—Milton-Medfield and Abington project. Penalty: \$500
- Excell Control Systems** ⇒ Failure to pay prevailing wages—Berlin Public Safety Building project. Also failure to submit certified payroll records on the project. Penalty and Restitution: \$1856
- Eastern Contractors, Inc.** ⇒ Failure to submit certified payroll records—J.G. Pyne School in Lowell. Penalty: \$250
⇒ Failure to submit certified payroll records—Pawtucketunie School in Lowell. Penalty: \$250
- The Hole Story Inc.** ⇒ Failure to submit payroll records—Worcester Public Library project. Penalty: \$215

Violation of Wage and Hour Laws

- Barrett Building Contractors** ⇒ Misclassification of employees as independent contractors. Penalty: \$550
- J. Biotti and Sons** ⇒ Failure to make timely payment of wages. Restitution and Penalty: \$1046.65
- Baystate Fence Co.** ⇒ Misclassification of employees as independent contractors. Failure to furnish a suitable pay slip, check stub, or envelope. Penalty: \$550
- Advanced Building Systems** ⇒ Failure to pay proper overtime rate for hours worked in excess of forty. Penalty and Restitution: \$37,032.99
⇒ Misclassification of employees as independent contractors. Failure to furnish a suitable pay slip, check stub or envelope. Penalty: \$5300
- Moura Electric Company** ⇒ Failure to make timely payment of wages. Penalty and Restitution: \$1370

Apprentice Alert

cont. from p. 1

The following letter was sent to all registered telecommunications apprentices by the Massachusetts Division of Apprentice Training. If you've been misled, call them.



Dear Apprentice,

It has come to our attention that many telecommunication apprentices have been working out of their discipline as apprentice electricians, and are surprised when they do not qualify to sit for the electricians exam.

Telecommunications is a totally separate occupation that covers low voltage work only, and the time spent as such does not give you credit towards an electrician license.

We are sending this message to all registered telecommunication apprentices in case there are any misconceptions on the part of you or your sponsor.

If you have any questions please do not hesitate to call us at (617) 727-3486.

Sincerely,
Gayann Wilkinson
Deputy Director

Where to Find Help

FECM 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 & Industries
1-617-727-3492

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. & Tues.) 1-508-792-9404

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

The Foundation for Fair Contracting
P.O. Box 256
State House Station
Boston, MA 02133

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