



## Painting Co.'s Apprentice Program Gets Failing Grade

For the four young women and men, the summer jobs seemed almost too good to be true. While their peers were working at McDonalds and life-guarding at the local pool, the four had landed jobs painting the Phillips Elementary School in Watertown. Best of all, not only were they getting paid for summer work, their training was the first step of a process in which they would eventually become full-fledged journeymen painters. There was just one problem: while the company, Waltham-based United Painting Co., classified the youth as apprentices, United had no actual apprenticeship program. The kids were being ripped off.

"Employers know that kids want to be apprentices," FFCM Director Karen Courtney told the Boston Globe. "To be an apprentice and learn a trade is something of value. When an employer uses that carrot to lure them into work but doesn't teach them the trade, not only have they lost money but they've lost an opportunity."

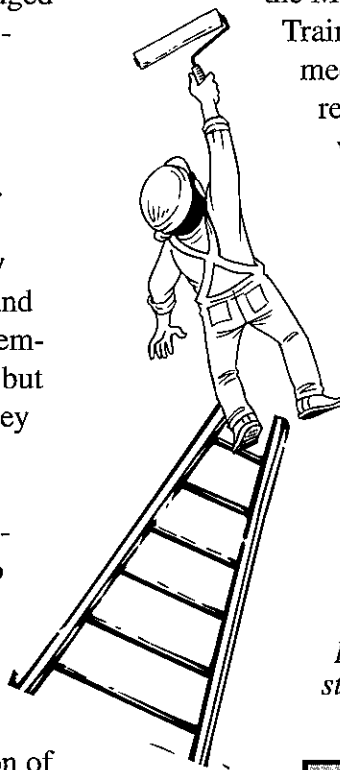
United Painting was taking advantage of a state law that allows employers to pay apprentices less, in exchange for valuable on-the-job training. In December, United agreed to pay the four young workers a total of \$7,930 for misclassifying them as apprentices. According to Dan Field, division chief for the Fair Labor and Business Practices Division of the Attorney General's office, the company must also pay a \$2,000 fine and may not work or bid on public construction projects in Massachusetts for six months.

The case, says FFCM Director Courtney, offers an unfortunate example of what happens when employers willfully disregard the mission of apprenticeship. "The whole idea is that these workers get paid less, but they are getting training which will pay-off in the long term." For a cheating contractor, she notes, the tempta-

tion to misclassify employees as apprentices – in order to make a buck – can prove too much to resist. "The real problem is a construction system that rewards the low-bidder, even when that low bid has been achieved illegally."

To prevent companies such as United from preying on young workers and compromising their safety, the Massachusetts Division of Apprenticeship Training requires that apprenticeship programs meet certain state standards and comply with regulations. In addition to adequately supervised on-the-job training, apprentices must also be provided with related classroom instruction. As they move through the apprenticeship program – which can last as long as five years – their wages must increase too. The end result: a program that produces well-trained workers with plenty of comprehensive on-the-job experience. That is exactly what United Painting failed to provide.

*For a complete list of apprenticeship programs that have been suspended by the state, please turn to page 3.*



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# 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 just completed work as an operator on a wastewater collection system for a town prevailing wage project. My employer always told us that because we were not directly working for the town, or the state, that we were not supposed to make the rate. In his words, we work for a private corporation, and are not "eligible" to get that rate. As you probably figured out, this sounded like a swindle.*

*-Calvin in Cohasset*

**Dear C.C.**

This seems to be a favorite excuse by contractors who refuse to pay the wage that they are legally obligated to pay. From the moment contractors bid on a project, they are well aware of whether or not it is a public "rate" job – almost by definition, this includes virtually any town or city or state-owned school, town building, bridge, sewer, road, etc. While your boss' contracting firm may in fact be privately owned, the fact that he is being paid to work on a public project (a wastewater collection system, in this case) means that he has public obligations – including paying the rate. Anytime a contractor fails to pay you the right rate for your trade, he is violating not only the contract but state law. This case should go straight to the Attorney General – the office in charge of going after corporate criminals.

**Dear Compliance Man,**

*I am an electrician working a prevailing wage job in Southeastern Massachusetts. I have it on good authority that my boss is submitting payroll reports that report only some of the hours we work each week. I've been keeping track of all the hours I have actually worked as I plan to file a complaint. Any suggestions?*

*-Willie from Ware*

*PS I think his benefit plan is suspicious, too.*

**Dear Willie,**

You are right to be suspicious of this scam. It seems to Compliance Man that too few workers in the trades have a chance to take a look at what the Boss is actually reporting on paper to the town or city on prevailing wage jobs. This is one of the reasons I mailed a copy to you of an actual payroll report submitted by your employer. This way, you can make sure that his record jibes with what you know you worked and how much you actually got per hour. Also, you're on the right track with keeping a logbook (we have free ones if you just call us). And I've said it before but here it is again: keep any paystubs or copies of paychecks. And go ahead and call the Foundation for Fair Contracting at 1(800) 224-FAIR and we'll be happy to help you through the process of filing a complaint with the Office of the Attorney General. We are here to help!

## Making the Grade: Is Your Apprenticeship Program Legal?

*Apprenticeship is a great way to learn a trade, but it's important to make sure that your program meets state laws and regulations. If you are enrolled in an apprenticeship program, make sure that it:*

- Provides apprentices with a copy of their state-approved apprentice agreement, spelling out the terms and conditions of the apprenticeship.
- Provides adequate supervision.
- Maintains the required ratio between apprentices and journeymen.
- 'Completes' apprentices, moving them on to full-fledged journeymen positions when they have finished their training.
- Provides classroom instruction in addition to comprehensive, on-the-job training.
- Promotes and pays apprentices according to state regulation.
- If you are enrolled in a program that doesn't meet these requirements, call the Division of Apprenticeship Training at 617-727-3486.



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](http://www.ffcm.org).

## Suspended Apprenticeship Programs

ABCO ELECTRIC, INC  
ATC MECHANICAL SERVICES, INC  
ATLANTIC SUPPLY  
B & B WELDING CO., INC  
BAY STATE BOILER, INC  
BEAUDOIN ELECTRIC, INC  
CAMERON PAINTING, INC  
CENTRAL COMMUNICATION SYSTEMS, INC.  
CHARLES M. MORAN PLUMBING AND HEATING, INC  
COASTAL ENERGY, INC  
COMMERCIAL INSULATION CONTRACTORS / AB  
CRUWY'S ELECTRIC CONT. INC  
DUMAIS ELECTRIC  
E.T. MECHANICAL, INC  
ELM ELECTRICAL, INC  
FARM LAND FOODS  
G. C. F. II, INC  
GEORGE PROPANE, INC  
GLYNN ELECTRIC  
GOLDBERG ENERGY  
HEWLETT PACKARD  
HOUGHTON PLUMBING, INC  
I. B. S. ELECTRONICS DIVISION  
J. JORDAN CONSTRUCTION, INC  
J. A. M. PLUMBING AND HEATING, INC  
JACQUINET PLUMBING AND HEATING  
JAMES E. BUCHANAN ELECTRIC, INC  
JAY-MOR ENTERPRISES, INC  
KELLAM AND SONS MECHANICAL, INC  
KINGSTON ELECTRIC, CO  
LEVETRIC, INC  
LYNCO FIRE PROTECTION, INC  
M. O'CONNOR CONTRACTING, INC  
MASTER CONTRACTORS, INC  
MATTIE AND O'BRIEN CONTRACTING CORP., INC  
MODERN PLUMBING AND HEATING CO.  
MONACO RESTORATION, INC  
NEW ENGLAND PLUMBING AND HEATING SYSTEMS  
NEW ENGLAND SATELLITE SYSTEMS  
PARKER ELECTRICAL CONTRACTORS  
PAUL FOLEY ELECTRIC CO, INC  
R AND S LaFLEUR ELECTRIC  
R. C. SPRINKLER CO., INC  
RE-JAN ELECTRICAL CO., INC  
RICHMAN CORP.  
SOUTHWICK ELECTRIC, INC  
SUBURBAN FIRE PROTECTION, INC  
WALTER J. ASPINWALL  
WEST SIDE AIR COND.  
WILLIAM R. SCHOLL CO.  
WILLIAM R. STODEN ELECTRIC CO., INC  
ZIMMERMAN & SONS CO., INC

## Students Beware On-The-Job Training with a Price

Through co-op programs, vocational schools offer students a great way to get hands on training in the trade of their choice. Teaming up with the schools, local businesses hire the students and put them to work in their new trade every other weekend. This can be a great learning experience for kids, as well as a way to build a future career. Unfortunately though, some businesses take advantage of the students, using their lack of training and experience as an excuse to pay them less than the legal wage.

In a recent case, it was found that a Berkshire County contractor was using local vocational school students on prevailing-wage jobs. These students were paid \$7.00 an hour and did work that could be considered in violation of child labor laws. Students were not registered to the Department of Apprentice Training, nor were they reported on the payrolls submitted to awarding authorities. Basically, this contractor used these students to undercut bidding and make a larger profit for himself. When the students reported this problem, one of them faced firing.

Students from co-op programs need to be out in the field learning. If they are to be on prevailing-wage projects, then they must be registered in what is called a pre-apprenticeship program or be paid the prevailing rate. According to the Massachusetts Division of Apprentice Training, the objective of a pre-apprentice program is "to provide secondary school students an avenue for structured approved training in a skill that will lead to a formal apprenticeship in that particular skill upon successful completion of high school and the pre-apprenticeship." Contractors must treat co-op students who are registered pre-apprentices as they would an apprentice, particularly in regard to wages. If a contractor does not have a pre-apprenticeship program, then they may not use co-op students on prevailing-wage work without paying them the full rate and abiding by child labor laws.

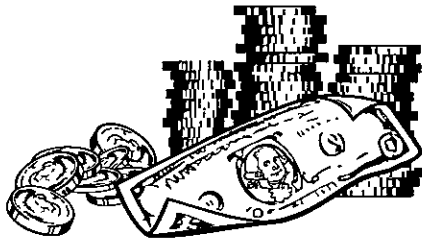
The Department of Education requires that these students work only within their field of study, such as carpentry or electrical work. This does not mean that these students can perform the same work as a journeyman, because there are still child labor laws that may apply. Co-op students and their employers must be made aware of all laws that apply to these students as they train for their futures.

# Haverhill Firm Fined for Cheating Immigrant Workers

Advanced Building Systems of Haverhill must pay \$36,000 to settle charges that it failed to pay overtime to 79 immigrant workers, many of them from the Dominican Republic. According to the Attorney General's office, the company was charged with failure to pay overtime, failure to keep true and accurate payroll records, failure to furnish those records for inspection, and failure to provide pay stubs. Advanced Building Systems also misclassified some employees as independent contractors.

The complaint arose in conjunction with asbestos removal work the company was doing at 575 Technology Square in Cambridge. State officials who looked into the matter soon discovered that between December of 1998 and December of 1999, Advanced Building Systems had failed to pay immigrant workers overtime and had also failed to list the workers on its payroll records.

"One thing we really want people to understand is that if you work, you get paid," said Dan Field, chief of the Fair Labor and Business Practices division of the Attorney General's office. "It doesn't matter where you come from."



## Where to Find Help

**FFCM 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

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