1/24/94

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In the Matter of the Proposed Adoption of the Rule of the State Department of Labor and Industry, Labor Standards Division, Governing Prevailing Wage; Job Classifications Minnesota Rules, Part 5200.1100

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

In 1973 Minnesota enacted it's own prevailing wage law patterned after the Federal Davis/Bacon Act and the Wisconsin Prevailing Wage Law. As in other states which have enacted their prevailing wage statutes, the Minnesota law is sometimes known as the Little Davis/Bacon Act.

The legislature determined it to be in the public interest that public buildings and other public works be constructed and maintained by the best means and highest quality of labor reasonably available and also that persons working on public works would be compensated according to the real value of the services performed. Therefore, the legislature declared it to be the state's policy "that wages of laborers, workers and mechanics on projects financed in whole or in part by state funds should be comparable to wages paid for similar work in the community as a whole. Minn. Stat. § 177.41

The original Minnesota prevailing wage law required each state agency to make determinations of the prevailing wages for building projects it conducted. The Department of Labor and Industry was granted the authority to enforce compliance with prevailing wages for construction of public buildings and the Department of Highways was given the authority to enforce the prevailing wage rates on highway construction projects. The Department of Labor was to be responsible for defining classes of labor for both highway and building construction and for determining the prevailing wage rates for highway construction.

In 1975 the law was amended to require the Department of Labor and Industry to also determine rates for building construction, previously the responsibility of each contracting agency. Also in 1975 the law was amended to provide that prevailing wage rates will apply to projects financed in whole or in part by state funds, in contrast to the original 1973 law which mandated prevailing wage rates be paid on "state projects".

The first administrative rules regarding the statute were promulgated in 1977. The 1977 rules defined the classes of labor

which include laborers, heavy equipment operators, truck drivers, and special crafts. The rules also set procedures for determining the prevailing rates for classes of labor for highway construction projects. The general classes of labor adopted in 1977 remain along with most of the specific classifications.

Interestingly, the Department of Transportation, formerly the Department of Highways, has the responsibility of enforcing the prevailing wage law on all state funded highway projects, but does not have the rulemaking authority to create the highway and heavy construction job classifications for which prevailing rates will be certified. In developing these proposed rules the Department of Labor and Industry has worked closely with the Department of Transportation, Construction Office personnel to include the labor classifications commonly in place in highway construction work.

These proposed rules add new classes of labor commonly used in both highway and heavy construction and in building construction which have evolved and come into use in recent years or, in some cases, which have been in use for many years but not included. Some previously existing classes have been modified to report with actual construction practice.

Several previously existing classifications within the general class of power equipment operators have been amended and modified. Twenty-one new master job classifications within the general class of power equipment operators are added. Two new classifications within the general class of truck drivers are added and four new classifications within the general class of special crafts are added.

II. STATUTORY AUTHORITY TO PROMULGATE THESE RULES

The Department of Labor and Industry has both general and specific rule making authority to promulgate these proposed rules. Pursuant to Minn. Stat. § 175.171(2), Department has the authority to adopt reasonable and proper rules relative to the exercise of its powers and duties and to regulate the mode and manner of its investigations and hearings.

Specific statutory authority regarding prevailing wages is found in Minn. Stat. §§ 177.41 to 177.44. Specifically, sections 177.42, subdivision 6, 177.43, subdivision 6, 177.43, subdivision 4, and 177.44, subdivision 3. Section 177.44, subdivision 3 directs the Department to establish classes of labor and mechanics commonly employed in highway construction work. Section 177.43, subdivision 4 contains the authority to investigate and determine the prevailing wage rates on state construction projects, other than highway and heavy construction projects.

III. SMALL BUSINESS CONSIDERATIONS, COST TO LOCAL PUBLIC BODIES, IMPACT UPON AGRICULTURAL LAND, AND EFFECT UPON SPANISH

SPEAKING PEOPLE.

A. SMALL BUSINESS CONSIDERATIONS.

Minn. Stat. § 14.115(1992) requires state agencies to consider methods for reducing the impact of proposed rules on small business when a proposed new rule may affect small businesses. The Department has determined that the adoption of these rules will have no direct effect upon small businesses. Any minor indirect effect upon small businesses is out weighted by the Department's need to define classes of labor and to determine prevailing wage rates.

The private businesses affected by the implementation of these proposed rules are largely construction contractors involved in either highway and heavy construction or building construction. The effect upon small and large contractors is an indirect one. When bidding jobs which are covered by the prevailing wage, contractors will have additional job classifications to be considered while building up the labor cost component for bids.

Administratively, this is perhaps a minor amount of additional work, but the adoption of up-to-date and commonly used classifications adds certainty to the bidding process for all bidders, large and small. Although it is impossible to predict with certainty whether the inclusion of a particular new class will increase or decrease labor costs on a specific project, the financial impact upon a contractor is minimal. This is because, if it is a prevailing wage project, the bidding contractor knows exactly which rate of labor to include in the bid for each covered classification of work included in the contract. The cost is passed through to the contracting agency.

In proposing these rules the Department has considered each of the following methods for reducing the impact of the rule on small businesses:

(i) the establishment of less stringent compliance or reporting requirements for small businesses;
(ii) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
(iii) the consolidation or simplification of compliance or reporting requirements for small businesses;
(iv) the establishment of performance standards for small businesses to replace design or operational standards required in the rule;
(v) the exemption of small businesses from any or all requirements of the rule.

The rule does not impose reporting requirements for small business. The prevailing wage statute does not allow for less stringent

compliance or for exemption for any employers large or small, so the options of less stringent compliance or exemption are not appropriate. Adding the new classifications does not impose schedules or deadlines, so establishment of less stringent deadlines is not an option. The addition of new classifications does not significantly impact compliance or reporting requirements for small or large businesses, therefore, the consolidation or simplification of compliance or reporting requirements was not considered applicable. Likewise, because the proposed addition of labor classifications does not impose design or operational standards, the establishment of performance standards specifically for small businesses was also considered to be inapplicable.

B. FISCAL IMPACT ON LOCAL PUBLIC BODIES.

Minn. Stat. § 14.11, subdivision 1 requires an agency to include in its Notice of Intent to Adopt Rules a statement setting forth the agency's estimate of the total cost to all local bodies in the state to implement the proposed rules for the two years immediately following their adoption, if the estimated total costs exceeds $100,000 in either of those two years. In consultation with the Department of Transportation, the Department of Labor and Industry predicted that the total cost in each of the following two years to local public bodies from the adoption of these new labor classifications would exceed $100,000. Therefore, the Department included a notice to this effect in its Notice of Intent to Adopt a Rule Without a Public Hearing published in the State Register on January 24, 1994.

The Department is unable to make a specific dollar estimate of the full extent of the additional cost to local public bodies due to the implementation of this rule, but it does estimate that increased local costs in each of the following two years greater than $100,000 based on the following.

Any additional cost related to building construction was determined to be minimal. The increase in local public body costs will be due to the addition of twenty one new classifications within the general class of power equipment operators and the addition of two new classifications within the general class of truck drivers, both of which relate primarily to highway and heavy construction.

The Office of State Aid within the Minnesota Department of Transportation reviews and oversees approximately $600,000,000 per year of state funded highway and road construction contracted for by local governments, primarily cities and counties. Much of this road construction work is financed exclusively by state dollars and therefore it could be said that adding additional labor classifications in highway and heavy construction trades would have no effect upon local government expenditures with respect to the contracts totally funded by state dollars. The Office of State Aid reviews the plans and specifications of each road construction

contract entered by a local unit of government for which the local government unit seeks to use state aid dollars. The review is conducted to determine that the actual road construction proposed meets the appropriate state standards and specifications and is therefore "eligible" to be funded with state aid dollars.

However, a significant portion of the state aid contracts reviewed by the Office of State Aid also involve substantial amounts of work called "non-eligible" work which is included in the state aid contract but which is intended to be paid for by local funds and for which no state aid dollars are sought. This non-eligible work includes various work which would not be eligible for state aid funding, but which the local government agency wishes to conduct at the same time as some eligible work.

An example would be sanitary or storm sewer work to be done while a state aid highway was under reconstruction or original construction. The local government authority may wish to combine the non-eligible work with a portion of the work which qualifies for state aid dollars for both convenience and economies of scale. The extent this practice is followed the state prevailing wage law applies to the project as a whole because it is financed in whole or in part by state funds. So work that, but for its inclusion within a state aid project would not be subject to the states prevailing wage law, comes under the purview of the statute and all work conducted on the project, eligible or non-eligible, must be paid for at prevailing wage rates.

The Department of Transportation, Office of State Aid unfortunately does not compile data including the dollar volume of "non-eligible" work included in each state aid project. In a typical year as many as 900 state aid projects are reviewed and approved by the Office of State Aid. It would take an inordinate amount of effort and time to review the contracts to determine the exact extent of the non-eligible work included within the state aid projects.

Therefore, the Department of Labor and Industry has, in conjunction with Minnesota Department of Transportation staff, estimated the total cost to all local public bodies to be in excess of $100,000 per year based upon some assumptions regarding the general level of non-eligible work included in state aid contracts, the likely impact of the addition of several totally new highway and heavy construction job classifications, and the general dollar volume of state aid projects each year.

It is impossible to accurately predict the cost impact of adding a specific new job classification because, until the actual prevailing wage surveys are conducted by the Department, one does not know whether the mandated rate will be above or below the rate already being paid by a number of contractors. However, there are three new classifications proposed which, by themselves, may have sufficient upward effect upon labor costs paid by local units of

government for non-exclusive work to exceed $100,000 per year for all of the local government bodies in the state.

The new proposed class for milling, grinding, and planing machine operator reflects the relatively recent change in road construction and road reconstruction whereby an existing roadbed is ground up and recycled when it needs replacement. A machine which grinds up asphalt pavement for later recycling into new bituminous hot mix is an example. Again, although it is impossible to predict accurately what rates will ultimately be certified for this new classification, there clearly will be a floor or minimum rate required for the operators of this equipment in each area. On state aid projects, including those containing significant amounts of non-eligible work, the prevailing rate must be paid. It is logical to conclude that there will be an increase for some jobs.

Classes 244 and 245 for hydraulic backhoe, crawler type, up to 3 cubic yards in class 244 and 3 cubic yards and over in class 245 are also new classes. These backhoes, sometimes known as track backhoes, have been in use for a number of years and have sometimes but not always previously been classified with class 203 for draglines and/or other similar equipment with shovel type controls. To the extent these track backhoes were not included in class 203 in a previous project, the addition of classes 244 and 245 means that a prevailing rate will be calculated and certified in some instances where no rate was previously applicable. Again, certification of prevailing wage rates for these two classifications will establish a floor for labor rates in state aid projects where these equipment types are required. Of these state aid projects, a significant portion will involve non-eligible work and it is logical to conclude in some instances labor for the non-eligible portion of the work will be higher.

Another new classification proposed by the rules is class 310 for trucks having six or more axles. Previously only trucks up to five axles have been classified and in recent years the number of trucks in use having six axles or more has increased significantly. Again, although it is impossible to predict accurately what prevailing wage rate will ultimately be certified for these six or more axle units in any particular area, it is clear that the Department will now certify rates for this equipment where no prevailing wage rate was certified previously. Many road construction and road reconstruction projects involve movement of mass quantities of earth and on these projects the cost attributable to trucking is a substantial portion of the project cost. To the extent state aid highway construction projects conducted by local government involve non-eligible hauling there is a likelihood of substantial increase in costs because of the addition of this class.

In an attempt to gauge the magnitude of the potential cost increase to all local public bodies, Department of Transportation staff

suggested several different assumed calculations. The annual dollar volume of state aid projects is approximately $600,000,000. Assuming that roughly half of the dollar volume of projects include some non-eligible work there is a potential annual pool of $300,000,000 of work possibly affected. It was then further assumed that of the potential $300,000,000 pool of work including some non-eligible costs, only 50 percent of the potential pool involves any significant portion of work in the new proposed classifications. Thus there still remains a $150,000,000 per year potential pool of work including non-eligible costs of the type likely to be impacted by the new classifications. Further assume then, of the $150,000,000 potential pool, one half of the costs are non-eligible. Under this assumption which MNDOT staff deemed reasonable, there is still an annual potential pool of $75,000,000 of non-eligible work of the types likely to be affected by the addition of the new classes. If the addition of the new classes had a upward effect of one percent on the total costs of the non-eligible pool of work involving the type of work likely to be impacted by the new classes, the annual impact would be $750,000 per year. In the assumed limited pool of non-eligible work of the type likely to be affected by the addition of these classes, $75,000,000 per year, an upward impact of just 13/100 of one percent or .0013 would have an impact of $100,000 per year.

Another method of estimating the impact is based upon the actual dollar volume of state aid projects per year and the general knowledge of MNDOT staff regarding the extent of non-eligible work included. The annual increase in cost estimated in this method is also potentially greater than $100,000 per year. The approximate annual dollar volume of state aid projects overseen by the Office of State Aid is $600,000,000. Remember that a substantial portion of these contracts include significant amounts of non-eligible work. Of the addition of the new prevailing wage classes added upward pressure of 16/1000 of one percent or .00016, the increased cost to local public bodies would be approximately $100,000 per year.

Further, Minnesota Department of Transportation staff is familiar with the general dollar volume and nature of non-eligible highway and heavy construction work combined with state aid work in several large and growing metropolitan counties. In view of the MNDOT staff it is likely that the inclusion of these new classifications could have the effect of increasing local public body portion of these projects by amounts exceeding $100,000 per year in any one of several of these counties. It is logical to conclude that if there is a realistic possibility of cost increases exceeding $100,000 per year in each of several large and growing metropolitan counties that there is a high likelihood that the total cost spread over all local public bodies in the state will exceed $100,000 per year for the next two years.

C. AGRICULTURAL LAND IMPACT

The Department of Labor and Industry has determined that the adoption of these classes would not have a direct and substantial impact on agricultural land under, Minn. Stat. § 14.11, subp. 2, (1992).

D. EFFECT UPON SPANISH SPEAKING PEOPLE

These rules do not have their primary effect on spanish speaking people and therefore are not subject to Minn. Stat. § 3.9223, subdivision 4 (1992).

IV. NEED FOR AND REASONABLENESS OF THE SPECIFIC MASTER JOB CLASSIFICATIONS ADDED.

5200.1100 MASTER JOB CLASSIFICATIONS

SUBP. 3 POWER EQUIPMENT OPERATORS

211 Front end loader operator up to and including one cubic yard and/or attachments

The front end loader, commonly called a bobcat or skidsteer, is a piece of heavy equipment generally used to excavate and move materials with a bucket mounted on the front of the machine. Current practice in the industry is to attach other implements to the front or back of the machine to perform multiple applications. Types of attachments may include, but are not limited to, small backhoe, paving breakers, rebar snipper, and pinchers. The rule is needed to include all implements which may be attached to the base machine. The change is reasonable because the skill level required to operate the additional implements is the same needed to operate the original machine.

214 Front end loader operator, over one cubic yard but less than five cubic yards, and/or attachments

The front end loader is a piece of heavy equipment generally used to excavate and move materials with a bucket mounted on the front of the machine. Current practice in the industry is to attach other implements to the front of the machine to perform multiple applications. The rule is needed to include all implements which may be attached to the base machine and to identify the size and skill level differences between a bucket over one cubic yard and a bucket five cubic yards and over. The five cubic yard and over loader will be addressed under new class code 243. The change is reasonable because the skill level required to operate the additional implements are the same needed to operate

the original machine and are less than those skills required to operate a machine with a bucket size of five cubic yards and over.

217 Grader or motor patrol, finishing, earthwork and bituminous

The grader or motor patrol, is a piece of equipment used to level dirt or bituminous on a project. The purpose of eliminating "finishing" is to clearly define that the piece of equipment is used to perform all work on the geographical location of the project. This includes, but is not limited to, knocking down dirt piles, leveling dirt to grade, blue-topping or staking. The rule is reasonable to identify the difference between the 217 and 218 codes.

218 Grader operator (motor patrol) <u>on designated haul roads only</u>

The grader or motor patrol, is a piece of equipment used to level dirt on project haul roads, service roads or non-commercial facilities serving the project. The purpose of including the additional language is to clearly define the piece of equipment used to perform work on haul roads only and not on the geographical location of the project. The rule is reasonable to define what type of operations are covered by this code and code 217.

227 Roller operator, up to and including six <u>eight</u> tons for bituminous finishing and/or wearing courses.

The roller is a piece of equipment used to compact bituminous on projects. The change to eliminate" and including six" and adding <u>eight</u> is needed to reflect current manufacturing standards and to bring the classification in line with federal wage decisions. The changes are reasonable to reflect the actual piece of machinery used on the projects.

228 Roller operator, over six <u>eight tons or over</u> for bituminous finishing and/or wearing courses

The roller is a piece of equipment used to compact bituminous on projects. The change to eliminate "over six" and adding <u>eight tons or over</u> is needed to reflect current manufacturing standards and to bring the classification in line with federal wage decisions. The changes are reasonable to reflect the actual piece of machinery used on the projects.

230 Self propelled vibrating packing operator (pad type)

The vibrating packer is a piece of equipment used to compact dirt on projects with the aid of a vibrating drum. The elimination of "(pad type)" is needed to identify any vibrating packer as a machine covered under this classification. The change is reasonable because the current vibrating packers are no longer limited to a pad style compactor.

234 ~~Turnapull~~ Scraper operator (or similar type), up to 32 cubic yards

The turnapull/scraper is a piece of equipment used to excavate and move large quantities of dirt on the project. The purpose of eliminating the term "turnapull" is needed because the term is a product or manufacturer's name for a small scraper which is no longer in production. Eliminating "(or similar type)" is needed as the term is no longer required because of the new language. The addition of scraper operator, up to 32 cubic yards is needed to identify the term scraper as the current industry terminology for this piece of equipment and to distinguish code 234 from code 229. The change is reasonable to identify the type of machine covered by the code and to distinguish the skill level difference between the large and small scraper operators.

235 Tractor operator, D2, TD6 or similar wheel-type, 50 h.p. with power takeoff or less

The tractor, commonly known as a bulldozer, is used to push and level dirt on the projects. The need to eliminate "D2, TD6 or similar" and "with power takeoff" is to acknowledge that the same skill level is required to operate a small bulldozer as required to operate the large bulldozer, code 236. The need to add "wheel-type, 50" (h.p.) is to differentiate this classification from a bulldozer, run on tracks with a front blade, and a wheel type farm tractor which may pull implements or have various attachments. The term or less is needed to differentiate the skill level required to operator a small wheel-type farm tractor as opposed to the skill level needed to operate a large wheel-type farm tractor, new class code 248. The rule is reasonable because the wheel-type farm tractors are heavily used on projects.

236 Tractor operator, over D2, TD6 or similar h.p. with power take-off bulldozer

The tractor, commonly known as a bulldozer, is used to push and level dirt on the projects. The need to

eliminate "over D2, TD6 or similar h.p. with power take-off" and to add bulldozer is to acknowledge that this classification encompasses all bulldozers, regardless of size, on the projects. The change is reasonable because of the elimination of the small bulldozers under code 235.

239 Post driving machines and post hole augers

The post driving machine and post hole augers are classifications commonly used on projects for driving or digging holes for erecting vertical posts. These posts may be used for, but are not limited to, the attachment of signs, guardrail, and utilities. The rule is needed to assure that all classifications of labor commonly found on projects are included in the survey process as required by statute. The classification is reasonable because the machines are in common use within the industry.

240 Tower crane

The tower crane is used to lift, move, and place heavy objects on the projects. The rule is needed to assure that all classifications of labor commonly found on projects are included in the survey process as required by statute. The classification is reasonable because the machines are in common use within the industry.

241 Articulated hauler

The articulated hauler is an off-road truck which swivels between the cab and the body and is used to move large quantities of dirt or other materials from one point on a project to another. The rule is needed to assure that all classifications of labor commonly found on projects are included in the survey process as required by statute. The classification is reasonable because the machine is commonly used within the industry.

242 Boom truck

The boom truck is a truck with a mounted telescoping or tuck-under arm used to lift and place objects from the ground or the back of other trucks to a ground level or elevated position. The rule is needed to assure that all classifications of labor commonly found on projects are included in the survey process as required by statute. The classification is reasonable because the machines are commonly used within the industry.

243 Front end loader operator, five cubic yards and over

As discussed in code 211 and 214, the front end loader is a machine used to excavate and move large quantities of dirt or materials on the project through the use of a front-mounted bucket. The rule is needed to assure that all classifications of labor commonly found on projects are included in the survey process as required by statute. The classification is reasonable because the machine is commonly used within the industry.

244 Hydraulic backhoe, crawler type, up to three cubic yards, or other attachments

The backhoe is a machine that operates on tracks utilizing a 360 degree swivel body with a fold-under hydraulic arm used to excavate dirt or other materials. It may also be used with other implements including, but not limited to, paving breakers, rebar snippers, crushers, and pickers for demolition and lifting purposes. The term up to three cubic yards is needed to differentiate the skill level required to operate the equipment under code 244 from the equipment under code 245. The rule is needed to assure that all classifications of labor commonly found on projects are included in the survey process as required by statute. The classification is reasonable because the machines are in common use within the industry.

245 Hydraulic backhoe, crawler type, three cubic yards and over, or other attachments.

The backhoe is a machine that operates on tracks utilizing a 360 degree swivel body with a fold-under hydraulic arm used to excavate dirt or other materials. It may also be used with other implements including, but not limited to, paving breakers, rebar snippers, crushers, and pickers for demolition and lifting purposes. The term three cubic yards and over is needed to differentiate the skill level required to operate the equipment under code 244 from the equipment under code 245. The rule is needed to assure that all classifications of labor commonly found on projects are included in the survey process as required by statute. The classification is reasonable because the machines are in common use within the industry.

246 Milling, grinding, and planing machine operator

The milling, grinding, and planing machine is used to mill or grind off specified quantities and depth of materials, such as bituminous or concrete, from the project surface. The rule is needed to assure that all classifications of labor commonly found on projects are

included in the survey process as required by statute. The classification is reasonable because the machines are in common use within the industry.

247 Paving breaker

The paving breaker is a machine that breaks up bituminous or concrete pavement. The rule is needed to assure that all classifications of labor commonly found on projects are included in the survey process as required by statute. The classification is reasonable because the machines are in common use within the industry.

248 Tractor operator, wheel type, over 50 h.p.

The wheel-type tractor is a farm tractor used to pull implements on the projects including, but limited to, rollers, discs, or compactors. It may also include other attachments including, but not limited to, blades. The term over 50 h.p. is needed to differentiate the skill level between the equipment under this classification and the equipment under code 235. The rule is needed to assure that all classifications of labor commonly found on projects are included in the survey process as required by statute. The classification is reasonable because the machines are in common use within the industry.

249 Trenching machine

The trenching machine is used to dig or excavate a narrow trench for the placement of drain pipe, electrical wiring, conduits, drain rock, or utilities. The rule is needed to assure that all classifications of labor commonly found on projects are included in the survey process as required by statute. The classification is reasonable because the machines are in common use within the industry.

250 Truck or crawler crane operator

This style crane is mounted on rubber tires or on tracks and is used to lift objects from ground level, or from the back of trucks, to an elevated position on the project through the use of cable or hydraulics. The rule is needed to assure that all classifications of labor commonly found on projects are included in the survey process as required by statute. The classification is reasonable because the machines are in common use within the industry.

251 Air track rock drill

This piece of equipment drills holes into rock for the purpose of inserting blasting sticks for the demolition of the rock surfaces. The rule is needed to assure that all classifications of labor commonly found on projects are included in the survey process as required statute. The classification is reasonable because the machine is commonly used within the industry.

252 Batch plant operator (concrete)

This is a large mobile plant moved to the project and setup at a permanent site to manufacture concrete for the project. The term "concrete" is to differentiate the skills required to operate this type of equipment from the equipment under code 202 which processes bituminous. The rule is needed to assure that all classifications of labor commonly found on projects are included in the survey process as required by statute. The classification is reasonable because the machine is in common use within the industry.

253 Concrete mobile plant operator

This piece of equipment is differentiated from the batch plant operator, code 252, as this concrete plant is mounted on the back of a truck and can be moved from one place on the project to another. The rule is needed to assure that all classifications of labor commonly found on projects are included in the survey process as required by statute. The classification is reasonable because the machine is in common use within the industry.

254 Power operated sweeper or broom

This machine is used to brush or sweep unwanted debris or other unsuitable materials from the project work surface. The need for the classification is to differentiate the difference between a power sweeper and the classification "Pick up Sweeper" code 224. The classification is reasonable because the machine is in common use within the industry.

255 Straight framed off-road truck

This machine is an off-road straight framed truck, unlike the articulated hauler, code 241, which swivels between the cab and the body, used to move large quantities of dirt or other materials from one point on the project to another. The rule is needed to assure that all classifications of labor commonly found on projects are included in the survey process as required by statute. The classification is reasonable because the machine is

in common use within the industry.

256 Stump and tree chipper operator

These machines are used to grind or chip trees, stumps, or brush during the land clearing process prior to construction. The rule is needed to assure that all classifications of labor commonly found on projects are included in the survey process as required by statute. The classification is reasonable because the machines are commonly used within the industry.

257 Tree farmer (forest product machines)

These machines are used to harvest and remove trees from the project work area during the land clearing process prior to construction. The rule is needed to assure that all classifications of labor commonly found on projects are included in the survey process as required by statute. The classification is reasonable because the machines are commonly used within the industry.

258 Concrete pumper operator, or similar

This machine is used to deliver concrete to areas on the project that would otherwise be difficult or impossible to reach by conventional means, such as conveyer, wheelbarrows, or lift buckets. The rule is needed to assure that all classifications of labor commonly found on projects are included in the survey process as required by statute. The classification is reasonable because the machine is in common use within the industry.

259 Sheepfoot compactor with blade, 200 h.p. and over

This compacting machine includes a blade for the dual purpose of compacting and blading simultaneously. The level of skill required for this is higher than a standard compactor operator. The rule is needed to assure that all classifications of labor commonly found on projects are included in the survey process as required by statute. The classification is reasonable because the machine is in common use within the industry.

SUBP. 4. TRUCK DRIVERS

300 Pilot car driver

The pilot car is commonly used to control traffic through a road or highway project which is spread out over a considerable distance. The rule is needed to assure that all classifications of labor commonly found on projects

are included in the survey process as required by statute. The classification is reasonable because the pilot car driver is in common use within the industry.

310 Six or more axle unit

This truck is similar to the five axle unit, code 309, which operates on a tractor trailer system. However, the unit as a whole includes six or more axles. The rule is needed to assure that all classifications of labor commonly found on projects are included in the survey process as required by statute. The classification is reasonable because six or more axle unit trucks are commonly used within the industry.

SUBP. 5. SPECIAL CRAFTS.

425 Drywall Taper

The addition of the rule 425 Drywall taper is needed to comply with existing rule 5200.1100. This existing rule allows the department to certify rates for other classifications if they are in general use in the area being surveyed. Drywall taping is a highly skilled craft that has come with the introduction of sheetrock as a substitute for plaster. The rule will permit the department to certify rates for entities contemplating projects for inclusion in their bid documents.

The rule adds this craft of Drywall taper to the existing list of labor classes. With the inclusion of this craft, the department will be able to survey interested parties for information of wage rates paid for this class of labor.

The addition of the class Drywall taper is reasonable because the terminology used to identify this craft is in common use within the construction industry.

430 Communication Systems Technician

The addition of the rule 430 Communications Systems Technician is needed to comply with existing rule 5200.1100. This existing rule allows the department to certify rates for other classifications if they are in general use in the area being surveyed. Communication System Technician is a highly skilled craft that has come with the introduction of diversified low voltage electrical applications such as computer systems and telecommunications. The rule will permit the department to certify rates for entities contemplating projects for inclusion in their bid documents.

The rule adds this craft of 430 Communication System Technician to the existing list of labor classes. With inclusion of this craft, the department will be able to survey interested parties for information of wage rates paid for this class of labor.

The addition of the class Communication System Technician is reasonable because the terminology used to identify this craft is in common use within the construction industry.

431 Communications Systems Installer

The addition of the rule 431 Communications Systems Installer is needed to comply with existing rule 5200.1100. This existing rule allows the department to certify rates for other classifications if they are in general use in the area being surveyed. Communication System Installer is a highly skilled craft that has come with the introduction of diversified low voltage electrical applications such as computer systems and telecommunications. The rule will permit the department to certify rates for entities contemplating projects for inclusion in their bid documents.

The rule adds this craft of 431 Communication System Installer to the existing list of labor classes. With inclusion of this craft, the department will be able to survey interested parties for information of wage rates paid for this class of labor.

The addition of the class Communication System Installer is reasonable because the terminology used to identify this craft is in common use within the construction industry.

436 Sign Erector

The addition of the rule 436 Sign Erector is needed to comply with existing rule 5200.1100. This existing rule allows the department to certify rates for other classifications if they are in general used in the area surveyed. Sign erecting is a highly skilled craft that is recognized by the State Division of Apprenticeship. The rule will permit the department to certify rates for entities contemplating projects for inclusion in their bid documents.

The rule adds this craft of 436 Sign Erector to the existing list of labor classes. With inclusion of this craft, the department will be able to survey interested parties for information of wage rates paid for this class

of labor.

The addition of the class Sign Erector is reasonable because the terminology used to identify this craft is in common use within the construction industry.

V. CONCLUSION

Based upon the foregoing, the Department of Labor and Industry's proposed amendments to the Master Job Classifications are both necessary and reasonable.

1-24-94
Dated

John B. Lennes, Jr., Commissioner
Department of Labor and Industry