



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

Prevailing Wage
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360/902-5335 Fax 360/902-5300

April 15, 2008

Barbara Nelson, Bookkeeper
INTELLISYSTEMS, Inc.
PO Box 592
Port Orchard, WA 98366

Dear Ms. Nelson:

Re: Electronic Technician - Fire Alarm Testing

You have asked for a determination of any requirement to pay the prevailing rate of pay for the testing of a building's existing fire alarm equipment.

The answer below is based on the information you provided. References to the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC) are included. Again, this answer is based on your fact set. If the facts differ from those you provided, the answers may be different.

The scope of work for Electronic Technicians, WAC 296-127-01322, includes "(1) The installation, operation, **inspection**, maintenance, repair and service of: ... (c) Fire alarm and burglar systems." (emphasis added).

Court cases such as *Everett Concrete Products*, 109 Wn.2d 819 (1988), tell us the prevailing wage law, RCW 39.12, is remedial and to be liberally construed for its purpose: worker protection.

RCW 39.12.020 requires that "The hourly wages to be paid to laborers, workers or mechanics, upon all public works and under all public building service maintenance contracts of the state or any county, municipality, or political subdivision created by its laws, shall be not less than the prevailing rate of wage for an hour's work in the same trade or occupation in the locality within the state where such work is performed."

Barbara Nelson Letter
April 15, 2008
Page 2

If your "testing" is the work of a "laborer, worker, or mechanic," then prevailing wages are required on a public work. Some professional/technical work that does not involve the use of tools may be exempt from prevailing wage requirements since the work is not that of a laborer, worker or mechanic. For instance, an architect is generally exempt, but if the architect came onto the public work site and started hammering nails, that architect would now be performing the work of a laborer, worker or mechanic and must be paid the prevailing rate of pay.

Your employees, in performing tests, when some part of that work requires working with tools, or involves some manual labor, must be paid the prevailing rate of pay on public works.

Prevailing wages are required on public works for activities including but not limited to:

- Work with tools;
- Manual labor;
- Disassembly or reassembly;
- Substitution of parts; and,
- Replacement of parts or components.

If your employees are merely looking, not using any tools, and not performing work (such as the tasks listed above), the requirement to pay the prevailing rate of pay will not be activated.

Washington State prevailing wage information, including the WACs, are available on the Department's web site: <http://www.lni.wa.gov/TradesLicensing/PrevWage/default.asp>

I hope this answers your questions. If you need additional information or have questions, please call or e-mail me at 360 902-5330 or somd235@lni.wa.gov.

Sincerely,

David J. Soma
Industrial Statistician
Prevailing Wage Program Manager

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January 18, 2008

Department of Labor & Industries
Attn: David Soma
Industrial Standards
Prevailing Wage

Dear Mr. Soma:

After getting some new information from Industrial Standards in regards to prevailing wage could you please furnish me some clarification on Prevailing Wage for Low Voltage – Electronic Technicians? I have gotten two different answers to the following questions (by phone) and therefore, I need some clarification.

We test fire alarm systems on public works property (schools, etc.). I need some clarification as to testing the fire alarm equipment (smoke detectors, pull stations, etc.) and prevailing wage. If we install the equipment and then go out and test the equipment say one to four years later to be sure everything is working properly (no work being done, just testing) do we pay prevailing wage? If any work does need to be done it is done at a later date after notifying customers. Also, if we did not install equipment but we get called to test fire alarm system and again do not do any work but just do the test (if work needs to be done again it would be later date) do we pay prevailing wage? Or if we do the testing and no work needs to be done do we pay prevailing wage?

Your help in clarification would be greatly appreciated. Thank you in advance for your assistance.

Sincerely,



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