



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

Prevailing Wage
PO Box 44540 • Olympia, Washington 98504-4540
360/902-5335 Fax 360/902-5300

November 19, 2007

Jay Curcio
Pacific Earth Works, Inc.
12512 Wagner Road
Monroe, WA 98272

Re: Four inches topsoil/sand and natural grass turf seeding; dozer less than 80 hp.

Dear Mr. Curcio:

Thank you for your patience on this response. You have asked for a determination of the appropriate work classification to be used for spreading four (4) inches of organic soil (a top sand mix) and reseeding a natural turf area. You ask whether the landscape operator's wage may be used for this work using equipment of less than 80 horsepower.

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.

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."

The "trade or occupation" referenced in the statute can be dependent on context. For instance, the work you ask about, when part of a road construction project would require wages be paid at construction rates. The use of the Landscape Construction rate is limited by the scope of work for that trade, WAC 296-127-01346 (copy enclosed).

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First, the context for the Landscape Construction scope is for “the beautification of a plot of land by changing its natural features through the addition or modification of lawns, trees, bushes, etc. Second, the scope specifically excludes even the allowable activities within the scope in its section two (2) which states in part: Landscape Construction does not include: Any activity or task (including those mentioned above) when performed preparatory to any non-landscaping construction work.

A wide range of projects that might include subsurface preparation in which more than six inches of material is moved, leveled, spread or graded; as well as construction of roads, golf courses, retaining walls, sidewalks and paths, buildings; and, depending on the facts, some parks and athletic facilities; all can be excluded from using the Landscape Construction scope of work because they are outside the stated context of work permitted in that scope.

Your narrow question falls on the very edge of that distinction and the limit of the scope of Landscape Construction under WAC 296-127-01346. So long as the facts are as stated above and the work is not in the context of some other or additional work that would require the payment of construction rather than Landscape rates, the Landscape Construction scope may be used for the limited horsepower equipment you described while performing the limited tasks you described of four inches of topsoil and reseeded.

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 email me at 360 902-5330 or somd235@lni.wa.gov.

Sincerely,

David J. Soma
Industrial Statistician
Prevailing Wage Program Manager

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Memo

*SECOND FAX PLEASE LET
ME KNOW - (9-10-07)
(JAM)*

To: David Soma, Prevailing Wage Division, 360-902-5300 Fax
From: Jay Curcio
CC:
Date: 9/5/2007
Re: Prevailing Wage

After talking to Linda in your office today, she said to ask you this question:

On an existing athletic grass field, where they have removed the sod and replaced it with 4" of organic soil (a top sand mix), then reseeded it again for a natural turf area, can this material be place with a dozer with less than 80 HP under the landscape operator's wage?

I ask this question since it states under WAC 296-127-0146 Landscape Construction, that spreading topsoil to a depth of six inch below finish grade can be spread. It states constructing lawns and landscape surfaces is allowed in this section. It also states in this section that equipment under 90 HP is OK.

Thank you for clarifying this for me.