



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

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

January 5, 2007

Mr. Steve Pendergrass
Iron Workers Local Union 86
4550 S. 134th Place, #102
Tukwila, WA 98168

RE: Fabricated Pre-Cast Concrete Facility Cashmere, Washington
Project: C755 Central Link Light Rail
Contract Number: RTA/LR 88-04
Awarding Agency: Sound Transit

Dear Mr. Pendergrass:

The department received a request from the Iron Workers Local Union 86 for a determination as to the appropriate prevailing wage rate for work being performed at Bethlehem Construction Inc.'s, (BCI) Cashmere site in constructing the foundations for Sound Transit's Central Link Light Rail Project. Specifically, I was asked to determine if the wages should be at the construction-worker rate or at the shop-worker rate. I was provided information from the Iron Workers Local 86 whom I also asked for additional information and I requested and received information from Bethlehem Construction, Inc. and PCL Construction Services, Inc.

After reviewing the matter, I conclude that this work should be paid at the construction-worker rate. In making my determination, I reviewed plans and specifications for these foundations, relevant court decisions and received input from interested parties.

Reasons for my determination follow:

First, I looked at the nature of the work being performed. Here, BCI's workers build concrete foundations for Sound Transit's Light Rail Project. The foundations are custom-made, individually designed segments and are not standard off-the-shelf items. This work typically requires construction craft workers with skills unique to the trade. Moreover, the work is of the same type and of a similar nature to work that has historically been performed by construction craft workers. *See Lockheed Shipbuilding Co. v. Dept. of Labor and Industries*, 56 Wn. App.421, 783 P. 2d 1119 (1989). *Lockheed* directs that "the determination of whether work is 'in the same trade or occupation' depends upon the 'type of work rather than where the work was performed or by whom it was done'."

Second, I relied on information found in the Wenatchee World that BCI, when recruiting for workers to perform this work, itself advertised and hired construction craft workers.

Steve Pendergrass Letter

January 5, 2007

Page 2

I find that the scopes of work involved are those of Ironworker (WAC 296-127-01339), Carpenter (WAC 296-127-01310), and Laborer (WAC 296-127-01344) and that they should be paid at the construction-worker rate.

The Department appreciates the information provided by all of the parties as well as the time and effort invested by everyone involved.

I hope this serves to address your request. If you have additional questions or need further clarification, please contact my office at (360) 902-5330.

Sincerely,

David J. Soma
Industrial Statistician

cc: Garth Hornland, PCL Construction Services, Inc.
Bob Connelly, Bethlehem Construction, Inc.
Greg Mowat, Sound Transit
Robert Koshman, Labor and Industries