



STATE OF WASHINGTON

DEPARTMENT OF LABOR AND INDUSTRIES  
PREVAILING WAGE PROGRAM ~ (360) 902-5330  
SPECIALTY COMPLIANCE DIVISION  
P.O. BOX 44540, OLYMPIA, WASHINGTON 98504-4540

March 17, 2006

Ms. Janice K. Maiani  
Vice President  
Maiani Construction Services, Inc.  
P. O. Box 660  
Athol, Idaho 83801-0660

Dear Ms. Maiani:

This letter is in response to your correspondence regarding testing, adjusting, balancing and test engineering of heating, ventilation, and air conditioning (HVAC) systems.

The enclosed determination made by the department on ~~March 13, 2003~~, relates specifically to the work in question. To summarize, this determination states that testing, adjusting, and balancing of HVAC systems performed prior to occupancy falls under the Sheet Metal Workers Scope of Work. In addition, the enclosed Scope of Work description for Sheet Metal Workers, WAC 296-127-01372, speaks directly to the fact that this work is covered under this classification. White collar workers who utilize computer equipment to gather information to provide new instructions to the computer that operates the air handling system, after occupancy, is work that falls outside the blue collar construction work to which prevailing wages are applied. I appreciate the information you provided from the U. S. Department of Labor Air Balance Engineers Handbook, however, the provisions contained in that handbook only apply to federal Davis-Bacon projects.

Due to the department's determination that this work is covered under the prevailing wage laws, your firm must provide the certified payroll records required under WAC 296-127-320, which have formally been requested by the department. Failure to comply with that request shall constitute a violation of RCW 39.12.050. A Notice of Violation will be issued and penalties assessed as provided in RCW 39.12.050.

Sincerely,

Dave J. Soma  
Industrial Statistician  
Prevailing Wage Program Manager

Enclosures

cc: Eric Martinson, Director of Organizing, Sheet Metal Workers Local 66

