



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

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

April 27, 2007

Jolene Boland
Indoor Air Technologies
33 West Main Street
Victor, NY 14564

Re: Prevailing wage, duct cleaning

Dear Ms. Boland:

You have asked for a determination of the requirement for prevailing wages to be paid for service work to HVAC ducting, including cleaning, cutting and sealing of access holes, application of sealant coating, work to remove and replace registers, placing protective plastic covers and cleanup. You also asked if there was a threshold dollar amount that triggers Washington State's prevailing wage requirements.

The answers below are based on the information you provided. References to the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC) are included. Again, this 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."

In the Public Works Act, Chapter 39.12 RCW, there is no threshold. Any dollar amount of public work, whether small or large, is subject to the requirement to pay the prevailing rate of wage.

All determinations of the proper scope of work are highly fact specific and look at the task being performed. A change of task may require a change in the category of worker that can be utilized.

The title an employer may use for a worker is not relevant to the correct prevailing rate of pay (e.g. Architect or Carpenter). The task the worker performs is the criteria used to determine the correct wage classification. WAC 296-127-013(3) reads: "The applicable prevailing wage rates for workers employed on public works projects shall be determined by the scopes of work performed by those workers, and not by their specific job titles."

A Sheet Metal Worker (WAC 296-127-01372) performs the fabricating, handling, assembling, installing, servicing and dismantling of HVAC duct work as well as clean-up. So, the Sheet Metal Worker can perform most of the tasks on your list. Some of the tasks you asked about may also be performed by other trade and occupation classifications including Laborers (WAC 296-127-013) and one particular task would be work performed by Painters (WAC 296-127-01356) .

You are correct to observe there is not at present a "duct cleaner" in the scope of work descriptions for prevailing wage. However, there is a wage rate for Industrial Power Vacuum Cleaners. Industrial Power Vacuum Cleaners perform duct cleaning work that normally requires the utilization of a specialized truck or trailer with power vacuum equipment, which removes or cleans out mold, fungi, dust and other contaminants from HVAC systems. Covered activities for an Industrial Power Vacuum Cleaner are: Source removal methods that employ vacuum units and compressed air to loosen dirt and debris and convey it to a containment device for proper disposal, and work that involves the attachment of the vacuum system to an existing port.

Work performed by Industrial Power Vacuum Cleaners does not include creating service openings in the system as necessary in order to accommodate otherwise inaccessible areas or the sealing of those service openings, and does not include removing and installing ceiling sections to gain access to HVAC systems during the cleaning process. Openings that are created and then sealed will utilize HVAC sheet metal rates of wage. Work utilizing mechanical or hand brushes and other tools to loosen dirt and debris will use the general laborer or mechanic wages. The Industrial Power Vacuum Cleaner does not spray cleaning solution nor do they apply sealants.

The breakdown by task is:

"Set up plastic over office areas:"

When incidental to their other work this may be performed by Painters (WAC 296-127-01356), Laborers (WAC 296-127-01344) or by Industrial Power Vacuum Cleaners.

"Remove and wash air registers:"

This is part of the work of a Sheet Metal Worker (WAC 296-127-01372) and, if incidental to their other work, may also be performed by: A Laborer (WAC 296-127-01344), Industrial Power Vacuum Cleaners or, in preparation for painting, a Painter (WAC 296-127-01356).

"Cut into duct work to gain access:"

A Sheet Metal Worker (WAC 296-127-01372) performs this work.

"Clean duct work with HEPA filtered vacuum and negative air containment:"

A Sheet Metal Worker (WAC 296-127-01372) performs this work. Industrial Power Vacuum Cleaners may perform this work so long as it is limited to the correct tasks for that classification (as detailed in paragraphs above). A Laborer (WAC 296-127-01344)

performs cleanup work in assistance to other trades. A Painter (WAC 296-127-01356) performs work to prepare surfaces for the application of coatings (e.g. sealants).

“Spray cleaning solution inside metal duct work:”

A Laborer (WAC 296-127-01344) may spray material through hoses to clean surfaces. A Painter (WAC 296-127-01356) performs work to prepare surfaces for the application of coatings (e.g. sealants). A Sheet Metal Worker (WAC 296-127-01372) may perform cleaning of HVAC duct work.

“Encapsulate ductwork (apply coating):”

A Painter (WAC 296-127-01356) applies coatings with brushes, spray guns or rollers.

“Pressure washing:”

A Laborer (WAC 296-127-01344) may spray material through hoses to clean surfaces. A Painter (WAC 296-127-01356) performs work to prepare surfaces for the application of coatings (e.g. sealants). A Sheet Metal Worker (WAC 296-127-01372) may perform cleaning of HVAC duct work.

“Reseal duct work:”

A Sheet Metal Worker (WAC 296-127-01372) performs this work.

“Reinstall air registers:”

This is part of the work of a Sheet Metal Worker (WAC 296-127-01372) and, if incidental to their other work, may also be performed by: A Laborer (WAC 296-127-01344), Industrial Power Vacuum Cleaners or, in connection with painting, a Painter (WAC 296-127-01356).

“Remove plastic drop cloths:”

When incidental to their other work this may be performed by: Painters (WAC 296-127-01356), Laborers (WAC 296-127-01344), or by Industrial Power Vacuum Cleaners.

“Vacuum carpets and mop hardwood floors:”

When connected with construction and service work of this type, this work is performed by Clean-up Laborers (WAC 296-127-01342) or by Laborers (WAC 296-127-01344).

This work is beyond the scope of a Building Service Employee (WAC 296-127-01308).

Please note that the Building Service Employee (WAC 296-127-01308) does not perform any of the work tasks about which you have inquired. These tasks are not considered janitorial work in Washington State.

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



IAT
INDOOR AIR TECHNOLOGIES
The DUCT Cleaning Specialists!
ROCHESTER
33 WEST MAIN STREET
VICTOR, NEW YORK 14564
585-924-2010 • Fax: 585-924-2135
1-888-458-4850



New York State Certified

January 24, 2007

Washington Department of Labor & Industries
Prevailing Wage Section
PO Box 44540
Olympia WA 98504

To Whom It May Concern:

In the future Indoor Air Technologies will be doing prevailing wage projects in the state of Washington. Indoor Air Technologies is strictly a duct cleaning company and currently there is not a "duct cleaner" in the wage determination schedule. We have included a description of our job responsibilities and are asking your help to select the best classification to use. We are classified as Janitorial in our own state of New York. Furthermore, in some states the job needs to be over a certain dollar amount for prevailing wages to apply (ie: Pennsylvania \$25,000). Are there any stipulations in the state of Washington for prevailing wages to apply?

Please respond in writing on your letterhead and feel free to contact me if you have any questions.

Sincerely,

Jolene Boland
Office Assistant

ES/PW RCVJ JAN 29 '07 PM 12:16

Duct Cleaning Process

- ❖ Set up plastic over office areas.
- ❖ Removed and washed registers.
- ❖ Cut into ductwork to gain access.
- ❖ Cleaned ductwork with HEPA filtered vacuum and negative air containment.
- ❖ Spray cleaning solution inside metal ductwork.
- ❖ Encapsulated ductwork with Fosters 40-11
Only when needed
- ❖ Pressure Washing
- ❖ Resealed ductwork
- ❖ Reinstalled registers
- ❖ Removed Plastic
- ❖ Vacuumed carpets and mopped hardwood/tile floors

*spray type substrate
Sealing
of deteriorated
fiberglass
linings*