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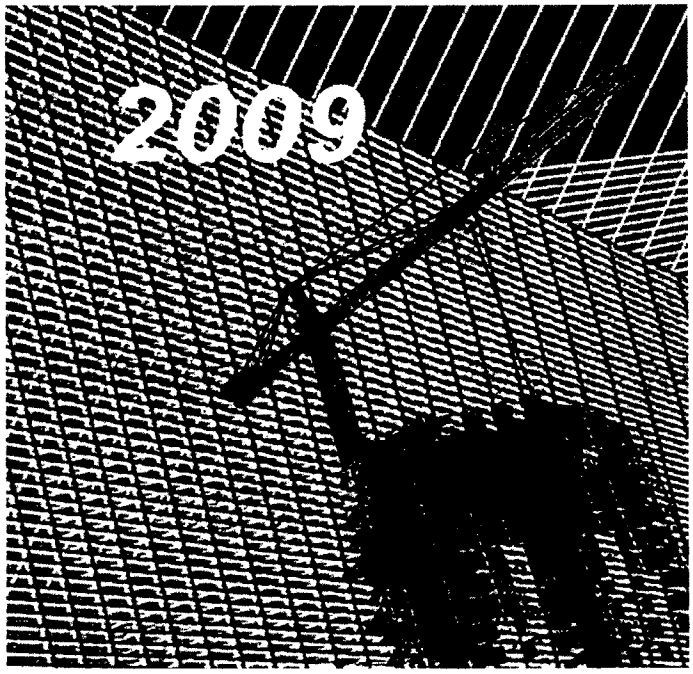
OFFICE WEST VIRGINIA
SECRETARY OF STATE

West Virginia Division of Labor

Prevailing Wage Rates



Building Construction
Heavy and Highway Construction

David W. Mullins
Commissioner

Wage & Hour Section
State Capitol Complex
Building 6 Room B-749
Charleston, WV 25305
(304) 558-7890

WEST VIRGINIA DIVISION OF LABOR

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JOE MANCHIN, III
Governor

DAVID W. MULLINS
Commissioner

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

January 5, 2009

The Honorable Betty Ireland
Secretary of State
State of West Virginia
State Capitol
Charleston, West Virginia 25305

Dear Ms. Ireland:

Enclosed is a copy of rates promulgated by this office regarding minimum prevailing wages to be paid on public improvement construction projects for all fifty-five counties for Heavy, Highway and Building Construction, including descriptive literature.

These rates are to be filed pursuant to W.V. Code Chapter 21-5A-5(2) of the West Virginia Code and become effective January 2, 2009.

Sincerely,

David W. Mullins

David W. Mullins
Commissioner

DWM/bm
Enclosures

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SECRETARY OF STATE

January 5, 2009

Mr. Mike Skiles
WV Division of Highway
A-750, Capitol Complex
Charleston, West Virginia 25305

Dear Mr. Skiles:

This letter will serve as official authorization allowing the West Virginia Division of Highways to reproduce any and all parts of the Prevailing Wage Rates, including the cover page, established by the West Virginia Division of Labor for the year 2009.

Sincerely,

David W. Mullins
Commissioner of Labor

DWM/bm
cc: file

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

To All Contractors
Performing Work
On
Public Improvements
In West Virginia

Regarding the use of Apprentices on Public Improvements:

W Va. Code § 21-5A Wages for Construction of Public Improvements and **Title 42, Series 7 Rules and Regulations for the West Virginia Prevailing Wage Act**

W Va. Code § 21-5A-1(2) Definitions defines "construction" as "any construction, reconstruction, improvement, enlargement, painting, decorating, or repair of any public improvement let to contract."

W Va. Code § 21-5A-1(4) Definitions defines "public improvement" as "all buildings, roads, highways, bridges, streets, alleys, sewers, ditches, sewage disposal plants, waterworks, airports, and all other structures upon which construction may be let to contract by the State of West Virginia or any political subdivision thereof."

W Va. Code § 21-5A-1(5) Definitions defines "construction industry" as " that industry which is composed of employees and employers engaged in construction of buildings, roads, highways, bridges, streets, alleys, sewers, ditches, sewage disposal plants, waterworks, airports, and all other structures or works whether private or public on which construction work as defined in subsection (2) of this section is performed."

§ 42 CSR 7-2 Definitions defines:

Apprentice (2.7) as "a person employed and working under a bona fide apprenticeship program, directly related to the particular craft involved in the construction industry. Apprentices will be permitted to work as such only when they are registered, individually, under a bona fide apprenticeship program, registered with and approved by the Bureau of Apprenticeship Training, United States Department of Labor."

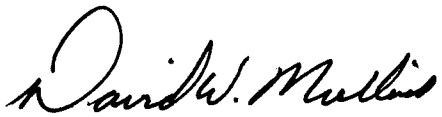
Bona Fide (2.8) as "that program which is made in good faith without interest or deceit."

Craft (2.12) as "those special skills and trades which are recognized by custom and usage in the building and construction industry."

Classification (2.13) as " those specific categories of jobs which are performed within a "craft" such as laborer who can be classified as a blacksmith, pipe layer, mucker-chucker, etc."

§ 42 CSR 7-3.1(i) provides "that apprentices will be permitted to work only when they are registered with the Bureau of Apprenticeship and Training, United States Department of Labor. (And as defined above **§ 42 CSR 7-2.7**; added for clarity) The allowable ratio of apprentices to journeyman in any craft and/or classification shall not be greater than the ratio permitted to the contractor as to his or her entire work force under the recognized program or the recognized ratio of the joint apprenticeship council having jurisdiction in the trade area, whichever is less. An employee listed on the payroll at an apprentice wage rate, who is not registered, as stated above, shall be paid the fair minimum wage rate determined by the Commissioner for the classification of work actually performed. Further, the contractor and/or sub-contractors will be required to furnish to the Commissioner written evidence of the registration of his program and apprentices as well as the appropriate ratios and wage rates, for the locality, prior to using apprentices on the public work.

Therefore, it is the policy of the West Virginia Division of Labor to fully enforce the provisions of West Virginia Code § 21-5A et seq. and §42 CSR 7 et seq. to ensure compliance with all provisions and stipulations provided in the aforementioned cites in order to provide those training opportunities provided apprentices by Law.



David W. Mullins
Commissioner of Labor/WVDOL

WEST VIRGINIA DIVISION OF LABOR
CHAPTER 21-5A
Series 15
2009

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SECRETARY OF STATE

Coverage of Specific Classes of Work is Defined as Follows:

AS AN ITEM OF CONSTRUCTION

- **Preliminary survey work:** Since this work merely affects construction without being a part of it, such work is not generally covered.

- **Survey work immediately prior to or during construction:** When surveying is performed immediately prior to and during actual construction, in direct support of construction crews, such surveying is construction work within the meaning of the Prevailing Wage Law. Normally, surveyors are considered professional employees and not subject to the prevailing wage rates. However, when survey crewmembers perform work in another classification, then they shall be paid the rate as predetermined for the classification in which they are working.

EXPLORATORY DRILLING

- Where the drilling was for the purpose of obtaining core borings to be used in engineering studies and planning, the word "works" refers to improvements, such as buildings, canals or roads, rather than to refer to progress or activity. Consequently, mere digging would not appear to be within the term because it relates to an activity as distinguished from a project or improvement.

- Where the soil samples are taken prior to or during construction for the construction contractor, for the purpose of setting foundations, the Commissioner of Labor has held that contracts for such work are considered covered by the Prevailing Wage Law if they may be fairly characterized as being directly related and incidental to, or an integral part of, the actual construction process.