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WEST VIRGINIA DIVISION OF LABOR
Chapter 21 - 5A
Series 15

Definitions
2013

Highway Construction

Highway construction work is defined as all work ordinarily included in highway construction projects. It includes highway tunnels, bridges, highway and street grading, paving and drainage, culverts, manholes, water and other utility pipelines (when included in the contract), sidewalks (when included in the contract), retaining walls, underpasses and overpasses (when included in a highway contract), highway viaducts, clover leaf structures, curbs and sidewalks, seeding and landscaping, clearing (when included in the contract), guard rails and fences, and including the erection, dismantling, operation, maintenance and repair of all equipment, vehicles and other facilities used in connection with or serving the aforementioned work.

Heavy Construction

Heavy Construction and railroad construction is defined as the construction, substantially in its entirety, of any fixed structures, improvement or modification thereof, addition or repair thereto, including any structure or operation which is an incidental part of the contract thereof (not including Building or Highway Construction), including without limitation, railroad and street railway construction projects, sewers and water mains, retaining walls, viaducts, drainage projects, flood control projects, reclamation projects, airports, athletic fields, reservoirs, water supply projects, water power developments, hydro-electric developments, transmission lines, duct lines, pipe lines, locks, dams, dikes, levees, revetments, channels, channel cutoff, intakes, dredging projects, jetties, breakwaters, docks, harbors, roads, bridges, parking lots, sidewalks, building construction sites, industrial plant sites, sewage disposal and water treatment plants, excavation and disposal of earth and rock, including the assembly, operation, maintenance and repair of all equipment, vehicles and other facilities used in connection with and servicing the aforementioned works and services.

Building Construction

Building trades rates and conditions shall apply to any building which may be required in the construction, renovation or demolition of any of the work included where such buildings are customarily constructed under building trades conditions.

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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.