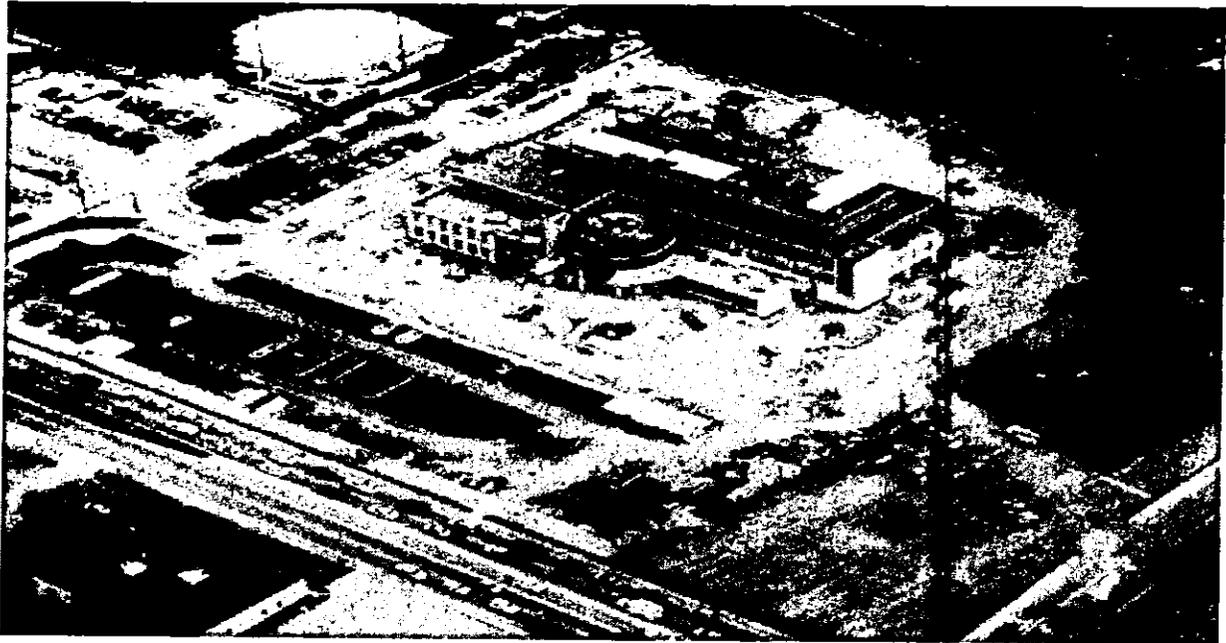


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West Virginia Division of Labor
Prevailing Wage Rates
2015

OFFICE WEST VIRGINIA
SECRETARY OF STATE



Building Construction
Heavy and Highway Construction

John R. Junkins
Acting Commissioner

Wage & Hour Section
State Capitol Complex
Building 6 Room B-749
Charleston, WV 25305
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WEST VIRGINIA DIVISION OF LABOR

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EARL RAY TOMBLIN
Governor



JOHN R. JUNKINS
Acting Commissioner

January 2, 2015

The Honorable Natalie E. Tennant
Secretary of State
State of West Virginia
State Capitol
Charleston, West Virginia 25305

Dear Ms. Tennant:

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, 2015.

Sincerely,

A handwritten signature in cursive script that reads "John R. Junkins".

John R. Junkins
Acting Commissioner of Labor

JRJ:

Enclosures

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West Virginia Division of Labor- §21-5A-1
Wages for Public Improvements-(prevailing Wage) Apprentices requirements

Individuals who meet the following definition may be employed as apprentices on West Virginia Prevailing Wage Projects, (Wages for Public Improvements projects):

- (a) A person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau; or
- (b) A person in the first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been properly certified to be eligible for probationary employment as an apprentice.

Apprentice / Trainees employed MUST be persons registered in a construction occupation under a program which has been approved in advance by the U.S. Department of Labor, Employment and Training Administration, as meeting its standards for on-the-job training programs and which have been so certified by that Administration.

Information on wage rates paid to apprentices and trainees IS NOT reflected in West Virginia Prevailing Wage Determinations.

The proper wage rates to be paid to apprentices and trainees are those specified by the particular programs in which they are enrolled, expressed as a percentage of the journeyman rate on the wage determination. In the event employees reported as apprentices or trainees on a covered project have not been properly registered within the meaning of the Regulations and the contract stipulations, or are utilized at the job site in excess of the ratio to journeymen permitted under the approved program, they must be paid the applicable wage rates for laborers and mechanics employed on the project performing in the classification of work they actually performed. This applies regardless of work classifications which may be listed on the submitted payrolls and regardless of their level of skill.

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**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.



John R. Junkins
Acting Commissioner of Labor/WVDOL

WEST VIRGINIA DIVISION OF LABOR
CHAPTER 21-5A
Series 15
2015

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Coverage of Specific Classes of Work is Defined as Follows:

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SECRETARY OF STATE

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 with n 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.

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Chapter 21 - 5A
Series 15

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Definitions
2015

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.