

**CHAPTER 5200**  
**DEPARTMENT OF LABOR AND INDUSTRY**  
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#### **5200.0010 PROOF OF MINOR'S AGE.**

Subpart 1. **Requirement.** Employers claiming an employee is under 18 must have his or her birthdate substantiated by a birth record or an age certificate issued by the local superintendent of schools, or a photocopy of the employee's driver's license, or a Minnesota identification card issued by the Department of Transportation included in the payroll records kept for the employee. Failure to provide proof of the ages of minors employed makes the employer liable for the adult minimum wage and other penalties imposed for failure to keep and maintain records related to the employment of minors.

Subp. 2. **Statutory requirement and criminal liability.** The Child Labor Standards Act, Minnesota Statutes, section 181A.06, subdivision 1 provides as follows:

"Every employer shall require proof of the age of any minor employee or prospective employee by requiring the minor to submit an age certificate, a copy of the minor's birth record, or a copy of the minor's driver's license. Upon the request of a minor, an age certificate shall be issued by or under the authority of the school superintendent of the district in which the applicant resides. Superintendents, principals, or headmasters of independent or parochial schools shall issue age certificates to minors who attend such schools."

Minnesota Statutes, section 181A.12, subdivision 1: "Any employer who hinders or delays the department or its authorized representative in the performance of its duties under sections 181A.01 to 181A.12, or refuses to admit the commissioner or an authorized representative to any place of employment, or refuses to make certificates or lists available as required by sections 181A.01 to 181A.12, or otherwise violates any provisions of sections 181A.01 to 181A.12, or any regulations issued pursuant thereto shall, upon conviction therefor, be guilty of a gross misdemeanor."

Minnesota Statutes, section 181A.12, subdivision 2: "Any other person violating any provision of sections 181A.01 to 181A.12 or any regulations issued pursuant thereto or assisting another in such violation is guilty of a misdemeanor."

**Statutory Authority:** *MS s 177.28; 181A.12*

**History:** *11 SR 1740; 17 SR 1279; L 2001 1Sp9 art 15 s 32*

**Published Electronically:** *June 11, 2008*

**5200.0020** [Repealed, L 2010 c 280 s 41]

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### **5200.0030 SUBMINIMUM WAGE RATES FOR WORKERS WITH DISABILITIES.**

Subpart 1. **Permit required.** Subminimum wage rates may be paid to workers with disabilities only after receiving a permit from the Labor Standards Division. If no permit is issued, a worker, no matter how severely disabled, shall be paid the minimum wage. The subminimum rate will be based on the extent to which the worker's performance is limited but in no case may it fall below 50 percent of minimum wage, except as provided under subpart 4. "Performance" is based on a time study of workers with disabilities as compared to a time study of nondisabled workers on the same job. The time study must be conducted under the same working conditions for the disabled and the nondisabled.

Subp. 2. **Limit on work force at subminimum wage.** No profit-making organization may employ disabled workers at a subminimum wage for more than ten percent of its total work force unless granted a special permit by the commissioner of labor and industry to exceed the ten percent limitation.

Subp. 3. **Rehabilitation facilities.** Rehabilitation facilities are excluded from the percentage limitations of numbers of employees and percentage of minimum wage contained in subparts 1 and 2, but not from the permit requirement.

Subp. 4. **United States labor permits.** Permits issued by the United States Department of Labor under Code of Federal Regulations, title 29, part 524 or 525, authorizing subminimum wage rates shall be accepted by the division in lieu of the permit required in subpart 1. Where the worker would otherwise

be employed in a rehabilitation facility, the commissioner of labor and industry may grant a special permit authorizing a wage rate of less than 50 percent of the minimum wage.

**Statutory Authority:** *MS s 177.28; 181A.12*

**History:** *11 SR 1740; L 1988 c 689 art 2 s 268; L 2005 c 56 s 2*

**Published Electronically:** *June 11, 2008*

#### **5200.0040 EQUAL PAY FOR WORKERS WITH DISABILITIES.**

Where a person with a disability is now performing or is being considered for employment where he or she will perform work which is equal to work performed by a nondisabled person, such person with a disability shall be paid the same wage as a nondisabled person with similar experiences.

**Statutory Authority:** *MS s 177.28*

**History:** *L 2005 c 56 s 2*

**Published Electronically:** *June 11, 2008*

#### **5200.0050** [Repealed, L 2010 c 280 s 41]

**Published Electronically:** *July 30, 2010*

#### **5200.0060 MEAL ALLOWANCE.**

A meal allowance is credited toward the minimum wage only when the meal is furnished by the employer and accepted by the employee. The employer shall not require the employee to accept meals as a condition of employment. A meal is defined as an adequate portion of a variety of wholesome, nutritious foods and shall include at least one food from each of the following four groups: fruits or vegetables; cereals, bread, or potatoes; eggs, meat, or fish; milk, tea, or coffee; except that for breakfast, eggs, meat, or fish may be omitted if both cereal or bread are offered. The employer must keep a record of each meal accepted by the employee before any meal credit can be taken.

Meals must be consistent with the employee's work shift. Meal periods of less than 20 minutes may not be deducted from hours worked, nor may meal periods be deducted where the employee is not entirely free from work responsibility.

The meal allowance is 60 percent of the adult minimum wage rate for one hour of work per meal.

**Statutory Authority:** *MS s 177.28; 181A.12*

**History:** *11 SR 1740*

**Published Electronically:** *June 11, 2008*

#### **5200.0070 LODGING ALLOWANCE.**

Subpart 1. **Conditions.** If practical or economic realities of the employment situation require employees to accept lodging owned or controlled by the employer, or where the employee must accept that lodging as a condition of employment, the employer may credit toward the minimum wage the cost of the lodging only as provided in either subpart 2 or 3.

Subp. 2. **Daily allowance.** A lodging allowance not to exceed 75 percent of the adult minimum wage for one hour of work may be taken per day if the lodging is adequate, decent, and sanitary according to usual and customary standards.

Subp. 3. **Fair market value.** Lodging, the nature of which is ordinarily and commonly considered to be a tenancy in the chief place of residence of the employee, shall be credited toward the minimum wage of that employee at the rate of the fair market value of the lodging. Where more than one employee shares the same residence, the lodging allowance for the total number of employees sharing the residence shall not exceed the fair market value of the residence. The tenancy shall be evidenced by a written or oral lease agreement providing for at least a month-to-month tenancy, and shall include exclusive, self-contained bathroom and kitchen facilities.

Subp. 4. **Seasonal employment.** Where employment is available only on a seasonal basis, the maximum lodging credit will be as provided in subpart 2.

**Statutory Authority:** *MS s 177.28; 181A.12*

**History:** *11 SR 1740*

**Published Electronically:** *June 11, 2008*

#### 5200.0080 GRATUITIES/TIPS CREDITS.

Subpart 1. [Repealed, 11 SR 1740]

Subp. 2. [Repealed, L 2010 c 280 s 41]

Subp. 3. [Repealed, L 2010 c 280 s 41]

Subp. 4. **Tip pooling or sharing of gratuities.** Pooling or sharing of gratuities may not be a condition of employment. An indirect service employee who benefits because the recipient shares the gratuity with him or her shall not have the remuneration considered in the calculation of his or her wages.

Subp. 4a. **Obligatory charges.** For purposes of Minnesota Statutes, section 177.23, subdivision 9, obligatory charges which might reasonably be construed by the guest, customer, or patron as a sum to be given to an employee as payment for personal services rendered, include, but are not limited to, service charges, tips, gratuities, and/or surcharges which are included in the statement of charges given to the customer.

Subp. 4b. **Clear and conspicuous notice.** For purposes of Minnesota Statutes, section 177.23, subdivision 9, clear and conspicuous notice that the obligatory charge is not a gratuity is notice clearly printed, stamped, or written in bold type on the menu, placard, the front of the statement of charges, or other printed material given to the customer. Type which is at least 18 point (one-fourth inch) on the placard, or 9 point (one-eighth inch) or larger on all other notices is clear and conspicuous.

Subp. 5. [Repealed, 11 SR 1740]

Subp. 6. **Direct service employee.** A "direct service employee" is one who in a given situation performs direct service for a customer and is to be considered a tipped employee. An indirect service employee is a person who assists a direct service employee, these include, but are not limited to, bus people, dishwashers, cooks, or hosts.

Subp. 7. **Credit cards or charges.** Gratuities presented to a direct service employee via inclusion on a charge or credit card shall be credited to that pay period in which they are received by the direct service employee and for which they appear on the direct service employee's tip statement.

Where a tip is given by a customer through a credit or charge card, the full amount of tip must be allowed the direct service employee minus only the percentage deducted from the tip in the same ratio as the percentage deducted from the total bill by the service company.

Subp. 8. **Divided gratuities.** When more than one direct service employee provides direct service to a customer or customers in a given situation such as banquets, cocktail and food service combinations, or other combinations, money presented by customers, guests, or patrons as a gratuity and divided among the direct service employees is not a violation of Minnesota Statutes, section 177.24, subdivision 3.

Subp. 9. [Repealed, 11 SR 1740]

**Statutory Authority:** *MS s 177.28; 181A.12*

**History:** *11 SR 1740; L 2010 c 280 s 41; L 2011 c 76 art 1 sec 71,77*

**Published Electronically:** *June 15, 2011*

#### **5200.0090 DEDUCTIONS.**

Subpart 1. **When prohibited.** Deductions from the minimum wage, whether direct or indirect, may not be made for shortages in money receipts or merchandise, for the purchase or rental of uniforms or nonhome maintenance of uniforms, consumable supplies, travel expenses, for spoilage, for breakage or other damage, for cash shortages or losses resulting from omissions or other errors, for walkouts, bad checks, bad credit slips, missing guest checks, or robbery, or fines for disciplinary purposes. "Consumable supplies" means materials required to perform duties of employment that are used up in the course of employment. "Consumable supplies" may include, but are not limited to, materials used by cosmetologists in the care and beautification of the hair and body of customers, building and utility costs, office supplies, parts and materials used in manufacture or repair, and chemicals used in lawn care. "Travel expenses" means receipted out-of-pocket expenses for transportation, meals and lodging, or an agreed upon allowance, whichever is greater.

Subp. 2. **Indirect.** An indirect deduction is any recoupment or payment received by an employer by methods other than payroll deductions, such as cash payments or endorsing over of checks, or the purchase or rental of any of the items listed in Minnesota Statutes, section 177.24, subdivision 4, by the employee directly from the supplier.

**Statutory Authority:** *MS s 177.28; 181A.12*

**History:** *11 SR 1740*

**Published Electronically:** *June 11, 2008*

#### **5200.0100 EMPLOYER RECORDS.**

By definition, "hours worked each day" includes beginning and ending time of work each day, which shall include a.m. and p.m. designations, and such designations shall be included in the employer's records.

**Statutory Authority:** *MS s 177.30*

**Published Electronically:** *June 11, 2008*

**5200.0110 OTHER SPECIAL ITEMS.**

Other special items in a particular case which are not specifically outlined by law or rules shall be ruled on by the commissioner of labor and industry.

**Statutory Authority:** *MS s 177.28*

**Published Electronically:** *June 11, 2008*

**5200.0120 HOURS WORKED.**

Subpart 1. **General.** The minimum wage must be paid for all hours worked. Hours worked include training time, call time, cleaning time, waiting time, or any other time when the employee must be either on the premises of the employer or involved in the performance of duties in connection with his or her employment or must remain on the premises until work is prepared or available. Rest periods of less than 20 minutes may not be deducted from total hours worked.

Subp. 2. **On-call time.** An employee who is required to remain on the employer's premises or so close to the premises that the employee cannot use the time effectively for the employee's own purposes is working while on call. An employee who is not required to remain on or near the employer's premises, but is merely required to leave word at the employee's home or with company officials where the employee may be reached is not working while on call.

Subp. 3. **Off duty.** Periods when the employee is completely relieved of duty and free to leave the premises for a definite period of time, and the period is long enough for the employee to use for the employee's own purposes, are not hours worked.

Subp. 4. **Meals.** Bona fide meal periods are not hours worked. Bona fide meal periods do not include rest periods such as coffee breaks or time for snacks. The employee must be completely relieved from duty for the purpose of eating regular meals. Thirty minutes or more is ordinarily long enough for a bona fide meal period. A shorter period may be adequate under special conditions. The employee is not completely relieved from duty if required to perform any duties, whether active or inactive, while eating. It is not necessary that an employee be permitted to leave the premises, if the employee is otherwise completely freed from duties during the meal period. If the meal period is frequently interrupted by calls to duty, the employee is not relieved of all duties and the meal periods must be considered as hours worked.

**Statutory Authority:** *MS s 177.28; 181A.12*

**History:** *11 SR 1740*

**Published Electronically:** *August 7, 2013*

**5200.0121 SLEEPING TIME AND CERTAIN OTHER ACTIVITIES.**

Subpart 1. **Less than 24-hour duty.** An employee who is required to be on duty for less than 24 hours is working even though the employee is permitted to sleep or engage in other personal activities when not busy except as provided in Minnesota Statutes, section 177.23, subdivision 11.

Subp. 2. **Duty of 24 hours or more.** If an employee is required to be on duty for 24 hours or more, the employer and the employee may agree to exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than eight hours from hours worked, provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted sleeping period. If a sleeping period is of more than eight hours, only eight hours may be excluded. Where no expressed



or implied agreement to the contrary is present, the lunch periods and up to eight hours of sleeping time constitute hours worked.

If the sleeping period is interrupted by a call to duty, the interruption must be counted as hours worked. If the period is interrupted so that the employee cannot get a minimum of five hours of sleep, the entire period must be counted as hours worked.

Subp. 3. **Employees residing on employer's premises or working at home.** An employee who resides on the employer's premises on a permanent basis or for extended periods of time is not considered as working all the time the employee is on the premises. Ordinarily, an employee may enjoy periods of complete freedom from all duties, during which the employee may engage in normal private pursuits. These free periods are not considered hours worked.

**Statutory Authority:** *MS s 177.28; 181A.12*

**History:** *11 SR 1740*

**Published Electronically:** *June 11, 2008*

#### **5200.0130 REGULAR RATE OF PAY.**

In calculating overtime compensation due, the regular rate of pay is determined by dividing the employee's remuneration in any workweek by the total hours worked.

**Statutory Authority:** *MS s 177.28*

**Published Electronically:** *June 11, 2008*

#### **5200.0140 EXCLUSIONS FROM WAGES.**

Payments which are not considered part of the employee's remuneration, for the purposes of calculating regular rate of pay, include:

- A. reimbursement for expenses incurred on the employer's behalf;
- B. premium payments for overtime work or work on Saturdays, Sundays, holidays, or scheduled days off, if the premium rate is at least 1-1/2 times the normal rate;
- C. bonuses given at the employer's discretion, as to both time and amount of payment;
- D. cash or other valuables in the nature of gifts on special occasions;
- E. payments for occasional periods when no work is performed including but not limited to vacation, holiday, or illness;
- F. payments made pursuant to a bona fide profit-sharing plan or trust or bona fide thrift or savings plan, if amounts are determined without regard to production or efficiency; and
- G. contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old-age, retirement, life, accident, or health insurance or similar benefits for employees.

**Statutory Authority:** *MS s 177.28*

**Published Electronically:** *June 11, 2008*

**5200.0150 OVERTIME PAY.**

Overtime pay shall be paid no later than the payday immediately following the regular payday for the pay period in which it was earned.

**Statutory Authority:** *MS s 177.28*

**Published Electronically:** *June 11, 2008*

**5200.0160 EMPLOYER CREDITS.**

Credit granted the employer for such items as meals must be included in the employee's remuneration total.

**Statutory Authority:** *MS s 177.28*

**Published Electronically:** *June 11, 2008*

**5200.0170 WORKWEEK.**

Subpart 1. **Definition.** The period of time used for determining compliance with the minimum wage rate, overtime compensation, and designation as a part-time employee is the workweek, which is defined as a fixed and regularly recurring period of 168 hours, seven consecutive 24-hour periods. This is true whether the employee is paid on an hourly, piecework, commission, or any other basis. Once the workweek is established, it remains fixed, although it may be changed if the change is intended as permanent rather than as an evasion of the overtime provisions. If no workweek is designated, it shall follow the calendar week.

The commissioner of labor and industry may upon receiving application made by an employer establish a different period of time to be used as workweek for purposes of this part.

Subp. 2. **Excessive workweeks.** No employer shall be deemed to have violated Minnesota Statutes, section 177.25, subdivision 1 by employing any employee of a retail or service establishment for a workweek in excess of the applicable workweek specified therein, if:

A. the regular rate of pay of such employee is in excess of 1-1/2 times the minimum hourly rate applicable to him or her under Minnesota Statutes, section 177.24; and

B. more than half the compensation for a representative period (not less than one month) represents commissions on goods or services.

In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate shall be deemed commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee.

**Statutory Authority:** *MS s 177.28*

**Published Electronically:** *June 11, 2008*

**5200.0180 EXECUTIVE, ADMINISTRATIVE, AND PROFESSIONAL PERSONNEL.**

Subpart 1. **Duties determine status.** The primary duties of the employee are determinative of his or her status under this exemption. Only where the employee's primary duties meet all the criteria under a particular test may the employer consider the employee to be exempt from the overtime wage provisions.

Subp. 2. **Definition of manage.** For purposes of parts 5200.0180 to 5200.0210, the term "manage" means to control and direct the business operations of a given enterprise, department, or branch establishment. Duties involved in managing must involve the making of decisions and the issuance of directions to other employees which involve skill and judgment. The term includes those employees that act primarily and principally in a directive capacity as opposed to those who primarily do the actual work.

Subp. 3. **Discretionary powers.** The thrust of this criterion is to distinguish between those employees empowered to independently commit their employers on matters of importance and those employees who merely make day-to-day decisions which, although necessary to the daily operations of the employer's business, are routine, or follow prescribed procedures, or involve a determination of whether specific standards are met, or are lacking in substantial importance to the employer's business as a whole. One test which should be utilized in determining whether an employee exercises discretionary powers is to ask whether the decisions being made involve a discretion as to company policy or procedure or commit the employer on matters of substantial importance. Mere recommendations with respect to policies and procedures are not sufficient unless it can be shown that the employer consistently accepted and followed those recommendations.

Subp. 4. **Sole charge.** Only one employee per enterprise, department, or branch establishment may be considered to be in sole charge regardless of the number of work shifts per day.

Subp. 5. **Determination of exempt and nonexempt work.** In determining exempt and nonexempt work under parts 5200.0180 to 5200.0210, work directly related to executive or administrative work may be included if the executive work which it relates to is actually performed by the employee. It is not sufficient to claim certain work is exempt where the executive or administrative function it might be directly related to is not performed by the employee.

**Statutory Authority:** *MS s 177.28*

**Published Electronically:** *June 11, 2008*

## **5200.0190 EXECUTIVE TESTS.**

Subpart 1. **Executive test I.** Executive test I:

- A. receives at least \$250 per week in salary;
- B. manages the enterprise by which the person is employed or a recognized department or subdivision thereof; and
- C. customarily directs the work of two or more other employees.

Subp. 2. **Executive test II.** Executive test II:

- A. receives at least \$155 per week in salary;
- B. manages and supervises a department of at least two other full-time people (a full-time employee is defined as one who works at least 35 hours in a workweek);
- C. has authority to hire or fire or suggest changes in employees' status;
- D. regularly exercises discretionary powers; and
- E. either:
  - (1) devotes less than 20 percent of time worked, or 40 percent in retail or service establishments, to nonexempt work;

- (2) owns 20 percent or more of the business; or
- (3) has sole charge of an independent or branch establishment.

**Statutory Authority:** *MS s 177.28*

**History:** *17 SR 1279*

**Published Electronically:** *June 11, 2008*

#### **5200.0200 ADMINISTRATIVE TESTS.**

Subpart 1. **Administrative test I.** Administrative test I:

- A. receives at least \$250 per week in salary or fee;
- B. either performs office or nonmanual work directly related to management policies or general business operations, or performs functions in the administration of a school system or subdivision thereof, in work directly relating to academic instruction; and
- C. regularly exercises discretion or independent judgment.

Subp. 2. **Administrative test II.** Administrative test II:

- A. receives at least \$155 per week in salary or fee;
  - B. either performs office or nonmanual work directly related to business operations or management policies, or administers an educational system or subdivision thereof in work relating to academic instruction;
  - C. regularly exercises discretion and independent judgment and makes important decisions;
  - D. either:
    - (1) directly assists owner or bona fide executive or administrative employee;
    - (2) performs supervised work only along lines requiring special training or experience;
- or
- (3) executes special assignments; and
  - E. devotes less than 20 percent of time worked, or 40 percent in retail or service establishments, to nonexempt work.

**Statutory Authority:** *MS s 177.28*

**Published Electronically:** *June 11, 2008*

#### **5200.0210 PROFESSIONAL TESTS.**

Subpart 1. **Professional test I.** Professional test I:

- A. receives at least \$250 per week in salary or fee;
- B. either:
  - (1) performs work requiring advanced knowledge in a field of science or learning;
  - (2) performs work as a teacher in the activity of imparting knowledge; or

(3) performs work requiring invention, imagination, or talent in a recognized field of artistic endeavor; and

C. consistently exercises discretion and judgment.

Subp. 2. **Professional test II.** Professional test II:

A. receives at least \$170 per week in salary or fee;

B. either:

(1) performs work requiring advanced knowledge in a field of learning customarily acquired by prolonged specialized intellectual study, not a general academic education, an apprenticeship, or training in routine mental or physical processes;

(2) performs original work dependent on the person's own creativeness in a recognized field of artistic endeavor; or

(3) is a certified teacher working as such or recognized as such in the school system where the person works;

C. consistently exercises judgment and discretion;

D. performs predominantly intellectual work so varied that the output cannot be standardized by time necessary for accomplishment; and

E. devotes less than 20 percent of the hours worked to activities not essential to the person's professional work.

**Statutory Authority:** *MS s 177.28*

**History:** *17 SR 1279*

**Published Electronically:** *June 11, 2008*

#### **5200.0211 SALARY.**

Subpart 1. **Predetermined weekly wage.** A salary is not an hourly rate. An employee is paid a salary if the employee, through agreement with an employer, is guaranteed a predetermined wage for each workweek. An employee may still be salaried even if complete days absent are deducted from salary for reasons other than no work available. Should those deductions reduce the salary for the workweek below the minimum salary required by Minnesota Statutes, section 177.23, subdivision 7, clause (2), or parts 5200.0190 to 5200.0210, the employer will lose the exemption in that workweek.

Subp. 2. **Weeks of no work.** Complete weeks in which an employee performs no work may be deducted from salary.

**Statutory Authority:** *MS s 177.28; 181A.12*

**History:** *11 SR 1740*

**Published Electronically:** *June 11, 2008*

#### **5200.0220 OUTSIDE SALESPERSON.**

"Salesperson" is defined as one who makes sales of, or obtains orders or contracts for, materials, services, or the use of facilities for which payment will be made. Incidental deliveries, collections, and

other nonsales or nonsolicitation work that is directly related to the primary sales duties shall be considered the work of a salesperson. An outside salesperson is hired for the express purpose of performing such duties away from the employer's place(s) of business and conducts no more than 20 percent of sales on those premises. The hours of nonoutside sales work may not exceed 20 percent of the hours worked by employees who are not outside salespersons.

**Statutory Authority:** *MS s 177.28*

**Published Electronically:** *June 11, 2008*

#### **5200.0221 INDEPENDENT CONTRACTOR.**

An independent contractor is not an employee. Parts 5224.0330 and 5224.0340 shall be used to determine whether an employment relation exists, except that control of the method and manner of performance is not the most important factor. All factors must be weighed to determine whether the worker is economically dependent upon the business to which the worker provides services.

**Statutory Authority:** *MS s 177.28; 181A.12*

**History:** *11 SR 1740*

**Published Electronically:** *June 11, 2008*

#### **5200.0230 GRATUITOUS SERVICE.**

Gratuitous service is voluntarily donated work performed by a person who receives for it no monetary compensation or other valuable consideration. The individual may be reimbursed for out-of-pocket expenses needed to perform the services, but only if these expenses are itemized. The acceptance of an expense allowance (that is, a gross sum provided with no itemized list of expenses) makes the individual nonexempt. See Minnesota Statutes, section 177.23, subdivision 7, clause (7).

**Statutory Authority:** *MS s 177.28*

**History:** *17 SR 1279*

**Published Electronically:** *June 11, 2008*

#### **5200.0240 NONPROFIT ORGANIZATION.**

"Nonprofit organization" is defined as a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earning of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation. See Minnesota Statutes, section 177.23, subdivision 7, clause (7).

**Statutory Authority:** *MS s 177.28*

**Published Electronically:** *June 11, 2008*

**5200.0241 STAFF MEMBER.**

For purposes of Minnesota Statutes, section 177.23, subdivision 7, clause (5), "staff member" means any employee who spends more than half of the employee's working hours in direct personal assistance and guidance to campers. "Staff member" does not include a regular organizational noncamp employee who may be assigned temporarily to camp and does not include camp personnel hired primarily for the purpose of maintenance or kitchen chores.

**Statutory Authority:** *MS s 177.28; 181A.12*

**History:** *11 SR 1740*

**Published Electronically:** *June 11, 2008*

**5200.0242 SEASONAL BASIS DEFINED.**

For purposes of Minnesota Statutes, section 177.23, subdivision 7, and part 5200.0070, "seasonal" means no more than 30 weeks in any calendar year. Any part of a calendar week shall be counted as a week.

**Statutory Authority:** *MS s 177.28; 181A.12*

**History:** *11 SR 1740*

**Published Electronically:** *June 11, 2008*

**5200.0250 [Repealed, 11 SR 1740]**

**Published Electronically:** *June 11, 2008*

**5200.0251 PAYMENT OF BACK WAGES AND/OR GRATUITIES TO MISSING EMPLOYEES.**

Sums due to employees who cannot be located shall be reported as unclaimed property under Minnesota statutes.

**Statutory Authority:** *MS s 177.28; 181A.12*

**History:** *11 SR 1740*

**Published Electronically:** *June 11, 2008*

**5200.0260 AGRICULTURE.**

For purposes of Minnesota Statutes, section 177.23, subdivision 7, "agriculture" means farming in all its branches and includes, but is not limited to, dairying, the field production, cultivation, growing, and harvesting of any agricultural or horticulture commodity, and the raising of livestock, bees, fur-bearing animals, and poultry. Agriculture includes repair, maintenance, and construction work incidental to such operation and the cleaning, processing, preservation, loading, and transporting to market or storage of the farmer's own agricultural products. Industrial operations and processes that are more akin to manufacturing than to agriculture are not included. It does not include greenhouse work. It does not extend to outside services hired by the farmer. It does not include services performed for others, including, but not limited to, boarding or training of animals, lawn care, or landscaping.

**Statutory Authority:** *MS s 177.28; 181A.12*

**History:** *11 SR 1740*

**Published Electronically:** *June 11, 2008*

#### **5200.0261 SPECIFIED DEFINED.**

For purposes of Minnesota Statutes, section 177.23, subdivision 7, clause (1), the term "specified" shall be applied on a workweek-to-workweek basis and means all employees paid a salary where the employer has two or fewer employees paid a salary. Where employees paid a salary exceed two in any given workweek, the employer must designate in the payroll records which two are exempt and notify the employees concerned. The burden of proof will be on the employer should an employee claim nonnotification.

**Statutory Authority:** *MS s 177.28; 181A.12*

**History:** *11 SR 1740*

**Published Electronically:** *June 11, 2008*

#### **5200.0262 FARMING UNIT OR OPERATION.**

For purposes of Minnesota Statutes, section 177.23, subdivision 7, clause (1), a "farming unit" is a legal entity engaged in agricultural activities as defined by part 5200.0260. A farming operation is one or more commonly owned farming units in which employees and/or equipment is shared. No more than two workers may be exempt under Minnesota Statutes, section 177.23, subdivision 7, clause (1), regardless of the number or location of the farming units that make up the farming operation.

**Statutory Authority:** *MS s 177.28; 181A.12*

**History:** *11 SR 1740*

**Published Electronically:** *June 11, 2008*

#### **5200.0270 FAIR DEFINED.**

For purposes of Minnesota Statutes, section 177.23, subdivision 7, a "fair" is an enterprise with or without payment of an admission fee that derives revenues principally from the sale of admission to events such as rides, sideshows, or exhibits. "Fair" includes amusement parks, carnivals, and circuses but does not include trade shows.

**Statutory Authority:** *MS s 177.28; 181A.12*

**History:** *11 SR 1740*

**Published Electronically:** *August 7, 2013*

#### **5200.0280 DISCRIMINATION AND TERMINATION.**

Subpart 1. **Notice required.** All employers must notify employees of their rights regarding termination under Minnesota Statutes, sections 181.931 to 181.935.

Subp. 2. **Form and time of notice.** Notice is accomplished by posting summaries of Minnesota Statutes, sections 181.931 to 181.935 in a conspicuous and accessible place in or about the premises in which any employee works.



**Statutory Authority:** *MS s 181.934*

**History:** *12 SR 2425*

**Published Electronically:** *June 11, 2008*

### APPRENTICESHIP PROGRAMS AND AGREEMENTS

#### 5200.0290 AUTHORITY, SCOPE, AND PURPOSE.

Parts 5200.0290 to 5200.0420 are adopted pursuant to Minnesota Statutes, section 178.041, subdivisions 1 and 2. Their purpose is to provide procedures for the voluntary apprentice program administration.

**Statutory Authority:** *MS s 178.041*

**History:** *9 SR 2008*

**Published Electronically:** *June 11, 2008*

**5200.0300** [Repealed, L 2014 c 305 s 32]

**Published Electronically:** *January 5, 2015*

**5200.0310** [Repealed, L 2014 c 305 s 32]

**Published Electronically:** *January 5, 2015*

#### 5200.0320 MINNESOTA MINIMUM STANDARDS.

Subpart 1. [Repealed, L 2014 c 305 s 32]

Subp. 2. [Repealed, L 2014 c 305 s 32]

Subp. 3. [Repealed, L 2014 c 305 s 32]

Subp. 4. [Repealed, L 2014 c 305 s 32]

Subp. 5. [Repealed, L 2014 c 305 s 32]

Subp. 6. **Credit for previous experience.** Credit may be awarded for previous experience and/or training which is applicable to learning program requirements. If credit is awarded, the apprentice shall be advanced in the graduated wage schedule accordingly.

Subp. 7. [Repealed, L 2014 c 305 s 32]

Subp. 8. **Responsibilities of apprentice.** Apprentices employed under these standards shall agree to be punctual and regular in attendance, and to endeavor to the best of their ability to perfect the required skills in the chosen craft.

Subp. 9. [Repealed, L 2014 c 305 s 32]

Subp. 10. [Repealed, L 2014 c 305 s 32]

Subp. 11. [Repealed, L 2014 c 305 s 32]

Subp. 12. [Repealed, L 2014 c 305 s 32]

Subp. 13. [Repealed, L 2014 c 305 s 32]

Subp. 14. [Repealed, L 2014 c 305 s 32]

Subp. 15. [Repealed, L 2014 c 305 s 32]

**Statutory Authority:** *MS s 14.388; 178.041*

**History:** *9 SR 2008; 33 SR 130; 35 SR 505; L 2014 c 305 s 30; L 2014 c 305 s 32*

**Published Electronically:** *January 5, 2015*

#### **5200.0330 CANCELLATION OF APPRENTICESHIP AGREEMENT.**

The apprenticeship agreement may be canceled by the director of apprenticeship for failure to comply with training requirements.

**Statutory Authority:** *MS s 178.041*

**History:** *9 SR 2008*

**Published Electronically:** *June 11, 2008*

**5200.0340** [Repealed, L 2014 c 305 s 32]

**Published Electronically:** *January 5, 2015*

#### **5200.0350 DUTIES OF SPONSORS.**

It shall be the sponsor's obligation to:

- A. Prepare the apprenticeship program for submission to the division.
- B. Prepare apprenticeship agreements. All sponsors shall use the state of approved apprenticeship agreement form.
- C. Each program operating under an apprenticeship committee pursuant to Minnesota Statutes, section 178.05, must in its standards provide for a tie-breaking procedure so it will be able to reach a majority decision.
- D. Submit two copies of a safety program providing for a minimum of 50 hours per year for safety training of apprentices. Any request for variance from this part must be presented in writing and approved by the director of the division.

**Statutory Authority:** *MS s 178.041*

**History:** *9 SR 2008; L 2014 c 305 s 30*

**Published Electronically:** *January 7, 2015*

**5200.0360** [Repealed, L 2014 c 305 s 32]

**Published Electronically:** *January 5, 2015*

**5200.0370 EQUAL OPPORTUNITY FOR APPRENTICES.**

Requirements of program sponsors under the Minnesota plan for equal employment opportunity in apprenticeship and Code of Federal Regulations, title 29, part 30 are as follows.

A. Programs with fewer than five apprentices must submit the following: two copies of the proposed program, and include in its standards the approved equal opportunity pledge.

B. Programs with five or more apprentices must submit the following: two copies of the proposed program, including in its standards the approved equal opportunity pledge and a written affirmative action plan adopting one of the following four approved selection procedures under the Minnesota plan for equal employment in apprenticeship:

- (1) selection on basis of rank from pool of eligible applicants;
- (2) random selection from pool of eligible applicants;
- (3) selection from pool of current employees; or
- (4) alternative selection methods.

C. Requirements for program reciprocity under the Minnesota plan for equal employment opportunity in Apprenticeship and Code of Federal Regulations, title 29, part 30, are as follows:

- (1) [Removed, L 2015 c 54 art 5 s 15]
- (2) The applicant shall offer evidence that the program meets the requirements of Code of Federal Regulations, title 29, part 30, in some other state. A certificate of registration is adequate evidence.
- (3) A presentation of a request for reciprocity must be made to the Minnesota apprenticeship board in writing for information purposes and for the board's advice on the request.
- (4) The requesting party must offer proof which indicates that all apprentices will receive not less than 50 hours per year of safety training under the program being registered in this state.

**Statutory Authority:** *MS s 14.388; 178.041*

**History:** *9 SR 2008; 33 SR 130; L 2015 c 54 art 5 s 15*

**Published Electronically:** *August 11, 2015*

**5200.0380 COMPLAINTS OF DISCRIMINATION.**

Subpart 1. **Right to complain.** Any apprentices or applicants for apprenticeship who believes that they have been discriminated against on the basis of race, color, religion, national origin, or sex with regard to apprenticeship or that the equal opportunity standards in respect to their selection have not been followed in the operation of an apprenticeship program may file a complaint. The complaint must be in writing and must be signed by the complainant. It must include the name, address, and telephone number of the person allegedly discriminated against, the program sponsor involved, and a description of the circumstances of the failure to apply the equal opportunity standards.

Subp. 2. **Filing date.** The complaint must be filed no later than 90 days from the date of the alleged discrimination.

Subp. 3. **Referral of complaint.** In the case of review boards designated by program sponsors to review complaints, the referral of the complaint by the complainant to the agency must occur within 90 days or 30 days after the final decision of the review board, whichever is later.

Subp. 4. **Compliance reviews.** Where no review board exists, the apprenticeship agency may conduct compliance reviews as found necessary in order to make a determination of facts relating to compliance with the equal employment opportunity plan.

Subp. 5. **Legal action against program.** The apprenticeship agency may, as a result of a compliance review or other reason, deregister the program or refer the matter to the United States attorney general with recommendations for the institution of a court action under Title 7 of the Civil Rights Act of 1964.

**Statutory Authority:** *MS s 178.041*

**History:** *9 SR 2008*

**Published Electronically:** *June 11, 2008*

**5200.0390** [Repealed, L 2014 c 305 s 32]

**Published Electronically:** *January 5, 2015*

#### **5200.0400 APPRENTICESHIP COMMITTEE RULES.**

Adoption of apprenticeship committee rules or changes must be submitted to the director of the division in writing for approval.

**Statutory Authority:** *MS s 178.041*

**History:** *9 SR 2008; L 2014 c 305 s 30*

**Published Electronically:** *January 7, 2015*

#### **5200.0410 CERTIFICATE OF COMPLETION.**

Subpart 1. **Signature.** The completion certificate is the standard approved state certificate. This certificate must be signed by the commissioner of labor and industry, director of apprenticeship, a representative of the local joint apprenticeship committee, the employer, and representative from the union if a bargaining agreement exists. For those trades for which a state license is issued by a state licensing authority, issuance of the certificate of completion of apprenticeship is conditioned on the apprentice having secured the appropriate license and is a part of the registered standards for licensed trades.

Subp. 2. **Written request from sponsor.** Before any certificate of completion is issued, the division must receive a request in writing from the sponsor. If the employer does not request the completion certificate or refuses to sign a certificate, the director of the division, after investigating the circumstances, shall issue the certificate without the employer's request or signature, providing the apprentice has fully completed the program in compliance with the terms of the apprenticeship agreement.

**Statutory Authority:** *MS s 178.041*

**History:** *9 SR 2008; L 2014 c 305 s 30*

**Published Electronically:** *January 7, 2015*

#### **5200.0420 MAINTENANCE OF RECORDS.**

Subpart 1. **Advisory board's duty.** Minnesota apprenticeship board business and records are kept by the division for the board.

Subp. 2. **Sponsor's duty.** Sponsors shall keep and maintain records of progress as required by the division on record cards furnished by the sponsor or standard progress record cards furnished by the state, on an ongoing basis from the start to the completion of an apprenticeship. These progress records must be kept on the sponsor's premises and must be accessible to all authorized personnel of the division. The definition of sponsor is the employer, association of employers, organization of employees, apprenticeship coordinator, or individual representing the joint apprenticeship committee. The division must be notified of the current address where records are kept and the person responsible for the records.

Subp. 3. **Retention and availability of records.** Under the state of Minnesota plan for equal employment opportunity in apprenticeship, it is the obligation of the sponsor to keep records as required by the division pertaining to individual applicants for apprenticeship whether selected or rejected, for five years and be made available upon request to authorized personnel of the division. These records pertaining to applicants must be maintained in a manner that permits identification of minority and female participants.

**Statutory Authority:** *MS s 14.388; 178.041*

**History:** *9 SR 2008; 33 SR 130; L 2014 c 305 s 30*

**Published Electronically:** *January 7, 2015*

## FEE EMPLOYMENT AGENCIES

### 5200.0500 DEFINITIONS.

Subpart 1. **Scope.** For purposes of those provisions of law relating to fee employment agencies including Minnesota Statutes, sections 184.21 to 184.40, the following terms shall have the meaning given to them.

Subp. 2. **Accept.** "Accept" means that the applicant has agreed with the employer on a specific position, wages, hours, working conditions, and a specific starting date, and has signed an acceptance form in which the agency has designated the terms of the acceptance. The applicant may withdraw the acceptance provided that the applicant did not actually start the job.

Subp. 3. **Fee status.** "Fee status" is the designation on the job order which describes the fee liability. The designated fee status for job listing services shall be limited to concurrent fee arrangement. The designated fee status for liability for placement shall be limited to one of the following terms:

A. "Fee paid" or "employer-paid fee" means that the employer has agreed to pay the entire fee directly to the agency.

B. "Fee reimbursed" means that the applicant shall pay the fee to the agency and shall subsequently be paid back by the employer. If reimbursement is to be only partial, it must be so specified.

C. "Split fee" means that the applicant and employer shall each pay a specified proportion of the fee to the agency.

D. "Applicant-paid fee" means that the entire fee shall be the responsibility of the applicant.

E. "Fee negotiable" means that the employer and the applicant will confer to settle the matter of fee responsibility prior to the acceptance of a job.

F. "Conditional fee paid" means that the employer has agreed to pay the fee but will require a separate fee liability agreement with the applicant.

Subp. 4. **Method of payment.** "Method of payment" means the specific procedure for paying the agency's placement fee after the placement is made. Method of payment must be stated in boldface type on the contract and be consistent with the disclosure requirements of the federal Truth-In-Lending Act, regulation Z.

Subp. 5. **Misconduct.** "Misconduct" is defined as a willful action involving assault and battery, an immoral act, the malicious destruction of property, the theft of money or property, or other conduct which markedly interferes with and adversely affects the individual's employment. The following also constitutes misconduct:

- A. excessive absenteeism;
- B. excessive tardiness;
- C. refusal to comply with orders of superiors;
- D. violation of known and acknowledged company rules;
- E. falsification of records;
- F. drinking on the job; and
- G. sleeping on the job.

**Statutory Authority:** *MS s 184.24*

**History:** *13 SR 2868*

**Published Electronically:** *August 7, 2013*

#### **5200.0510 LICENSE REQUIREMENT.**

An employment agency license shall be obtained by any individual or entity whose agents physically operate in Minnesota as described in Minnesota Statutes, section 184.21, subdivision 2, irrespective of whether such operations are on a short-term or a transient basis.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

#### **5200.0520 EXAMINATION BY DEPARTMENT.**

The department shall examine the recruitment, search, counseling, and/or placement activities of a business in order to determine whether an employment agent's license shall be obtained. After considering its findings and any recommendations of the Employment Agency Advisory Council, the department shall decide whether an employment agency license shall be required.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

#### **5200.0530 LICENSE APPLICATION FORMS.**

Application for an employment agency license shall be on forms approved and supplied by the department. Bonds shall be on forms approved and supplied by the department.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

#### **5200.0540 AGENCY NAME.**

Only one name may be used per agency license. This will not prohibit an agency from applying for more than one license per location. Each application must be accompanied by the appropriate bond and fees. A corporation may operate and do business only under its corporate name.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

#### **5200.0550 AGENCY LICENSE.**

An agency shall not commence operations until a license has been formally issued by the department. Existing agencies applying for an additional license are not exempt from this provision.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

#### **5200.0560 TEMPORARY HELP SERVICES.**

An organization that hires persons to work in temporary positions for employers who are clients of that organization is a temporary help service. If at any time a fee, other than liquidated damages due under an agreement between the service and the company, is charged by such organization for the permanent placement of individuals, then that organization is operating as a fee employment agency and shall be licensed as such.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

#### **5200.0570 LICENSE ENDORSEMENT.**

An employment agent shall return to the department within five calendar days the license of any manager or counselor who leaves the employ of that agent. An employment agent requesting consent to change the name or address provided on the license shall return the license to the department for endorsement no less than ten calendar days prior to the requested date of change, along with a new bond or bond rider covering the change.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

#### **5200.0580 CONTRACT AND ACCEPTANCE FORMS.**

Contract and acceptance forms shall contain uniform provisions and shall follow standards adopted by the department. All contracts shall be printed on letter size paper, 8-1/2 x 11, in eight-point type size or larger.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

#### **5200.0590 STANDARD CONTRACT LANGUAGE.**

It shall be provided in bold face type:

- A. At the top of all contracts "Legal Contract - Read and Understand."
- B. On all contracts and acceptance forms that "All agreements and contracts are subject to the rules of the Department of Labor and Industry and the laws of the State of Minnesota."
- C. Directly above the signature line on all contracts "I have read and understand the above contract. I have discussed this contract with a representative of the agency and have received a duplicate."

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

#### **5200.0600 FEE INFORMATION ON CONTRACTS.**

Subpart 1. **Job placement.** Applicant contracts with employment agencies engaged in the placement of applicants shall contain all of the following statements unless language less restrictive to the applicant is approved by the department:

- A. "I understand that a fee shall be due if I accept the position I am referred to or any position the employer offers me within 90 calendar days of the last contact between the agency and the company in reference to me. The fee shall be based on the position accepted. The agency shall inform me of all contacts made subsequent to my interviews with the employer."
- B. "I understand that if an employer I am referred to sends me to another employer, whose job I accept, a fee is due."
- C. "I understand that only one fee is payable for a position. If I am referred to the same position by two agencies, the fee shall be due the agent who first described the specific opening and gave the name of the employer, provided the interview with the employer is arranged by the agent within ten calendar days and is subsequently consummated."
- D. "I understand that if the agency sends an employer my resume and I contact that employer on my own before being notified of the agency contact, I am not obligated to the agency for a fee unless I specifically request that the agency pursue this particular contact."

Where the applicant undertakes no fee liability of any nature, the contract, as an alternative to items A to D, may read: "I understand that I am not liable for any fee and that compensation to the agency is to be settled between the employer and the agency."

Subp. 2. **Job listing.** Applicant contracts with job listing services shall contain the following statement: "I understand that a fee shall be due the job listing service at the time of contractual arrangements. No other fee shall be collected for services rendered, provided that fees for job placement may be charged and the fee arrangement for placement shall be contained in a separate contract."



**Statutory Authority:** *MS s 184.24*

**History:** *13 SR 2868*

**Published Electronically:** *June 11, 2008*

#### **5200.0610 ACCEPTANCE FORM STANDARDS.**

The acceptance form, with employment agencies engaged in placement activities, to be signed by the applicant shall contain the following information:

- A. title of job accepted;
- B. company name and address;
- C. salary;
- D. hours;
- E. job description;
- F. training to be received if a trainee position;
- G. starting date;
- H. acceptance date;
- I. name of counselor making placement;
- J. job order number referred on; and
- K. fee status, including description of:
  - (1) exact fee arrangements for fee reimbursed or split fee position;
  - (2) the amount of the fee;
  - (3) the percentage rate according to the fee schedule; and
  - (4) the carrying charges or interest, if applicable.

**Statutory Authority:** *MS s 184.24*

**History:** *13 SR 2868*

**Published Electronically:** *June 11, 2008*

#### **5200.0620 FEE DETERMINATION.**

The following terms and methods shall be used in determining amount of fee due:

- A. "One month's wages" or "salaries" or "earnings," when used to determine an agency's fees, means 4-1/3 weeks gross income minus overtime income, tips or gratuities, traveling expense, and other expense actually incurred in producing income.
- B. A fee based on an annual salary is to be calculated upon the first month's (4-1/3 weeks) salary times 12. A fee based on a monthly salary is to be calculated only on the first month's salary.
- C. For positions where income is based totally or partially on commissions or bonuses, the agent may assess a fee based on a reasonable estimate of the applicant's expected first year's earnings. If

employment is terminated for any reason prior to the end of the first year, the fee shall be recomputed at the rate applicable to the actual gross earnings as listed on the agent's fee schedule.

D. A fee shall be based on salary received for only the first 40 hours per week of employment. Executive, administrative, and professional positions as defined by rules issued pursuant to the Minnesota Fair Labor Standards Act, Minnesota Statutes, chapter 177, parts 5200.0180 to 5200.0210 are excluded from this provision.

E. A fee based on a concurrent fee arrangement shall be uniform for all applicants serviced.

**Statutory Authority:** *MS s 184.24*

**History:** *13 SR 2868*

**Published Electronically:** *June 11, 2008*

#### **5200.0630 FEE DEDUCTED FROM SALARY.**

No employment contract shall authorize the employer to deduct from the salary of the applicant any installments of the fee. An authorization for deductions from the applicant's salary shall be a separate and distinct agreement.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

#### **5200.0640 LIABILITY FOR MISREPRESENTATION.**

An applicant shall not be liable for the agency fee if there is a misrepresentation of any material factor by the employer or by the agency. An applicant is not released from the liability for the fee if the job is retained. A material factor is one which constitutes substantially and mainly whether a job would have been accepted if that factor was lacking or was different than stated.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

#### **5200.0650 REFUNDS.**

When a job which is presumed permanent becomes temporary, any refund due the applicant shall be remitted within five calendar days. The moneys shall not be retained by the agency in the anticipation of finding another job for the applicant.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

#### **5200.0660 FEE PAID LIABILITY.**

No contract shall provide that an applicant who has accepted a fee paid job is obligated to terminate that position or accept the fee liability if the agency is unable to collect the fee from the employer.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

**5200.0670 TWO REFERRALS TO SAME EMPLOYER.**

When an applicant is referred to an employer for a position to which he or she is not employed, and another agent refers the same applicant to the same employer for another position to which he or she is employed, the fee is payable to the second agent.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

**5200.0680 COLLECTION OF FEE FROM APPLICANT.**

No fee or portion of a fee except a concurrent fee arrangement shall be collected from an applicant before the actual start date.

**Statutory Authority:** *MS s 184.24*

**History:** *13 SR 2868*

**Published Electronically:** *June 11, 2008*

**5200.0690 FEE LIABILITY ON EMPLOYER REFUNDS.**

An agency may not demand any money from an applicant on a fee paid or split fee position after 90 calendar days of employment because of refunds to the employer. Fees may be charged (because of refunds to the employer) to applicants who voluntarily leave or are terminated due to misconduct within 90 calendar days of employment on a fee paid or split fee position, provided the applicant contract fully explains the nature of the potential liability.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

**5200.0700 JOB ORDER FORM.**

The following information must be contained on the job order form for each bona fide job order:

A. A sequential job order number. Each job order shall have its own number, which is to be included in any advertisement for that job. The word "job" and symbol "#" must precede the job order number in a written advertisement. Advertising via other media, including telephone answering devices shall indicate appropriate job order numbers. Any simple system involving letters and numbers may be used, providing it allows rapid retrieval of the job order in question.

B. Date order received. A "standing job order" shall be reaffirmed with the employer on a monthly basis.

C. Person who received order.

D. Method by which order received. This includes phone, mail, face-to-face, or other method.

E. Job title. The title used by the employer is considered the job title.

F. Job description, containing primary duties.

G. Company name.

H. Company address.

- I. Company phone number.
- J. Contact person(s), including name of person who gave the order and person to contact for interview.
- K. Minimum starting salary.
- L. Maximum starting salary.
- M. Benefits offered.
- N. Skills required.
- O. Educational requirements.
- P. Type and amount of experience required.
- Q. Days and hours of work, including shifts.
- R. Special posthire training, if any. This relates to any promises concerning training to be received by the applicant as a new employee. The nature of the various training areas must be specified.
- S. Job availability date.
- T. Fee status. One of the following terms shall be used to indicate the fee status for placement:
  - (1) fee paid or employer-paid fee;
  - (2) fee reimbursed;
  - (3) split fee;
  - (4) applicant-paid fee;
  - (5) fee negotiable; or
  - (6) conditional fee paid.
- U. The term "concurrent fee" shall be used to indicate the fee status for job listing services only.

**Statutory Authority:** *MS s 184.24*

**History:** *13 SR 2868*

**Published Electronically:** *June 11, 2008*

#### **5200.0710 EXPERTS AS REPRESENTATIVES OF EMPLOYERS.**

When an employer requests an expert in an occupation to suggest suitable persons for employment and the expert requests an employment agent to refer applicants for such a position, the expert shall be deemed the representative of the employer and the request to the employment agent is considered a bona fide job order from the employer.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

**5200.0720 COPY OF RULES AND LAW FOR MANAGER AND COUNSELORS.**

No employment agency owner shall fail to provide the manager and counselors with a copy of the employment agency law and the published rules currently in force.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

**5200.0730 CONTRACT REQUIREMENT.**

A contract is required between the applicant and the agency whether the fee is paid by the employer or by the applicant. The applicant shall be given a duplicate of all agreements between the applicant and the agency, including the contract and acceptance form.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

**5200.0740 SEPARATE AGREEMENT WITH EMPLOYER.**

An agent may negotiate a separate agreement with an employer for special services regarding recruitment, search, screening, referral, and placement, provided that the separate agreement does not violate the law or these rules.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

**5200.0750 DISPLAY OF LICENSES.**

Each manager or counselor license shall be displayed in a conspicuous place on or near the individual's desk.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

**5200.0760 USE OF NAME OTHER THAN THAT ON LICENSE.**

No employment agency, manager, or counselor shall use any name in the conduct of business or advertising other than that name which appears on the license.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

**5200.0770 ADVERTISING.**

Every ad for a job opening which is placed with a newspaper or other advertising medium shall be checked by the employment agency with the employer when placed to ascertain that the job order is current and unchanged. Any knowledge received before the last cancellation time that the job is no longer available or is changed in nature shall be reflected in the ad.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

#### **5200.0780 PROHIBITED ACTIVITIES IN CONNECTION WITH AN AGENCY.**

An employment agency shall not be conducted in connection with any other activity in which a charge is made to the applicant for personal service, except vocational training schools licensed or accredited by the Department of Education. This part does not prevent the separate operation of a temporary help service at the same office or an office adjacent to a licensed employment agency, provided that any permanent placement activities are conducted by an employment agent licensed in accordance with the law and these rules.

**Statutory Authority:** *MS s 184.24*

**History:** *L 1995 1Sp3 art 16 s 13; L 2003 c 130 s 12*

**Published Electronically:** *June 11, 2008*

#### **5200.0790 REQUIRED INFORMATION FOR THE DEPARTMENT.**

Information which is needed to administer the provisions of Minnesota Statutes, chapters 175 and 184 shall be furnished the department upon its request. A request for information shall state the need for such information. Each agency shall, within ten calendar days, supply the requested information or file a written statement explaining why it is not submitting the information.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

#### **5200.0800 ANNUAL RECORD OF SERVICE REPORT.**

Subpart 1. **Job placement.** A record of service shall be maintained in a separate ledger in the office of each employment agency for a period of three years and shall contain the information required by Minnesota Statutes, section 184.38, subdivision 5. Each agency shall submit annually to the department with its agency license renewal application, a summary of the above record which contains the following information for the preceding year:

- A. total applicants placed;
- B. total annual salaries of placements; and
- C. total amount of fees collected.

The individual summary shall be used solely for compilation of statistical data for the employment industry as a whole.

The summary shall be submitted on a form provided by the department which shall make provision for its protection from usage inconsistent with its purpose.

Subp. 2. **Job listing.** Job listing service record of service report shall include:

- A. total applicants serviced; and
- B. total amount of fees collected.

**Statutory Authority:** *MS s 184.24*

**History:** *13 SR 2868*

**Published Electronically:** *June 11, 2008*

## CONTESTED CASES

### 5200.0810 INITIATION OF CONTESTED CASE.

Subpart 1. **Right to complaint.** Any person authorized by law to submit to the department a complaint that his or her individual rights or privileges are being denied or that duties owed are being defaulted upon may initiate a contested case by filing a complaint.

Subp. 2. **Contents of complaint.** A complaint shall contain:

- A. name and address of the complainant;
- B. name and address of those against whom the complaint is made;
- C. relief sought and grounds therefor; and
- D. signature of the complainant or the complainant's attorney.

Subp. 3. **Order to commence contested case.** The department may order a contested case commenced to determine the rights, duties, and privileges of specific parties.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

### 5200.0820 SERVICE OF DOCUMENT OF INITIATION AND NOTICE.

Within ten days following receipt of the complaint or adoption of the order initiating the contested case, the department shall serve all known parties a copy of the document of initiation and a notice stating:

- A. commencement of the contested case;
- B. time and place of the prehearing conference, if any;
- C. the purpose of the prehearing conference;
- D. name of the hearing officer;
- E. rights of the parties to counsel and to a formal hearing; and
- F. that failure to attend may prejudice the party's right in this and subsequent proceedings.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

### 5200.0830 ANSWER TO INITIATING COMPLAINT.

Within 20 days after service of the complaint, excluding the day of service, an adverse party may interpose an answer to the initiating complaint or order. A copy of such answer shall be served on all parties to the contested case. The original together with an attached affidavit of service shall be filed with the department within five days after service is completed.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

#### **5200.0840 NOTICE OF HEARING.**

Not less than 30 days prior to the hearing date, the department shall serve a notice of hearing on all parties to the case. Such notice shall contain: time and place of the hearing, the purpose and procedure for the hearing, the issues to be determined, and the name of the hearing officer who will preside.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

#### **5200.0850 STATUTORY PARTY RIGHTS.**

Parties to a contested case shall have all rights under Minnesota Statutes, chapters 14 and 184.

**Statutory Authority:** *MS s 184.24*

**Published Electronically:** *June 11, 2008*

### **CHILD LABOR STANDARDS**

#### **5200.0900 DEFINITION OF HOME CHORE.**

"Home chore" is work usual to the home of the employer. Work performed in connection with or as part of the business, trade, or profession of the employer is not a home chore. Home chores are all those variable tasks normal to the running of a household and include but are not limited to mowing lawns, raking leaves, removing snow, light housekeeping, washing clothes or dishes, vacuuming, cleaning yards, and preparing food.

**Statutory Authority:** *MS s 181A.09*

**Published Electronically:** *June 11, 2008*

#### **5200.0910 PROHIBITED EMPLOYMENTS OF MINORS UNDER 18 YEARS OLD.**

No minor under the age of 18 shall be employed:

- A. In or about a place of employment where chemicals, compounds, dusts, fumes, vapors, gases, or radioactive materials, or other substances are present at excessive temperatures or in injurious, explosive, toxic, or flammable quantities. Minors employed in retail stores, service stations, and automobile service garages are not covered by this prohibition.
- B. In or about any place where explosives or pyrotechnics are manufactured, stored, handled, or fired.
- C. In or about logging or lumbering operations and paper mills.
- D. In or about sawmills, lath mills, shingle mills, or cooperage stock manufacturing plants.
- E. In or about mines, quarries, and sand or gravel pits.
- F. In or about construction or building projects.



G. In or about ice harvesting operations.

H. On boats or vessels used for commercial purposes. Minors performing guide or other nonoperational services are not covered by this prohibition.

I. To operate or to assist in the operation of power-driven machinery, including but not limited to: industrial trucks (forklifts); meat saws and meat grinders; milling machines; punch presses, press brakes, and shears; and woodworking machinery such as circular saws, radial saws, jointers, and shaping machines.

J. To operate any nonautomatic elevator, lift, or hoisting machine.

K. To drive motor vehicles, except as follows:

(1) Sixteen- and 17-year-old minors may drive up to 24,000 pound, single-unit vehicles (excluding buses) and may carry passengers at any time with a class D license.

(2) Sixteen- and 17-year-old minors may drive over 24,000 pound, single-unit vehicles (excluding buses) with a class B license but may not carry passengers.

(3) Fifteen-year-old minors who have completed an approved driver education course may, with a restricted farm work license, drive a motor vehicle in accordance with Minnesota Statutes, section 171.041.

However, as provided in Minnesota Statutes, section 171.322, no one under 18 years of age shall operate a motor vehicle while in use as a carrier of persons for hire, nor shall any person under 18 years of age drive a passenger-carrying vehicle as a hired driver.

L. As a brake tender, firefighter, engineer, driver, or conductor for a railroad, street railway, or interurban railroad or in switching or gate-tending.

M. As a lifeguard. Minors who have received a Red Cross lifesaving certificate or its equivalent and who work under uninterrupted adult supervision are not covered by this prohibition.

N. In aerial acts using such equipment as flying rings, horizontal bars, or trapezes. Nor shall a minor be employed in weight-lifting, balancing, casting, or human pyramiding acts, or as a rope walker, contortionist, or in other exhibitions dangerous or injurious to the life, limb, or health of the minor.

O. In the operation, erection, or dismantling of rides or machinery in an amusement park, street carnival, or traveling show, or in the loading or unloading of passengers on rides.

P. In any rooms constituting the place in which intoxicating liquors or 3.2 percent malt liquors are served or consumed or in any tasks involving the serving, dispensing, or handling of such liquors that are consumed on the premises except that:

(1) minors who have reached the age of 16 may be employed to perform busing, dishwashing, or hosting services in those rooms or areas of a restaurant, hotel, motel, or resort where the presence of intoxicating liquor is incidental to food service or preparation;

(2) minors who have reached the age of 16 may be employed to perform busing, dishwashing, or hosting services or to provide waiter or waitress service in rooms or areas where the presence of 3.2 percent malt liquor is incidental to food service or preparation;

(3) minors who have reached the age of 16 may be employed to provide musical entertainment in those rooms or areas where the presence of intoxicating liquor and 3.2 percent malt liquor is incidental to food service or preparation; and

(4) minors are not prevented from working at tasks which are not prohibited by law in establishments where liquor is sold, served, dispensed, or handled in those rooms or areas where no liquor is consumed or served.

Q. In window-washing, wall-cleaning, painting, or other building maintenance or repair higher than 12 feet above the ground or floor level, using ladders, scaffolding, safety belts, outside vertical conveyors, or like equipment.

R. In oxyacetylene or oxyhydrogen welding.

S. In any occupation or activity, or on any site, which is hazardous or dangerous to life, limb, or health.

**Statutory Authority:** *MS s 181A.09; L 2007 c 135 art 2 s 38*

**History:** *17 SR 1279; L 1991 c 249 s 31; 21 SR 458; 32 SR 500*

**Published Electronically:** *June 11, 2008*

#### **5200.0920 PROHIBITED EMPLOYMENTS OF MINORS UNDER 16 YEARS OLD.**

In addition to the restrictions in part 5200.0910, no minor under the age of 16 may be employed:

- A. in or about airport landing strips and taxi or maintenance aprons;
- B. except as stated in part 5200.0910, item K, subitem (3), as a driver of a motor vehicle or an outside helper thereon;
- C. as loaders or launchers for skeet or trap shooting;
- D. to lift or carry, or otherwise personally care for, patients in hospitals or nursing homes;
- E. to do welding of any kind;
- F. to operate or assist in the operation of machinery, including but not limited to:
  - (1) farm type tractors and other self-propelled vehicles, except that those minors trained under either the 4-H Federal Extension Service or the U.S. Office of Education Vocational Agriculture Training programs may work on equipment permitted by their certificate of training;
  - (2) laundry, rug cleaning, or dry cleaning equipment;
  - (3) sidewalk type snow blowers and other power-driven lawn and garden equipment;
  - (4) drill presses, milling machines, grinders, lathes, and such portable power-driven machinery as drills, sanders, and polishing and scrubbing equipment for floor maintenance;
  - (5) meat slicers;
  - (6) textile-making machinery; and
  - (7) bakery machinery;
- G. in oiling, cleaning, or maintaining any power-driven machinery, either portable or stationary, while in motion or at rest;
- H. in work involving the use of pits, racks, or lifting apparatus at service stations or in mounting tires on rims;

I. in processing plants to do work which includes killing, plucking, singeing, drawing, brining, smoking, slicing, grinding, chopping, or cutting operations;

J. in walk-in meat freezers or meat coolers, except that occasional entrance to such areas which is incidental to the occupation is not prohibited;

K. in any occupation in agriculture that the U.S. secretary of labor finds and declares to be particularly hazardous for the employment of children below the age of 16;

L. in any manufacturing or commercial warehouse, to do work which includes packaging, shelving, stock-clerking, or cleaning; or

M. in a car wash to attach cars to or detach them from mechanized conveyor lines or to operate or contact the car while it is connected to the conveyor apparatus.

**Statutory Authority:** *MS s 181A.09*

**Published Electronically:** *June 11, 2008*

#### **5200.0930 EXCEPTIONS TO PROHIBITIONS RELATED TO EMPLOYMENT OF MINORS.**

Subpart 1. **Approved training programs.** Prohibitions related to employment do not apply to a minor being trained in a state-approved apprenticeship training program or to a minor enrolled in a training program approved by the Division of Vocational-Technical Education, Minnesota Department of Education.

Subp. 2. **Tasks outside of area of hazard.** A minor who performs employment tasks which do not require being in or entering the immediate area of the hazardous operation, equipment, or materials is excluded from the prohibitions of parts 5200.0910 and 5200.0920.

Subp. 3. **High school graduates.** A minor who has reached the age of 17 and has graduated from high school shall be excluded from the prohibitions of part 5200.0910.

Subp. 4. **Parental corporations.** The prohibitions under parts 5200.0910 and 5200.0920 do not apply to a minor working for a corporation totally owned by one or both parents in which the daily corporate business is supervised by the parent or parents. In addition, with respect to agricultural employment, parts 5200.0910 and 5200.0920 do not apply to a minor employed by a family farm corporation as defined under Minnesota Statutes 1973, section 500.24 where the minor's parent is a member of the said family farm corporation.

**Statutory Authority:** *MS s 181A.09*

**History:** *L 1995 1Sp3 art 16 s 13; L 2003 c 130 s 12*

**Published Electronically:** *June 11, 2008*

#### **5200.0940 SPECIAL EXEMPTION PERMIT.**

The commissioner may grant exemptions from any provisions of the act, pursuant to Laws of Minnesota 1974, chapter 432, section 7, subdivision 5, for an individual minor when it is determined that said exemption is in the best interests of a minor in accordance with both of the following:

A. the minor has a special talent, unique qualifications, or special need for the particular employment for which the exemption is sought; and

B. the health, education, or welfare of the minor will not be detrimentally affected by the employment or by the environment in which the employment is to be conducted.

**Statutory Authority:** *MS s 181A.09*

**Published Electronically:** *June 11, 2008*

#### **5200.0950 EXEMPTION PERMIT APPLICATION.**

Each permit application shall specify:

- A. name of minor;
- B. address of minor;
- C. address of parent(s) or guardian(s) if different than item B;
- D. a description of the proposed employment;
- E. proposed dates of employment from beginning to end; and
- F. particular section(s) of the act for which an exemption is sought.

**Statutory Authority:** *MS s 181A.09*

**Published Electronically:** *June 11, 2008*

#### **5200.0960 REVOCATION OF PERMIT.**

The commissioner may revoke any permit when in the commissioner's opinion the employment of the child in such employment is detrimental to said minor's health, education, or welfare.

**Statutory Authority:** *MS s 181A.09*

**History:** *17 SR 1279*

**Published Electronically:** *June 11, 2008*

#### **5200.0970 [Repealed, 11 SR 1740]**

**Published Electronically:** *June 11, 2008*

### **PREVAILING WAGE DETERMINATIONS**

#### **5200.1000 STATUTORY AUTHORITY AND PURPOSE.**

Parts 5200.1000 to 5200.1120 are promulgated pursuant to the authority provided to the Minnesota Department of Labor and Industry by the provisions of Minnesota Statutes, section 175.171, subdivision 2 and the requisites of Minnesota Statutes, section 14.06. Their purpose is to provide procedures for prevailing wage determinations.

**Statutory Authority:** *MS s 175.171*

**Published Electronically:** *June 11, 2008*

**5200.1010 DEFINITIONS.**

Subpart 1. **Scope.** For purposes of all wage rate determinations, the following definitions shall apply.

Subp. 1a. **Adjacent county.** "Adjacent county" means a county that shares a common border with another county.

Subp. 2. **Commercial construction.** "Commercial construction" means all building construction projects exclusive of residential construction.

Subp. 3. **Highway and heavy construction.** "Highway and heavy construction" means all construction projects which are similar in nature to those projects based upon bids as provided under Minnesota Statutes, section 161.32 for the construction or maintenance of highways or other public works and includes roads, highways, streets, airport runways, bridges, power plants, dams, and utilities.

Subp. 4. **Project.** As utilized in parts 5200.1000 to 5200.1120 the term "project" means the erection, construction, remodeling, or repairing of commercial, residential, or public buildings or any highway and heavy construction.

Subp. 5. **Residential construction or agricultural construction.** "Residential construction or agricultural construction" means all construction, remodeling, or repairing of single or two family homes and structures appurtenant thereto including agricultural or farming buildings appurtenant to private farm residences when utilized to carry on primary farming operations.

Subp. 6. **State project.** "State project" means those projects which are subject to the requirements of Minnesota Statutes, sections 177.41 to 177.44.

**Statutory Authority:** *MS s 175.171; 177.28; 177.41 to 177.44*

**History:** *21 SR 1107; 35 SR 1711*

**Published Electronically:** *June 29, 2011*

**5200.1020 PREVAILING WAGE DETERMINATIONS.**

Subpart 1. **Highway and heavy construction.** The department shall, at least once each calendar year, determine and certify prevailing wage rates applicable to state projects which are similar in nature to public and private highway and heavy construction projects where the estimated total cost of completing the project is \$25,000 or more.

Subp. 2. **Commercial type construction.** The department shall, at least once each calendar year, determine and certify prevailing wage rates applicable to state projects which are similar in nature to public and private commercial projects where the estimated total cost of completing the project is \$2,500 or more.

Subp. 3. [Repealed, 21 SR 1107]

Subp. 4. **Residential type construction.** Prevailing wage rates applicable to state projects which are similar in nature to residential construction projects will be made upon request of a governmental official involved in the bidding process for a state project who desires such rates for insertion in a specific contract proposal.

Subp. 5. **Survey data; recent.** Each wage survey shall be based upon work performed in the 12 months preceding the date the survey is commenced and the resulting wage determinations will be certified following the close of the survey.

Subp. 6. **Survey procedure.** Except as provided in subpart 7, all prevailing wage determinations shall be based upon the survey procedures contained in these parts.

Subp. 7. **Public hearing.** The department shall, pursuant to Minnesota Statutes, sections 177.43, subdivision 4, and 177.44, subdivision 3, conduct public hearings when necessary to determine county wage rate determinations. Such hearings shall be conducted within the county for which wage rates are being determined and shall be conducted as contested cases by an administrative law judge from the Office of Administrative Hearings.

**Statutory Authority:** *MS s 175.171; 177.41 to 177.44*

**History:** *8 SR 2274; L 1984 c 640 s 32; 21 SR 1107*

**Published Electronically:** *June 11, 2008*

### 5200.1030 BASIS FOR HIGHWAY AND HEAVY CONSTRUCTION DETERMINATIONS.

Subpart 1. **Areas.** Prevailing wage rates for highway and heavy construction projects must be based on work performed within distinct areas. The counties included in each area are listed in items A to J.

- A. Area 1: Carlton, Cook, Itasca, Koochiching, Lake, Pine, and Saint Louis.
- B. Area 2: Beltrami, Clearwater, Hubbard, Kittson, Lake of the Woods, Marshall, Norman, Pennington, Polk, Red Lake, and Roseau.
- C. Area 3: Aitkin, Cass, Crow Wing, Kanabec, Mille Lacs, Morrison, Todd, and Wadena.
- D. Area 4: Becker, Big Stone, Clay, Douglas, Grant, Mahnommen, Otter Tail, Pope, Stevens, Swift, Traverse, and Wilkin.
- E. Area 5: Benton, Isanti, Sherburne, Stearns, and Wright.
- F. Area 6: Dodge, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmsted, Steele, Rice, Wabasha, and Winona.
- G. Area 7: Blue Earth, Faribault, Le Sueur, Nicollet, Sibley, and Waseca.
- H. Area 8: Chippewa, Kandiyohi, Lac Qui Parle, Lincoln, Lyon, Meeker, McLeod, Murray, Pipestone, Redwood, Renville, and Yellow Medicine.
- I. Area 9: Anoka, Carver, Chisago, Dakota, Hennepin, Ramsey, Scott, and Washington.
- J. Area 10: Brown, Cottonwood, Jackson, Martin, Nobles, Rock, and Watonwan.

Subp. 2. **Labor classes.** Prevailing wage rates must be determined on an area basis and each prevailing wage rate must be based upon work performed solely within the applicable class of labor. For each area surveyed, the department shall issue wage determinations for all classes of labor commonly or customarily used in highway and heavy construction projects.

Subp. 2a. **Projects to be surveyed, criteria.** The determinations shall be made from projects on which construction work was done in the 12 months preceding the survey which are located in the area and where the estimated total cost of completing the project is \$25,000 or more.

- A. A minimum of two projects in an area must be reported in order to issue a wage determination for the area.
- B. A wage determination must be made for all classifications of labor utilized on a project. Where classes of labor expected to be utilized on a project for which the area prevailing wage determination

is being made are not all represented in the projects in item A, the most recent rate determined for the class of labor is applicable.

C. If work is performed by a class of labor not defined by part 5200.1100, Master Job Classifications, the contracting agency shall assign a wage rate and the commissioner of labor and industry shall review and certify the assigned wage rate based on the most similar trade or occupation from the area wage determination. Within 90 days, the Commissioner of Labor and Industry must initiate the rulemaking procedure so that the classification will be defined in the Master Job Classifications in part 5200.1100.

Subp. 3. [Repealed, 21 SR 1107]

**Statutory Authority:** *MS s 175.171; 177.28 ;177.41 to 177.44*

**History:** *8 SR 2274; 21 SR 1107; 33 SR 1598*

**Published Electronically:** *March 27, 2009*

### **5200.1035 BASIS FOR COMMERCIAL CONSTRUCTION DETERMINATIONS.**

Subpart 1. **County and labor classes.** Prevailing wage rates must be made on a county-by-county basis and each prevailing wage rate must be based on work performed solely within the applicable class of labor. For each county surveyed, the department shall issue wage determinations for all classes of labor commonly or customarily used in commercial construction projects.

Subp. 2. **Projects to be surveyed, criteria.** From information on file and submitted by interested persons, the determinations shall be made from projects on which construction work was done in the 12 months preceding the survey, which are located in the county or, if necessary, from adjacent counties, and where the estimated total cost of completing the project is \$2,500 or more.

A. A minimum of two projects in a county must be reported in order to issue a wage determination for the county.

B. If classes of labor expected to be used in a county for which the prevailing wage determination is being made are not all represented in the projects in item A, but work was performed in those classes of labor in two or more projects in any county adjacent to the county being surveyed, the department shall establish the wage determination for those classes of labor based solely upon those adjacent county projects.

C. In determining a wage rate for a class of labor based upon work performed in adjacent counties, all workers in a class of labor in all adjacent counties must be totaled and the wage rates must be based upon the wage rate paid to the largest number as determined in accordance with parts 5200.1020 to 5200.1060.

D. A wage determination must be made for all classifications of labor used on a project. Where classes of labor expected to be utilized in a county for which the prevailing wage determination is being made are not all represented in the projects in item A, and not further determined in item B, the wage rate must remain the same as previously certified.

E. If work is performed by a class of labor not defined by part 5200.1100, Master Job Classifications, the Commissioner of Labor and Industry shall certify a wage rate which reflects the most similar trade or occupation from the project wage determination. Within 90 days, the Commissioner of Labor and Industry must initiate the rulemaking procedure so that the classification will be defined in the Master Job Classifications in part 5200.1100.

**Statutory Authority:** *MS s 175.171; 177.28; 177.41 to 177.44*

**History:** *21 SR 1107; 33 SR 1598*

**Published Electronically:** *March 27, 2009*

#### **5200.1040 CLASSES OF LABOR.**

Each class of labor shall be based upon the particular nature of the work performed with consideration given to those trades, occupations, skills, or work generally considered within the construction industry as constituting distinct classes of labor. Wage determinations will be issued for those separate classes of labor which fall under the following general classes:

- A. Laborers.
- B. Power equipment operators.
- C. Truck drivers.
- D. Special equipment.
- E. Special crafts. The following crafts shall constitute separate classes of labor: bricklayers, carpenters, cement masons, line persons, electricians, iron workers, painters, pipefitters, plumbers, plasterers, roofers, and sheet metal workers, and other labor or work which is customarily considered as an individual trade or craft based upon its character and skills required.
- F. In determining particular classes of labor, the department shall consider parts 5200.1100 and 5200.1101, work classifications contained in collective bargaining agreements, apprenticeship agreements on file with the department, the United States Department of Labor "O\*NET OnLine" Web site, and customs and usage applicable to the construction industry.
- G. Primary responsibility for classifying individual workers shall be upon the contractor.
- H. For wage survey purposes, where a worker performs work in more than one class of labor on a project, the worker shall be placed in the class in which the person worked the greatest number of hours.
- I. For wage survey purposes, the contractor reporting shall have the responsibility to determine the class in which the worker has worked the greatest number of hours on each project reported.
- J. Workers employed within a class of labor as apprentices, helpers, supervisors, or trainees will not be included or counted within the wage survey.

**Statutory Authority:** *MS s 175.171; 177.28; 177.41 to 177.44*

**History:** *17 SR 1279; 21 SR 1107; 33 SR 1598; 35 SR 1711*

**Published Electronically:** *June 29, 2011*

#### **5200.1050 SURVEY PROCEDURES.**

Subpart 1. **Scope.** The purpose of each survey is to develop a database upon which to determine prevailing wage rates for those classes of labor expected to be used on state projects based upon wage rates paid to the same classes of labor on similar projects in the area. In establishing the data, the procedural steps in subparts 2 to 4 shall be taken.

Subp. 2. **Wage reports.** The department shall regularly request from contractors, contractor organizations, labor organizations, and any other interested person, on forms available from or approved



by the department, reports of construction wage rates paid by contractors on various types of highway and heavy projects where the estimated total cost of completing the project is \$25,000 or more and on commercial projects where the estimated total cost of completing the project is \$2,500 or more. The reports must be kept on file by the department according to the county or area in which the project for which the report is received was performed. The reports must list the name and address of the contractor, the name of the project, the location of the project, a description of the project, any identifying project numbers, a description of the work performed on the project, the approximate dollar cost of the project, the names of employees who worked eight hours or more on a highway and heavy or commercial project, together with the class of labor for each employee, the wage rate paid each employee on the project, and the hourly cost of fringe benefits for health and welfare, pension, vacation, apprenticeship or training, and any other economic benefits paid for each employee. The forms shall be signed and dated by the organization or individual providing the information attesting that the information provided is true and correct.

Subp. 2a. **Union wage reports.** The department shall also keep local union wage and employment reports, on forms provided or approved by the department. The reports must set forth the classes of labor, trade, or occupation covered, the effective date of the contract, wage and fringe benefits paid under the contract, the duration of the contract, the dates of all adjustments to wages and fringe benefits together with the amount of the adjustments on each date, the geographic area where the contract is effective, the number of members employed within the geographic area covered by the contract, the type of projects covered by the contract, and a list of all contractors or employer associations signatory to the contract. The local union wage reports are to be signed and dated by a representative from the local union attesting that the information provided is true and correct.

Subp. 2b. **Mailing lists.** The department shall also keep and maintain a mailing list of governmental officials, district, county, and city engineers, city clerks, administrators, and zoning officials for each county. The department shall also keep and maintain a mailing list of contractors, contractor associations, labor organizations, and other individuals who have requested to be on a mailing list to be notified when any survey is about to be taken.

Subp. 2c. **Notification of survey.** Upon initiation of a survey, the department must notify the county engineer and all city engineers, city clerks, administrators, and zoning officials in the county to be surveyed. The notice will request local officials to submit reports of construction in the county in the preceding 12 months. The report shall include the names of the contractors and their addresses. The department must also notify all contractors, contractor associations, labor organizations, and other individuals who have requested to be notified when a survey for any county is about to be taken. That notice will request that interested individuals submit reports on forms available from or approved by the department concerning construction performed in the county during the preceding 12 months. The notice shall state that all reports of construction in the county must be returned to the department no later than 60 days following the date upon which the notice of the survey is mailed by the department. Information not timely received by the department shall not be used in establishing the prevailing wage rate for any class of labor. Any unsigned or incomplete forms received prior to the final date for receipt of the forms shall be returned to the individual, contractor, or labor organization, to the extent the individual, contractor, or labor organization can be identified, with a request that the form be properly completed. The department may use incomplete reports where the entity completing the form has provided all the information it has. If that form is not received by the department within 15 days from the date it is returned by mail to the individual, contractor, or labor organization, it shall be excluded from the survey. In no event shall information on unsigned reports of construction in the county be utilized in making wage determinations. All reports must be signed and dated by the organization or individual making the report attesting that the information provided is true and correct.

Subp. 3. [Repealed by amendment, 8 SR 2274]

Subp. 3a. **Reports, attestations.** Reports of construction wage rates and local union wage and employment reports shall specify that the individual signing the report attests that the information on the report is true and correct. The form shall specify that willful falsification of any information on the report may result in civil or criminal prosecution. In addition, a person, organization, or company who willfully submits false information will not be allowed to submit information from one to three years and all information submitted by that entity must be excluded from the wage determination.

Subp. 3b. [Repealed, 21 SR 1107]

Subp. 4. **Area calculation record.** The number of workers in each class of labor and their respective wage rates shall be determined and reflected on an area calculation record.

**Statutory Authority:** *MS s 175.171; 177.28; 177.41 to 177.44*

**History:** *8 SR 2274; 21 SR 1107; 33 SR 1598*

**Published Electronically:** *March 27, 2009*

#### **5200.1060 DETERMINING LARGEST NUMBER OF WORKERS AND PREVAILING WAGE RATE.**

Subpart 1. **Policy.** Each wage rate determination shall be based upon the actual wage rates paid to the largest number of workers within each labor classification reported in the survey.

Subp. 2. **Procedure.** For purposes of determining the largest number of workers, each worker within a class of labor and the worker's total hourly rate paid shall be tabulated.

A. Total hourly rate includes the hourly rate plus the hourly contribution for all wage and fringe benefits.

B. The largest number of workers with identical rates of pay within each classification shall determine the specific prevailing wage rate.

C. When determining the prevailing wage rate and there is an equal number of workers (which represent the greatest number of workers) with differing hourly wage rates, the prevailing wage rate shall be the highest wage rate paid to those workers.

Example: four workers at \$7 per hour; four workers at \$8 per hour; two workers at \$8.50 per hour. The prevailing wage rate will be determined as \$8 per hour.

D. Where a worker performs work in more than one class of labor, the worker shall be counted only once per project and placed in the class which the person worked the greatest number of hours.

Subp. 3. **Collectively bargained rate.** If the prevailing wage rate determined for any given class of labor represents a collectively bargained rate, then the comparable current collectively bargained rate for the class of labor in the area shall be the prevailing wage rate.

Subp. 4. **Noncollectively bargained rate.** If the prevailing wage rate determined represents a rate other than a collectively bargained rate for any given class of labor, the rate so determined shall be the prevailing wage rate.

Subp. 5. **Change in rate due to contractual changes.** If the prevailing wage rate for any given class of labor represents a collectively bargained rate, and the collectively bargained rate for that class of labor will change during the 12 months immediately following the date upon which the wage rate is determined

according to the terms of the collective bargaining contract by which the rate is established, the department shall certify that the rate for that class of labor shall also change accordingly on the effective date of the change pursuant to the collective bargaining contract.

**Statutory Authority:** *MS s 175.171; 177.41 to 177.44*

**History:** *8 SR 2274; 17 SR 1279; 21 SR 1107*

**Published Electronically:** *June 11, 2008*

### **5200.1070 APPRENTICES.**

Subpart 1. **Establishment of wage rates.** Apprentices working on state projects are not subject to the prevailing wage rate determinations, except as they may be affected by registered apprenticeship agreements. The hourly rates of pay for such workers are established by the particular program to which the apprentice or trainee is subject.

Subp. 2. **Definition.** The term "apprentice" means:

A. a person employed and registered in a bona fide apprenticeship program registered with the U.S. Department of Labor or with a state apprenticeship agency; and

B. a person in the first 90 days of probationary employment as an apprentice who is not registered in the program but who has been certified by the U.S. Bureau of Apprenticeship and Training or a state apprenticeship agency or council to be eligible for probationary employment as an apprentice.

Subp. 3. **Exceptions to definition.** Any employee listed on a payroll for a state project who does not fall within the term "apprentice" contained in subpart 2 shall be paid the prevailing wage rate for the classification of work performed.

**Statutory Authority:** *MS s 175.171*

**History:** *17 SR 1279*

**Published Electronically:** *June 11, 2008*

### **5200.1080 NOTICE OF WAGE DETERMINATIONS.**

Upon certification of wage rates for a given county or area, the department shall publish notice of such certification in the State Register but need not publish the individual rates so certified. The certification date shall coincide with the date published in the State Register.

The notice published in the State Register shall indicate where copies of the determined rates may be obtained upon request.

The department shall maintain a list of all persons who request that copies of wage rate determinations be sent to them.

Copies of wage rate determinations shall be mailed within five days of their certification to those persons who have requested such notice and whose names appear on the list maintained by the department. The department may charge a reasonable fee for the copying and mailing of these notices as allowed under Minnesota Statutes, section 15.17, subdivision 4.

**Statutory Authority:** *MS s 175.171; 177.41 to 177.44*

**History:** *21 SR 1107*

**Published Electronically:** *June 11, 2008*

#### **5200.1090 PETITION FOR RECONSIDERATION OF PREVAILING WAGE RATES.**

Subpart 1. **Right to reconsideration.** Any person including contractor associations or labor organizations aggrieved by a final determination of a prevailing wage rate may petition the commissioner for reconsideration of that wage rate within 30 days following its certification. The petitioner shall indicate the county and class(es) of labor contested, the reason the petitioner believes the rate to be inaccurate, and the rates the petitioner believes to be correct.

Subp. 2. **Informal conference.** Within ten days following receipt of a petition for reconsideration, the department shall informally meet with the petitioner and any other interested person, associations, or labor organizations, to review the contested wage determination(s).

The petitioner shall be prepared to support his or her contentions with any documents or data the petitioner deems necessary.

The department shall be prepared to produce and review the data, summary sheets, and other documents upon which its determinations were based, and shall produce for the petitioner's inspection all such documents.

Subp. 3. **Final decision.** Following the informal conference, the department shall, within ten days, notify the petitioner of any decision modifying, changing, or reaffirming the contested wage rate or indicate to the petitioner that a survey will be necessary to resolve the contested wage rate(s).

Where the department determines that a new survey is necessary, such survey shall be conducted within 30 days. Thereafter, the department shall inform the petitioner by certified mail of its final decision based on that survey.

Subp. 4. **Pending the procedures.** No prevailing wage rate will be deemed to be vacated or suspended pending the resolution of a petition for reconsideration nor will the department request any state agency contemplating a state project to suspend, delay, or otherwise change its contract and bidding schedules due to any pending procedures resulting from a petition for reconsideration.

Subp. 5. **Public hearing.** Any person aggrieved by a final decision following reconsideration of a prevailing wage rate may, within 20 days after the decision, petition the commissioner for a public hearing in the manner of a contested case under the Administrative Procedure Act, Minnesota Statutes, sections 14.57 to 14.61. Upon receipt of a petition for a public hearing the commissioner shall order the initiation of a contested case in accordance with Minnesota Statutes, sections 14.48 to 14.56. All contested case hearings initiated herein shall be conducted in accordance with the rules of operation of the Office of Administrative Hearings.

**Statutory Authority:** *MS s 175.171*

**History:** *17 SR 1279*

**Published Electronically:** *June 11, 2008*

**5200.1100 MASTER JOB CLASSIFICATIONS.****Subpart 1. Requirement.**

A. For purposes of parts 5200.1000 to 5200.1120, contractors must use the following codes and classifications in documenting classes of labor.

B. Descriptions of the nature of work, typical duties, and typical tools used for each code and classification of labor in subparts 2 and 5 are described in parts 5200.1101 and 5200.1102, respectively. A worker classified by a code under subpart 2 or 5 must be classified by the code and classification that best matches the worker's nature of work, typical duties, and typical tools used.

**Subp. 2. Laborers.**

Code No.	Position Title
101	Laborer, common (general labor work)
102	Laborer, skilled (assisting skilled craft journeyman)
103	Laborer, Landscaping (gardener, sod layer and nursery operator)
104	Flag person
105	Watch person
106	Blaster
107	Pipelayer (water, sewer and gas)
108	Tunnel miner
109	Underground and open ditch laborer (eight feet below starting grade level)
110	Survey field technician
111	Traffic control person (temporary signage)
112	Quality control tester

**Subp. 2a. Special equipment.**

Code No.	Position Title
201	Articulated hauler
202	Boom truck
203	Landscaping equipment, includes hydro seeder or mulcher, sod roller, farm tractor with attachment specifically seeding sodding, or plant, and two-framed forklift (excluding front, posi-track, and skid steer loaders), no earthwork or grading for elevations

- 204 Off-road truck
- 205 Pavement marking or marking removal equipment (one or two person operators); self-propelled, truck or trailer mounted units. The nature of the work performed by the operator of this equipment is the application of and removal of pavement marking. Normally paint is applied, but tape is also used to mark these lines. The systems on this equipment include skip line controllers, paint and bead monitoring, air pressure regulators, paint agitators and heaters, marking tape, water jet cutting, line marking grinders, vacuum collection, footage counters, mounted video camera, and laser alignment guiding tools.

Subp. 3. **Power equipment operators - highway and heavy projects.** For purposes of parts 5200.1000 to 5200.1120, contractors must use codes and classifications in this subpart for paying and documenting equipment operators working on highway and heavy type construction projects.

Code No. Position Title

Group 2

- 302 Helicopter pilot
- 303 Concrete pump
- 304 All cranes with over 135-foot boom, excluding jib
- 305 Dragline, crawler, hydraulic backhoe (track or wheel mounted) and/or other similar equipment with shovel-type controls three cubic yards and over manufacturer's rated capacity including all attachments
- 306 Grader or motor patrol
- 307 Pile driving
- 308 Tugboat - 100 h.p. and over when license required

Group 3

- 309 Asphalt bituminous stabilizer plant
- 310 Cableway
- 311 Concrete mixer, stationary plant
- 312 Derrick (guy or stiffleg) (power) (skids or stationary)
- 313 Dragline, crawler, hydraulic backhoe (track or wheel mounted) and/or similar equipment with shovel-type controls, up to three cubic yards manufacturer's rated capacity including all attachments
- 314 Dredge or engineers, dredge (power) and engineer
- 315 Front end loader, five cubic yards and over including attachments
- 316 Locomotive crane operator

- 317 Mixer (paving) concrete paving, road mole, including mucking operations, Conway or similar type
- 318 Mechanic - welder on power equipment
- 319 Tractor - boom type
- 320 Tandem scraper
- 321 Truck crane - crawler crane
- 322 Tugboat 100 h.p. and over
- Group 4
- 323 Air track rock drill
- 324 Automatic road machine (CMI or similar)
- 325 Backfiller operator
- 326 Concrete batch plant operator
- 327 Bituminous rollers, rubber tired or steel drummed (eight tons and over)
- 328 Bituminous spreader and finishing machines (power), including pavers, macro surfacing and micro surfacing, or similar types (operator and screed person)
- 329 Brokk or R.T.C. remote control or similar type with all attachments
- 330 Cat challenger tractors or similar types pulling rock wagons, bulldozers, and scrapers
- 331 Chip harvester and tree cutter
- 332 Concrete distributor and spreader finishing machine, longitudinal float, joint machine, and spray machine
- 333 Concrete mixer on jobsite
- 334 Concrete mobil
- 335 Crushing plant (gravel and stone) or gravel washing, crushing and screening plant
- 336 Curb machine
- 337 Directional boring machine
- 338 Dope machine (pipeline)
- 339 Drill rigs, heavy rotary or churn or cable drill
- 340 Dual tractor
- 341 Elevating grader
- 342 Fork lift or straddle carrier
- 343 Fork lift or lumber stacker
- 344 Front end, posi-track, or skid steer loaders, over one cubic yard up to five cubic yards with attachments
- 345 GPS remote operating of equipment
- 346 Hoist engineer (power)

- 347 Hydraulic tree planter
- 348 Launcher person (tanker person or pilot license)
- 349 Locomotive
- 350 Milling, grinding, planing, fine grade, or trimmer machine
- 351 Multiple machines, such as air compressors, welding machines, generators, pumps
- 352 Pavement breaker or tamping machine (power driven) might mite similar type
- 353 Pickup sweeper, one cubic yard and over hopper capacity
- 354 Pipeline wrapping, cleaning or bending machine
- 355 Power plant engineer, 100 KWH and over
- 356 Power actuated horizontal boring machine, over six inches
- 357 Pugmill
- 358 Pumpcrete
- 359 Rubber-tired farm tractor with backhoe including attachments
- 360 Scraper
- 361 Self-propelled soil stabilizer
- 362 Slip form (power driven) (paving)
- 363 Tie tamper and ballast machine
- 364 Tractor, bulldozer
- 365 Tractor, wheel type, over 50 h.p. with PTO unrelated to landscaping
- 366 Trenching machine (sewer, water, gas) excludes walk behind trencher
- 367 Tub grinder, morbark, or similar type
- 368 Well point dismantling or installation
- Group 5
- 369 Air compressor, 600 CFM or over
- 370 Bituminous roller (under eight tons)
- 371 Concrete saw (multiple blade) (power operated)
- 372 Form trench digger (power)
- 373 Front end, skid steer, or posi-track loaders, up to and including one cubic yard with attachments
- 374 Gunite gunall
- 375 Hydraulic log splitter
- 376 Loader (barber greene or similar type)
- 377 Post hole driving machine/post hole auger
- 378 Power actuated auger and boring machine



379	Power actuated jack
380	Pump
381	Self-propelled chip spreader (flaherty or similar)
382	Sheep foot compactor with blade - 200 h.p. and over
383	Shouldering machine (power) apasco or similar type including self-propelled sand and chip spreader
384	Stump chipper and tree chipper
385	Tree farmer (machine)

## Group 6

387	Cat, challenger, or similar type of tractors, when pulling disk or roller
388	Conveyor
389	Dredge deck hand
390	Fire person or tank car heater
391	Gravel screening plant (portable not crushing or washing)
392	Greaser (tractor)
393	Lever person
394	Oiler (power shovel, crane, truck crane, dragline, crushers, and milling machines, or other similar heavy equipment)
395	Power sweeper
396	Sheep foot roller and rollers on gravel compaction, including vibrating rollers
397	Tractor, wheel type, over 50 h.p., unrelated to landscaping

Subp. 3a. **Power equipment operators commercial projects.** For purposes of parts 5200.1000 to 5200.1120, contractors must use codes and classifications in this subpart for paying and documenting power equipment operators working on commercial type projects.

Code No.	Position Title
Group 1	
501	Helicopter pilot
502	Tower crane 250 feet and over
503	Truck or crawler crane with 200 feet of boom and over, including jib
Group 2	
504	Concrete pump with 50 meters/164 feet of boom and over
505	Pile driving when three drums in use

- 506 Tower crane 200 feet and over
- 507 Truck or crawler crane with 150 feet of boom up to and not including 200 feet, including jib
- Group 3
- 508 All-terrain vehicle cranes
- 509 Concrete pump 32-49 meters/102-164 feet
- 510 Derrick (guy & stiffleg)
- 511 Stationary tower crane up to 200 feet
- 512 Self-erecting tower crane 100 feet and over measured from boom foot pin
- 513 Traveling tower crane
- 514 Truck or crawler crane up to and not including 150 feet of boom, including jib
- Group 4
- 515 Crawler backhoe including attachments
- 516 Fireperson, chief boiler license
- 517 Hoist engineer (three drums or more)
- 518 Locomotive
- 519 Overhead crane (inside building perimeter)
- 520 Tractor - boom type
- Group 5
- 521 Air compressor 450 CFM or over (two or more machines)
- 522 Concrete mixer
- 523 Concrete pump up to 31 meters/101 feet of boom
- 524 Drill rigs, heavy rotary or churn or cable drill when used for caisson for elevator or building construction
- 525 Forklift
- 526 Front end, posi-track, and skid steer type loaders one cubic yard and over, including attachments
- 527 Hoist engineer (one or two drums)
- 528 Mechanic-welder (on power equipment)
- 529 Power plant (100 KW and over or multiples equal to 100 KW and over)
- 530 Pump operator and/or conveyor (two or more machines)
- 531 Self-erecting tower crane under 100 feet measured from boom foot pin
- 532 Straddle carrier
- 533 Tractor over D2
- 534 Well point pump

## Group 6

- 535 Concrete batch plant
- 536 Fireperson, first class boiler license
- 537 Front end, posi-track, and skid steer type loaders up to one cubic yard, including attachments
- 538 Guniting machine
- 539 Tractor operator D2 or similar size
- 540 Trenching machine (sewer, water, gas) excludes walk behind trencher

## Group 7

- 541 Air compressor 600 CFM or over
- 542 Brakeperson
- 543 Concrete pump/pumpcrete or complaco type
- 544 Fireperson, temporary heat second class boiler license
- 545 Oiler (power shovel, crane, truck crane, dragline, crushers and milling machines, or other similar power equipment)
- 546 Pick-up sweeper (one cubic yard hopper capacity)
- 547 Pump and/or conveyor

## Group 8

- 548 Elevator operator
- 549 Greaser
- 550 Mechanical space heater (temporary heat no boiler license required)

Subp. 4. **Truck drivers.**

Code No.	Position Title
Group 1	
601	Mechanic - welder (on vehicles in Code Nos. 602 through 616)
602	Tractor trailer driver
603	Truck driver (hauling machinery including operation of hand and power operated winches)
Group 2	
604	Four or more axle unit, straight body truck
Group 3	
605	Bituminous distributor driver
606	Bituminous distributor (one person operation)

607	Three axle units
Group 4	
608	Bituminous distributor spray operator (rear and oiler)
609	Dump person
610	Greaser
611	Pilot car driver
612	Rubber-tired, self-propelled packer, under eight tons
613	Two axle unit
614	Slurry operator
615	Tank truck helper (gas, oil, road oil, and water)
616	Tractor operator, under 50 h.p.

Subp. 4a. **Unit.** For the purposes of subpart 4, "unit" refers to all axles including the steering axle.

Subp. 5. **Special crafts.**

Code No.	Position Title
701	Heating and frost insulators
702	Boilermakers
703	Bricklayers
704	Carpenters
705	Carpet layers (linoleum)
706	Cement masons
707	Electricians
708	Elevator constructors
709	Glaziers
710	Lathers
711	Ground person
712	Ironworkers
713	Lineman
714	Millwright
715	Painters (including hand brushed, hand sprayed, and the hand taping of pavement markings)
716	Piledriver
717	Pipefitters - steamfitters
718	Plasterers

719	Plumbers
720	Roofer/waterproofer
721	Sheet metal workers
722	Sprinkler fitters
723	Terrazzo workers
724	Tile setters
725	Tile finishers
726	Drywall taper
727	Wiring system technician; technology circuits or systems technician
728	Wiring system installer; technology circuits or systems installer
729	Asbestos abatement worker or environmental remediation worker
730	Sign erector

Subp. 6. **Wage determinations.** Wage determinations shall be made for other classifications not listed if such other classifications are in general use in the area being surveyed.

**Statutory Authority:** *MS s 14.06; 175.171; 177.28; 177.41 to 177.44*

**History:** *15 SR 965; 17 SR 1279; 19 SR 482; 21 SR 1107; 33 SR 1598; 33 SR 1695; 35 SR 1711*

**Published Electronically:** *June 29, 2011*

## **5200.1101 JOB CLASSIFICATION DESCRIPTIONS; LABORERS.**

### **Subpart 1. Code No. 101, Laborer, common (general labor work).**

A. Nature of work: performing tasks involving physical labor at building, highway, and heavy construction projects, tunnel and shaft excavations, and demolition sites including the following tasks or other tasks not listed which are not considered skilled craft work.

#### B. Typical duties:

- (1) Loading, unloading, stockpiling, and staging construction materials by hand or with hand-operated equipment such as a pallet jack, unless included in a skilled trade.
- (2) Digging and filling holes and trenches and using post hole diggers.
- (3) Removing excess dirt or grout away from an auger as the auger progresses.
- (4) Cleaning and sweeping.
- (5) Moving and hoisting forms to point of installation, cleaning forms, and stripping forms not intended for reuse.
- (6) Demolition of highways, bridges, and buildings, to include operating remote control demolition equipment.
- (7) Removing materials to be discarded.
- (8) Clearing and grubbing with hand tools.

- (9) Performing signaling and rigging for material placement, removal, and demobilization.
- (10) Using hand tools driven by compressed air, gas, or electric power to perform such work as breaking old pavement, loosening or digging hard earth, trimming bottom and sides of trenches, breaking large rocks, chipping concrete, trimming or cutting stone, caulking steel plates, or compacting earthen backfill.
- (11) Using paving breakers and chipping hammers to break up concrete to be repaired or replaced.
- (12) Mopping, brushing, or spreading bituminous compounds over surfaces for protection; and spraying materials such as water, sand, or steam through a hose to clean, coat, or seal surfaces.
- (13) Tending a stationary or portable liquid asphalt kettle, starting fires under the kettle, controlling the heat applied to the kettle by regulating dials or burners, maintaining desired temperature in asphalt, regulating valves for discharging asphalt from the kettle; cleaning and pouring asphalt joints in concrete paving with nozzle or can; and distributing asphalt road-building materials evenly over road surface by raking, shoveling, and brushing materials to correct thickness and to add or take away material to fill low spots or to reduce high spots.
- (14) Operating a power driven chain saw to clear areas of timber by felling trees and sometimes cutting the fallen trees into short sections to facilitate their removal.
- (15) Operating a device used to burn or melt holes through concrete (this device consists of a consumable aluminum magnesium rod inside a small iron pipe through which oxygen is forced under pressure, the end of the assembly is lighted, and the concrete is melted by the intense heat).
- (16) Driving self-propelled buggy to transport concrete from mixer or source of supply to place of deposit, operating levers to dump load, and operating buggy by pushing or pulling by hand between mixer or other source to site of work.
- (17) Covering, insulating, and uncovering concrete.
- (18) Operating remote control vibrating compactor (such as a "whacker").
- (19) Operating power-driven water cooled saws to cut concrete, including walk-along, hand-guided, or riding.
- (20) Operating power-driven, walk-along, hand-guided tools for excavation, hauling, or grading.
- (21) Operating control levers of a nonpowered infrared heater unit to regulate heat being applied to asphalt surface.
- (22) Placing and operating ground thawing equipment.
- (23) Tending heating devices.
- (24) Cutting, scraping, and removing materials for demolition, including rigging and signaling, and using a cutting torch, plasma arc, and air arc for demolition work.
- (25) Dismantling, moving, and cleaning forms after concrete hardens if the forms are not to be reused.

- (26) Installing preformed wire baskets by tapping hooks along the edge of the baskets to keep them in place on highway projects.
- (27) Running string line so an asphalt spreader operator can determine height and edge of asphalt surface.
- (28) Setting string line for curb machines and placing concrete and moving and cleaning forms for curbs, sidewalks, and gutters.
- (29) Installing, removing, altering, repairing, and erecting interlocking or modular block walls (nonmortar).
- (30) Installing, removing, altering, and repairing paving stones of any materials set in sand cushion including, but not limited to, paving stones, natural stone, and synthetic materials when not set in mortar.
- (31) Providing fire watch and hole watch.
- (32) Cleaning, screening, and feeding sand to hopper or pot of sandblasting machine.
- (33) Cleaning and preparing surfaces for the application of paint by sandblasting, water blasting, or using other equipment for purposes other than preparation.
- (34) Installing, removing, altering, and repairing guardrails (other than guardrails on bridges), tension cable guardrails, guardrail posts, highway signs and sign structures, and median barriers.
- (35) Installing, removing, altering, and repairing metal fencing used to define property boundaries, rights-of-way, medians, or driving lanes including barbed wire, chain link, temporary fencing, and woven wire, excluding decorative iron fencing, or providing safety for such areas.
- (36) Cleaning and dressing the slopes of roadway cuts and embankments while suspended by ropes or cables, using hand tools as required.
- (37) Operating hand-guided vibratory or impact compactor, and adjusting levers, throttles, and other devices necessary for operation.
- (38) Removing, altering, and repairing post-tension and prestressed cables.
- (39) Dewatering excavation and construction work sites, including the operation of water pumps.
- (40) Performing pipe rehabilitation work, including cleaning, relining, cutting, and inspecting; and using all equipment used for pipe rehabilitation work, including closed-circuit TV trucks, pipe inspection cameras, cutters, bypass pumps, steam and water boilers, inversion units, jetters, vactors, and wet-out conveyors.
- (41) Performing hazardous waste operations and working in and around hazardous waste, excluding asbestos abatement and lead and mold remediation.
- (42) Below grade, installing soil venting systems.
- (43) Installing, removing, altering, and repairing membrane materials used for landfills, holding ponds, contaminated soil, or other applications, including the welding and fusing of such materials.
- (44) Performing caisson work.

C. Typical tools used: Air hammer, earth tamper, cement mixer, small mechanical hoist, surveying and measuring equipment, chain saw, cutoff saw, compaction equipment (hand-operated or

remote control), concrete drill, concrete vibrator, jackhammer, paving breaker, air compressor, chipping tool, hammer, pliers, chisel, screwdriver, rigging equipment, cutter, shovel, rake, wheelbarrow, file, bar, sockets and wrench, level, scraper, grinder, core drill, rock drill, broom, torch, arc welder, ladder, knives, concrete slab saw, and concrete wall saw.

**Subp. 2. Code No. 102, Laborer, skilled (assisting special craft journeyman).**

A. Nature of work: performing skilled laborers' work and assisting special craft persons by performing the duties associated with the special crafts including duties typically considered those of a hod-carrier, mason tender, brick tender, drill runner tender, refractory worker, stone tender, shot-crete nozzle operator, track layer, concrete placement laborer, or top man.

B. Typical duties:

(1) Mixing cement used in the patching of concrete and performing other tasks as may be directed by cement mason.

(2) Mixing plaster, stucco, acrylic compounds, or similar materials for plasterers and delivering same to location where plasterer is working; constructing, erecting, and dismantling scaffolds for plastering regardless of scaffold height; and cleaning and caring for tools and equipment used in the preparation and application of plaster.

(3) Mixing fireproofing; constructing, erecting, and dismantling scaffolds for fireproofing regardless of scaffold height; and cleaning and caring for tools and equipment used in the preparation and application of fireproofing.

(4) Handling the equipment and directing the placing of concrete or mortar that is moved by pressure or pneumatic equipment, such as gunite or shot-crete; may fine-grade and place wire mesh at times; and may perform other related duties.

(5) Assisting brickmasons, stonemasons, and block masons by preparing mortar mix, either by hand or machine; delivering material to masons on scaffold; operating small material moving equipment such as power buggy, hoists, mortar mix pumps, and other similar equipment; constructing, erecting, and dismantling all mason scaffolds regardless of scaffold height; and erecting temporary enclosures for heat and shelter of mason scaffold.

(6) Mechanically mixing mortar ingredients to proper consistency and delivering to mason on scaffold or at site of work; keeping materials supplied to mason and assisting according to directions of mason.

(7) Installing, removing, altering, repairing, erecting, and patching precast products including, but not limited to, planks, walls, and panels.

(8) Cutting openings through concrete with core drill, concrete wall saws, and slab saws.

(9) Top man assisting pipelayer, including keeping stakes and string line set in place out in front of trenching machine so that machine will cut ditch in correct location, setting stakes so that pipelayers can fine-grade ditch and measure from the batter board down to correct depth of ditch, assembling valves and other parts to be lowered into the excavation, rigging of pipe sections to be lowered into the trench, maintaining the operation of water pumps and observing the excavation for warning signs of cave-ins, and cutting of pipe at the direction of the pipelayer.



(10) Placing concrete and lowering hose-like flexible shaft of vibrator into newly poured concrete; starting power unit and holding shaft, allowing hammerhead on shaft to vibrate, thus consolidating the concrete (air, electric, or gasoline-operated vibrators are used).

(11) Performing work related to the construction, remodeling, or repairing of railroads and rail systems, including the grading and maintaining of rights-of-way, laying ties or other rail supporting materials, and laying rails.

(12) Setting stringline and forms for concrete curb, gutter, and sidewalk.

C. Typical tools used: air hammer, earth tamper, cement mixer, mortar mixer, small mechanical hoist, surveying and measuring equipment, chain saw, cutoff saw, compaction equipment (hand-operated or remote control), concrete drill, concrete vibrator, jackhammer, paving breaker, air compressor, chipping tool, hammer, pliers, chisel, screwdriver, rigging equipment, cutter, shovel, rake, wheelbarrow, file, bar, sockets and wrench, level, scraper, grinder, core drill, rock drill, broom, torch, arc welder, ladder, knives, concrete slab saw, and concrete wall saw.

**Subp. 3. Code No. 103, Laborer, landscaping (gardener, sod layer and nursery operator).**

A. Nature of work: performing landscaping including seeding, sodding, and planting of woody and herbaceous plant material, including native plant material such as grasses, shrubs, and trees; installing edging and ground cover, including mulches, decorative rock, and other materials associated with plantings; and installing erosion control measures limited to erosion blanket, silt fence, and bale checks and temporary erosion control measures.

B. Typical duties:

(1) Seeds, sods, and plants greenery to contract specifications by performing landscaping duties, including site development, soil preparation, fertilizing, building garden accessories, and laying mulches and decorative rock around trees and buildings.

(2) Erecting silt fencing to contract specifications.

(3) The duties do not include electrical work, fencing (other than silt fencing), retaining walls, paving bricks, all concrete work, woodwork (such as park benches), or other work that is generally performed by a general laborer or skilled craft worker.

(4) Installing underground sprinkler systems for irrigation.

C. Typical tools used: shovel, rake, wheelbarrow, and seed and fertilizer broadcaster.

**Subp. 4. Code No. 104, Flag person.**

A. Nature of work: performing duties to regulate flow of traffic through a construction project by using handheld flags and signs. May keep in radio contact with others regulating traffic through the work zone.

B. Typical duties:

(1) Controlling movement of vehicular traffic through construction projects.

(2) Discussing traffic routing plans and type and location of control points with superior.

(3) Directing movement of traffic through site using sign, hand, and flag signals.

(4) Warning construction workers when approaching vehicle fails to heed signals to prevent accident and injury to workers.

- (5) Informing drivers of detour routes through construction sites.
- (6) Recording license plate number of traffic control violators for law enforcement.
- (7) Giving hand marker to last driver in lineup of one-way traffic at opposite end of site, signaling clearance for reverse flow of traffic.

C. Typical tools used: signs, flags, radio, and personal protective equipment.

Subp. 5. **Code No. 105, Watch person.**

- A. Nature of work: monitoring access to a construction project site.
- B. Typical duties:
  - (1) Allowing entrance or exit of employees, truckers, and authorized visitors.
  - (2) Checking credentials or approved roster before admitting anyone.
  - (3) Issuing passes at own discretion or on instruction from superiors.
  - (4) Directing visitors and truckers to various parts of the construction project.
  - (5) Inspecting outgoing traffic to prevent unauthorized removal of company property or products.
  - (6) Recording information about trucks or other carriers entering and leaving.
  - (7) Checking permits from employees for tools or materials taken from premises.

C. Typical tools used: signs, flags, radio, and personal protective equipment.

Subp. 6. **Code No. 106, Blaster.**

A. Nature of work: assembling plants and detonating charges of industrial explosives to loosen earth, rock, and stumps, or to demolish structures to facilitate removal.

- B. Typical duties:
  - (1) Supervising and assisting in locating, loading, and firing blast holes for breaking up hard materials; enlarging bottom of drilled holes by discharging small quantities of explosives; inserting detonator in charge of explosive, attaching fuse or electric wires, the stick and detonator forming a primer, the discharge of which effects the discharge of the remainder of the explosive; charging hole by placing explosive, including stick that contains detonator, in hole and tamping with a pole; depressing handle of blasting machine or lighting fuse to fire explosive; may use prima-cord or delay caps.
  - (2) Carrying powder or other explosive to blaster or powder person and assisting by placing prepared explosive in hole, connecting lead wire to blasting machine, and performing other duties as directed.
  - (3) Examining mass, composition, structure, and location of object to be blasted, estimating amount and determining kind of explosive to be used, and marking location of charge holes for drilling.
  - (4) Assembling primer (blasting cap and fuse or electric squib and booster charge) and placing primer with main charge in hole or near object to be blasted.
  - (5) Covering charge with mud, sand, clay, or other material and tamping firm to improve detonation and confine force of blast.

- (6) Signaling to clear area of personnel and equipment.
- (7) Lighting fuse or connecting wires from charge to battery or detonator to detonate charge.
- (8) Operating jackhammer, hand drill, or electric drill to bore holes for charges.
- (9) Climbing cliffs or banks to plant explosive charge, using ropes and safety harness.
- (10) Setting and detonating explosive charges to improve flow of water into wells.
- (11) Operating rock driller.

C. Typical tools used: jackhammer, drills, galvanator, dynamite punch, crimper, tampers, signal whistle, and rigging equipment.

**Subp. 7. Code No. 107, Pipelayer (water, sewer and gas).**

A. Nature of work: laying pipe, metal culvert and box culvert for water, sewer water, water main, waste sewage, storm water runoff, catch basins, manholes, and pedestrian access.

B. Typical duties:

(1) Installing, removing, altering, maintaining, and repairing underground pipes used to handle water, water main, waste sewage, storm water runoff, catch basins, and manholes outside the building regardless of material.

(2) On utility projects, laying pipe, receiving pipe lowered from top of trench, inserting spigot end of pipe into bell end of last laid pipe, adjusting pipe to line and grade, and sealing joints with cement or other sealing compound.

(3) On highway projects, receiving, laying, connecting (by means other than welding), and sealing joints of pipes.

(4) Setting the depth of the excavation for proper pipe grade.

(5) Guiding the equipment operator around existing utilities.

(6) Receiving the pipe sections into the excavation for placement.

(7) Responsible for the correct grade and alignment of the pipe.

(8) Fine-grading the ditch before pipe placement.

(9) Assembling large-diameter metal culverts by bolting together semicircular pieces of metal to form a complete circle, bolting each section of this circle to similar sections which are placed adjacently, and repeating these processes until the required length of culvert is formed.

(10) Installing, removing, altering, maintaining, and repairing metal culvert to direct surface water under roadways.

(11) Installing, removing, altering, maintaining, and repairing precast concrete box culverts.

(12) Installing, removing, altering, maintaining, repairing, and fusing HDP fusion pipe as it relates to sewer and water work.

(13) Installing, removing, altering, maintaining, and repairing manholes, catch basins, and hydrants.

C. Typical tools used: shovels, bars, lasers, targets, level, measuring and surveying equipment, stick rule, pipe fusion equipment, impact wrench, rigging equipment, small mechanical hoist, chain saw, cutoff saw, compaction equipment (hand-operated or remote control), paving breaker, air compressor, chipping hammer, hammers, pliers, chisel, screwdriver, wheelbarrow, scraper, grinder, torch, and ladder.

**Subp. 8. Code No. 108, Tunnel miner.**

A. Nature of work: drilling earth and rock excavations to construct underground shafts and tunnels for projects such as roads, railways, and waterways, and performing work within tunnels.

B. Typical duties:

- (1) Performing tunnel and underground construction.
- (2) Setting up and operating pneumatic drilling machinery and moving lever controlling drilling action to drill blast holes in tunnel heading according to spacing, angle, and depth of hole.
- (3) Wedging, nailing, or bolting timber or steel retaining structures to prevent cave-ins.
- (4) Working in caissons.
- (5) Boring and welding pipe casings as related to tunnel work.
- (6) Lancing surfaces by using sandblasting, water blasting, or other equipment.

C. Typical tools used: drills, saws, jack leg, hammers, tunnel boring machines, locomotives, mucking machines, conveyors, grout pumps, rigging equipment, and welding equipment.

**Subp. 9. Code No. 109, Underground and open ditch laborer (eight feet below starting grade level).**

A. Nature of work: assisting the pipelayer from within the excavation.

B. Typical duties:

- (1) Assisting the pipelayer in aligning and assembling pipe products in ditches ("Bottom Man").
- (2) Cleaning and lubricating pipe ends to guide pipe sections together.
- (3) Backfilling and compacting along sides of pipe.
- (4) Operating vibrating compactor (such as a "whacker") in trenches.
- (5) Performing other general laborer duties that take place in trenches.
- (6) Boring and welding pipe casings related to sewer and water work.

C. Typical tools used: shovels, bars, lasers, targets, level, measuring and surveying equipment, stick rule, pipe fusion equipment, impact wrench, rigging equipment, small mechanical hoist, chain saw, cutoff saw, compaction equipment (hand-operated or remote control), paving breaker, air compressor, chipping hammer, hammers, pliers, chisel, screwdriver, wheelbarrow, scraper, grinder, torch, ladder, and welding equipment.

**Subp. 10. Code No. 110, Survey field technician.**

A. Nature of work: operating total station, GPS receiver, level, rod or range poles, steel tape measurement; marking and driving stakes; hand or power digging for and identifying markers or monuments; performing and checking calculations; and reviewing and understanding construction plans

and land survey materials. This classification does not apply to the work performed on a prevailing wage project by a land surveyor who is licensed pursuant to Minnesota Statutes, sections 326.02 to 326.15.

B. Typical duties:

- (1) Driving grade stakes.
- (2) Setting of grade stakes to proper height and set of "Blue Tops" for finish grading.
- (3) Measuring.
- (4) Reviewing and understanding construction plans and land survey materials.
- (5) Digging for and identifying markers and monuments.
- (6) Performing and checking calculations.

C. Typical tools used: total station, Global Positioning System (GPS) receiver, level, rod or range poles, steel tape for measurement, shovels, hammers, and other hand or small power digging equipment.

**Subp. 11. Code No. 111, Traffic control person (temporary signage).**

A. Nature of work: installation, movement, and removal of temporary traffic control systems such as cones, signage (electric or nonelectric), barriers, and flashing lights during highway and heavy and commercial construction projects.

B. Typical duties:

- (1) Moving and setting electric or nonelectric traffic control devices.
- (2) Places, positions, or replaces temporary signage (electric or nonelectric), cones, and flashing lights in a work zone.
- (3) Repairs or replaces temporary signage (electric or nonelectric), cones, and flashing lights in a work zone.
- (4) Cleans temporary signage (electric or nonelectric), cones, and flashing lights in a work zone.
- (5) Removes temporary signage (electric or nonelectric), cones, and flashing lights in a work zone.
- (6) Moving and setting jersey and other traffic control barriers.

C. Typical tools used: two-axle truck with or without swing arm for placing and removing signage, cones, barriers, and flashing lights, Global Positioning System (GPS) for accurate placement of signage, cones, barriers, and flashing lights, pressure washer to clean temporary signage (electric or nonelectric), cones, and flashing lights in a work zone.

**Subp. 12. Code No. 112, Quality control tester.**

A. Nature of work: field and covered off-site facilities; testing of aggregate, asphalt, and concrete materials; limited to Minnesota Department of Transportation highway and heavy construction projects where the Minnesota Department of Transportation has retained quality assurance professionals to review and interpret the results of quality control testers' services provided by the contractor.

B. Typical duties:

- (1) Testing aggregate for gradation and moisture content.

(2) Testing asphalt for gradation, oil content, fracturing, and density.

(3) Testing concrete materials' water/cement ratio, gradation, moisture, tensile strength, and density.

C. Typical tools used: screens, microwave, hot plate, burner plate, scales, compactor (Marshall or Gyratory), hydraulics to break concrete cylinders or bars for tensile strength, and various hand tools to obtain and finish samples.

**Statutory Authority:** *MS s 175.171; 177.28*

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## 5200.1102 JOB CLASSIFICATION DESCRIPTIONS; SPECIAL CRAFTS.

### Subpart 1. Code No. 701, Heating and frost insulators.

A. Nature of work: applies to workers who apply insulation materials to mechanical systems to reduce loss or absorption of heat, prevent moisture condensation, deaden sound, and prevent vibration. The workers remove all insulation materials from mechanical systems unless the mechanical system is being scrapped.

#### B. Typical duties:

(1) Preparing and physically distributing on the job site cork, plastic, magnesia, or similar or substitute materials used as thermal insulation, to include building enclosures and hanging polyurethane. Manufacturing, fabricating, assembling, molding, handling, erecting, spraying, pouring, making, hanging, applying, adjusting, altering, repairing, dismantling, reconditioning, corrosion controlling, and testing of heat or frost insulation, such as cork, mineral wall, infusorial earth, mercerized silk, flax, fiber, fire felt, foam glass, Styrofoam, polyurethane, polystyrene, metals, plastics, fibrous matter, roving, and resins.

(2) Covering or encapsulating of boilers, tanks, refrigeration units, evaporators, turbines, fittings, valves, ducts, flues, vats, equipment, hot and cold pipes, or any other hot or cold surfaces with the insulation materials listed in these typical duties, used for the purpose of thermal insulation, fire stoppage, fireproofing, radiator protection, sound deadening, and the lagging (covering) on piping.

(3) Removing all insulation materials from mechanical systems, unless the mechanical system is being scrapped (pipes, boilers, ducts, flues, and breechings). All clean up required in connection with this work, including the sealing, labeling, and dropping of scrap material into the appropriate containers.

(4) Measuring and cutting insulation for covering surfaces using tape measures, handsaws, knives, and scissors.

(5) Fitting insulation around obstructions and shaping insulating materials and protective coverings as required.

(6) Determining the amounts and types of insulation needed and methods of installation based on factors such as location, surface shape, and equipment use.

(7) Installing sheet metal around insulated pipes with screws in order to protect the insulation from weather conditions or physical damage.

(8) Applying, removing, and repairing insulation on industrial equipment, pipes, ductwork, or other mechanical systems such as heat exchangers, tanks, and vessels to help control noise and maintain temperatures.

(9) Selecting appropriate insulation such as fiberglass, Styrofoam, or cork based on the heat retaining or excluding characteristics of the material.

(10) Reading blueprints and specifications to determine job requirements.

(11) Covering, sealing, or finishing insulated surfaces or access holes with plastic covers, canvas strips, sealants, tape, cement, or asphalt mastic.

(12) Preparing surfaces for insulation application by brushing or spreading on adhesives, cement, or asphalt, or by attaching metal pins to surfaces.

C. Typical tools used: metal cutters, reciprocating saws, industrial sewing machines, shears, staple guns, and utility knives.

**Subp. 2. Code No. 702, Boilermakers.**

A. Nature of work: assembling, analyzing defects in, and repairing boilers, pressure vessels, tanks, and vats in fields following blueprints and using hand tools and portable power tools and equipment. Constructing, erecting, and assembling all boiler parts and work in connection with the boiler, including boiler fronts, heat units, water walls, tube supports, and casings. All connections between the boiler and stack (commonly known as breeching), built of sheet steel or iron, supports for same (which are not part of the building structure), uptakes, smoke boxes, air and water heaters, smoke consumers, and hot and cold air ducts (except when used for ventilation purposes). Pontoons, purifying boxes, gas generators, wash tanks and scrubbers, standpipes, brewery vats, exception glass enameled tanks, and water towers. All iron and steel pipeline, penstock, and flue work. Steam, air, gas, oil, and water, or other liquid tanks or containers requiring tight joints. Blast furnaces and rolling mills, hot stoves cupolas, dump cars, and all gasometers as well as frame work in connection with same. Iron and steel stacks in connection with power plants and rolling mills. Economizers, superheaters, attemperators, air heaters, casing, downcomers, sludge boxes, and sluice troughs. All demolition of boiler equipment, if replaced with the same or similar equipment or if the demolished parts are moved and rebuilt somewhere else. All handling, unloading, and working with boilermaker material.

B. Typical duties:

(1) Locating and marking reference points for columns or plates on foundation using master straightedge, squares, transit, and measuring tape and applying knowledge of geometry.

(2) Attaching rigging or signaling crane operator to lift parts to specified position.

(3) Aligning structures or plate sections to assemble boiler frame, tanks, or vats using plumb bobs, levels, wedges, dogs, or turnbuckles. Hammering, flame-cutting, filing, or grinding irregular edges of sections or structural parts to facilitate fitting edges together.

(4) Bolting or arc-welding structures and sections together. Positioning drums and headers into supports and bolting or welding supports to frame. Aligning water tubes and connecting and expanding ends to drums and headers, using tube expander.

(5) Belling, beading with power hammer, or welding tube ends to ensure leakproof joints. Bolting or welding casing sections, uptakes, stacks, baffles, and such fabricated parts as chutes, air heaters, fan stands, feeding tubes, catwalks, ladders, coal hoppers, and safety hatches to frame, using

wrench. Installing manholes, handholes, valves, gauges, and feedwater connection in drums to complete assembly of water tube boilers. Assisting in testing assembled vessels by pumping water or gas under specified pressure into vessel and observing instruments for evidence of leakage.

(6) Repairing boilers or tanks in field by unbolting or flame cutting defective sections or tubes, straightening plates, using torch or jacks, installing new tubes, fitting and welding new sections, and replacing worn lugs on bolts. May rivet and caulk sections of vessels using pneumatic riveting and caulking hammers.

(7) Fabricating parts such as stacks, uptakes, and chutes to adapt boiler to premises in which it is installed.

C. Typical tools used: hammers, hoists, levels, punches, nail sets, drifts, and welding tools.

**Subp. 3. Code No. 703, Bricklayers.**

A. The term "bricklayer" includes the following and similar jobs: brick masonry, stonemasonry, artificial masonry, pointing-cleaning-caulking, and setting precast.

B. Nature of work:

(1) Brick masonry. Brick masonry includes the following work procedures and materials installation:

(a) Laying brick made from any material in, under, or upon any structure or form of work where bricks are used, whether in the ground, over its surface, or beneath water; in commercial and residential buildings, rolling mills, iron works, blast or smelter furnaces, or lime or brick kilns; in mines or fortifications, and in all underground work, such as sewers, telegraph, electric, and telephone conduits; and including the installation of substitutes for brick such as all carbon materials, Karbate, Impervite or mixtures, all acid resistant materials, and all terra cotta and porcelain materials, except where those materials are manufactured to substitute for tile.

(b) All cutting of joints, pointing, cleaning, and cutting of brick walls, fireproofing, block-arching, and terra cotta cutting and setting; laying and cutting all tile plaster, mineral-wool, cork blocks, and glass masonry, or any substitute for those materials; laying all pipe sewers or water mains and filling all joints on the same when such sewers or conduits are of any vitreous material, burnt clay, cement, or any substitute materials used for those purposes; cutting, rubbing, and grinding all kinds of brick and setting all cut stone trimmings on brick buildings; preparing and erecting plastic, castables, or any refractory materials; and installing hollow metal door frames in masonry applications where the door frames are cemented into the concrete block wall as the wall is built.

(c) Cleaning, grouting, pointing, and other work necessary to achieve and complete the work under the foregoing categories; all waterproofing and black mastic waterproofing, silicone, or substitutes sandwiched between masonry units in the interior of the wall.

(d) All terra cotta called unit tile in sizes over 6" x 12" regardless of method of installation; all quarry tile over 9" x 9" x 1/4" in size; split brick or quarry tile or similar material if bedded and jointed with one operation. The bedding, jointing, and pointing of those materials shall be the work of the craft installing the same.

(e) All burnt clay extruded cellular products regardless of trade name or method of installation when used as a veneer on structures; all clay products in sizes larger than 6" x 12" known as terra cotta tile, unit tile, ceramic veneer, machine-made terra cotta, and like materials, regardless of the method



of installation. Where the preponderance of material to be installed is to be used in connection therewith, the bricklayers shall install all such materials. Brick paving is part of the bricklayer classification.

(2) Stonemasonry. Stonemasonry includes the following work procedures and materials installation:

(a) Laying all riprap, rubble work, with or without mortar, setting all cut stone, marble, slate, or stone work (meaning, as to stone, any work manufactured from such foreign or domestic products as are specified and used in the interior or on the exterior of buildings by architects and customarily called "stone" in the trade); cutting all shoddies, broken ashlar, or random ashlar that is roughly dressed upon the beds and joints, and range ashlar not over ten inches in height; dressing all jambs, corners, and ringstones that are roughly dressed upon the beds, joints, or reveals, and the cutting of a draft upon same for plumbing purposes only; and cleaning, cutting of joints, and pointing of stone work.

(b) Stonemasonry work applies to all work in buildings, sewers, bridges, railroads, breakwaters, jetties, playgrounds, parks, landscaping, and curbing or other public works, and to all kinds of stone, particularly to the product of the locality where the work is being done. Stonemasons shall have the right to use all tools which they consider necessary in performing their work.

(c) Cleaning, grouting, pointing, and other necessary work to achieve and complete the work described under this subitem.

(3) Artificial masonry. Artificial masonry includes the following work procedures and materials installation:

(a) Cutting, setting, and pointing of cement blocks and all artificial stone or marble, either interior or exterior, when set by the usual custom of the stonemason and marble setter. All cement that is used for backing up external walls, the building of party walls, columns, girders, beams, floors, stairs, arches, and all material substituted for clay or natural stone products.

(b) All artificial masonry and the cutting, setting, and pointing of all concrete prefabricated slabs, regardless of dimension size.

(4) Pointing-cleaning-caulking. Pointing-cleaning-caulking includes the following:

(a) The pointing-cleaning-caulking of all types of masonry, caulking of all window frames encased in masonry, brick, stone, or cement structures, including all grinding and cutting out on such work, and all sandblasting, steam cleaning, and gunite work.

(b) The pointing, cleaning, and weatherproofing of all buildings, grain elevators, and chimneys built of stone, brick, or concrete, including all grinding, cutting out, sand blasting, and gunite work on same.

The bricklayer uses building materials, such as brick, structural tile, concrete cinder, glass, gypsum, and terra cotta block to construct or repair walls, partitions, arches, sewers, and other structures.

(5) Setting precast sills and tilt-ups in mortar.

#### Subp. 4. **Code No. 704, Carpenters.**

A. Nature of work: Constructing, erecting, installing, and repairing structures, structural members, and fixtures made of wood, plywood, wallboard, and materials that take the place of wood, such as plastic, metals, composites, and fiberglass, using carpenter hand tools and power tools.

B. Typical duties:

(1) Conforming the layout of buildings or structures on the site of plot to local building codes, blueprints, sketches, or building plans.

(2) Selecting specified types of lumber or other materials. Preparing layout, using rule, framing square, and calipers. Mark cutting and assembling lines on materials, using pencil, chalk, and marking gauge. Shaping materials to prescribed measurements, using saws, chisels, and planes. Assembling, cutting, and shaping materials and fastening them together with nails, dowel pins, or glue. Erecting framework for structures and laying sub-flooring. Covering sub-floor with building paper to keep out moisture and laying hardwood, parquet, and wood-strip block floors by nailing floors to sub-floor, cementing them to mastic, or asphalt base. Verifying trueness of structure with plumb bob, electronic lasers, transit, total station, measuring devices, and carpenter's level. Applying decorative paneling to walls. Measuring boards, timbers, or plywood using square, measuring tape, and ruler; marking cutting lines on materials using pencil and scribe; and sawing boards and plywood panels to required sizes.

(3) Making and setting all concrete forms (except curb forms on highway and heavy construction), including establishment of building lines or flow lines (box culverts, bridges) including footing forms. Making all forms used in tilt-up construction. Laying out, installing, and constructing wall forms and footing forms, all block-outs, wood or steel, and laying out and installing all embedded items. Building rough wooden structures, such as concrete forms, scaffolds, wooden bridges, trestles, coffer dams, tunnel, and sewer support. Welding and burning. Constructing forms and chutes for pouring concrete. Nailing cleats (braces) across boards to construct concrete-supporting forms. Cutting and assembling timbers to build trestles and cofferdams. Building falsework to temporarily strengthen, protect, or disguise buildings undergoing construction. Setting of precast bridge sections. Welding incidental to concrete form work.

(4) Building and handling scaffolds used by carpenters. All scaffolding, constructed or assembled, 14' 6" and higher for normal or specialty use (regardless of purpose) excluding scaffolding used to access only plaster and masonry work.

(5) Handling and installing ladders, handrails, walkways, platforms, and gangways made of wood as well as shoring and lagging. Building temporary shelters and offices, wood frames, light gauge metal buildings, and pole buildings.

(6) Handling and installing wood and metal studs and exterior panels. Laying out reference lines and points for use in computing location and position of metal framing and furring channels and marking position for erecting metalwork using chalk line. Measuring, marking, and cutting metal runners, studs, and furring channels to specified size using tape measure, straightedge, and hand and portable power-cutting tools and welding equipment. Securing metal framing to walls and furring channels to ceilings using hand and portable power tools.

(7) Handling and installing insulation, thermal, and other material (not sprayed urethane or polyurethane) in connection with carpentry work.

(8) Installing insulation such as bat, board, sating, insulated wall panels, thermal, Styrofoam, sound attenuation, and fiberglass when the installation of the insulation material is not applied as an integral part of the roofing system.

(9) Installing doors, wood windows, and bucks, including hardware (bucks are rough frames in which finished frames are inserted), in building framework and brace them with boards nailed to framework. Fitting and nailing sheathing on outer walls and roofs on buildings. Installing beams and trusses

of wood laminate. Handling and applying all exterior and interior siding of various composites, including wood, particle board, cement board, light gauge steel, vinyl, aluminum, and other materials.

(10) Handling, cutting, sawing, and fitting drywall products (sheetrock) and lead-lined drywall whether for walls, ceilings, floors, soffits, or any use, no matter how installed - nailed, screwed, glued, or otherwise (interior, exterior). Lead-lined drywall is used in x-rays to avoid radiation exposure. Installing (comer) corner guards and wooden and plastic column covers.

(11) Planning gypsum drywall installation, erecting metal framing and furring channels using various fasteners, clips, screws, and related welding techniques for fastening drywall, and installs drywall to cover walls, ceilings, soffits, shafts, and movable partitions in residential, commercial, and industrial buildings; reading blueprints and other specifications to determine method of installation, work procedures, and material, tool, and work aid requirements. Measuring and marking cutting lines on drywall using square, tape measure, and marking devices. Scribing cutting lines on drywall using straightedge and utility knife and breaks board along cut lines. Fitting and fastening board into specified position on wall using screws, hand or portable power tools, or adhesive. Cutting openings into board for electrical outlets, vents, or fixtures using keyhold saw or other cutting tools. Installing fire-rated wall systems.

(12) Installing plasterboard or other wallboard to ceiling and interior walls of building using hand tools and portable power tools; installing horizontal and vertical metal or wooden studs for attachment of wallboard on interior walls using hand tools. Cutting angle iron and channel iron to specified size using hacksaw, and suspending angle iron grid and channel iron from ceiling using wire. Scribing measurements on wallboard using straightedge and tape measure, and cutting wallboard to size using knife or saw. Cutting out openings for electrical and other outlets using knife or saw. Attaching wallboard to wall and ceiling supports using glue, nails, screws, hammer, or powered screwdriver. Trimming rough edges from wallboard to maintain even joints using knife. Nailing prefabricated metal pieces around windows and doors and between dissimilar materials to protect drywall edges.

(13) Handling and installing door frames, wood and hollow metal doors, hollow metal door frames, rollup garage doors, overhead doors or Rolling fire doors, automatic doors, channel iron door bucks, glass sliding, and bi-fold doors.

(14) Handling, installing, and caulking cabinets, cabinetry, shelving, fixtures, and counter tops.

(15) Making, handling, and setting frames, sash, blinds, magnetic tile, chalk, bulletin boards, trim, and other fixtures (for example, cabinets, bookcases, and benches). Applying shock-absorbing, sound-deadening, and decorative paneling to ceilings and walls. Fitting and installing prefabricated window frames, doors, doorframes, weather stripping, interior and exterior trim, and finish hardware, such as locks, letter drops, and kick plates.

(16) Measuring, cutting, assembling, and installing metal framing and decorative trim for windows, doorways, and vents. Fitting, aligning, and hanging doors and installing hardware, such as locks and kick-plates.

(17) Handling and installing builders hardware, including door tracks of every description. Installing weather strips. Making, fitting, and hanging fly screens for doors, windows, and other openings.

(18) Handling and installing access flooring, computer floors, and raised or elevated floors. Installing modular headwall units and laboratory casework and fume hoods.

(19) Handling and installing wood flooring.

(20) Handling and installing modular or demountable furniture, such as office partitions, cubicles, and other modular office products.

(21) Handling and installing acoustical and egg crate ceiling systems in their entirety (hanger wire, grid, molding, and tile), whether vertically or horizontally installed.

(22) Handling and assembling chairs, seats, bleachers, benches, children's playground equipment, lockers (wood or composite), metal shelving, and other furniture in theaters, halls, schools, stadiums, and other places of assemblage on floors of any kind. Installing protection screens (chalkboards), toilet partitions (plastic laminate, solid plastic), and building stairs.

C. Typical tools used:

(1) Hammers, knives, power screwdrivers.

(2) Ladders – extension ladders, fold up ladders.

(3) Levels – calibrating electronic levels, spirit levels, visual beam laser levels.

(4) Power sanders – belt sanders, hand rotary tools, orbit sanders.

(5) Power saws – circular saws, compound miter saws, reciprocating saws, worm drive saws.

(6) Squares – combination squares, framing squares, layout bars.

(7) Welding equipment. Any specialty or necessary tools and equipment for assembly, fabrication, or installation of all products and applications related to this classification.

**Subp. 5. Code No. 705, Carpet layers (linoleum).**

A. Nature of work: applies to workers who measure, cut, sew, make-up and seam, tape, and fit. Laying, installing, sealing, and waxing materials to be cemented, tacked, or otherwise applied to its base and adhered to any surface. These materials may be used as shock-absorbing, sound absorbing, or decorative coverings. Except for terrazzo, magnesite, and latex built-up floors, the materials include oil, cloth, matting, linen, carpet, synthetic turf, linoleum, vinyl, plastic, rubber, cork, mastic, asphalt, mastipave, tile, wood tile, interlocking and magnetic tile, chalk and bulletin board, nonslip or abrasive materials, resilient, decorative seamless surface coatings, monolithic coverings (monolithic means all resilient seamless material such as epoxy, polyethylene, plastics, and their derivatives, components, and systems), and all other resilient coverings on floors, walls, counters, table tops, and ceilings.

B. Typical duties:

(1) Handling materials at the point of installation.

(2) Performing necessary preparation and finish work such as sweeping, scraping, sanding, or chipping dirt and irregularities from base surfaces; filling cracks with putty, plaster, or cement grout to form smooth, clean foundations; and drilling holes for sockets and pins.

(3) Installing underlayment; sanding and filling; fitting of metal edgings, metal comers, and caps; and fitting devices for attachment of these materials.

(4) Spreading adhesive cement over floor to cement foundation material to the floor.

(5) Laying covering on cement.

- (6) Rolling finished floor to smooth it out and press cement into base and covering.
- (7) Stripping, buffing, and waxing resilient floors.
- (8) Joining edges of carpet and seam edges where necessary by sewing or by using tape with glue and heated carpet iron.
- (9) Cutting and trimming carpet to fit along wall edges, openings, and projections; finishing edges with a wall trimmer.
- (10) Inspecting the surface to be covered to determine its condition and correcting any imperfections that might show through the carpet or cause the carpet to wear unevenly.
- (11) Rolling out, measuring, marking, and cutting carpet to size with a carpet knife following floor sketches and allowing extra carpet for final fitting.
- (12) Planning layout of the carpet, allowing for expected traffic patterns, and placing seams for best appearance and longest wear.
- (13) Stretching carpet to align with walls and ensuring a smooth surface, and pressing the carpet in place over tack strips or using staples, tape, tacks, or glue to hold the carpet in place.
- (14) Taking measurements and studying floor sketches to calculate the area to be carpeted and the amount of material needed.
- (15) Cutting carpet padding to size and installing padding following the prescribed method.
- (16) Nailing tack strips around the area to be carpeted or using old strips to attach edges of new carpet.

C. Typical tools used:

- (1) Glue guns – butane glue guns, cool tip glue guns, electric glue guns.
- (2) Knife blades – floro scraper blades, hooked blades, tackless cutter blades, trimmer blades.
- (3) Power saws – jamb saws, toe kick saws, undercut saws.
- (4) Shears – carpet base cutters, carpet shears, stand up cutters, strip cutters.
- (5) Staple guns – air underlayment staplers, edge binding staplers, hammer tackers, heavy duty electric staplers.
- (6) Tensioners – carpet tucking tools, swivel lock stretchers.
- (7) Utility knives – trimmers, tucking trimmers, wall trimmers.

Subp. 6. **Code No. 706, Cement masons.**

A. Nature of work: applies to workers who set up rodding and finish fresh concrete, perform work on existing concrete, or work with various cementitious products.

B. Typical duties:

- (1) Setting and laying out forms and bulkheads when used as screeds. Rodding, shaping, smoothing, stamping, and finishing the surfaces of freshly poured concrete floors, walls, sidewalks, curbs, swimming pools, paving, and steps and finishing extruded barrier rails or any other concrete surface requiring finishing, using hand tools or power tools, including floats, trowels, screeds, and straightedge.

(2) Preparing surfaces using grinder or chisel and hammer, including electric or pneumatic. All processes of patching, rubbing, and sacking with fresh concrete, cementitious materials, or epoxy compound.

(3) Laying out and installing expansions, control joints, and edges.

(4) Installing complete process of specialty flooring such as concrete overlays, micro topping, staining, exposed aggregate, and stamped concrete.

(5) Applying penetrating sealers, primer protective coatings, and protective covers (blankets, poly, etc.) to concrete floors and steps when part of the finishing process.

(6) Installing seamless composition floors such as quartzite or dex-o-tex, and installing and finishing epoxy-based coatings or polyester-based linings to all surfaces when the coatings or linings are applied by spraying or troweling in conjunction with pouring of the floor.

(7) Complete concrete polishing grinding systems using hand tools or machines.

(8) Sandblasting or water blasting for architectural finish or patching preparation.

(9) Cutting joints with concrete saw for the control of cracks in buildings and sidewalks, driveways, curbs, and gutters contiguous to buildings.

C. Typical tools used: floats, trowels, rubber floats, rubbing stones, set-up tools, saws, laser levels, eye levels, total stations, tapes, laser screeds, power screeds, walking or riding troweling machines, concrete polishing machines, concrete floor saws, and power or pump sealer sprayers.

#### Subp 7. Code No. 707, Electricians.

A. Nature of work: applies to workers who are responsible for installation, assembly, construction, inspection, operation, and repair of all electrical work within the property lines of any given property (manufacturing plants, commercial buildings, schools, hospitals, power plants, parking lots), single-family housing, apartments, condominiums, townhomes, and residential buildings. This scope of work shall begin at the secondary side of the transformer when the transformer is furnished by the local utility and the service conductors are installed underground. When service conductors are installed overhead in open air from wooden poles, this scope of work shall start immediately after the first point of attachment to the buildings or structures.

#### B. Typical duties:

(1) Planning and laying out electrical systems that provide power and lighting in all structures. This includes cathodic protection systems utilized to protect structural steel in buildings and parking structures.

(2) Handling, moving, loading, and unloading of electrical materials, materials used in association with an electrical system, electrical equipment, and electrical apparatus on the job site, whether by hand or where power equipment and rigging are required.

(3) Welding, burning, brazing, bending, drilling, and shaping copper, silver, aluminum, angle iron, and brackets used in connection with the installation and erection of electrical wiring and equipment.

(4) Measuring, cutting, bending, threading, forming, assembling, and installing electrical raceways (conduit, wireways, cable trays) using tools such as hacksaw, pipe threader, power saw, and conduit bender.

(5) Installing wire in raceways (conduit, wireways, troughs, cable trays). This wire may be ahead of service, service conductors, feeder wiring, subfeeder wiring, branch circuit wiring control circuits, life safety circuits, temperature control circuits, scada systems, process control systems, and digital and analog control systems.

(6) Chasing and channeling necessary to complete any electrical work, including fabricating and installing duct banks and manholes incidental to electrical, electronic, data, fiber optic, and telecommunication installation; for example: cell tower wiring and apparatus.

(7) Splicing wires by stripping insulation from terminal leads with knife or pliers, twisting or soldering wires together, and applying tape or terminal caps.

(8) Installing and modifying lighting fixtures to include L.E.D., fiber optic, and similar fixtures and their supports.

(9) Installing and modifying electrical and fiber optic equipment (AD-DC motors, variable frequency drives, transformers, reactors, capacitors, motor generators, emergency generators, UPS equipment, data processing systems, and enunciator systems where sound is not a part thereof).

(10) Installing raceway systems utilizing conduit, conduit bodies, junction boxes, device boxes for switches, and receptacles. This may also include wiring systems utilizing other methods and materials approved by the National Electrical Code (MC cable, AC cable, BX or flexible metal tubing, or electrical nonmetallic tubing).

(11) Installing main service equipment, distribution panels, subpanels, branch circuit panels, motor starters, disconnect switches, and all other related items. This includes all temporary wiring and lighting systems.

(12) Installing and wiring instrumentation and control devices as they pertain to heating, ventilating, air condition (HVAC) temperature control and energy management systems, building automation systems, and electrically or fiber optically operated fire and smoke detection systems where other building functions or systems are controlled.

(13) Testing continuity of circuit to ensure electrical compatibility and safety of components. This includes installation, inspecting, and testing of all grounding systems including those systems designed for lightning protection; testing of low, medium, and high voltage cables, equipment, and apparatus. This includes electrical heat stress testing and associated wiring.

(14) Removing electrical systems, fixtures, conduit, wiring, equipment, equipment supports, or materials involved in the transmission and distribution of electricity within the parameters of the building property line if reuse of any of the existing electrical system is required. This may include the demolition, removal, and disposal of the electrical system.

(15) Installing, repairing, altering, and maintaining solar photovoltaic wiring, apparatus, and equipment.

(16) Installing, repairing, altering, and maintaining wind power generation wiring, apparatus, and equipment.

(17) Wiring overhead bridge cranes, hoists, and their related control systems.

(18) Constructing, altering, and repairing highway and street lighting, traffic signal systems, athletic field lighting systems, airport runway and taxi lighting systems, and their related control systems.

C. Typical tools used:

(1) Cable reels – single reel cable trailers, wheeled wire dispensers, wire dollies, wire hand caddies, wire pullers, tuggers, electrical and hydraulic conduit benders.

(2) Screwdrivers – insulated screwdrivers, Phillips head screwdrivers, round shank screwdrivers, square shank screwdrivers.

(3) Stripping tools – automatic insulation strippers, self-adjusting insulation strippers, universal stripping tools, wire strippers.

(4) Voltage and current meters – milliammeters, test lamps, volt tick meters, voltmeters.

(5) Wire or cable cutters – cable cutters, high leverage cable cutters, insulated cable cutters, utility cutters, punches, crescent wrenches, tap wrenches, Allen wrenches, nut drivers, pliers (various).

Subp. 8. **Code No. 708, Elevator constructors.**

A. Nature of work: assembling and installing all commercial conveyances: electric, cable driven, hydraulic, rack and pinion, freight and passenger elevators, escalators, dumbwaiters, moving walks, ramps, and lifts.

B. Typical duties:

(1) Handling, unloading, and hoisting all equipment to be assembled or installed by workers performing work within this job classification.

(2) Assembling, installing, repairing, and maintaining elevators, escalators, moving sidewalks, and dumbwaiters using hand tools and power tools and testing devices such as test lamps, ammeters, and voltmeters.

(3) Laying out system components, frameworks, and foundations; installing counterbalance rails, motor pump, cylinder and plunger foundations, and elevator cars (which includes the platform, walls, and doors).

(4) Cutting prefabricated sections of framework, rails, and other elevator components to specified dimensions.

(5) Positioning electric motor and equipment on top of elevator shaft using hoists and cable slings or mounting elevator apparatus in machine room, overhead or below.

(6) Installing all wiring, conduit, and raceways.

(7) Connecting electrical wiring to control panels and electric motors.

(8) Adjusting safety controls, counterweights, door mechanisms, and components such as valves, ratchets, seals, and brake linings.

(9) Inspecting wiring connections, control panel hookups, door installations, and alignments and clearances of cars and hoistways to ensure that equipment will operate properly.

(10) Testing newly installed equipment to ensure that it meets specifications, such as stopping at floors for set amounts of time.

(11) Sinking, boring, drilling, or digging cylinder wells.



(12) Erecting and assembling theatre stage and curtain elevator equipment and guides or rigging.

(13) Locating malfunctions in brakes, motors, switches, and signal and control systems using test equipment.

(14) Disassembling defective units, and repairing or replacing parts such as locks, gears, cables, and electric wiring.

(15) Maintaining log books that detail all repairs and checks performed.

(16) All cleanup required in connection with the installation of elevators.

C. Typical tools used: event or graphic data recorders, hydraulic pressure gauges, amp meters, millivoltmeters, test lamps, voltmeters, saws, grinders, acetylene torch, drill.

**Subp. 9. Code No. 709, Glaziers.**

A. Nature of work: installing, setting, cutting, preparing, fabricating, distributing, handling, or removing the following: glass and glass substitutes used in place of glass, preglazed windows, retrofit window systems, mirrors, curtain wall systems, window wall systems, suspended glass systems, louvers, skylights, entrance ways including automatic doors, patio doors, store front, column covers, panels and panel systems, glass hand rails, decorative metals as part of the glazing system, and the sealing of all architectural metal and glass systems for weatherproofing and structural reasons.

B. Typical duties:

(1) Installing the materials described under item A in the course of building construction, repair, remodel, alteration, or retrofit.

(2) Installing and welding extruded rolled or fabricated materials including, but not limited to, all metals, plastics, and vinyls, or any materials that replace same, metal and vinyl tubes, mullions, metal facing materials, corrugated flat metals, aluminum panels, muntins, facia, trim moldings, porcelain panels, architectural porcelain, plastic panels, unitized panels, showcase doors, glass handrails and relative materials, including those in buildings related to storefront, door and window construction, and curtain wall systems.

(3) Installing and maintaining automatic door entrances, door and window frame assemblers such as patio sliding or fixed doors, vented or fixed windows, shower doors, bathtub enclosures, and storm sash where the glass becomes an integral part of the finished product.

(4) Transporting, handling, rigging, unloading, and loading of tools, equipment materials, and clean up.

(5) Setting art glass, prism glass, beveled glass, leaded glass, automotive glass, protection glass, plate glass, window glass, wire glass, ribbed glass, ground glass, colored glass, figured glass, vitrolite glass, carrara glass, all types of opaque glass, class chalk boards, structural glass, tempered and laminated glass, and all types of insulating glass units.

(6) Caulking glass to glass, glass to metals, metals to substrates and glass to substrates.

(7) Installing metal sill, head, and jamb flashing.

(8) All plastics or other similar materials when used in place of glass to be set or glazed in its final resting place with or without putty, vinyl, molding, rubber, lead, sealants (such as Thiokol),

neoprene, silicone, and all types of mastics in wood, iron, aluminum, sheet metal, or vinyl sash, doors, frames, stone wall cases, showcases, bookcases, sideboards, partitions, and fixtures.

C. Typical tools used: files, glass cutters, grinding or polishing machines, power saws, miter saws, all types of levels and laser levels, all types of squares, all types of power tools, all types of hand tools, suction cups, power suction cups, swing stages, platform lifts, scaffolding, safety equipment, welding equipment, step ladders, and extension ladders.

**Subp. 10. Code No. 710, Lathers.**

A. Nature of work: erecting (horizontal) metal framework to which wooden, metal, or rockboard lath is fastened.

B. Typical duties:

(1) Measuring and marking surfaces to lay out work using tape measures, straightedges, or squares and mark devices.

(2) Drilling holes in floor and ceiling and driving ends of wooden or metal studs into holes to provide anchor for furring or rockboard laths.

(3) Fitting and fastening wallboard or drywall into position on wood or metal frameworks using glue, nails, or screws.

(4) Hanging dry lines (stretched string) to wall moldings in order to guide positioning of main runners.

(5) Measuring and cutting openings in panels or tiles for electrical outlets, windows, vents, plumbing, and other fixtures using keyhole saws or other cutting tools.

(6) Hanging drywall panels on metal frameworks of walls and ceilings in offices, schools, and other large buildings using lifts or hoists to adjust panel heights when necessary.

(7) Assembling and installing metal framing and decorative trim for windows, doorways, and vents.

(8) Trimming rough edges from wallboard to maintain even joints using knives.

(9) Cutting and screwing together metal channels to make floor and ceiling frames according to plans for the location of rooms and hallways.

C. Typical tools used: lifts, putty knives, saws; drywall, hacksaw, keyhole, trowels, utility knives, claw hammers, and lathing hammers.

**Subp. 11. Code No. 711, Ground person.**

A. Nature of work: performing ground work to assist the journeyman lineman on work that is not energized.

B. Typical duties:

(1) Manually digging and backfilling pole holes, anchor holes, and trenches.

(2) Loading, unloading, and moving materials and equipment used for the construction of power lines.

(3) Assisting in assembling conduit systems, boxes, signals, and bases on the ground. May frame and erect poles.

- (4) Pulling nonenergized guy wires.
- (5) Excavating dirt or rock on the outside line portion of a project.
- (6) Tamping or compacting dirt following excavation work.

C. Typical tools used: jackhammers, air drills, shovels, picks, tamps, trenching equipment, and other tools used in excavating or compacting dirt or rock.

**Subp. 12. Code No. 712, Ironworkers.**

A. Nature of work: performing field storage and yarding, (on-site storage area or railhead) laying out, fabricating, modifying, erecting, installing, removing, repairing, renovating, retrofitting, demolishing, or dismantling of structural, architectural, ornamental, miscellaneous, and reinforcing members and related components or fixtures made of iron, steel, other ferrous and nonferrous metals and alloys, acrylic, ceramics, fiberglass, fiber-reinforced plastics or composites (FRP products), glass architectural or structural, precast, and prestressed concrete or stone, and materials that take their place, in buildings, bridges of all types, structures, civil work of all kinds, facilities, plants, and machinery, equipment, and appurtenances related thereto.

B. Typical duties:

(1) Erecting structural steel and installing architectural, ornamental, and miscellaneous metals: the unloading, sorting, yarding, erection, installation, assembly, and final alignment of the main structural steel of precast concrete framework and ancillary structural supports related thereto, including any field fabrication or modification of buildings and bridges of all types, including, but not limited to, highway, light rail transit and related systems, railroad, pedestrian, and bridges over all waters, structures, civil works of all kinds, plants, or facilities and the structural framing and supports for machinery and plant and facility equipment.

(2) Performing any combination of duties to hoist and install all structural components, including, but not limited to, columns, girders, beams, diaphragms, and all other bracing, joists, purlins, girts, wall restraint angles, plates, all metal floor and roof deck, channels, angles, or other structural shapes.

(3) Verifying elevations and vertical and horizontal alignment of structural and ancillary members by means of levels, plumb bobs, and optical instruments such as transits, eye level, lasers, Total Station, or Pacific Laser Systems.

(4) After assembly and final alignment, structural members are permanently bolted, welded, riveted, pinned, screwed, or otherwise secured into place. Setting up hoisting equipment to raise and place structural and ancillary members and components; fastening or securing members to cable of crane or other hoisting equipment by means of cable, chain, or rope; doing all signaling (via hand, telephone, or radio) to worker operating hoisting equipment during erection or installation; guiding members into place using tag lines, comealongs, portable hydraulic jacks, pry bars, wedges, and aligning pins.

(5) Laying out, drilling, and epoxying, grouting, or fastening anchor bolts or other anchoring devices described in this classification, excluding embedded items.

(6) Erecting, installing, aligning, and securing (by means of bolts, brackets, clips, epoxy core drilling and grouting or welding) architectural, ornamental, and miscellaneous metals (including iron, steel, aluminum, brass, or any other type of metal, glass, acrylic, or plastic) and related structural supports, including, but not limited to, stairways, stair treads, newel posts, balusters, gates, and handrails; ladders,

catwalks and platforms; grating, floor plates, checker plates, and toe or kick plates; multiple function support components; relieving angles and lintels which are bolted or welded into place; and revolving doors and window grills.

(7) Modifying or altering main structural and ancillary members and components using oxyacetylene torch, plasma arc cutter, hand and power saws, drills, grinders, and welders.

(8) Performing demolition or dismantling of all materials described in this classification if materials, members, or components are to be reused or re-erected.

(9) Bridges: performing field unloading, sorting, and yarding, laying out, erecting, aligning, repairing, and renovating structural steel girders, beams, and metal components, such as ornamental railings, handrails, crash and guardrails, and safety fencing relating to pedestrians; precast or prestressed girders, beams, segments, members, and related components such as architectural precast concrete facades for all types of bridges, including the installation of all steel tendons, bar tendons, and DWYI-DAG bars, strands, and the entire pre- or post-tensioning process including the calibrating and use of hydraulic jacks or other equipment and the grouting of prestress (bonded) cables when installed on the job site.

(10) Installing bridge seat assemblies, including bearing or shoe plates, rocker arms, and pins; trusses; diaphragm and other bracing; floor beams, bridge flooring, and ballast plates; expansion control assemblies and joints including slide assemblies; and the erection of structural steel framework supporting machinery and mechanical devices for lift, swing, or bascule bridges and the unloading, erection, cabling, and placing of all such machinery and devices to approximate position on anchor bolts.

(11) Installing structural cabling including spinning and cable stays; installing and erecting cableways and travelers if required for erection of bridge. Placing all reinforcing steel for cast-in-place concrete on all bridges, including, but not limited to, substructures such as caissons, footings, pier stem and caps, abutments, approach panels, sloped paving, bridge decks, J-barrier and crash rails, retaining walls, and wing walls. Erecting and dismantling related steel falsework and temporary bridges.

(12) Concrete reinforcing: the unloading, carrying, placing, and typing of all concrete reinforcing such as rebar, wire mesh, expanded metal, post-tensioning cables (including the calibrating and use of hydraulic jacks during the entire tensioning process) or prestress bonded cables including the grouting of all bonded cables and tendons when installed on the job site, and the layout and surface preparation (cleaning or grinding, placement, and welding) of shear connectors (such as Nelson studs).

(13) Positioning and securing steel bars in concrete forms and other required locations to reinforce concrete. Determining numbers, sizes, shapes, and location of reinforcing rods from blueprints, sketches, or oral instructions. Selecting and placing rods in forms or at required locations; spacing and fastening them together, using wire and pliers or mechanical splices, and installing all associated chairs, bolster bars, or cement bricks for correct spacing. Cutting bars to required lengths using hacksaw, bar cutters, or oxyacetylene torch. Bending steel rods with hand tools or rod bending machine. Reinforcing concrete with wire mesh or rebar for slabs-on-grade, floor systems, fireproofing of structural steel members (including clips, bolts, or steel studs), and simulated rock formations. Welding reinforcing bars together, using standard arc welding or specialty welding processes. Welding deck pans on a bridge and reinforcing supports for the concrete structure: lays out and drills holes for dowel placement and secures dowels by means of epoxy adhesive, grout, or other mechanical means.

(14) Rigging and erecting machinery and equipment: the unloading, moving, erection, and setting of machinery and equipment (except the setting of electric motors) when rigging or power equipment, or both, is used, which includes hydraulic or electric jack stands or cable lift systems.

(15) Unloading, handling, moving, and placing machinery and related steel framing, to be assembled, dismantled, erected, or installed to its approximate position (over the anchor bolts).

(16) Offloading, staging, rigging, erecting, and dismantling (for maintenance or repair) wind turbine sections, blades, hubs, and nacelles and the torquing of erection bolts.

(17) Unloading, assembling, erecting, plumbing, leveling, rigging, jumping, signaling to hoisting equipment operator, maintaining, and disassembling lattice boom cranes, tower cranes, buck hoists, Chicago booms, gin poles, guy and stiff leg derricks, manlifts, material hoists and towers, overhead travelers and traveling sheaves, and securing of same to buildings and structures where required.

(18) Installing monorails, bridge cranes, and underslung bridge cranes, including crane rails. Loading, unloading, moving, placing, and final setting of electrical transformers.

(19) Curtain wall, window wall, and windows: erecting and installing metal punched windows and enclosures, preglazed window units, strip windows (excluding storefront display windows), curtain-wall and window-wall systems and associated structural framing, panels and brackets related thereto, and installation of related cover plates, sills, stools molding, and trim work. Caulking, sealing, and weather stripping joints that abut those materials. Installing window washing systems including related guides, tracks, hooks, tiebacks, davits, and safety equipment.

(20) Doors: installing or erecting curtain type doors (overhead rolling-type doors), heavy industrial doors when made of metal, fire doors, and exterior metal hinged doors that carry a fire underwriters label, rolling grills and shutters (horizontal-sliding or vertical-drop), hangar doors, and related framing and installation of tracks, guides, sills, and thresholds.

(21) Sheeting and decking: installing structural metal sheeting (exterior or interior, corrugated or flat, insulated or noninsulated), structural metal floor decking and structural metal roof decking (including standing seam), structural metal ceiling and wall panel systems, insulated metal wall panel systems (so-called sandwich panels), and smoke curtains which are attached to a steel frame or to the metal, masonry, or concrete framework of a building or structure. Installs related purlins, girts, clips, brackets, fascia, soffits, and trim work.

(22) Pre-engineered metal buildings: erecting, installing, and retrofitting of the structural steel for pre-engineered buildings when they come in packaged units, such as Butler, Delta, Varco Pruden, or other name brand packaged buildings. Installing balconies, mezzanines, stairs and nonwood handrails, doors, windows (including Vista Wall and related systems), skylights, and insulation (when installed in conjunction with sheeting) in the packaged buildings.

(23) Structural and architectural precast or prestressed concrete and stone: unloading, installing, and erecting precast concrete columns, beams, single Ts, double Ts raker beams, spandrel beams, top panels, tilt-up slabs, and wall panels and the erection and welding of corbels, haunches, and other related components supporting gravity loads. Erecting precast and prestressed wall and roof panels and architectural stone (granite, limestone, marble, or composite materials) by bolting, clamping, or welding at the bottom to footing and at the top to steel joints as needed. Erecting buildings utilizing lift-slab or jack-slab constructions.

(24) Other: installing detention security equipment and materials, including the erection of prefabricated or modular steel or precast concrete cells, associated with guardhouses, jail cells, police

station holding cells, prison cells, and detention facilities utilizing central locking systems. Installing furniture and fixtures, including, but not limited to, beds and bunks, benches, chairs, food hatch doors, pass-throughs, food tray shelves, grills, mirrors, and tables (excluding sanitary facilities such as sinks and toilets); detention security doors, frames, and hinges including sliding doors and related guides, hardware, devices, and grouting of door frames); detention security hardware and locks; detention security gates, ceilings, and hatchway doors; detention security windows of glass, acrylic, and similar materials; detention security partitions (including woven wire partitions) and detention security caulking; and secure rooms, security and storerooms, and cages related to security doors and door frames.

(25) Installing theater equipment such as drapery and fire curtains and related tracks and guides, backdrop and scenery equipment, back stage lifts, counter weight systems and stage rigging (cabling and reaving-up included), and structural framing, grids, and related catwalks that support any state and theater equipment-related components such as stage lighting and sound systems.

(26) Installing and erecting ornamental, cast iron, wrought iron, chain, and cable link fences, security fences, gates (excluding site clearing, boring of holes and placing of concrete) and blast deflector fences, including layout and erection of related structural framework, baffles, and sheeting.

(27) Installing dry storage bins, hoppers, silos, chutes, and conveyors where ash, coal, lime, ore, sand, or any dry component is stored or transferred.

(28) Erecting, altering, retrofitting, and repairing bridges, viaducts, cableways, tramways, and monorail transportation systems and the dismantling of same if for reuse or re-erection.

(29) Erecting geodesic and other domes supported by structural steel or air or cable supported and related fabric installation.

(30) Erecting, installing, repairing, removing, and dismantling locks, gates, sluice gates and bulkheads, weirs and weir plates, lift-station buildings, metal forms and railing (including pipe) on waterways, locks, dams, and flood control projects.

(31) Erecting pump station buildings on pipelines (excluding mechanical, piping, or electrical work). Erecting or installing frames in support of boilers, if part of the building structure.

(32) Assembling and erecting communication towers, (TV, radar, satellite, and microwave); installing related antennas and wave guide and other types of structural steel towers such as self-supporting towers, guyed towers, or monopoles (excluding electrical power transmission towers).

(33) Unloading and setting modular or prefabricated buildings, excluding mechanical, piping, or electrical work.

(34) Installing metal guardrails with metal posts and erecting highway informational signs.

(35) Erecting, trimming, and fitting together by means of bolts and clamps, iron grills, grating, and special stairways.

(36) Erecting ornamental enclosures and other ironwork not included in structural ironwork;

(37) Erecting safes and vaults (assembled and unassembled), vault doors, plates, and trim.

(38) Fastening ironwork to walls of buildings by means of bolts, brackets, or anchors.

(39) Installing pallet racks, speed racks, and associated shelving. Installing fall protection systems and related safety equipment for use by ironworkers.

C. Typical tools used: spud wrenches, sleaver bars, hammers, alignment pins, wedges, hydraulic jacks, rams, pliers, wire reels, tape measures, thickness gauges, various clamps, optical instruments such as Total Station and Pacific Laser System, transits, plumb bob, gas saws, drills, hammer drills, porta-bank, torsion control gun, welders (gas and electric), grinders, screw guns, tugger, chain fall, come-along, porta-power, roust-a-bout, genie lifts, J.L.G., scissors lift, sawzall, impact wrenches, torque wrenches, air compressors, stressing rams and equipment, jacking systems, power lifts, metal shears, torching equipment (acetylene, plasma, propane, and oxygen), cable cutters, automatic rebar typing machine, various types of rope, nylon slings, wire rope chokers, and shackles.

**Subp. 13. Code No. 713, Lineman.**

A. Nature of work: erecting, maintaining, and repairing transmission poles (wood, metal, or other), fabricated metal transmission towers, outdoor substations, switch racks or similar electrical structures, electric cables, and related equipment for high-voltage transmission and distribution power lines.

B. Typical duties:

(1) Adhering to safety practices and procedures, such as checking equipment regularly and erecting barriers around work areas.

(2) Opening switches or attaching grounding devices in order to remove electrical hazards from disturbed or fallen lines or to facilitate repairs.

(3) Climbing poles or using truck-mounted buckets to access equipment.

(4) Placing insulating or fireproofing materials over conductors and joints.

(5) Installing, maintaining, and repairing electrical distribution and transmission systems, including conduits, cables, wires, and related equipment such as transformers, circuit breakers, and switches.

(6) Identifying defective sectionalizing devices, circuit breakers, fuses, voltage regulators, transformers, switches, relays, or wiring using wiring diagrams and electrical-testing instruments.

(7) Driving vehicles equipped with tools and materials to job sites.

(8) Coordinating work assignment preparation and completion with other workers.

(9) Inspecting and testing power lines and auxiliary equipment to locate and identify problems using reading and testing instruments.

(10) Stringing wire conductors and cables between poles, towers, trenches, pylons, and buildings; setting lines in place; and using winches to adjust tension.

C. Typical tools used: hand tools, power drills, conduit benders, saws, voltage or current meters, and wire or cable cutters.

**Subp. 14. Code No. 714, Millwright.**

A. Nature of work: assembling, installing, aligning, and dismantling mechanical, hydraulic, pneumatic, power generation, and electrical machinery in commercial and industrial sites.

B. Typical duties:

- (1) Replacing or repairing defective parts of machine and adjusting clearances and alignment of machinery moving parts.
- (2) Aligning machinery and equipment using hoists, jacks, hand tools, squares, rules, micrometers, plumb bobs, lasers, optical equipment, and alignment wire.
- (3) Connecting power unit to machines or steam piping to equipment, and testing unit to evaluate its mechanical operation.
- (4) Repairing, revising, and lubricating machines and equipment.
- (5) Assembling and installing equipment using hand tools and power tools including welding and rigging incidental to that work.
- (6) Positioning steel beams to support bedplates of machinery and equipment using blueprints and schematic drawings to determine work procedures.
- (7) Signaling crane operator to lower basic assembly units to bedplate and align unit to centerline.
- (8) Inserting shims, adjusting tension mounts and bolts, or positioning parts using hand tools, measuring instruments, and power tools to set specified clearances between moving and stationary parts.
- (9) Moving machinery and equipment using hoists, dollies, rollers, and trucks.
- (10) Attaching moving parts and subassemblies to basic assembly unit using hand tools and power tools.

C. Typical tools used: gauges or inspection fixtures, hammer, hoists, levels, precision measuring equipment, micrometers, pullers, punches or nail sets, drill press, and hand tools necessary to perform work in items A and B.

**Subp. 15. Code No. 715, Painters.**

A. Nature of work: Applying coats of primer, paint, sealer, stain, varnish, enamel, lacquer, and special coatings to decorate and protect interior or exterior surfaces, trimmings, and fixtures of buildings and structures. Applying wall coverings both paper and vinyl, and carpet to walls and ceilings.

B. Typical duties:

- (1) Preparing, applying, and removing all types of coatings and coating systems in relation to all painting, decorating, protective coatings, coating and staining of concrete floors, toppings, waterproofing, masonry restoration, fireproofing, fire retarding, metal polishing, refinishing, sealing, lining, fibreglassing, E-Glass fiberglass, carbon fiber, encapsulating, insulating, metalizing, and flame spray.
- (2) Each and all such applications, and similar or substitute applications, on all surfaces, interior and exterior, to include, but not be limited to: residences; buildings; structures; industrial, power, chemical, and manufacturing plants; bridges; tanks; vats; pipes; stacks; light- and high-tension poles; parking, traffic, and air strip lines; trucks; automobile and railroad cars; ships; aircraft; and all machinery and equipment.
- (3) Any and all material used in preparation, application, or removal of any paint, coatings, or applications, including, but not limited to: the handling and use of thinners, dryers, sealers, binders, pigments, primers, extenders, air and vapor barriers, emulsions, waxes, stains, mastics, plastics,



enamels, acrylics, alkyds, epoxies, epoxy injection and T-Lock welding, sheet rubber, foams, and seamless and tile-like coatings.

(4) All preparation for and removal of any and all materials for finishes, such as deep cleaning, patching, all levels of finishing, taping and finishing, skim coating, pointing, caulking, high-pressure water, chemical, and abrasive blasting, environmental blasting, wet/dry vacuum work, chemical stripping, scraping, air tooling, bleaching, and steam cleaning.

(5) Wall covering work including, but not limited to: all material applied to walls or ceilings with adhesive, staples, or tacks, by stretching or adhered by any other method, including all papers, vinyls, flexible woods, fabrics, borders, metals, upholstered wall systems, the fabric-covered panels made of plastic, wood, or prefinished products of micro fiberglass, acrovin, and various plastic wall coverings such as wainscoat, caps, corner moldings, and accessories.

(6) Any and all preparation of walls and ceilings such as scraping or any methodology for removal of existing materials, including patching, leveling, skim coating, and priming.

(7) Mixing, testing, preparing, and manufacturing of paint, coating, caulking, putty, and sealants, and handling of lead, color, oil, lacquer, varnish, synthetic resin, and acrylic paints and coatings, including any and all materials for the same.

(8) All processes and procedures for decontamination of all contaminated areas and all cleanup of any type of debris caused by or during the preparation or application of any work described in this classification.

(9) Pavement marking including hand-brushed, hand-sprayed, and the hand taping of pavement markings, and the operation of compressors for purposes of hand spraying for pavement marking.

C. Typical tools used:

(1) Hand tools – hopper guns, pneumatic spray texture guns, spray texture guns, stucco patching guns, compressors, pasting machines, heat guns, sandblasting equipment.

(2) Paint sprayers – airless spray equipment, power brushes, spray guns, electrostatic sprayers.

(3) Power sanders – disk sanders, electric paint removers, paint stripping equipment, sanders.

(4) Pressure or steam cleaners – hydroblasters, pressure washers, steam cleaning equipment, wallpaper steamers.

(5) Putty knives – drywall taping knives, patching knives, spackling knives.

Subp. 16. **Code No. 716, Piledriver.**

A. Nature of work: performing pile work and driving piles of any type, including, but not limited to, wood, steel, concrete, and composite materials. Includes bridge work, bridge demolition, and pile driving work related to waterfront and marine installations. Set up and operation of vibratory equipment.

B. Typical duties:

(1) Handling, laying out, driving, cutting, and splicing of wood, metal, or concrete piling regardless of purpose or materials (for example, sheets, I-beams, helical and soil anchors of all material, pile caps, and welding to piling).

(2) Setting up hoisting equipment for raising and placing wooden or concrete piles or steel sheeting sections to cable of hoist, using chain, cable, or rope. Pumping of material into piling.

(3) Signaling worker operating hoisting equipment to lift and place the wooden or concrete pile or steel sheeting section. Installing safety equipment incidental to pile driving work.

(4) Guiding wooden or concrete pile or steel sheeting section using tab line (rope) or rides on.

(5) Pile or steel sheeting to guide it into position. Pulling, pushing, or prying wooden concrete pile or steel sheeting into place while pile or sheeting is supported by hoisting equipment. Bracing forms in place with timbers, tie rods, and anchor bolts, for use in building concrete piers, footings, and walls and falsework in bridge construction.

(6) Assembling, disassembling, and rigging of the pile driving equipment and hoisting equipment when used in pile driving.

(7) Conducting underwater diving that is incidental to pile driving work. Diving below water to perform welding and other work incidental to pile driving, highway and commercial construction, and the tending and assisting of divers by performing such tasks as monitoring divers, handing material to divers, and handling of equipment used while driving.

C. Tools used: operating pile drivers mounted on skids, barges, crawler treads, or locomotive cranes or any hoisting equipment to drive pilings for retaining walls, bulkheads, and foundations of structures, such as buildings, bridges, and piers. Torches, cable cutters, chain saws, and all necessary welding equipment. Vibratory driver or extractor for piling and sheeting operations.

**Subp. 17. Code No. 717, Pipefitters – steamfitters.**

A. Nature of work: performing and assisting in fabricating, assembling, installing, altering, dismantling, maintaining, and replacing pipe systems, pipe supports, and related hydraulic and pneumatic equipment for steam, hot water, heating, cooling, lubricating, and industrial production and processing systems (ammonia, refrigerant, steam, hot water, chilled water, process piping, etc.).

B. Typical duties:

(1) Fabricating, assembling, and installing piping and tubing systems that are to conduct steam, air, and other fluids, solids, or gases in and around buildings and structures, including hangers, restraints, and supports for such systems.

(2) Cutting, threading, and hammering pipe to specifications using tools such as saws, cutting torches, and pipe threaders and benders.

(3) Assembling and securing pipes, tubes, fittings, and related equipment according to specifications by welding, brazing, cementing, soldering, and threading joints.

(4) Attaching pipes to walls, structures, and fixtures such as radiators or tanks using brackets, clamps, tools, or welding equipment.

(5) Measuring and marking pipes for cutting and threading.

(6) Installing vacuum piping systems with manufacturing or industrial facilities.

(7) Installing and maintaining pneumatic components of machines and equipment, such as pumps and cylinders, using hand tools.

(8) Joining ductile iron and plastic pipes when such pipes will be under pressure and used as distribution lines for water mains and sewers.

(9) Installing piping systems for refrigeration, cooling, and heating equipment, including, but not limited to, compressors, coils, pumps, tanks, gauges, valves, tubes, and pipes. See "Sheet Metal Worker" for the installation of sheet metal duct work.

(10) Performing welding and burning which is incidental to the work of pipefitting or steamfitting.

(11) Locating, cutting, and boring holes in structures, such as bulkheads, decks, walls, and mains, prior to pipe installation, using hand and power tools. Setting sleeves in the penetrations.

(12) Dismantling piping systems and equipment, including, but not limited to, heating, cooling, process, refrigeration, and HVAC systems.

(13) Installing, removing, altering, maintaining, and repairing solar panels and piping, or parts thereof, that are related to the heating or cooling system.

(14) Installing, removing, altering, maintaining, and repairing geothermal piping, or parts thereof, used in relation to the heating or cooling system.

(15) Testing and balancing hydronic equipment and piping.

(16) Labeling and stenciling piping and equipment under this trade classification.

(17) Unloading, moving, handling, rigging, placing, and setting of piping and equipment related to work under this classification.

(18) Installing, repairing, or replacing flue pipe and breaching when made of steel or plastic pipe.

(19) Laying out mechanical pads, curbs, and bases.

(20) Installing instrumentation and controls as they pertain to HVAC equipment.

(21) Starting up, servicing, and commissioning HVAC systems.

(22) All low-voltage wiring and controls as it relates to HVAC equipment.

(23) Installing, removing, altering, maintaining, and repairing combustible and noncombustible gas systems and piping, or parts thereof, relating to heating, cooling, and process equipment.

(24) Increasing pressure in pipe systems and observing connected pressure gauges to test system for leaks. Performing other work in connection with the installation and testing of heating and cooling apparatus and control devices.

C. Typical tools used:

(1) Levels – automatic levels, laser levels, pocket levels, and two-hole pins.

(2) Power grinders – offset grinders, pedestal grinders, portable grinders, and stationary grinders.

(3) Screwdrivers – flat screwdrivers, impact screwdrivers, and Phillips head screwdrivers.

(4) Taps or dies – dies, drophead dies, and taps.

- (5) Welders – alternating current/direct current (AC/DC) welders, arc welders, and welding machines.
- (6) Torches – cutting and brazing.
- (7) Wrenches – combination, pipe wrench, channel locks, crescent wrench, sockets and ratchets, and vise grips.
- (8) Squares – Tri-square and framing square.
- (9) Hammers – ball peen, rubber, and framing.
- (10) Power tools – Sawzall, band saws, drills, drill presses, screw guns, and core drills.

**Subp. 18. Code No. 718, Plasterers.**

A. Nature of work: applying coats of plaster or stucco to interior or exterior walls, ceilings, and partitions of buildings and structures to produce a finished surface. Installing exterior insulation finish systems (EIFS). Fireproofing building assemblies with plaster materials, sprayed fiberglass, or other similar materials, whether applied to gypsum, metal lath, or directly.

B. Typical duties:

- (1) Applying plaster to lath, masonry, drywall, or other bases; applying stucco to exterior walls using trowels, brushes, or spray guns. Sealing joints between plasterboard or other wallboards to prepare the wall surface for veneer plaster system.
- (2) Spraying fireproof insulation onto gypsum, lath, or other surfaces.
- (3) Creating decorative textures in finish coat systems using brushes, trowels, sand, pebbles, or stones.
- (4) Applying insulation to building exteriors by installing prefabricated insulation systems over existing walls or by covering the outer wall with insulation board, reinforcing mesh, and a base coat.
- (5) Skim coating various manufacturers' brand names of thin coat or plaster veneer.
- (6) Applying bonding agents; cleaning and preparing surfaces for applications of plaster, cement, stucco, or similar materials.
- (7) Grouting and filling of door bucks and similar installations.
- (8) Applying and setting stone imitation, any patent material when cast, crushed stone, marble, ceramic chips, broken glass embedded in plaster, or similar materials.
- (9) Applying malleable plastic materials and epoxy materials.
- (10) Applying weatherproof, decorative coverings to exterior surfaces of buildings such as troweling or spraying on coats of stucco.
- (11) Spraying acoustic materials or texture finish over walls and ceilings.
- (12) Molding and installing ornamental plaster pieces, panels, and cornices.
- (13) Applying plaster or stucco siding materials.

C. Typical tools used:

- tools.
- (1) Edgers – corner tools, inside step tools, ornamental cut and shape tools, outside step tools.
  - (2) Floats – darbies.
  - (3) Hammers – claw hammers and plasterers' hammers.
  - (4) Ladders – stilts.
  - (5) Paint sprayers – plaster spraying machines and spray guns.
  - (6) Saws – hand saws and keyhole saws.
  - (7) Trowels – featheredgers, hand trowels, power trowels, and scratcher trowels.
  - (8) Utility knives – trimming knives.

**Subp. 19. Code No. 719, Plumbers.**

A. Nature of work: performing or assisting at the business, trade, or work having to do with the installation, removal, alteration, or repair of plumbing and drainage systems or parts thereof, which include, but are not limited to, plumbing fixtures, plumbing appliances, and plumbing appurtenance.

B. Typical duties:

- (1) Installing, removing, altering, maintaining, and repairing all potable and nonpotable water supplies and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipes, all building drains, and their associated parts, including their respective joints and connections; devices and appurtenances including potable and nonpotable water treatment or using equipment.
- (2) Any worker assisting a plumber shall be classified as a plumber.
- (3) Locating and marking position of pipe, pipe connections, and passage holes, and installing sleeves for pipes in walls and floors using all tools, hand or powered, to complete this task.
- (4) Cutting openings in walls and floors to accommodate pipe and pipe fittings using hand and power tools.
- (5) Joining pipes with screws, bolts, couplings, clamps, cement, fittings, solder, brazing, welding, plastic solvent, caulk joints, push gasket, o-ring connection, compression, and similar materials.
- (6) Testing all piping, fixtures, appliances, and appurtenances according to Minnesota Rules, chapter 4715.
- (7) Meeting with the proper administration authority to verify the work has been performed according to Minnesota Rules, chapter 4715.
- (8) Installing, removing, altering, maintaining, and repairing drainage and sewage lines and their parts.
- (9) Dismantling piping systems to be replaced or reconditioned.
- (10) Installing, removing, altering, maintaining, and repairing supports for all piping, equipment, appurtenances, appliances, fixtures, and their parts for the proper installation of the plumbing system.
- (11) All drip pans that are installed in conjunction with the plumbing or piping system.
- (12) All low voltage used to operate the plumbing or piping systems.

- (13) All erection and dismantling of any equipment used to access a plumbing or piping system for installation, removal, alteration, maintenance, or repair.
- (14) Installing, removing, altering, maintaining, and repairing piping and facilities that receive or treat the discharge from plumbing fixtures and their associated parts.
- (15) Back filling and compacting ditches and excavations using hand-operated machines where plumbing systems are installed.
- (16) Removing dirt, concrete, bituminous, or similar materials for installation, removal, alteration, maintenance, or repair of a plumbing system.
- (17) Installing, removing, altering, maintaining, and repairing medical gas or gases used in the medical industry, or parts thereof.
- (18) Installing, removing, altering, maintaining, and repairing vacuum piping systems, vacuum cleaning and dust collection systems, and their parts in a nonmanufacturing facility.
- (19) Installing, removing, altering, maintaining, and repairing combustible and noncombustible gas systems and piping and their parts, including venting.
- (20) Rigging, lifting, loading, unloading, and stockpiling, by hand or machine, all equipment fixtures, appliances, appurtenances, and piping related to the plumbing system.
- (21) Labeling or stenciling piping, valves, equipment, and their parts under this trade classification.
- (22) Backing used for support for all plumbing fixtures, appliances, and accessories.
- (23) Installing plumbing accessories.
- (24) Installing sheetlead and other like materials to protect workers and the general public.
- (25) Installing, removing, altering, maintaining, and repairing solar panels, piping, and their parts related to the plumbing system.
- (26) Installing, removing, altering, maintaining, and repairing geothermal piping and their parts used in relation to the plumbing system.
- (27) Installing material used to protect the building from smoke and fire damage as related to the plumbing and piping systems. Special materials are applied where the piping for the plumbing system has penetrated through floors, walls, and ceilings in order to protect from smoke and fire damage in case of fire.
- (28) Venting of subsoils, from the lowest finished floor to the atmosphere, for removal of gases.
- (29) Installing plates or equivalent to protect all plumbing pipe and tubing.
- (30) Installing, removing, altering, maintaining, and repairing systems or parts of systems carrying water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in its bacteriological and chemical quality to parts 4720.0200 to 4720.2300 or the regulations of the local public health authority having jurisdiction.
- (31) Installing, removing, altering, maintaining, and repairing associated with setting and connecting to the plumbing system all house tanks, surge tanks, pressure tanks, hot water heaters, or their parts.

(32) Installing, removing, altering, maintaining, and repairing piping and the setting of all equipment, appliances, and appurtenances in connection with water booster, pumping stations, and water filtration plants, or parts thereof inside the structure.

(33) Installing, removing, altering, maintaining, and repairing water pumps and piping, such as water lifts, hydraulic rams, and water boosters worked by water, electric, or air power used in the plumbing system, or parts thereof.

(34) Installing, removing, altering, maintaining, and repairing suction and discharge of central distributing and boosting stations in connection with water or fire lines, or parts thereof.

(35) Installing, removing, altering, maintaining, and repairing fire pumps, tanks, or water main connections and standpipes with hose connections and cabinets, or parts thereof.

(36) Installing, removing, altering, maintaining, and repairing multipurpose potable water systems under Minnesota Statutes, chapter 299M.

(37) Installing, removing, altering, maintaining, and repairing sterilizing systems and sterilizing equipment, or parts thereof.

(38) Installing, removing, altering, maintaining, and repairing piping, equipment, appliances, and appurtenances for gasoline, oil, and lubricating systems, or parts thereof.

(39) Installing, removing, altering, maintaining, and repairing piping for Ozone systems, or parts thereof.

(40) Installing, removing, altering, maintaining, and repairing soda fountains, bars, restaurant equipment, piping, or parts thereof.

(41) Installing, removing, altering, maintaining, and repairing the wash down and drain piping for all chutes, or parts thereof.

(42) Installing, removing, altering, maintaining, and repairing pipe made from any metal, tile, glass, wood, transits, plastic, rubber, or any other material or products manufactured into pipe, usable in the piping industry, regardless of size, shape, or method of making joints, whether or not the piping is installed inside or outside, above the ground or below ground, encased or exposed, or pressure or nonpressure.

C. Typical tools used:

(1) Drain or pipe cleaning equipment – drain cleaning cables, hand spinners, sectional drain cleaning machines, toilet augers.

(2) Pipe or tube cutters – pipe cutters, power pipe cutters, ratcheting polyvinyl chloride (PVC) cutters, tubing cutters.

(3) Pipe wrenches – end pipe wrenches, offset pipe wrenches, straight pipe wrenches.

(4) Pressure indicators — air pressure gauges, heavy duty water pressure gauges, maximum reading water pressure gauges, water pressure gauges.

(5) Specialty wrenches – chain wrenches, spud wrenches, strainer wrenches, water heater element removal wrenches.

Subp. 20. **Code No. 720, Roofer/waterproofer.**

A. Nature of work: applying and installing any and all types of roofing materials. For sheet metal roofs see "Sheet Metal Workers."

B. Typical duties:

(1) Installing slate and tile and all substitute materials taking the place of slate and tile used for roofing, such as asbestos slate or tile, cement, composition or Spanish tile, composition or wood shingles, or shakes, metal shingles or tile, or other substitute materials used on steep, with necessary metal flashing to make watertight. All solar or photovoltaic cell-type shingles used to transform solar energy to electrical energy.

(2) Cementing in, on, or around slate and tile roofs. The laying of felt, paper, or substitute material beneath the slate and tile or substitute materials. The dressing, punching, and cutting of all roof slate or tile, either by hand or machinery.

(3) Installing all forms of plastic, slate, slag, and gravel; asphalt and composition roofing; rock asphalt mastic when used for damp and waterproofing; prepared paper; compressed paper and chemically prepared paper; and burlap with or without coating. Installing all damp resisting preparations regardless of the method of application in or outside of building. Installing damp courses, sheeting, or coating on foundation work and tarred roofs. Laying of the tile or brick when laid in asphalt or pitch tar.

(4) Installing and applying new materials used in roofing, waterproofing, encapsulation, and containment process, including all forms of elastomeric or plastic (elastoplastic), or both, roofing systems, both sheet and liquid applied, whether single-ply or multi-ply. Installing or vacuuming of aggregates, vegetative materials, or stone, used as a ballast for inverted roofing membrane assembly, or roof of similar construction where insulation is laid over the roofing membrane. Sealing and caulking seams and joints on these elastoplastic systems to ensure watertightness. Applying liquid-type elastoplastic preparation for roofing, damp, or waterproofing when applied with a squeegee, trowel, roller, or spray equipment whether applied inside or outside of a building. Priming surfaces to be roofed, damp, or waterproofed, whether done by roller, mop, swab, three-knot brush, or spray systems. Waterproofing all types of preformed panels. All air barriers that are applied with materials that are traditionally used for roofing, waterproofing, and dampproofing systems including, but not limited to, sprays, epoxies, membranes, and bituminous products.

(5) Applying all types of spray-in-place such as urethane or polyurethane, and the coatings that are applied over them.

(6) Applying roof insulation when the insulation material is applied as an integral part of the roofing system, whether the insulation material is applied as the first, last, or any other layer in between.

(7) Operating and servicing kettles, bulk tankers, stationary heating tankers, other types of equipment and tools used to accomplish this work (including heating systems for the operation of the equipment), compressors for applying roofing material components, roof and mop carts, hydraulics, hand or power tools and equipment needed to apply waterproofing, and insulation and roofing materials.

(8) Handling, hoisting, and storing of all roofing, damp, and waterproofing materials and ballast. Set up ladders and scaffolding to provide safe access to work site.

(9) Tearing off or removing, or both, of any type of roofing, including ballast, all spudding, sweeping, drying, vacuuming, cleanup, or a combination of these, of any areas of any type where a roof is to be replaced.



(10) All cleaning, wire brushing, priming, and sealing of roof decks and surfaces that receive roofing, damp, or waterproofing.

C. Typical tools used:

- (1) Blow torches – double-lock seamers, propane torches, single seamers, and torches.
- (2) Hammers – claw hammers, plastic hammers, seaming hammers, and slate hammers.
- (3) Hatchets – carpenters' hatchets, metro roofing hatchets, standards roofing hatchets, and wood shingling hatchets.
- (4) Roof rippers – roofing spades, shingle rippers, tear-off bars, and tear-off shovels.
- (5) Shears – clipping shears, foot squaring shears, membrane slitters, and slate cutters.
- (6) Welders – heat welders and seam welders.
- (7) Hand tools – rollers, scissors, insulation knife, roofing knife, trowels, awls, and tin snips.
- (8) Power tools – pneumatic nail gun, powder actuated nail guns, air nail gun, screw guns, power saws, and power drills.

Subp. 21. **Code No. 721, Sheet metal workers.**

A. Nature of work: fabricating onsite, assembling, installing, and replacing sheet metal products and equipment, including control boxes, drainpipes, ductwork, furnace casings, and other ferrous and nonferrous products of varying degrees of gauge thickness, including PVC or fiberglass ductwork (typically nonstructural in nature). This does not include sheeting work performed by carpenters or ironworkers.

B. Typical duties:

- (1) Installing, repairing, and altering such assemblies as ductwork for heating, ventilation, air conditioning, and exhaust systems, rain gutters and downspouts, furnace casings, air-to-air exchangers (HRV), and heat recovery systems and under floor systems.
- (2) Installing panel and structures for refrigeration equipment. See subpart 17, Pipefitter – Steamfitter for installation of refrigeration units or systems.
- (3) Maneuvering completed units into position for installation and anchoring the units.
- (4) Installing sheet metal roofing and siding materials including soffit and fascia, except as installed by a carpenter or ironworker.
- (5) Setting up and operating fabricating machines to cut, bend, and straighten sheet metal.
- (6) Shaping metal over anvils, blocks, or forms, using hammers.
- (7) Fastening seams and joints together with welds, bolt cement, rivets, and solder, caulks metal drive clips, and bonds to assemble components into products or to repair sheet metal items.
- (8) Operating soldering and welding equipment to join sheet metal parts, inspecting assemblies, and smoothing seams and joints of burred surfaces.
- (9) Removing sheet metal roofing when reroofing with sheet metal materials will occur.
- (10) Testing and balancing air handling equipment and ductwork.

- (11) Digging and backfilling for all underground duct systems.
- (12) Insulating ductwork, plenums, and other air handling components.
- (13) Installing lockers.
- (14) Installing metal toilet partitions.
- (15) Installing trash chutes.
- (16) Installing laundry chutes.
- (17) Installing metal shelving.
- (18) Installing solar panels and solar shingle panels.
- (19) Fabricating, installing, repairing, or replacing siding and panels.
- (20) Fabricating, installing, repairing, or replacing all blowpipe, dust collection, and material handling systems.
- (21) Fabricating, installing, repairing, or replacing all stainless steel kitchen equipment including, but not limited to, countertops, sinks, coolers, bars, exhaust hoods, ovens, and cabinets.
- (22) Fabricating, installing, repairing, or replacing all cornice work.
- (23) Installing, repairing, or replacing skylights.
- (24) Fabricating, installing, repairing, or replacing all chimney liners, flue pipes, and breechings.
- (25) Fabricating, installing, repairing, or replacing all flashings, counter flashings, or coping.
- (26) Demolishing HVAC systems and ductwork when reused.
- (27) Sealing HVAC systems and ductwork.
- (28) Laying out mechanical pads, curbs, and bases.
- (29) Installing, repairing, or replacing radiation covers.
- (30) Fabricating, installing, repairing, or replacing all drip pans.
- (31) Fabricating, installing, repairing, or replacing all brackets, hangers, or fasteners.
- (32) Installing and wiring instrumentation and controls as they pertain to HVAC equipment.
- (33) Installing duct-mounted smoke detectors.
- (34) Starting up, servicing, and commissioning HVAC systems.
- (35) Fabricating, installing, repairing, or replacing air filtration systems.
- (36) Installing air exchanger systems and heat recovery systems.
- (37) Fabricating, installing, repairing, or replacing sheet metal lagging over insulated pipes, ducts, tanks, and equipment.
- (38) Cutting openings in walls and floors to accommodate equipment using necessary tools and equipment.
- (39) Fabricating, installing, repairing, or replacing louvers.

(40) Installing walk-in coolers.

C. Typical tools used:

- (1) Hammers – ball peen hammers, bumping hammers, setting hammers, and tinners hammers.
- (2) Metal cutters – aviation snips, bull snips hand notchers, power notchers, and V - notchers.
- (3) Punches or nail sets or drifts – center punches, prick punches, punches, and rotary punches.
- (4) Sequential forming machine – bar folders, bending machines, spiral duct machines, and wiring machines.
- (5) Shears – power shears, ring and circular shears, squaring shears, and unishears.
- (6) Workshop presses – drill presses, hand brakes, power presses, and rivet presses.
- (7) Assembly tools – screw guns, cleatlock tools, sockets and ratchets, hand seamers, various screwdrivers, hand crimpers, drive pullers, and dividers.

Subp. 22. **Code No. 722, Sprinkler fitters.**

A. Nature of work: installing, inspecting, and maintaining fire protection and fire control systems, including water mains (overhead and underground), fire hydrants, hydrant mains, standpipes, hose connections to sprinkler systems, sprinkler tank heaters, air lines and thermal systems used in connection with sprinkler and alarm systems, and all tanks and pumps connected thereto, including CO<sub>2</sub> and Cardox systems, dry chemical systems, foam systems, Halon, and all other fire protection systems.

B. Typical duties:

- (1) Installing piping, tubing, appurtenances, and equipment.
- (2) Locating and marking position of pipe and pipe connections and passage holes for pipes in walls using ruler, level, and plumb bob.
- (3) Cutting openings in walls and floors to accommodate pipe and pipe fittings using hand and power tools. Cutting and threading pipe using pipe cutters, cutting torch, and pipe-threading machine.
- (4) Assembling and installing valves, pipe fittings, and pipes composed of metals such as iron, steel, copper, and brass, and nonmetals such as plastic using hand and power tools.
- (5) Joining pipes by use of screws, bolts, couplings, clamps, cement, fittings, solder, brazing, welding, and plastic solvent.
- (6) Filling pipe with water or air and reading pressure gauges to determine whether system is leaking.
- (7) Dismantling piping systems to be replaced or reconditioned.
- (8) Inspecting fire protection systems to ensure deficiencies are identified and corrected.

C. Typical tools used:

- (1) Drills – power drills, hand drills, and core drills.
- (2) Levels – automatic levels, laser levels, pocket levels, and two-hole pins.

- (3) Pipe or tube cutters – pipe cutters, power pipe cutters, ratcheting polyvinyl chloride (PVC) cutters, and tubing cutters.
- (4) Pipe wrenches – offset pipe wrenches and straight pipe wrenches.
- (5) Power grinders – offset grinders, pedestal grinders, portable grinders, and stationary grinders.
- (6) Pressure indicators – air pressure gauges and water pressure gauges.
- (7) Screwdrivers – flat, Phillips, and impact screwdrivers.
- (8) Specialty wrenches – chain wrenches.
- (9) Taps or dies – dies, drophead dies, and taps.
- (10) Welders – alternating current/direct current (AC/DC) welders, arc welders, and welding machines.

**Subp. 23. Code No. 723, Terrazzo workers.**

A. Nature of work: installing durable and decorative surfaces on floors, walls, and ceilings. Terrazzo work includes the following and similar materials: venetian enamel and terrazzo, cement terrazzo, magnesite terrazzo, Dex-O-Tex terrazzo, epoxy matrix terrazzo, exposed aggregate, and polished, honed, or sand finished materials.

B. Typical duties:

- (1) Installing marble, mosaic, venetian enamel, and terrazzo; cutting and assembling of mosaics and art ceramics; casting terrazzo on the job site; and rolling of terrazzo work.
- (2) Carving, cutting, and setting marble, slate, including slate blackboards, stone, albereen, carrara, sanionyx, vitrolite, and similar opaque glass, scagliola, marbleitic, and all artificial, imitation, or cast marble of whatever thickness or dimension. This applies to all interior work, such as sanitary, decorative, and other purposes inside of buildings of every description wherever required, including all polished, honed, or sand finished; cutting and fitting of those materials after they leave mills or shops, all accessories in connection with such work, and laying marble tile, slate tile, and terrazzo tile.
- (3) All scratch coat on walls and ceilings where terrazzo is to be applied shall be done by plasterers, with an allowance of not less than a one-half inch bed to be conceded to terrazzo workers.
- (4) All bedding above concrete floors or walls, the preparing, cutting, laying, or setting metal, composition, or wooden strips and grounds, and the laying and cutting of metal strips, lath, or other reinforcement, where used in terrazzo work.
- (5) Rustic or tough washed for exterior or interior of buildings placed either by machine or by hand, and any other kind of mixtures of plastics composed of chips or granules of marble, granite, blue stone, enamel, mother of pearl, quartz, ceramic-colored quartz, and all other kinds of chips or granules when mixed with cement, rubber, neoprene, vinyl, or magnesium chloride.
- (6) Applying resinous or chemical substances used for seamless flooring systems.
- (7) Applying binding materials when used on walls, floors, ceilings, stairs, saddles, or any other part of the interior or exterior of the building; other work not considered a part of the building such as, but not limited to, fountains or swimming pools; and all other substitutes that may take the place of terrazzo work.

(8) Finishing cement floors where additional aggregate of stone is added by spreading or sprinkling on top of the finished base and troweled or rolled into the finish and then the surface ground by grinding machines.

(9) A terrazzo finisher's work consists of assisting, helping, or supporting the terrazzo mechanic by performing historic and traditional work assignments required to complete the proper installation of the work.

C. Typical tools used:

(1) Laying out stone and tile projects; maneuvering heavy objects; mixing and matching paints, stains, and pigments; mixing materials such as mortar, grout, concrete, plaster, and stucco to proper consistency, and preparing surface and site for masonry work.

(2) Reading blueprints and technical drawings, repair work orders, and schematics and specifications; and using measuring devices in construction work such as transits or measuring tapes, and using tile and masonry adhesives.

**Subp. 24. Code No. 724, Tile setters.**

A. Nature of work: applying tile to floors, walls, ceilings, stair treads, promenade of roof decks, garden walks, swimming pools, and all places where tiles may be used to form a finished surface for practical use, sanitary finish, or decorative purpose, in the following materials: burned clay products (used in the tile industry, glazed or unglazed), terra cotta tile, unit tile, ceramic veneer, machine-made terra cotta, and similar materials. Tile setters set tile, repair and patch tile, lay out the work, and install substrates; install showers, countertops, floors, and steps; lay quarry tile; and install ceilings, mantels, hearths, swimming pools, domes, columns, and arches.

B. Typical duties:

(1) Laying, cutting, or setting tile where used for floors, walls, ceilings, walks, promenade roofs, stair treads, stair risers, facings, hearths, fireplaces, and decorative inserts, together with any marble plinths, thresholds, or window stools used in connection with any tile work.

(2) Preparing and setting all concrete, cement, brickwork, or other foundation or materials that may be required to properly set and complete such work; setting or bedding all tiling, stone, marble, composition, glass, mosaic, or other materials forming the facing, hearth, or fireplace of a mantel, or the mantel complete, together with the setting of all cement, brick work, or other materials required in connection with that work.

(3) Slabbing and fabricating tile mantels, counters, and tile panels of every description, and the erection and installation of same; building, shaping, forming, constructing, or repairing fireplace work, whether in connection with a mantel hearth facing or not, and setting and preparing material, such as cement, plaster, mortar, brickwork, iron work, or other materials necessary for the proper and safe construction and completion of such work, except that a mantel made exclusively of brick, marble, or stone, shall be conceded to be bricklayers', marble setters', or stonemasons' work, respectively.

(4) The term "tile" means burned clay products, as used in the tile industry, either glazed or unglazed, and to all composition materials made in single units up to 15" x 20" x 2", except quarry tiles larger than 9" x 9" x 1-1/4", also to mixtures in tile form of cement, plastics, and metals that are made for and intended for use as a finished floor surface, whether upon interior or exterior floors, stair treads, promenade roofs, garden walks, interior walls, ceilings, swimming pools, and all places where tile may be used to

form a finished surface for practical use, sanitary finish, or decorative purposes, for setting all accessories in connection therewith, or for decorative inserts in other materials.

(5) All terra cotta called unit tile in sizes of 6" x 12" or less, regardless of method of installation, quarry tile 9" x 9" x 1-1/4" or less; split brick or quarry tile or similar materials where the bed is floated or screeded and the joints grouted. Where the work is installed by tile layers, the grouting and cleaning shall be supervised by the mechanic. The bedding, jointing, and pointing of the above materials shall be the work of the craft installing the same. All clay products known as terra cotta tile, unit tile, ceramic veneer, machine-made terra cotta, and like materials in sizes 6" x 12" and less, regardless of the method of installation. Where the preponderance of materials to be installed comes within the provisions of this classification and when there is also some material in excess of the sizes provided for in this classification, the tile setter shall install all such materials.

(6) Measuring and cutting metal lath to size for walls and ceilings with tin snips. Tacking lath to wall and ceiling surfaces with staple gun or hammer for purposes of applying tile to the area.

(7) Spreading concrete on subfloors with trowel and leveling it with screed for purposes of applying tile to the area.

(8) Spreading mastic or other adhesive base on roof deck, using serrated spreader to form base for promenade tile.

(9) Cutting and shaping tile with tile cutters and biters.

(10) Positioning tile and tapping it with trowel handle to affix tile to plaster or adhesive base.

C. Typical tools used:

- (1) Floats – bull floats, grout floats, magnesium floats, and wood floats.
- (2) Hammers – claw hammers and rubber hammers.
- (3) Levels – builders' levels, laser levels, and water levels.
- (4) Plaster or mortar mixers – colloidal mixers, mixing drills, portable mixers, and vertical shaft mixers.
- (5) Power grinders – angle grinders, base grinders, mini grinders, and stone grinders.
- (6) Power saws – grout saws, power tile saws, power undercut saws, and wet saws.
- (7) Scaffolding – ladder jacks, mechanical scaffolds, rolling scaffolds, and stationary scaffolds.
- (8) Trowels – buttering trowels, grouting trowels, notch trowels, and point trowels.

Subp. 25. **Code No. 725, Tile finishers.**

A. Nature of work: finisher work includes mixing grout, grouting, and surfacing all types of tile, cutting tile, and sealing surfaces. Tile finishers work primarily after the tile is set and adhered to the floor or wall by tile setters. Tile finisher work also includes mixing mortars, epoxy resins, and adhesives and cleaning, treating, and sealing surfaces.

B. Typical duties:

- (1) Mixing grout.

- (2) Grouting.
- (3) Surfacing all types of tile.
- (4) Cutting tile.
- (5) Sealing surfaces.
- (6) Mixing mortars, epoxy, and adhesives.
- (7) Cleaning, treating, and sealing surfaces.
- (8) Preparing floors.

C. Typical tools used:

- (1) Sponges.
- (2) Rubber floats.
- (3) Cleaning brushes.
- (4) Foam brushes.
- (5) Wheel barrow.
- (6) Tile cutter.
- (7) Cutting boards.
- (8) Tile saw.
- (9) Brooms.
- (10) Floor scrapers.
- (11) Margin trowels.

Subp. 26. **Code No. 726, Drywall taper.**

A. Nature of work: drywall tapers perform seal joints between plasterboard and other wallboards to prepare wall surface for painting or papering or any type of wall finishing system.

B. Typical duties:

- (1) Handling all materials after the initial unloading at the job site, including the distribution to the points of application.
- (2) Erecting, moving, and dismantling all scaffolding.
- (3) All preparatory work of taping, sealing, finishing, and sanding joints between plasterboard or other wallboard.
- (4) Spotting, caulking, pointing, and sealing cracks and holes in walls and ceilings.
- (5) Applying protective coverings prior to the application of the finish materials.
- (6) Spackling surfaces and applying texture finishes where adhesive materials are used.
- (7) Installing metal moldings at corners instead of sealant and tape.
- (8) Removing all drywall material scraps and all cleaning work, including scraping of floors.

C. Typical tools used:

- (1) Hand sprayers – (hand-operated) spray guns, hopper guns, patch guns, and texture sprayers.
- (2) Ladders – drywall stilts.
- (3) Paint rollers – corner rollers and texture rollers.
- (4) Plaster or mortar mixers – drywall mud mixers.
- (5) Putty knives – corner knives, joint knives, pivoting drywall knives, and wipedown knives.
- (6) Saws – drywall (saws).
- (7) Trowels – drywall trowels and radius trowels.
- (8) Utility knives – banjos, corner bead tools, corner tools, feather edge drywall derbies, joint tape dispensers, mesh tape, mud pans, hawks, drywall floor scrapers, and drills. Automatic taping tools to include automatic tapers, angle boxes, angle beads, angle head handles, and flat boxes. Flat box handles, extendable handles, nail spotters, loading pumps, goosenecks, and filler adapters.
- (9) Sanders – dustless drywall sanders, pole sanders, hand sanders, and dust barrier systems.

**Subp. 27. Code No. 727, Wiring system technician; technology circuits or systems technician.**

A. Nature of work: installing, inspecting, repairing, and servicing electronic and telecommunications systems.

B. Typical duties:

- (1) Installing, repairing, and servicing radio, television, and recording systems and devices; systems for paging, intercommunication, public address, wired music, clocks, security and surveillance systems, and mobile radio systems; fire alarm and burglar alarm systems.
- (2) Wiring low-voltage surface wiring and wiring in nonmetallic conduits and incidental shielded metallic conduit.
- (3) Installing, repairing, and servicing, or a combination of these, the main distribution frame (MDF) where the permanent outside lines entering a building terminate and where the subscriber's line multiple cabling and trunk multiple cabling originate, usually located on the ground floor of a building.
- (4) Installing, repairing, and servicing, or a combination of these, of the intermediate distribution frames (IDF), which provides flexibility in allocating the subscriber's number to the line unit or equipment in the office that is to be associated with the particular line. These frames are located on each floor of a building.
- (5) Installing, repairing, and servicing, or a combination of these, of the subpanels (blocks). The subpanels are connecting devices where large feed cables terminate at the distribution frames.
- (6) Installing or repairing common equipment or key service unit, or a combination of these. This equipment consists of a backboard assembly and an equipment mounting frame, which are utilized for connecting external telephones.
- (7) Installing, repairing, and servicing, or a combination of these, the instruments, terminals, and sets. This equipment is at either end of a circuit, or at a subscriber's or user's terminal.



(8) Installing, repairing, servicing, or a combination of these, the ancillary or add-on equipment such as bells, buzzers, speaker phones, headsets, automatic dialers, and recorders.

(9) Installing, repairing, and servicing telephone cable. Telephone cable includes: network channel service cable, riser cables between floors of a building, distribution cables installed on each floor of a building in the floor or the ceiling, and outside wires between the telephone and the connection to the distribution cable.

C. Typical tools used: copper tester, fiber testers, level, pliers, wire cutters, measuring tape, wrench, wire stripper, needle nose pliers, power hand drill, soldering iron, and electric screw gun.

**Subp. 28. Code No. 728, Wiring system installer; technology circuits or systems installer.**

A. Nature of work: installing communications or low-voltage wiring systems, not including head end that is covered by the wiring systems technician.

B. Typical duties:

- (1) Pulling wire and splicing wire connecting to "dead end."
- (2) Installing peripheral devices.
- (3) Pulling, splicing, and terminating cable connecting to the dead end.

C. Typical tools used: level, pliers, wire cutters, measuring tape, wrench, wire stripper, needle nose pliers, power hand drill, soldering iron, and electric screw gun

**Subp. 29. Code No. 729, Asbestos abatement or environmental remediation worker.**

A. Nature of work: removing asbestos from ceilings, walls, beams, boilers, mechanical equipment, and other structures following EPA and OSHA handling and removal requirements. Performing lead abatement and mold removal.

B. Typical duties:

- (1) Erecting scaffolding related to abatement and remediation and seals off work area using plastic sheeting and duct tape.
- (2) Positioning mobile decontamination unit or portable showers at entrance of work area.
- (3) Building connecting walkway between mobile unit or portable showers and work area using hand tools, lumber, nails, plastic sheeting, and duct tape.
- (4) Positioning portable air evacuation and filtration system inside work area.
- (5) Spraying chemical solution over asbestos-covered surfaces using tank with attached hose and nozzle to saturate asbestos.
- (6) Cutting and scraping asbestos from surfaces using knife and scraper.
- (7) Shoveling asbestos into plastic disposal bags and seals bags using duct tape.
- (8) Cleaning work area of loose asbestos using vacuum, broom, and dustpan.
- (9) Placing asbestos in disposal bags and seals bags using duct tape.
- (10) Dismantling scaffolding and temporary walkway using hand tools and places plastic sheeting and disposal bags into transport bags.
- (11) Sealing bags using duct tape and loads bags into truck for disposal.

(12) Disinfecting structures or surfaces exposed to mold.

(13) Performing air sampling.

(14) Removing lead from surfaces by the use of sandblasting, water blasting, or other equipment.

C. Typical tools used: personal protective suits that completely isolate workers from the hazardous material. Most workers are also required to wear respirators while working, to protect them from airborne particles or noxious gases. The respirators range from simple versions that cover only the mouth and nose to self-contained suits with their own air supply. A variety of hand and power tools, brooms, ladders, cutting torches, vacuums and scrapers, putty knife, sandblasters, and high-pressure water sprayers.

**Subp. 30. Code No. 730, Sign erector.**

A. Nature of work: sign makers and sign installers fabricate, install, repair, alter, maintain, and dismantle commercial signs, fluorescent signs, neon signs, billboards, bulletins, poster panel signs, post and panel signs, and vinyl letter signs.

B. Typical duties:

(1) Installing and servicing signs, designing, lettering, and pictorial work of any kind, including vinyl signs and vinyl substrates, and the preparing or the finishing of same, be it by hand brush, roller, spray, mechanical, or computer-aided, and by any other method or process pertaining to same electric, neon, and luminous tube signs.

(2) Manufacturing luminous tubes, which includes the coating and processing of tubes and the bending, repairing, and pumping for all tubes (on the project work site).

(3) Assembling, installing, altering, repairing, and dismantling signs, displays, electric and neon sign displays, fluorescent lighting fixtures, fluorescent lighting signs, neon signs, and neon letters.

(4) Wiring, assembling, servicing, and electrical maintenance of such signs and displays.

(5) Installing and servicing painted, computer-generated, and photographed signs.

(6) Preparing sign surfaces, patterns, and layouts.

(7) Applying vinyl lettering, decals, and cutout letters.

(8) Preparing and pouncing patterns and tracing all patterns.

(9) Designing and cutting out letters made of wood or like materials, such as plastic, Masonite, wallboard, cardboard, sheet metal, aluminum, and vinyl.

(10) Priming, finishing, and gilding letters.

(11) All pictorial work on signs and screen process work in its entirety, including photography and operation of projector.

(12) Repainting signs, including painting of capping on billboards, bulletins and poster panels, and banners by spraying and use of rollers.

(13) Computer-generated layout and application of vinyl letters printed on surfaces.

C. Typical tools used: hand tools and power tools, post-hole digger, shovel, operate air hammer, operate banding machine, utility knife, sandblaster, stencil knife, paint brushes, computer, and ink jet printer.

**Statutory Authority:** *MS s 175.171; 177.28*

**History:** *35 SR 1711;*

**Published Electronically:** *June 29, 2011*

#### **5200.1105 RENTAL RATES FOR TRUCKS ON PUBLIC WORKS HIGHWAY PROJECTS.**

Drivers who own and operate trucks on contract work shall be compensated for their equipment according to the following formula: Truck Rental Rates Equals Labor Cost Plus Operating Cost.

Labor cost shall be the appropriate rate determined to be prevailing by the Department of Labor and Industry using existing survey methods under parts 5200.1000 to 5200.1120 and certified under part 5200.1100, subpart 4, truck drivers.

Operating cost shall be determined by averaging the itemized costs of operating a vehicle as submitted by at least five trucking firms of various size and five independent truck owner operators, all selected by the commissioner as representative of the industry.

The following items shall be considered as operating costs of a vehicle: the average cost of the vehicle depreciated over seven years, insurance, fuel, oil, tires, taxes, licenses, maintenance, repair, and any administrative expense associated with the vehicle's operation including truck brokers' fees. The truck broker fee is a portion of the minimum truck rental rate and shall be determined by annual survey.

Within 30 days of determination of rates, an informal conference will be held by the commissioner or the commissioner's representative, for the purpose of further input prior to certification. Interested parties shall be given at least ten days' prior notice of the conference date, time, and location, through publication in the State Register.

At the conference, the department shall produce and review the data, summary sheets, and other documents upon which its determination was based.

Notice of the certification and its effective date shall be published in the State Register in accordance with part 5200.1080.

**Statutory Authority:** *MS s 175.171; 177.41 to 177.44*

**History:** *13 SR 660; 25 SR 1942*

**Published Electronically:** *June 11, 2008*

#### **5200.1106 COVERAGE OF PREVAILING WAGE LAW UNDER MINNESOTA STATUTES, SECTIONS 177.41 TO 177.44.**

Subpart 1. **In general.** For purposes of parts 5200.1105 and 5200.1106 and Minnesota Statutes, sections 177.41 to 177.44, the prevailing wage rate which, for the purpose of all public works highway projects funded in whole or in part by state funds only, includes truck rental rates, must be paid for work under the contract.

##### **Subp. 2. Work under the contract.**

A. Except as provided in subpart 4, work under the contract means all construction activities associated with the public works project, including any required hauling activities on the site of or to or from a public works project and work conducted pursuant to a contract as defined by item B, regardless of whether the construction activity or work is performed by the prime contractor, subcontractor, trucking

broker, trucking firms, independent contractor, or employee or agent of any of the foregoing entities, and regardless of which entity or person hires or contracts with another. The term "work under a contract" has the same meaning.

B. "Contract" means the written instrument containing the consideration and the terms of agreement between the prime contractor and the contracting agency for the construction of all or a part of:

- (1) a highway pursuant to Minnesota Statutes, sections 161.32 and 177.44;
- (2) a public works project pursuant to Minnesota Statutes, section 177.43 and chapter 16B; or
- (3) any public building or public works financed in whole or in part with state funds pursuant to Minnesota Statutes, sections 177.41 to 177.44.

Contract includes project proposals, plans, and specifications, and all requirements for labor, equipment, and materials found in such proposals, plans, and specifications.

C. "Prime contractor" means an individual or business entity that enters into a contract as defined in item B with the contracting agency.

D. "Contractor" means an individual or business entity that is engaged in construction or construction service-related activities including trucking activities either directly or indirectly through a contract as defined by item B, or by subcontract with the prime contractor, or by a further subcontract with any other person or business entity performing work under the contract.

Subp. 3. **Work considered to be under a contract.** Without limiting the application of parts 5200.1105 and 5200.1106 to other situations, the following are considered to be work under the contract.

A. Work performed by employees of a contractor or subcontractor that operates an asphalt or concrete plant, that was moved into a gravel pit, borrow pit, or other location not on the project, primarily to serve public works projects is considered work under the contract including the contractor's employees loading the equipment hoppers with materials obtained from the pit regardless of whether the pit meets the definition of commercial establishment.

B. The following hauling activities are included in hours worked and considered work under the contract for purposes of payment of prevailing wages and payment of the truck rental rate:

- (1) the hauling of any or all stockpiled or excavated materials on the project work site to other locations on the same project even if the trucks leave the work site at some point;
- (2) the delivery of materials from any facility that does not meet the requirements of a commercial establishment to the project and the return haul to the starting location either empty or loaded;
- (3) the delivery of materials from another construction project site to the public works project and the return haul empty or loaded is considered work under the contract. Construction projects are not considered a commercial establishment;
- (4) the hauling required to remove any materials from the public works project to a location off the project site and the return haul if empty or if loaded from other than a commercial establishment;
- (5) the delivery of materials or products by trucks hired by a contractor, subcontractor, or agent thereof, from a commercial establishment; and

(6) delivery of sand, gravel, or rock, by or for a commercial establishment, which is deposited "substantially in place," either directly or through spreaders from the transporting vehicles is work under the contract. In addition, the return haul to the off-site facility empty or loaded is also considered work under the contract.

Subp. 4. **Work not considered to be under a contract.** Without limiting the application of parts 5200.1105 and 5200.1106 to other situations, the following work is not considered to be work under a contract:

A. the processing or manufacturing of materials or products by or for a commercial establishment;

B. the work performed by employees of the owner or lessee of a gravel pit or borrow pit that is a commercial establishment and that performs work in conjunction with a public works project by adding value to the sand, gravel, or rock contained in or delivered to the pit through the use of screening, washing, or crushing machines. This applies even if the machines are portable. This does not include the employees described in subpart 3, item A;

C. the delivery of processed or manufactured goods to a public works project by the employees of a commercial establishment including truck owner-operators hired by and paid by the commercial establishment, unless it is the delivery of mineral aggregate that is incorporated into the work under the contract by depositing the material substantially in place; or

D. multiple site hauling operations include secondary hauling activities in addition to the hauling of materials on and off the public works project in order to complete the truck's round trip haul. The hauling of materials or products between these secondary off-site facilities as part of a multiple site hauling operation is not considered work under the contract as long as the time spent hauling between the secondary sites is properly documented in the trucking records and the time spent hauling on and off the project is properly compensated as required in subpart 3.

Subp. 5. **Commercial establishment, exceptions, definitions.** For purposes of parts 5200.1105 and 5200.1106 and Minnesota Statutes, sections 177.41 to 177.44, the following terms have the meanings listed.

A. "Laborer or mechanic" means a worker in a construction industry labor class identified in or pursuant to part 5200.1100.

B. "Mineral aggregate" is sand, gravel, or crushed stone or rock, or earthen material suitable for roadway development, or mixtures of these naturally occurring substances with recycled materials, suitable for the base or shoulder of a highway or heavy project used to compose the shoulder, or support bituminous or concrete pavement, or used as a final gravel road surface. Mineral aggregate specifically does not include screenings, slag, riprap, recycled concrete and bituminous materials, ready-mix concrete, bituminous concrete, asphalt, mastic, mortar, plaster, macadam, and other similar processed or manufactured materials or products. Additionally, mineral aggregate does not include materials such as clay, topsoil, fill, dirt, silt, boulders, wall stone, loam, gumbo, loess, peat, muck, hardpan, or other similar soils or mixed earth.

C. "Incorporated into the work under the contract by depositing the material substantially in place" means the mineral aggregate is deposited on the project site directly or through spreaders where it can be spread from or compacted at the location where it was deposited. As used in this part, "depositing substantially in place" has the same meaning.

D. To be a "fixed place of business," a commercial establishment must serve the government project from a location from which it served the public prior to and at the time of advertisement of the public works contract and that has sufficient utilities and equipment to serve the public upon demand.

E. "Regularly supply" includes supply by a commercial establishment that is closed on a seasonal basis.

F. The determination of whether a facility is a "commercial establishment" is made on a location-by-location basis and on a product-by-product basis, not on a businesswide basis. For purposes of parts 5200.1000 to 5200.1120 and Minnesota Statutes, sections 177.41 to 177.44, production of mineral aggregate is considered production of one product. Construction projects are not considered commercial establishments. A "commercial establishment" is a business entity that has not set up at the location from which deliveries are made primarily to serve public works projects and, prior to and at the time of advertisement of the public works contract, it:

- (1) owned or leased the land on which it operates;
- (2) possessed business records indicating that sales from the location from which deliveries are made are for other than the contracting agency's public works contracts;
- (3) advertised the availability of material for sale to the general public from the location and had facilities available for effecting sales at the location; and
- (4) has acquired all necessary permits to operate from the location, and met all legal obligations of state and local regulations to excavate soils, sand, gravel, or rock for the purpose of receiving something of value for the product.

Subp. 6. **Prohibited payment practices.** The contractor, subcontractor, trucking broker, or other person making payment to an employee laborer, mechanic, worker, or truck owner-operator may not accept a rebate for the purpose of reducing or otherwise decreasing the value of the compensation paid.

Subp. 7. **Trucking definitions.** The following terms have the meanings given them for the purpose of parts 5200.1105 and 5200.1106 and Minnesota Statutes, sections 177.41 to 177.44.

A. "Independent truck owner-operator" is an individual, partnership, or principal stockholder of a corporation who owns or holds a vehicle under lease and who contracts that vehicle and the owner's services to an entity which provides construction services to a public works project. In addition, an owner and operator of a vehicle that is licensed and registered as a truck, tractor, or truck-tractor by a governmental motor vehicle regulatory agency is an independent contractor, not an employee, only if each of the following factors are significantly present:

- (1) the individual, partnership, or corporation owns the equipment or holds it under a lease arrangement;
- (2) the individual, partnership, or corporation is responsible for the maintenance of the equipment;
- (3) the individual, partnership, or corporation bears the principal burden of the operating costs, including fuel, repairs, supplies, vehicle insurance, and personal expenses while on the road, but not including brokerage fees;
- (4) the owner drives the equipment;

(5) the owner determines the details and means of performing the services in conformance with regulatory requirements, operating procedures, and specifications of the entity with which the individual or corporation contracts; and

(6) the individual or corporation enters into a legally binding agreement that specifies the relationship to be that of an independent contractor and not that of an employee.

B. "Trucking firm" is any legal business entity that owns more than one vehicle and hires the vehicles out for services to brokers or contractors on public works projects.

C. "Trucking broker" is an individual or business entity, the activities of which include, but are not limited to:

(1) contracting to provide trucking services in the construction industry to users of such services;

(2) contracting to obtain such services from providers of trucking services;

(3) dispatching the providers of the services to do work as required by the users of the services;

(4) receiving payment from the users in consideration of the trucking services provided; and

(5) making payment to the providers for the services.

D. "Own" and "operate" have the following meanings and apply to independent truck owner-operators and trucking firms. The notation "truck owner-operator" for the purposes of this part will apply to both the independent owner-operator and trucking firms unless otherwise defined:

(1) "Own" means to have a legal and rightful title to the vehicle or to have an approved lease on the vehicle.

(2) "Operate" means the owner either physically drives the vehicle or hires another to physically drive the vehicle but maintains the right to direct the day-to-day operations of the vehicle.

#### Subp. 8. **Trucking provisions.**

A. Independent truck owner-operators or the owner-driver of a trucking firm are not required to be paid the truck rental rate for:

(1) time spent repairing or maintaining, or waiting to repair or maintain, the truck owner-operator's equipment, except that repair, maintenance, or time spent waiting to load or unload which is attributable to the fault of the broker, contractor, agent thereof, or an employee of such entities, must be included in the hours worked and paid the hourly truck rental rate; and

(2) time spent correcting work that was not performed according to the prime contract that can be directly attributed to the negligence of the truck owner-operator.

B. Employees of a trucking firm must always receive the appropriate prevailing wage rate for any work performed under the contract.

C. The owner of a trucking firm may either drive the vehicles or hire employees to drive the vehicles. If the owner drives the vehicle, then the truck hire is subject to the truck rental rates. If the owner hires an employee to drive the vehicle, the truck hire is subject to the truck rental rates and the employee driver is subject to the appropriate prevailing wage rate. These provisions apply regardless of who owns any trailer being pulled by the truck.

**Subp. 9. Required records.**

A. Upon agreement of a contractor or trucking broker with an independent truck owner-operator to perform work under the contract, the contractor or broker must keep the following records for a period of at least six years following the payment for services:

- (1) name, address, and social security number of the truck owner-operator;
- (2) name, address, and phone number of the truck owner-operator's business and federal tax identification number;
- (3) time period covered by the agreement between the truck owner-operator and the broker or contractor;
- (4) date and amount of each payment to the truck owner-operator, and for each payment:
  - (a) number of hours the truck owner-operator performed work under the contract, not including hours excluded under subpart 7;
  - (b) type of trucking equipment used for each job by the truck owner-operator and if leased, the name and address of the individual or business entity which owns the equipment;
  - (c) type of services performed;
  - (d) hourly truck rental rate used to calculate the minimum payment due; and
  - (e) an itemization of any deductions from the gross amount payable to the truck owner-operator;
- (5) a copy of the owner's certificate of insurance; and
- (6) a copy of the vehicle/truck registration.

The contractor or broker must also keep the same records for owner-drivers of trucking firms working on the public works project unless the owner-drivers' information is submitted along with the employee information to a contracting agency as listed under subpart 10.

B. Records required to be kept by item A and other similar records necessary to determine compliance with Minnesota Statutes, sections 177.41 to 177.44, as determined by the commissioner of the department of transportation or the department of labor and industry, must be provided upon request accompanied by a certification form approved by the requesting department.

**Subp. 10. Required employee records.** Records pertaining to the proper payment of employees including, but not limited to, fringe benefit documentation, time cards, payroll ledgers, check registers, and canceled checks will be made available on request from the department for further review to determine if the employee was paid according to this part and Minnesota Statutes, sections 177.41 to 177.44. If the commissioner of the department of transportation or the department of labor and industry requests any or all of the following information, the contractor, subcontractor, or trucking firm shall submit the following information to the department together with any certification forms approved by the requesting department:

- A. name, address, and social security number of the employee;
- B. the classification of work performed defined by part 5200.1100, master job classification;
- C. the hours worked per day and per week;
- D. legal deductions made from the employee's check;



- E. contract information regarding the public works projects worked on by the employee;
- F. hourly rate of pay, including any fringe benefit information deemed necessary to determine if the proper prevailing wage rate was paid;
- G. project gross amount earned;
- H. weekly gross and net amount of payroll check; or
- I. in the case of the owner-driver, information described in items A to E shall be submitted along with the hourly truck rental rate paid to the owner-driver.

Subp. 11. **Effective date.** Parts 5200.1105 and 5200.1106 are effective June 25, 2001. Part 5200.1106 is effective for all projects as described in part 5200.1106, subpart 2, item B, that are advertised for bid on and after June 25, 2001. The new truck rental rates to be issued under part 5200.1105 are effective for all projects as described in part 5200.1106, subpart 2, item B, that are advertised on and after the publication in the State Register of the notice of certification of the truck rental rates.

**Statutory Authority:** *MS s 175.171; 177.41 to 177.44*

**History:** *25 SR 1942*

**Published Electronically:** *June 11, 2008*

#### **5200.1110 POSTING OF WAGE RATES.**

Each contractor and subcontractor performing work on a public project shall post on the project the applicable prevailing wage rates and hourly basic rates of pay for the county or area within which the project is being performed, including the effective date of any changes thereof, in at least one conspicuous place for the information of the employees working on the project. (Minnesota Statutes 1974, sections 177.43, subdivision 4 and 177.44, subdivision 5.) The information so posted shall include a breakdown of contributions for health and welfare benefits, vacation benefits, pension benefits, and any other economic benefit required to be paid.

**Statutory Authority:** *MS s 175.171*

**Published Electronically:** *June 11, 2008*

#### **5200.1120 EFFECTIVE DATE OF WAGE RATE DETERMINATIONS.**

Wage rate determinations previously certified by the department shall, subject to the review procedures contained in part 5200.1090, remain in effect until such time that new wage rates are determined in accordance with the provisions of parts 5200.1000 to 5200.1120 as amended.

**Statutory Authority:** *MS s 175.171*

**Published Electronically:** *June 11, 2008*