

1 Department of Labor and Industry

2

3 Adopted Permanent Rules Relating to Prevailing Wage

4 Determinations

5

6 Rules as Adopted

7 5200.1010 DEFINITIONS.

8 [For text of subpart 1, see M.R.]

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

11 [For text of subps 2 to 6, see M.R.]

12 5200.1020 PREVAILING WAGE DETERMINATIONS.

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

19 Subp. 2. **Commercial type construction.** The department
20 shall, at least once each calendar year, determine and certify
21 prevailing wage rates applicable to state projects which are
22 similar in nature to public and private commercial projects
23 where the estimated total cost of completing the project is
24 \$2,500 or more.

25 Subp. 3. [See repealer.]

26 [For text of subps 4 to 7, see M.R.]

27 5200.1030 BASIS FOR HIGHWAY AND HEAVY CONSTRUCTION
28 DETERMINATIONS.

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

33 A. Area 1: Carlton, Cook, Itasca, Koochiching, Lake,
34 Pine, and Saint Louis.

CMG

1 B. Area 2: Beltrami, Clearwater, Hubbard, Kittson,
2 Lake of the Woods, Marshall, Norman, Pennington, Polk, Red Lake,
3 and Roseau.

4 C. Area 3: Aitkin, Cass, Crow Wing, Kanabec, Mille
5 Lacs, Morrison, Todd, and Wadena.

6 D. Area 4: Becker, Big Stone, Clay, Douglas, Grant,
7 Mahnommen, Otter Tail, Pope, Stevens, Swift, Traverse, and Wilkin.

8 E. Area 5: Benton, Isanti, Sherburne, Stearns, and
9 Wright.

10 F. Area 6: Dodge, Fillmore, Freeborn, Goodhue,
11 Houston, Mower, Olmsted, Steele, Rice, Wabasha, and Winona.

12 G. Area 7: Blue Earth, Faribault, Le Sueur,
13 Nicollet, Sibley, and Waseca.

14 H. Area 8: Chippewa, Kandiyohi, Lac Qui Parle,
15 Lincoln, Lyon, Meeker, McLeod, Murray, Pipestone, Redwood,
16 Renville, and Yellow Medicine.

17 I. Area 9: Anoka, Carver, Chisago, Dakota, Hennepin,
18 Ramsey, Scott, and Washington.

19 J. Area 10: Brown, Cottonwood, Jackson, Martin,
20 Nobles, Rock, and Watonwan.

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

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

32 A. A minimum of two projects in an area must be
33 reported in order to issue a wage determination for the area.

34 B. A wage determination must be made for all
35 classifications of labor utilized on a project. Where classes
36 of labor expected to be utilized on a project for which the area

1 prevailing wage determination is being made are not all
2 represented in the projects in item A, the most recent rate
3 determined for the class of labor is applicable.

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

13 Subp. 3. [See repealer.]

14 5200.1035 BASIS FOR COMMERCIAL CONSTRUCTION DETERMINATIONS.

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

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

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

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

1 shall establish the wage determination for those classes of
2 labor based solely upon those adjacent county projects.

3 C. In determining a wage rate for a class of labor
4 based upon work performed in adjacent counties, all workers in a
5 class of labor in all adjacent counties must be totaled and the
6 wage rates must be based upon the wage rate paid to the largest
7 number as determined in accordance with parts 5200.1020 to
8 5200.1060.

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

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

24 5200.1040 CLASSES OF LABOR.

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

31 A. Laborers.

32 B. Power equipment operators.

33 C. Truck drivers.

34 D. Special crafts. The following crafts shall
35 constitute separate classes of labor: bricklayers, carpenters,

1 cement masons, line persons, electricians, iron workers,
2 painters, pipefitters, plumbers, plasterers, roofers, and sheet
3 metal workers, and other labor or work which is customarily
4 considered as an individual trade or craft based upon its
5 character and skills required.

6 E. In determining particular classes of labor, the
7 department shall consider work classifications contained in
8 collective bargaining agreements, apprenticeship agreements on
9 file with the department, the "United States Department of Labor
10 Dictionary of Occupational Titles," and customs and usage
11 applicable to the construction industry.

12 F. Primary responsibility for classifying individual
13 workers shall be upon the contractor.

14 G. Where a worker performs work in more than one
15 class of labor on a project, the worker shall be placed in the
16 class in which the person worked the greatest number of hours.

17 H. The contractor reporting shall have the
18 responsibility to determine the class in which the worker has
19 worked the greatest number of hours on each project reported.

20 I. Workers employed within a class of labor as
21 apprentices, helpers, supervisors, or trainees will not be
22 included or counted within the wage survey.

23 5200.1050 SURVEY PROCEDURES.

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

30 Subp. 2. **Wage reports.** The department shall regularly
31 request from contractors, contractor organizations, labor
32 organizations, and any other interested person, on forms
33 available from or approved by the department, reports of
34 construction wage rates paid by contractors on various types of
35 highway and heavy projects where the estimated total cost of

1 completing the project is \$25,000 or more and on commercial
2 projects where the estimated total cost of completing the
3 project is \$2,500 or more. The reports must be kept on file by
4 the department according to the county or area in which the
5 project for which the report is received was performed. The
6 reports must list the name and address of the contractor, the
7 name of the project, the location of the project, a description
8 of the project, any identifying project numbers, a description
9 of the work performed on the project, the approximate dollar
10 cost of the project, the names of employees who worked 24 hours
11 or more on a highway and heavy project and eight hours or more
12 on a commercial project, together with the class of labor for
13 each employee, the wage rate paid each employee on the project,
14 and the hourly cost of fringe benefits for health and welfare,
15 pension, vacation, apprenticeship or training, and any other
16 economic benefits paid for each employee. The forms shall be
17 signed and dated by the organization or individual providing the
18 information attesting that the information provided is true and
19 correct.

20 [For text of subp 2a, see M.R.]

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

29 Subp. 2c. **Notification of survey.** Upon initiation of a
30 survey, the department must notify the county engineer and all
31 city engineers, city clerks, administrators, and zoning
32 officials in the county to be surveyed. The notice will request
33 local officials to submit reports of construction in the county
34 in the preceding 12 months. The report shall include the names
35 of the contractors and their addresses. The department must
36 also notify all contractors, contractor associations, labor

1 organizations, and other individuals who have requested to be
2 notified when a survey for any county is about to be taken.
3 That notice will request that interested individuals submit
4 reports on forms available from or approved by the department
5 concerning construction performed in the county during the
6 preceding 12 months. The notice shall state that all reports of
7 construction in the county must be returned to the department no
8 later than 60 days following the date upon which the notice of
9 the survey is mailed by the department. Information not timely
10 received by the department shall not be used in establishing the
11 prevailing wage rate for any class of labor. Any unsigned or
12 incomplete forms received prior to the final date for receipt of
13 the forms shall be returned to the individual, contractor, or
14 labor organization, to the extent the individual, contractor, or
15 labor organization can be identified, with a request that the
16 form be properly completed. The department may use incomplete
17 reports where the entity completing the form has provided all
18 the information it has. If that form is not received by the
19 department within 15 days from the date it is returned by mail
20 to the individual, contractor, or labor organization, it shall
21 be excluded from the survey. In no event shall information on
22 unsigned reports of construction in the county be utilized in
23 making wage determinations. All reports must be signed and
24 dated by the organization or individual making the report
25 attesting that the information provided is true and correct.

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

1 Subp. 3b. [See repealer.]

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

5 5200.1060 DETERMINING LARGEST NUMBER OF WORKERS AND PREVAILING
6 WAGE RATE.

7 [For text of subpart 1, see M.R.]

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

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

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

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

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

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

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

33 [For text of subps 4 and 5, see M.R.]

34 5200.1080 NOTICE OF WAGE DETERMINATIONS.

35 Upon certification of wage rates for a given county or

1 area, the department shall publish notice of such certification
 2 in the State Register but need not publish the individual rates
 3 so certified. The certification date shall coincide with the
 4 date published in the State Register.

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

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

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

16 5200.1100 MASTER JOB CLASSIFICATIONS.

17 Subpart 1. **Requirement.** For purposes of parts 5200.1000
 18 to 5200.1120, contractors must use the following codes and
 19 classifications in documenting classes of labor.

20 Subp. 2. **Laborers.**

21 Code No.	Position Title
22	
23 101	Laborer, common (general labor work)
24 102	Laborer, skilled (assisting skilled craft journeyman)
25 103	Laborer, Landscaping (gardener, sod layer and
26	nursery operator)
27 104	Flag person
28 105	Watch person
29 106	Blaster
30 107	Pipelayer (water, sewer and gas)
31 108	Tunnel miner
32 109	Underground and open ditch laborer (eight feet below
33	starting grade level)
34	

35 Subp. 3. **Power equipment operators.**

36 Code No.	Position Title
37	
38 Group 1	
39	
40 201	Helicopter pilot
41 202	Crane with over 135-foot boom, excluding jib
42 203	Dragline, crawler, hydraulic backhoe and/or
43	other similar equipment with shovel-type controls
44	three cubic yards and over manufacturer's rated
45	capacity
46 204	Pile driving when three drums are in use
47 205	Tower crane
48	
49 Group 2	

1		
2	206	Cableway
3	207	Concrete mixer, stationary plant
4	208	Derrick (guy or stiffleg) (power) (skids or stationary)
5	209	Dragline, crawler, hydraulic backhoe and/or similar
6		equipment with shovel-type controls, up to three
7		cubic yards manufacturer's rated capacity
8	210	Dredge or engineers, dredge (power) and engineer
9	211	Front end loader, five cubic yards and over
10	212	Grader or motor patrol
11	213	Locomotive crane operator
12	214	Mixer (paving) concrete paving, road mole,
13		including mucking operations, conway or similar pile
14		driving
15	216	Tractor - boom type
16	217	Truck crane - crawler crane
17	218	Tugboat 100 h.p. and over
18		
19	Group 3	
20		
21	219	Dual tractor
22	220	Elevating grader
23	221	Pumpcrete
24	222	Scraper - struck capacity 32 cubic yards and over
25	223	Self-propelled traveling soil stabilizer
26		
27	Group 4	
28		
29	224	Air track rock drill
30	225	Asphalt bituminous stabilizer plant
31	226	Automatic road machine (CMI or similar)
32	227	Backfiller operator
33	228	Concrete batch plant
34	229	Bituminous roller (eight tons and over)
35	230	Bituminous spreader and finishing (power)
36	231	Cat tractors with rock wagons or similar types
37	232	Chip harvester and tree cutter
38	233	Concrete mixer on jobsite
39	234	Concrete mobil
40	235	Crushing plant (gravel and stone) or gravel
41		washing, crushing and screening plant
42	236	Curb machine
43	237	Dope machine (pipeline)
44	238	Drill rigs, heavy rotary or churn or cable drill
45	239	Fork lift or straddle carrier
46	240	Fork lift or lumber stacker
47	241	Front end loader, over one cubic yard
48	242	Hoist engineer (power)
49	243	Hydraulic tree planter
50	244	Launcher person (tanker person or pilot license)
51	245	Locomotive
52	246	Mechanic - welder
53	247	Milling, grinding, and planing machine
54	248	Multiple machines, such as air compressors,
55		welding machines, generators, pumps
56	249	Pavement breaker or tamping machine (power
57		driven) mighty mite similar type
58	250	Pickup sweeper, one cubic yard and over hopper capacity
59	251	Pipeline wrapping, cleaning or bending machine
60	252	Power plant engineer, 100 KWH and over
61	253	Power actuated horizontal boring machine, over
62		six inches
63	254	Pugmill
64	255	Rubber-tired farm tractor, backhoe attachment
65	256	Scraper, up to 32 cubic yards
66	257	Skid steer loader, over one cubic yard with
67		backhoe attachment
68	258	Slip form (power driven) (paving)
69	259	Tie tamper and ballast machine
70	260	Tractor, bulldozer
71	261	Trenching machine (sewer, water, gas)

1 262 Well point installation
 2
 3 Group 5
 4
 5 263 Air compressor, 600 CFM or over
 6 264 Bituminous roller (under eight tons)
 7 265 Concrete distributor and spreader finishing
 8 machine, longitudinal float, joint machine,
 9 and spray
 10 266 Concrete saw (multiple blade) (power operated)
 11 267 Form trench digger (power)
 12 268 Front end loader, up to and including one cubic yard
 13 269 Guniting gun
 14 270 Hydraulic log splitter
 15 271 Loader (barber greene or similar type)
 16 272 Post hole driving machine/post hole auger
 17 273 Power actuated auger and boring machine
 18 274 Power actuated jack
 19 275 Pump
 20 276 Self-propelled chip spreader (flaherty or similar)
 21 277 Sheep foot compactor with blade - 200 h.p. and over
 22 278 Shouldering machine (power) apsc or similar type
 23 including self-propelled sand and chip spreader
 24 279 Stump chipper and tree chipper
 25 280 Tree farmer (machine)
 26 281 Bituminous spreader and bituminous finishing machine
 27 operator (helper)
 28
 29 Group 6
 30
 31 282 Conveyor
 32 283 Dredge deck hand
 33 284 Fire person or tank car heater
 34 285 Gravel screening plant (portable not crushing
 35 or washing)
 36 286 Greaser (truck or tractor)
 37 287 Lever person
 38 288 Oiler (power shovel, crane, dragline, crushers,
 39 and milling machines)
 40 289 Power sweeper
 41 290 Roller on gravel compaction
 42 291 Self-propelled vibrating packer
 43 292 Sheep foot roller
 44 293 Tractor, wheel type, over 50 h.p.
 45 294 Truck crane oiler
 46
 47 Subp. 4. Truck drivers.

48 Code No.	Position Title
49	
50 Group 1	
51	
52 301	Mechanic - welder
53 302	Tractor trailer driver
54 303	Truck driver (hauling machinery including operation 55 of hand and power operated winches)
56 Group 2	
57	
58 304	Four or more axle unit, straight body truck
59	
60 Group 3	
61	
62 305	Bituminous distributor driver
63 306	Bituminous distributor (one person operation)
64 307	Three axle units
65	
66 Group 4	
67	
68 308	Bituminous distributor spray operator 69 (rear and oiler)
70 309	Dump person

- 1 310 Greaser
 2 311 Pilot car driver
 3 312 Rubber-tired, self-propelled packer
 4 313 Two axle unit
 5 314 Slurry operator
 6 315 Tank truck helper (gas, oil, road oil,
 7 and water)
 8 316 Tractor operator, under 50 h.p.
 9
 10 Subp. 4a. Unit. For the purposes of subpart 4, "unit"
 11 refers to all axles including the steering axle.
 12 Subp. 5. Special crafts.

13 Code No.	Position Title
14	
15 401	Heating and frost insulators
16 402	Boilermakers
17 403	Bricklayers
18 404	Carpenters
19 405	Carpet layers (linoleum)
20 406	Cement masons
21 407	Electricians
22 408	Elevator constructors
23 409	Glaziers
24 410	Lathers
25 411	Ground person
26 412	Ironworkers
27 413	Lineman
28 414	Millwright
29 415	Painters
30 416	Piledriver
31 417	Pipefitters - steamfitters
32 418	Plasterers
33 419	Plumbers
34 420	Roofer
35 421	Sheet metal workers
36 422	Sprinkler fitters
37 423	Terrazzo workers
38 424	Tile setters
39 425	Drywall taper
40 430	Wiring system technician
41 431	Wiring system installer
42 435	Asbestos abatement worker
43 436	Sign erector

- 44
 45 Subp. 6. Wage determinations. Wage determinations shall
 46 be made for other classifications not listed if such other
 47 classifications are in general use in the area being surveyed.
 48 REPEALER. Minnesota Rules, parts 5200.1020, subpart 3;
 49 5200.1030, subpart 3; and 5200.1050, subpart 3b, are repealed.