

TITLE 11 LABOR AND WORKERS COMPENSATION
CHAPTER 1 LABOR GENERAL PROVISIONS
PART 2 PUBLIC WORKS MINIMUM WAGE ACT POLICY MANUAL

11.1.2.1 ISSUING AGENCY: New Mexico Department of Workforce Solutions, Labor Relations Division, Labor and Industrial Bureau, Public Works Section
[8/15/98; 11.1.2.1 NMAC - Rn& A, 11 NMAC 1.1.1, 12/31/09]

11.1.2.2 SCOPE: All contractors, subcontractors, employers or any person acting as a contractor who employs laborers or mechanics on public works projects.
[8/15/98; 11.1.2.2 NMAC - Rn, 11 NMAC 1.1.2, 12/31/09]

11.1.2.3 STATUTORY AUTHORITY: Section 13-4-11(C), New Mexico Statutes Annotated, 1978 Compilation.
[8/15/98; 11.1.2.3 NMAC - Rn, 11 NMAC 1.1.3, 12/31/09]

11.1.2.4 DURATION: Permanent.
[8/15/98; 11.1.2.4 NMAC - Rn, 11 NMAC 1.1.4, 12/31/09]

11.1.2.5 EFFECTIVE DATE: May 31, 1972, unless a later date is written at the end of section or paragraph.
[8/15/98; 11.1.2.5 NMAC - Rn, 11 NMAC 1.1.5, 12/31/09]

11.1.2.6 OBJECTIVE: The purpose of this rule is to define regulations necessary for the application of prevailing wage rates for laborers and mechanics employed on public works projects in the state including procedures for the predetermination of wages, survey categories and wage rate differentials, the adoption of job classification descriptions and procedures for the disposition of appeals brought under the Public Works Minimum Wage Act. Regulations pertaining to apprentices and trainees and permanent job classifications and descriptions for public works projects are also contained in this rule.
[8/15/98; 11.1.2.6 NMAC - Rn, 11 NMAC 1.1.6, 12/31/09]

11.1.2.7 DEFINITIONS: [RESERVED]

A. “Base wage rate” means the straight time hours and hourly rate paid each laborer or mechanic.

B. “Craft” means classification.

C. “Director” means the director of the division.

D. “Division” means the labor relations division of the workforce solutions department.

E. “Fringe benefit” means payments made by a contractor, subcontractor, employer or person acting as a contractor for: holidays; time off for sickness, injury, personal reasons or vacation; bonuses; authorized expenses incurred during the course of employment; health, life and accident or disability insurance; profit-sharing plans; contributions made on behalf of an employee to a retirement or other pension plan; and any other compensation paid to an employee other than wages.

F. “Labor organization” means an organization of any kind, or an agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

G. “Locality” means one or more counties in the state of New Mexico.

H. “Prevailing wage and benefits” means the hourly wage rate and other benefits as determined by the director to be received by employees for worked performed under contracts.

I. “Secretary” means the secretary of the department of workforce solutions.

J. “Similar nature” means contract work performed on projects as defined in the several Subparagraphs of 11.1.2.18 NMAC.

K. “State” means the state of New Mexico.

L. “Wage” means the basic hourly rate of pay.

M. “Wage survey” means an investigation conducted by the director or the director’s designee to determine the general prevailing wage rates for the crafts/classifications in circumstances where no collective bargaining agreements exist or the collective bargaining agreements do not cover the same or most similar class or

classification of laborer or mechanic as set forth in 11.1.2.17 NMAC.

N. “Weighted average” means the sum of the products of the grouped man hours times group base wage rate divided by the total number of man hours worked in the classification.
[11.1.2.7 NMAC; A, XX-XX-11]

11.1.2.8 PREAMBLE:

~~[A. — Substantial evidence gathered from past surveys supports the conclusions that industry wage practices on projects within the type “A” construction classification are generally uniform throughout the state and that the statewide survey process is an adequate process to ascertain prevailing wage rates on projects within the type “A” construction classification. Moreover, no concern has been expressed, either before the legislature or in public hearings preceding the adoption of these and predecessor regulations, that statewide surveys are not suitable for ascertaining prevailing wage rates on heavy engineering projects within the type “B” construction classification (“type ‘B’ heavy engineering”), and industry evidence is that industry wage practices on type “B” heavy engineering projects are generally uniform throughout the state.~~

~~— B. — As noted, concern as to the suitability of the statewide survey process relates principally, if not solely, to commercial building projects (generally of smaller size) and to residential construction projects within the type “B” classification (both type “B” building”). The only evidence presented by the industry in public hearings preceding the adoption of these and predecessor regulations is in complete support of the use of statewide surveys for ascertaining prevailing wage rates on type “B” building projects.~~

~~— C. — Based upon the substantial evidence of industry practice summarized above, these regulations provide for a statewide survey process for type “A” construction and for all projects (both building projects and heavy engineering projects) within the type “B” construction classification. However, in view of the concerns expressed before the legislature, this office will encourage wider submission of wage information and will undertake to evaluate the wage information gathered during the course of its semi-annual surveys to determine, based upon hard evidence of industry practice gathered during the survey process, (1) whether minimum wage rates determined by the statewide survey process do or do not substantially reflect the prevailing wage rates being paid on type “B” building projects throughout the state, and (2) whether certain kinds of residential construction projects do or do not constitute contract work of a nature similar to other type “B” building projects. Each annual report to the governor required by Laws 1979, Chapter 204, Section 10 (850-1-7.1, NMSA 1978), shall include a report concerning the administration of the Public Works Minimum Wage Act including a report concerning the above undertaking. If, after sufficient data have been gathered and evaluated, substantial evidence does not support the continued use of the statewide survey process for ascertaining prevailing wage rates on type “B” building projects (or on certain kinds of residential construction projects within that classification) and/or the continued classification as type “B” building of certain kinds of residential construction projects, appropriate changes to these regulations will be recommended for adoption after notice and public hearing as required by law and applicable regulations.]~~

A. Every contract or project in excess of sixty thousand dollars (\$60,000) that the state or any political subdivision thereof is a party to for construction, alteration, demolition or repair or any combination of these, including painting and decorating, of public buildings, public works or public roads of the state and that requires or involves the employment of mechanics, laborers or both shall contain a provision stating the minimum wages and fringe benefits to be paid to various classes of laborers and mechanics, which shall be based upon the wages and benefits that will be determined by the director to be prevailing for the corresponding classes of laborers and mechanics employed on contract work of a similar nature in the state or locality, and every contract or project shall contain a stipulation that the contractor, subcontractor, employer or a person acting as a contractor shall pay all mechanics and laborers employed on the site of the project at wage rates and fringe benefit rates not less than those determined by the director to be the prevailing wage rates and prevailing fringe benefit rates issued for the project.

B. Consistent with the provisions of 11.1.2.12 the director shall determine prevailing wage rates and prevailing fringe benefit rates for respective classes of laborers and mechanics employed on public works projects at the same wage rates and fringe benefit rates used in collective bargaining agreements between labor organizations and their signatory employers that govern predominantly similar classes or classifications of laborers and mechanics for the locality of the public works project and the crafts involved.

C. If the prevailing wage rates and prevailing fringe benefit rates cannot reasonably and fairly be determined because no collective bargaining agreements exist or the collective bargaining agreements do not cover the same or most similar class or classification of laborer or mechanic as set forth in 11.1.2.17 NMAC, the director shall determine the prevailing wage rates and prevailing fringe benefit rates based upon the substantial evidence of industry practice gathered from surveys conducted pursuant to 11.1.2.18 NMAC.

[6/4/79; 11.1.2.8 NMAC - Rn, 11 NMAC 1.1.8, 12/31/09; A, XX-XX-11]

11.1.2.9 [DESCRIPTION OF TYPES OF CONSTRUCTION FOR WHICH PREDETERMINED WAGE RATE DECISIONS WILL BE ISSUED] RESPONSIBILITIES AND DUTIES:

[A. — Purpose and scope: The regulations contained in this part classify the types of construction work of a similar nature for which predetermined wage rate decisions will be issued by the director for public works subject to the Public Works Minimum Wage Act.

— B. — Classifications of construction work:

— (1) — The street, highway, utility and light engineering construction classification shall include the construction, alteration, repair and demolition of roads, streets, highways, alleys, sidewalks, curbs, gutters, guard rails, fences, parkways, parking areas, airports (other than buildings thereon), bridle paths, athletic fields; highway bridges, median channels, and grade separations involving highways; parks, golf courses, viaducts; uncovered reservoirs and uncovered sewage and water treatment facilities; canals, ditches and channels (including linings other than concrete linings); earth dams under one million (1,000,000) cubic yards; well drilling, telephone and electrical transmission lines and site preparations which are part of street, highway, utility and light engineering projects; and shall include construction, alteration, repair, and demolition of utilities such as sanitary sewers, storm sewers, water lines, including appurtenances thereto such as lift stations, inlets, manholes, sewer lagoons, septic tanks and service outlets (stub-outs), providing such utility construction is outside the property line, or more than five (5) feet from a building or heavy engineering structure, whichever is closer, provided, however, with regard to electrical utilities such construction shall include construction to the first attachment of incoming power source without regard to the property line or proximity to the building or the heavy engineering structure. Furthermore, this limitation will not apply to independent main lines and service out lets (stub-out regardless of proximity to building or heavy engineering structure; construction and installation of pipelines (except cross-country transportation mainline pipelines), including municipal type utility distribution pipelines, for the distribution of petroleum and/or natural gas, up to the first metering station or connection with the transportation mainline pipeline; provided, “First metering station or connection” means that point which divides cross-country transportation mainline transmission lines or higher pressure lateral and branch lines from lower pressure distribution systems.

— (2) — The general building and heavy engineering construction classification shall include the construction, alteration, repair and demolition of buildings, including office buildings, warehouses, industrial and commercial buildings, institutional and public buildings and all air conditioning, conduit, heating and other mechanical and electrical works and site preparation for buildings or heavy engineering projects under this classification; except that construction, alteration, repair and demolition of buildings under the scope of this classification shall not include construction, alteration, repair and demolition of buildings under the class “C” classification of Subsection B of 11.1.2.9 NMAC, of these regulations; stadia; and shall include electrical, gas, water, sewer lines and other such utility construction which are part of projects under this classification and included within the property line or less than five (5) feet from the building or heavy engineering structure, whichever is closer, provided, however, with regard to electrical utilities such construction shall include construction from the first attachment of incoming power source without regard to the property line or proximity to the building or heavy engineering structure; and shall include construction, alteration, repair and demolition of heavy engineering work such as power generating plants, pump stations, natural gas compressing stations; covered reservoirs and covered sewage and water treatment facilities; concrete linings for canals, ditches and channels; concrete dams; earth dams of one million (1,000,000) cubic yards or over; radio towers, ovens, furnaces, kiln, silos, shafts and tunnels (other than highway shafts and tunnels), hydroelectric projects; and well drilling, telephone and electrical transmission lines which are part of general building and heavy engineering projects; mining appurtenances such as tipples, washeries and loading and discharging chutes, and specialized structures for testing, launching and recovering space and other rocket type missiles; construction and installation of cross-country transportation mainline pipelines for the distribution of petroleum and/or natural gas, up to the first metering station or connection with the distribution pipelines; provided, “first metering station or connection” means that point which divides cross-country transportation mainline transmission lines or higher pressure lateral and branch lines from lower pressure distribution systems.

— (3) — The residential building construction classification shall include the site preparation and construction, alteration; repair and demolition of residential buildings and shall include all structures intended for residential occupancy, be it by owners of said properties or tenants, including, but not limited to, single detached buildings, duplexes, tri-plexes, quad-plexes, residential condominium buildings, apartment buildings not to exceed four stories in height; and shall include electrical, gas, water, sewer lines and other such utility construction which are part of projects under this classification and included within the property line or less than five (5) feet from the building, whichever is closer.

~~C. Providing for more than one (1) wage scale: On contracts which involve more than one (1) classification of construction, as defined in Subsection B of 11.1.2.9 NMAC supra, the director shall issue predeterminations, including therein the appropriate wage rates for each classification of construction where none of the classifications comprises eighty percent (80%) of the total contract cost. Where one classification comprises eighty percent (80%) or more of the total contract cost, the predetermined rate for that classification shall be used for the entire contract.]~~

A. The director shall:

- (1) coordinate the administration of the Public Works Minimum Wage Act;
- (2) determine the prevailing wage and fringe benefit rates;
- (3) ensure enforcement of the payment of prevailing wages and fringe benefit rates;
- (4) adopt standard job classifications applicable on public works projects;
- (5) adopt appropriate wage rate for all apprentices and trainees on public works projects.

B. The contracting agencies:

(1) All agencies proposing to contract for work to be performed subject to this act must make written request to the director, not less than three (3) weeks before the advertising date, for a wage rate decision applicable to the work to be performed, which request must contain the following information:

- (a) name, title and signature of requesting officer;
- (b) department or agency requesting decision;
- (c) date of request;
- (d) full description and estimated cost of each of the several classifications of construction as set out in 11.1.2.10 NMAC.
- (e) location (city or other description) of project site;
- (f) proposed advertising date and date by which bids are to be submitted.

(2) The director shall issue and mail the appropriate wage rate decision or decisions to the requesting agency within five (5) working days of receipt by the director of such agency's proper written request.

(3) The contracting agency or its agent; i.e., architect or engineer, shall upon award of the project, or if the project is canceled, promptly fill out and return to the office of the director of the labor relations division the notification of award and list of subcontractors forms. Any changes or additions of subcontractors shall also be promptly mailed to the director by the contracting agency or its agent; i.e., architect or engineer.

(4) The contracting agency shall ensure that wage rate decisions are contained in advertised specifications for every contract subject to the Public Works Minimum Wage Act.

(5) If a collective bargaining agreement is in effect governing the service sought, that agreement will define minimum wages, benefits and conditions that must be paid in order for a bidder to be considered responsible.

(6) In order to ensure compliance by contractors and their subcontract to all tiers of subcontractors with the wage decisions, contracting agencies shall include in the advertised specifications and the contract between the agency and the contractor for all work subject to the terms of the Public Works Minimum Wage Act a provision requiring contractors and all tiers of subcontractors to submit certified weekly payroll records to the contracting agency (biweekly), and to the director, when requested by the director or an interested party such as contractors, contracting agencies, labor organizations and contractor associations. The director may require disclosure of any information necessary to ensure compliance by all contractors at all tiers with the requirements of the New Mexico Public Works Minimum Wage Act.

(7) The contractual provision need not require any particular form for contractor or subcontractor payrolls; provided, all payrolls must contain the following information:

- (a) the employee's full name and address need only appear on the first payroll on which the employee's name appears, unless a change of address necessitates an additional submittal to reflect the new address;
- (b) the employee's classification (or classifications);
- (c) the employee's hourly wage rate (or rates); the employee's hourly fringe benefits; and where applicable, the employee's overtime hourly wage rate (or rates);
- (d) the daily and weekly hours worked in each classification, including actual overtime hours worked (not adjusted);
- (e) the itemized deductions made;
- (f) the net wages paid;
- (g) the number of the wage rate decision issued on the project by the director.

(8) The contractual provision shall require that all payrolls be numbered, starting with number one for the first payroll at the beginning of the job and continuing in numerical order until the job is completed.

(9) The contractual provision shall require that the contractor and each of his subcontractors shall

submit a bi-weekly statement of compliance in the following form:

Date _____

I, _____, _____ (Name of Signatory Party)

(Title)

do hereby state:

That I pay or supervise the payment of the persons employed by _____
(contractor or subcontractor) on the _____ ; that (building or work)

During the payroll period commencing on the _____ day of _____, 20_____, and ending the
_____ day of _____, 20_____, all persons employed on said project have been paid the full weekly
wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

(Contractor or subcontractor) from the full weekly wages earned by any person and that no deductions have been
made either directly or indirectly from the full wages earned by any person, other than deductions permitted by law.
That any payrolls under this contract required to be submitted for the above period are correct and complete; that the
wage rates for laborers or mechanics contained therein are not less than the applicable wage rates incorporated into
the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he
performed. That any apprentices or trainees employed in the above period are duly registered in a bona fide
apprenticeship program registered with a state apprenticeship agency recognized by the office of apprenticeship
United States department of labor, or properly enrolled in a bona fide training program approved for application on
public works construction projects by the appropriate state or federal agency (ies) if and as required by law and
applicable federal regulation.

(10) The contractual provision shall require that the contractor and all subcontractors and their tiers shall deliver or mail legible copies of the certified weekly payrolls prepared in accordance with these regulations to the prime contractor and the contracting agency no more than five (5) working days following the close of the second payroll period. Weekly payrolls shall be submitted bi-weekly.

(11) The affidavit form must be filed prior to the final payment to a contractor. Bond monies and retainage will be released only to contractors who have filed affidavits pursuant to the provisions of these regulations. Any contractor or subcontractor who files a false statement or refuses to file any statement or record required to be filed under these regulations, shall be considered as non-compliant and shall be subject to debarment proceedings. The contracting agency and the prime contractor shall keep all certified payroll records for a period of time not less than four (4) years after the completion of the contract.

(12) Contracting agencies shall require wage rate inspections during the period of construction.

C. Contractor and subcontractor

(1) Contractors and all contracting tiers on projects must file a statement of intent to pay prevailing wages (intent), and an affidavit of wages paid (affidavit). The intent form must be filed with the contracting agency within three (3) business days of the award of each respective contract. Payments will not be made to a non-compliant contractor until an intent form is filed.

(2) The minimum wage rates must be posted by the contractor or subcontractor in a prominent, easily accessible place at the site of each particular project.

(3) The director shall furnish the contracting agency with a poster containing the minimum wage rates. Said poster is to be forwarded to the contractor for posting at each particular project site.

(4) The contractor and subcontractor shall comply with all requirements imposed by the Public Works Minimum Wage Act and these regulations.

[5/31/72, 6/4/79, 1/29/81, 5/28/81, 11/4/88; 11.1.2.9 NMAC - Rn, 11 NMAC 1.1.9, 12/31/09; A, XX-XX-11]

~~11.1.2.10 [POWERS AND DUTIES OF THE DIRECTOR AND OF THE CONTRACTING AGENCIES IN THE ADMINISTRATION OF THE PUBLIC WORKS MINIMUM WAGE ACT]~~

CLASSIFICATION OF TYPES OF CONSTRUCTION: [Authority: Subsections A to F of 11.1.2.10 NMAC adopted pursuant to Section 13-4-11, New Mexico Statutes Annotated, 1978 Compilation.

~~_____ A. _____ Purpose and scope: The director sets forth in this part the requirements, as well as the voluntary aspects of the Public Works Minimum Wage Act, that apply to the contracting agencies who employ laborers and mechanics on public works projects in the state.~~

~~_____ B. _____ Requests for and issuance of wage decisions:~~

~~_____ (1) _____ All agencies proposing to contract for work to be performed subject to this act must make written~~

~~request to the director, not less than three (3) weeks before the advertising date, for a wage rate decision applicable to the work to be performed, which request must contain the following information:~~

- ~~_____ (a) name, title and signature of requesting officer;~~
- ~~_____ (b) department or agency requesting decision;~~
- ~~_____ (c) date of request;~~
- ~~_____ (d) full description and estimated cost of each of the several classifications of construction as set out in Subsection B of 11.1.2.9 NMAC of these rules and regulations;~~
- ~~_____ (e) location (city or other description) of project site;~~
- ~~_____ (f) proposed advertising date and date by which bids are to be submitted.~~

~~_____ (2) The director shall issue and mail the appropriate wage rate decision or decisions to the requesting agency within five (5) working days of receipt by the director of such agency's proper written request.~~

~~_____ (3) The contracting agency or its agent; i.e., architect or engineer, shall upon award of the project, or if the project is canceled, promptly fill out and return to the office of the director of the labor and industrial division the notification of award and list of subcontractors forms. Any changes or additions of subcontractors shall also be promptly mailed to the director by the contracting agency or its agent; i.e., architect or engineer.~~

~~_____ C. Wage rate decisions:~~

~~_____ (1) Wage rate decisions must be contained in advertised specifications for every contract subject to the Public Works Minimum Wage Act.~~

~~_____ (2) In order to ensure compliance by the contractor and his subcontract to all tiers of subcontractors with the wage decisions, contracting agencies subject to the New Mexico Public Works Minimum Wage Act shall include in the advertised specifications and the contract between the agency and the contractor for all work subject to the terms of the Public Works Minimum Wage Act a provision requiring the contractor and all tiers of subcontractors to submit certified weekly payroll records to: (1) the contracting agency (biweekly), and (2) the director, when requested by the director or an interested party such as contractors, contracting agencies, labor organizations and contractor associations (the director may require disclosure of any information necessary to ensure compliance by all contractors at all tiers with the requirements of the New Mexico Public Works Minimum Wage Act).~~

~~_____ (a) Form and content: The contractual provision need not require any particular form for contractor or subcontractor payrolls; provided, all payrolls must contain the following information:~~

~~_____ (i) the employee's full name, address and social security number. 1) The employee's full name and social security number need only appear on the first payroll on which his name appears. 2) The employee's address need be shown only on the first submitted payroll on which his name appears, unless a change of address necessitates an additional submittal to reflect the new address;~~

~~_____ (ii) the employee's classification (or classifications);~~

~~_____ (iii) the employee's hourly wage rate (or rates); the employee's hourly fringe benefits; and where applicable, the employee's overtime hourly wage rate (or rates);~~

~~_____ (iv) the daily and weekly hours worked in each classification, including actual overtime hours worked (not adjusted);~~

~~_____ (v) the itemized deductions made;~~

~~_____ (vi) the net wages paid;~~

~~_____ (vii) the number of the wage rate decision issued on the project by the director.~~

~~_____ (b) Numbering payrolls: The contractual provision shall require that all payrolls be numbered, starting with number one (1) for the first payroll at the beginning of the job and continuing in numerical order until the job is completed.~~

~~_____ (c) Certification of payrolls: The contractual provision shall require that the contractor and each of his subcontractors shall submit a bi-weekly statement of compliance in the following form:~~

Date _____

I, _____, _____ (Name of Signatory Party)

(Title)

do hereby state:

That I pay or supervise the payment of the persons employed by _____

(contractor or subcontractor) on the _____; that (building or work)

During the payroll period commencing on the _____ day of _____, 19 _____, and ending the

~~_____ day of _____, 19_____, all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said~~

~~_____

(Contractor or subcontractor)~~

~~from the full weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than deductions permitted by law.~~

~~That any payrolls under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.~~

~~That any apprentices or trainees employed in the above period are duly registered in a bona fide apprenticeship program registered with a state apprenticeship agency recognized by the bureau of apprenticeship and training, United States department of labor, or properly enrolled in a bona fide training program approved for application on public works construction projects by the appropriate state and/or federal agency (ies) if and as required by law and applicable federal regulation.~~

~~_____ (d) Submission of payrolls: The contractual provision shall require that the contractor and all subcontractors and their tiers shall deliver or mail legible copies of the certified weekly payrolls prepared in accordance with these regulations to the prime contractor and the contracting agency no more than five working days following the close of the second payroll period. Weekly payrolls shall be submitted bi weekly. The director shall conduct a minimum of thirty random and pre-selected audits per quarter. The audit will include a review of payroll records and apprenticeship contributions as well as other relevant data as required by statute.~~

~~_____ (e) Contractors and all contracting tiers on the project must file a statement of intent to pay prevailing wages (intent), and an affidavit of wages paid (affidavit). The intent form must be filed with the contracting agency within three (3) business days of the award of each respective contract. Payments will not be made to a non-compliant contractor until an intent form is filed.~~

~~_____ (f) The affidavit form must be filed prior to the final payment to a contractor. Bond monies and retainage will be released only to contractors who have filed affidavits pursuant to the provisions of these regulations. Any contractor or subcontractor who files a false statement or refuses to file any statement or record required to be filed under these regulations, shall be considered as non-compliant and shall be subject to debarment proceedings. The contracting agency and the prime contractor shall keep all certified payroll records for a period of time not less than four (4) years after the completion of the contract.~~

~~_____ (3) In order to accurately determine the minimum wages prevailing for corresponding classes of laborers and mechanics employed on contract work of a similar nature as required by Section 13-4-11, NMSA 1978, the director shall conduct a field survey to which he shall assign not fewer than three (3) deputies*/ on a full-time basis during each survey period, one of whom shall be designated as the chief deputy for public works. The function of the deputies assigned to the field survey shall be to authenticate and verify certified payrolls and verified wage information submitted in conformance with these regulations and to incorporate into the survey wage information on other contract work of a similar nature not subject to the terms of the New Mexico Public Works Minimum Wage Act. */ Note: The requirement of Paragraph (3) of Subsection C of 11.1.2.10 NMAC, that the director "shall assign not fewer than three (3) deputies on a full-time basis" shall become effective only upon budget availability.~~

~~_____ (4) Wage information on contract work of a similar nature but not subject to the terms of the New Mexico Public Works Minimum Wage Act shall be incorporated into the survey only so long as it is prepared and submitted in accordance with the following:~~

~~_____ (a) The validity and accuracy of such wage information must be verified in writing and notarized or witnessed.~~

~~_____ (b) Such written verification need not be in any particular form, but shall contain the following information:~~

~~_____ (i) a statement by the person signing the verification that to the best of his knowledge and belief the information contained therein is true and accurate, specifying the source of his information;~~

~~_____ (ii) a statement by classifications of the number of hours worked in such classification, the wages paid in such classification and the payroll periods covered;~~

~~_____ (iii) a general description of the nature of the work performed on each project for which~~

~~information is included and the name of the owner or lessee for whom the work is being performed.~~

~~(c) Submission of wage information: The verified wage information prepared in accordance with these regulations shall be delivered to the office of the director no later than closing day, July 31. In the event that July 31 falls on a holiday or non business day, the deadline for submission of data shall be the first business day following that date. The director shall incorporate the information in his survey only if he has received verification covering all of the work performed under a contract during the survey period.~~

~~(d) Upon being informed in writing by any person that work described in any of the several Paragraphs of Subsection B of 11.1.2.9 NMAC supra, is being performed under a contract in the state of New Mexico, the director shall attempt to verify this fact and shall solicit from the contractor and subcontractors on said project the voluntary submission of certified payrolls or verified wage information prepared in accordance with these regulations covering all work performed on said project under the survey period.~~

~~(e) Partners must own at least 20% and must be registered with construction industries division to qualify as a partnership.~~

~~(f) Officers in a New Mexico registered corporation must own at least 20% of stock in a corporation for exemption from payment of the issued wage rates. Certified weekly payrolls must reflect officers' work classification, daily and weekly hours. Proof of owned stock must be supplied to the director of the labor and industrial division, when deemed necessary by him. Proof of ownership shall consist of a copy of registration of the corporate security register and show total number of shares in the corporation, total number of shares of each individual and the following affidavit:~~

~~I, _____, being first duly sworn on oath under penalty of perjury, swear that the foregoing information is true and correct.~~

~~Notary: Subscribed and sworn to before me at~~

~~_____ this _____ day of _____, 19 _____.~~

~~_____
Notary public~~

~~_____
(SIGNATURE)~~

~~_____
(DATE)~~

~~My commission expires: _____~~

~~(5) Contracting agencies are urged to require wage rate inspections during the period of construction.~~

~~D. Posting of minimum wage rates:~~

~~(1) The minimum wage rates must be posted by the contractor in a prominent, easily accessible place at the site of each particular project.~~

~~(2) The director shall furnish the contracting agency with a poster containing the minimum wage rates. Said poster is to be forwarded to the contractor for posting at each particular project site.~~

~~E. Procedure for investigation of violations: The enforcement of the provisions of the Public Works Minimum Wage Act is the responsibility of the director in cooperation with the contracting agencies, and as provided in the Public Works Minimum Wage Act. To insure compliance with the act and harmony in the completion of a public contract, the following procedure should be followed:~~

~~(1) When a violation is reported or detected, the director shall convey that information to the contracting agency. The director has a non-discretionary duty to request all payroll records in question from either the subcontractor or the prime contractor no later than thirty business days after receiving the information pertaining to the alleged violation. The contractor or subcontractor shall provide legible copies of the certified payroll records within ten (10) business days, when requested by either the director or an interested party through the director.~~

~~(a) The director shall investigate a complaint filed in writing by an interested party for violations of the Public Works Minimum Wage Act, as long as the complaint is filed before the contract is closed out between the contracting agency and the prime contractor on any public works project. (Closed-out is defined as: when the contracting agency has made final payment on the project).~~

~~(b) The provisions of Subsection E of 11.1.2.10 NMAC do not affect any worker's right to make a claim through the wage and hour bureau or appropriate court for payment of prevailing wages and does not diminish the prime's or subcontractor's duty to cooperate with the wage and hour bureau.~~

~~_____ (c) If the contractor or subcontractor has not complied with the request for certified payroll records or if the director determines that a violation of the Public Works Minimum Wage Act has occurred and not been rectified, payment to the contractor in proportion to that owed to the non-compliant contractor or subcontractor, shall be withheld by the contracting agency until compliance with these regulations has been secured pursuant to the certification procedure outlined in Section 13-4-14(A) & (B) NMSA 1978. The contractor or subcontractor that does not comply with the act or the provision of these regulations can also be subject to debarment. The contracting agency may, if necessary, request the attorney general, through the director to take legal action to ensure compliance with the act and the regulations contained herein.~~

~~_____ (2) Investigation may be conducted by either the contracting agency or the director, or by both agencies jointly, and a report filed with the director, the contracting agency, and the contractor and/or subcontractor involved.~~

~~_____ (3) In the event voluntary compliance by the contractor cannot be achieved, enforcement action shall be undertaken by the director and the contracting agency as provided in the Public Works Minimum Wage Act.~~

~~_____ F. Confidentiality of employee information: In order to encourage the voluntary submission of wage information (whether in the form of verified wage information or certified payrolls) in connection with the director's wage rate surveys and in order to protect the privacy of employees with respect to whom such wage information pertains, except pursuant to lawful process or to the exercise of the director's enforcement obligations under the Public Works Minimum Wage Act, neither the labor and industrial commission nor the director, or any member of the director's staff, shall disclose to any person (other than to (1) the employer of the employee, (2) the person or organization (such as a contractors' association, labor organization or contracting agency) which submitted or otherwise furnished such wage information, and (3) the employee, the employee's name, address, social security number or any other information clearly personal to any employee with respect to whom wage information is received, submitted or otherwise in the possession of the director without having received the prior written consent of the (1) the employer of the employee, (2) the person or organization which submitted or otherwise furnished such wage information, or (3) the employee.]~~

A. Classifications of construction work

(1) Type "A" The street, highway, utility and light engineering construction classification shall include the construction, alteration, repair and demolition of roads, streets, highways, alleys, sidewalks, curbs, gutters, guard rails, fences, parkways, parking areas, airports (other than buildings thereon), bridle paths, athletic fields; highway bridges, median channels, and grade separations involving highways; parks, golf courses, viaducts; uncovered reservoirs and uncovered sewage and water treatment facilities; canals, ditches and channels (including linings other than concrete linings); earth dams under one million (1,000,000) cubic yards; well drilling, telephone and electrical transmission lines and site preparations which are part of street, highway, utility and light engineering projects; and shall include construction, alteration, repair, and demolition of utilities such as sanitary sewers, storm sewers, water lines, including appurtenances thereto such as lift stations, inlets, manholes, sewer lagoons, septic tanks and service outlets (stub-outs), providing such utility construction is outside the property line, or more than five (5) feet from a building or heavy engineering structure, whichever is closer, provided, however, with regard to electrical utilities such construction shall include construction to the first attachment of incoming power source without regard to the property line or proximity to the building or the heavy engineering structure. Furthermore, this limitation will not apply to independent main lines and service out-lets (stub-out regardless of proximity to building or heavy engineering structure; construction and installation of pipelines (except cross-country transportation mainline pipelines), including municipal-type utility distribution pipelines, for the distribution of petroleum or natural gas, up to the first metering station or connection with the transportation mainline pipeline; provided, "First metering station or connection" means that point which divides cross-country transportation mainline transmission lines or higher pressure lateral and branch lines from lower pressure distribution systems.

(2) Type "B" The general building classification shall include the construction, alteration, repair and demolition of buildings, including office buildings, warehouses, industrial and commercial buildings, institutional and public buildings and all air-conditioning, conduit, heating and other mechanical and electrical works and site preparation for buildings or heavy engineering projects under this classifications; except that construction, alteration, repair and demolition of buildings under the scope of this classification shall not include construction, alteration, repair and demolition of buildings under the class "C" classification of Subsection A of 11.1.2.10 NMAC, of these regulations; and shall include electrical, gas, water, sewer lines and other such utility construction which are part of projects under this classification and included within the property line or less than five (5) feet from the building or heavy engineering structure, whichever is closer, provided, however, with regard to electrical utilities such construction shall include construction from the first attachment of incoming power source without regard to the property line or proximity to the building.

(3) Type “C” The residential building construction classification shall include the site preparation and construction, alteration; repair and demolition of residential buildings and shall include all structures intended for residential occupancy, be it by owners of said properties or tenants, including, but not limited to, single detached buildings, duplexes, tri-plexes, quad-plexes, residential condominium buildings, apartment buildings not to exceed four stories in height; and shall include electrical, gas, water, sewer lines and other such utility construction which are part of projects under this classification and included within the property line or less than five (5) feet from the building, whichever is closer.

(4) Type “H” The heavy engineering construction classification shall include construction, alteration, repair and demolition of heavy engineering work such as power generating plants, pump stations, natural gas compressing stations; covered reservoirs and covered sewage and water treatment facilities; concrete linings for canals, ditches and channels; concrete dams; earth dams of one million (1,000,000) cubic yards or over; radio towers, ovens, furnaces, kiln, silos, shafts and tunnels (other than highway shafts and tunnels), hydroelectric projects; and well drilling, telephone and electrical transmission lines which are part of general building and heavy engineering projects; mining appurtenances such as tipples, washeries and loading and discharging chutes, and specialized structures for testing, launching and recovering space and other rocket-type missiles; construction and installation of cross-country transportation mainline pipelines for the distribution of petroleum or natural gas, up to the first metering station or connection with the distribution pipelines; provided, “first metering station or connection” means that point which divides cross-country transportation mainline transmission lines or higher pressure lateral and branch lines from lower pressure distribution systems.

B. On contracts which involve more than one classification of construction, as defined in 11.1.2.10 NMAC the director shall issue predeterminations, including therein the appropriate wage rates for each classification of construction where none of the classifications comprises eighty percent (80%) of the total contract cost. Where one classification comprises eighty percent (80%) or more of the total contract cost, the predetermined rate for that classification shall be used for the entire contract.

[5/31/72, 1/14/76, 1/14/77, 6/4/79, 1/29/81, 11/4/88, 9/25/89, 7/11/92, 7/14/92, 2/14/94, 11/29/97; 5/15/00; 11.1.2.10 NMAC - Rn, 11 NMAC 1.1.10, 12/31/09; A, XX-XX-11]

11.1.2.11 [PROCEDURE TO BE EMPLOYED IN THE PREDETERMINATION OF WAGE RATES ON PUBLIC WORKS] ADOPTION OF STANDARD JOB CLASSIFICATIONS AND DESCRIPTIONS:

~~[Authority: Subsections A to G of 11.1.2.11 NMAC adopted pursuant to Section 13-4-11, New Mexico Statutes Annotated, 1978 Compilation-~~

~~————— A. ——— Purpose and scope: The regulations contained in this part set forth the procedure for the determination of prevailing wage rates, on a statewide basis, pursuant to Section 13-4-11, NMSA 1978.~~

~~————— B. ——— Computation of prevailing wage rate and definitions: The prevailing wage rate for laborers and mechanics employed on projects within the street, highway, utility and light engineering construction classification (type “A”) and for laborers and mechanics employed on building projects and heavy engineering projects within the general building (type “B”) and heavy engineering construction classification (type “H”) and for laborers and mechanics employed on projects determined within the residential building classification (type “C”) shall be computed on a statewide basis without regard to zone, incentive, or subsistence pay. However, while zone, incentive, or subsistence pay shall not be considered in determining the statewide base wage rate, it shall be computed and applied on a locality basis in type “B” and type “C” construction in accordance with the same formula utilized to determine the prevailing statewide base wage rate. For the purpose of zone, incentive or subsistence pay determination, “locality basis” shall mean location, municipality or site from which the zone, incentive or subsistence pay data emanated for the survey. Working foreman hours shall be included in the determination of the prevailing wage for that particular craft by surveying hours worked with the majority of the mechanics in that classification paid by that contractor/subcontractor. Where working foremen are the only mechanics on that project, those hours will be surveyed at the predetermined rate issued on that project. Working foremen in groupings for truck drivers, operators, and laborers shall not be included. For each classification the director shall employ the following methodology:~~

~~————— (1) ——— The base wage rate paid in each work classification shall be grouped in ten-cent (\$.10) numerically consecutive intervals, beginning with \$.01 and including \$.105, from which a weighted average of each group shall be taken, (see the following example):~~

~~Example:~~

~~Rates paid as follows would be grouped in this manner:~~

~~256 man hours at \$10.01 = \$2,562.56
340 man hours at \$10.05 = \$3,417.00
204 man hours at \$10.10 = \$2,060.40
800 man hours (for group) into \$8,039.96 = \$10.05 base wage for group~~

~~2,011 man hours at \$10.11 = \$20,331.21
722 man hours at \$10.16 = \$7,335.52
1,067 man hours at \$10.20 = \$10,883.40
3,800 man hours (for group) into \$38,550.13 = \$10.14 base wage for group
and so forth]~~

~~(2) The prevailing wage rate for a given classification on contract work of a similar nature in the state shall be:~~

~~(a) The base wage rate (as determined in Paragraph (1) of Subsection B of 11.1.2.11 NMAC above) paid for the majority of man hours worked in said classification, or~~

~~(b) In the event that (1) is not applicable, then the base wage rate (as determined in Paragraph (1) of Subsection B of 11.1.2.11 NMAC above) paid for the greater number of man hours, provided that such greater number constitutes at least thirty per cent (30%) of the man hours worked in the classification.~~

~~(c) In the event that neither (1) nor (2) above is applicable the weighted average in the classification shall be the prevailing rate.~~

~~(d) In the event that the prevailing wage rate as determined by the application of (1) or (2) above (whichever is applicable) would result in lowering the prevailing wage as determined from the last survey immediately preceding by more than 3%, the director shall compute the rate under Rule (3) above, and unless application of Rule (3) above would have the effect of further lowering the rate, the prevailing rate determined shall be the rate computed by application of Rule (3) above or the rate as was determined by the last survey preceding, whichever is lower.~~

~~(e) Fringe benefits as part of wages, as defined in Section 13-4-12 (A) (2), NMSA, 1978, shall be determined by applying Subparagraph (d) of Paragraph (2) of Subsection B of 11.1.2.11 NMAC above to the total dollar amount of fringe benefits paid by each contractor multiplied by the number of hours for which the total was paid. The fringe benefit figure so determined shall be expressed by a single dollar figure representing the total dollar amount of fringe benefits prevailing as a lump sum, rather than by separate dollar amounts representing each individual category of fringe benefits found to be prevailing.~~

~~(3) The term "base wage rate" contemplated in this section, shall mean the straight time hours and hourly rate paid each laborer or mechanic.~~

~~(4) The term "weighted average" shall mean the sum of the products of the grouped man hours times group base wage rate divided by the total number of man hours worked in the classification.~~

~~(5) The term "similar nature" shall mean contract work performed on projects as defined in the several Subparagraphs of Subsection B of 11.1.2.9 NMAC of these regulations.~~

~~(6) The term "director" shall mean the public official charged by law with the administration of the Public Works Minimum Wage Act.~~

~~(7) The term "state" shall mean the state of New Mexico.~~

~~C. Obtaining and compiling wage rate information and preparation of wage rate surveys: For the purpose of making wage determinations, the director shall conduct a continuing program for the obtaining and compiling of wage rate information, as required by Section 13-4-11, NMSA 1978, employing the procedures set forth in this Section.~~

~~(1) Separate surveys shall be prepared for the street, highway, utility and light engineering classification (type "A"), and for the general building (type "B") and heavy engineering construction classification (type "H") and for the residential construction classification (type "C"), and wage determination shall be issued on the basis thereof.~~

~~(2) The annual survey period shall be the month of June of each year. Wage rate decisions issued as a result of this survey and wage determination shall remain effective until superseded beginning fifteen (15) days following the making of the wage determination pursuant to Subsection D of 11.1.2.11 NMAC of these rules and regulations. Each annual survey and wage determination shall be and remain valid and the director shall issue to requesting agencies wage decisions based thereon until such survey and wage determination is superseded by an effective new survey and wage determination. A wage determination based upon a new survey shall not go into effect pending a final disposition of any appeal to the labor and industrial commission, sitting as the appeals board.~~

~~If no appeal is timely filed pursuant to properly preserved objection as provided in Subsection D of 11.1.2.11 NMAC, infra, such survey and determination shall become effective on the applicable date specified in Paragraph (2) of Subsection C of 11.1.2.11 NMAC, above.~~

~~—————(3) — Surveys and wage rate determination shall be on a statewide basis.~~

~~—————(4) — Wage rate surveys prepared by the director for the street, highway, utility and light engineering construction classification (type “A”), and for the general building (type “B”) and for the residential building construction classification (type “C”), and for heavy engineering construction classification (type “H”) shall be compiled from certified weekly payrolls and verified wage information submitted and prepared in accordance with Subsection C of 11.1.2.10 NMAC of these rules and regulations and shall be utilized by the director in making wage rate determinations; provided, the director shall encourage the voluntary submission of wage data by contractors, contractors’ associations, labor organizations and public officers. He shall give due regard to such information, voluntarily submitted, together with information obtained from field surveys, conducted in accordance with Section 13-4-11, NMSA 1978, in evaluating the validity and accuracy of certified payrolls and verified wage information incorporated in the director’s survey.~~

~~—————(a) — Certified weekly payrolls and verified wage information: The director shall compile his survey from the information contained in the certified payrolls and verified information submitted for the survey period prepared in accordance with Subsection C of 11.1.2.10 NMAC of these rules and regulations. Not less than twenty five (25) days prior to the time scheduled for the hearing specified in Subsection D of 11.1.2.11 NMAC infra, the director shall prepare a detailed statement of the information, if any, which he has excluded from said certified payrolls or verified wage information in preparing his survey. Said statement, together with all certified payrolls and verified wage information, shall be available for inspection by any interested party in the offices of the director, subject to limitations imposed by Subsection F of 11.1.2.10 NMAC, supra. To the extent the director fails to object in said detailed statement, the information contained in said certified payrolls or verified wage information shall be incorporated by the director directly into the survey for the period concerned and the director shall be barred from raising any objection to said information in any subsequent proceeding before the labor and industrial commission, sitting as the appeals board, or otherwise. The information contained in said certified payrolls or verified wage information shall be conclusive upon him as to its validity, accuracy and completeness. This provision shall not prevent any interested party from objecting to information contained in such certified payrolls or verified wage information.~~

~~—————(b) — Within the time limits specified in Subparagraph (a) of Paragraph (4) of Subsection C of 11.1.2.11 NMAC, supra, the director may object to the information contained in certified weekly payrolls or verified wage information timely submitted to him and refuse to incorporate it in his survey only on the ground that information contained therein does not accurately state the wages being paid mechanics or laborers employed under said contract or is not in accordance with the wage rates contained in the contract specifications, if any.~~

~~—————(c) — The director may omit from his survey information contained in certified payrolls or in properly prepared and submitted verified wage information only to the extent he has a specific objection as enumerated in Subparagraph (a) of Paragraph (4) of Subsection C of 11.1.2.11 NMAC, supra, thereto.~~

~~—————D. — Review of survey results after notice to all interested parties: Survey results shall be reviewed at a meeting with all known interested parties. The time, date and place of said meeting will be established at the discretion of the director. Notice of the subject matter, the time, date and place of the meeting, the manner in which interested persons may present their views, and the method by which copies of the survey results (including lists of contractors and projects covered by the survey) and copies of the director’s statement of information excluded from the survey pursuant to Paragraph (4) of Subsection C of 11.1.2.11 NMAC, supra, may be obtained, shall be published once at least thirty (30) days prior to the meeting date in a newspaper of general circulation. Such notice shall also be mailed by the director to all known interested parties at least thirty (30) days prior to the meeting date along with a copy of the survey results (including lists of contractors and projects covered by the survey) and a copy of the labor commissioner’s statement of information excluded from the survey pursuant to Paragraph (4) of Subsection C of 11.1.2.11 NMAC, supra. Any objections to the survey results may be communicated to the director by an interested party either orally at such meeting or in writing delivered to the director on or before the date of such meeting, and the director shall make a record of any and all objections and of his rulings thereon prior to making his determination of prevailing wage rates. The director shall notify the objecting party and all other parties in attendance at the meeting of his ruling(s) on objections simultaneously with the making of his wage determination. Objections to the survey results not made by any interested party receiving proper and timely notice of such meeting shall be deemed waived and shall not constitute a ground for appeal unless the basis for such objection shall not have been reasonably discoverable by examination of the certified payrolls and verified wage information upon which the survey results are based, which data and all work papers and other material relating~~

thereto shall be available at the office of the director, not less than thirty (30) days prior to such meeting, for inspection and copying by any interested party. For purposes of this Subsection D of 11.1.2.11 NMAC the term “all interested parties” shall include without limitation the state highway department, incorporated cities and Class A and B counties and their respective school boards or authorities, state institutions of higher learning and other contracting agencies which with regular frequency undertake public works projects subject to the Act, and all other persons (including labor organizations, contractors and contractor associations) who make written request to the director to receive notice as provided in this section.

~~_____ E. _____ Determination of prevailing wage rates: The director shall determine prevailing wage rates applicable in the state for the type of construction proposed based on the survey data assembled and compiled.~~

~~_____ F. _____ Addendum changes: Wage rate corrections or changes to decisions rendered shall not be issued without allowing the requesting agency at least ten (10) days notice before the date bids are to be submitted.~~

~~_____ G. _____ Effectiveness of wage rate decisions: Wage rate decisions shall remain effective until superseded; provided that changes to decisions rendered shall not be issued without allowing the requesting agency at least ten (10) days notice before the date bids are to be submitted. New wage rate decisions shall be issued for all contracts on which bids have not been submitted before the date on which a new survey and wage determination becomes effective pursuant to Subsection C of 11.1.2.11 NMAC, supra, provided, that any such new decision shall not supersede any previously issued decision unless such new decision is received by the contracting agency at least ten (10) days prior to the date on which bids are to be submitted. Notwithstanding anything in these regulations to the contrary or apparently to the contrary, the director shall not be required to issue a wage rate decision to a requesting agency unless such agency reasonably expects to advertise the contract for bids and to receive bids within 120 days from the date of its written request.]~~

A. The director has adopted the standard job classifications and descriptions as set forth in 11.1.2.17 NMAC. Existing job classifications and descriptions shall remain effective until superseded on the effective date of newly adopted standard job classifications and descriptions.

B. The director may seek the assistance of contractors, contractors’ associations, labor organizations, interested parties, and public officers in establishing standard job classifications and descriptions.

(1) Any person wishing to add, delete or modify a standard job classification and description shall submit a written request containing the proposed classification and description.

(2) Any proposal for a standard job classification and description shall contain the following clearly defined information:

(a) occupational title;

(b) a description of the physical duties to be performed by a laborer or mechanic having such a classification;

(c) evidence of existing prevailing rates of pay, including fringe benefits;

(d) evidence that the proposed classification is used in the type of contract work for which the classification is proposed; and

(e) such other justification as the director may deem advisable.

[5/31/72, 1/14/76, 6/4/79, 3/7/80, 1/29/81, 5/28/81, 11/4/88, 2/8/90, 2/14/94, 8/15/98; 11.1.2.11 NMAC - Rn & A, 11 NMAC 1.1.11, 12/31/09; A/E, 4/15/10; A, XX-XX-11]

11.1.2.12 [ADOPTION OF STANDARD JOB CLASSIFICATIONS AND DESCRIPTIONS APPLICABLE ON PUBLIC WORKS IN NEW MEXICO SUBJECT TO THE PUBLIC WORKS MINIMUM WAGE ACT] PREDETERMINATION OF WAGE RATES: [Authority: Subsections A to C of 11.1.2.12 NMAC adopted pursuant to Section 13-4-11, New Mexico Statutes Annotated, 1978 Compilation]

~~_____ A. _____ Purpose and scope: The regulations in this part set forth the procedures for establishment of standard job classifications and descriptions for various classifications of laborers and mechanics employed on contract work of a similar nature and as defined in the several Paragraphs of Subsection B of 11.1.2.9 NMAC, of these rules and regulations. These are adopted in order to permit the director to administer the Public Works Minimum Wage Act uniformly.~~

~~_____ B. _____ Adoption of standard job classifications and descriptions:~~

~~_____ (1) _____ The director may seek the assistance of contractors, contractors’ associations, labor organizations, interested parties, and public officers in establishing standard job classifications and descriptions for work to be performed in the state subject to the Public Works Minimum Wage Act. Separate standard job classifications and descriptions shall be established for each of the separate types of construction projects as defined in the several Paragraphs of Subsection B of 11.1.2.9 NMAC, of these rules and regulations in order to reflect the various classifications of laborers and mechanics employed on contract work of a similar nature.~~

~~(2) Standard job classifications and descriptions shall be adopted as regulations by the director pursuant to Section 13-4-11, NMSA 1978, and in accordance with the procedures set out in Section 15 of these rules and regulations. Existing job classifications and descriptions shall remain effective until superseded on the effective date of newly adopted standard job classifications and descriptions as provided in Section 15 of these rules and regulations. Upon issuance by the director of new standard job classifications and descriptions pursuant to Subsection B of 11.1.2.15 NMAC infra, the director shall mail copies of the said job classifications and descriptions pursuant to Paragraph (3) of Subsection B of 11.1.2.14 NMAC, infra.~~

~~C. Addition, deletion, or modification of job classifications:~~

~~(1) Any person wishing to add, delete, or modify a standard job classification and description shall submit a written request containing the proposed classification and description.~~

~~(2) Any proposal for a standard job classification and description shall contain the following clearly defined information:~~

~~(a) occupational title;~~

~~(b) a description of the physical duties to be performed by a laborer or mechanic having such a classification;~~

~~(c) evidence of existing prevailing rates of pay, including fringe benefits;~~

~~(d) evidence that the proposed classification is used in the type of contract work for which the classification is proposed; and~~

~~(e) Such other justification as the director may deem advisable in the circumstances.]~~

A. Not later than July 30 of each year, interested parties may submit to the director for consideration collective bargaining agreements and other data covering the preceding twelve-month period. Submissions must be made as provided in the following subparagraphs:

(1) Collective bargaining agreements filed with the division must be accompanied by a signed statement which is certified as true and correct to the best of the knowledge and belief of the person preparing the statement, under penalty of perjury, and which:

(a) certifies that the agreement filed is fully executed and in effect, unless it is a signed original agreement or photocopy thereof, or a printed copy of a fully executed agreement showing the names of the signatory parties, except in the case of a printed agreement the director may require certification;

(b) names or otherwise identifies all New Mexico counties within the jurisdiction of the local union or unions signatory to the agreement;

(c) along with the collective bargaining agreement, the following information must be provided to the division on a form to be furnished by the director: name and address of the signatory employer association or, if there be no signatory employer association, the names and addresses of all contractors signatory to the agreement, unless such information is contained in the agreement, the number of hours worked by workers in each classification under the terms of the agreement, the classification of each worker, the hourly rate actually paid each worker, the project type, the fringe benefit rate actually paid each worker, and, if practical, the counties in which work was performed.; such information should be supplied for the twelve-month period preceding June 30 of each year;

(2) Interested parties wishing submit information for employees not covered by a collective bargaining agreement must provide the following information to the division on a form to be furnished by the director: name and address of the employer or interested party, the number of hours worked by workers in each classification, the classification of each worker, the hourly rate actually paid each worker, the project type, the fringe benefit rate actually paid each worker, and, if practical, the counties in which work was performed. Such information should be supplied for the twelve-month period preceding June 30 of each year.

B. The director may, consistent with the methodology set forth in Subsection D of 11.1.2.12 NMAC, determine that the rate established by a collective bargaining agreement is the general prevailing wage rate for each craft, classification or type of worker for any project in which a collective bargaining agreement has been filed with the division in accordance with 11.1.2.12 NMAC and that collective bargaining agreement covers the same or most similar class or classification of laborer or mechanic as set forth in 11.1.2.17 NMAC.

C. In setting the general prevailing wage rate, the director shall give due regard to information obtained during the director's determination of the prevailing wage rates and the prevailing fringe benefit rates and may consider the written data, personal opinions and arguments of interested parties pursuant to the methodology set forth in Subsection D of 11.1.2.12 NMAC.

D. The prevailing wage rate for laborers and mechanics for all job classifications shall be computed on a statewide basis without regard to zone, incentive, or subsistence pay. Working foreman hours shall be included in the determination of the prevailing wage for that particular craft by surveying hours worked with the majority of the mechanics in that classification paid by that contractor/subcontractor. Where working foremen are the only

mechanics on that project, those hours will be surveyed at the predetermined rate issued on that project. Working foremen in groupings for truck drivers, operators, and laborers shall not be included. For each classification the general prevailing wage rate shall be determined as follows:

(1) If a collective bargaining agreement covering the same or most similar class or classification of laborer or mechanic as set forth in 11.1.2.17 NMAC has been filed with the division in accordance with 11.1.2.12 NMAC, then the collective bargaining agreement is the general prevailing wage rate except as provided in Paragraphs (2) through (3) of Subsection D of 11.1.2.12 NMAC.

(2) If the data submitted pursuant to Subsection D of 11.1.2.12 NMAC for employees not covered by a collective bargaining agreement constitute thirty per cent (30%) or more of the man hours worked for a given classification, the director shall establish the prevailing wage rate for the classification as the weighted average of the total man hours, as determined using the methodology described in Paragraph (4) of Subsection D of 11.1.2.12 NMAC. The Total man hours for purposes of this subsection shall mean the number of hours worked in a classification by employees covered by a collective bargaining agreement plus the number of hours worked by employees not covered by a collective bargaining agreement, as reported to the division.

(3) In the event that no collective bargaining agreement covering the same or most similar class or classification of laborer or mechanic as set forth in 11.1.2.17 NMAC has been filed with the division in accordance with 11.1.2.12 NMAC and no other information has been received through voluntary submissions by the July 30 submission deadline, then the director shall solicit information pursuant to a survey consistent with Subsection E of 11.1.2.12 NMAC.

(4) The base wage rate paid in each work classification shall be grouped in ten cent (\$.10) numerically consecutive intervals, beginning with \$.01 and including \$.105, from which a weighted average of each group shall be taken, (see the following example).

Example:

Rates paid as follows would be grouped in this manner:

<u>256 man hours at \$10.01 =</u>	<u>\$2,562.56</u>
<u>340 man hours at \$10.05 =</u>	<u>\$3,417.00</u>
<u>204 man hours at \$10.10 =</u>	<u>\$2,060.40</u>
<u>800 man hours (for group) into</u>	<u>\$8,039.96 = \$10.05 base wage for group</u>
<u>2,011 man hours at \$10.11 =</u>	<u>\$20,331.21</u>
<u>722 man hours at \$10.16 =</u>	<u>\$7,335.52</u>
<u>1,067 man hours at \$10.20 =</u>	<u>\$10,883.40</u>
<u>3,800 man hours (for group) into</u>	<u>\$38,550.13 = \$10.14 base wage for group</u>

and so forth

(5) Fringe benefits as part of wages shall be determined by applying Subparagraph (a) of Paragraph (2) of Subsection D of 11.1.2.12 NMAC to the total dollar amount of fringe benefits paid by each contractor multiplied by the number of hours for which the total was paid. The fringe benefit figure so determined shall be expressed by a single dollar figure representing the total dollar amount of fringe benefits prevailing as a lump sum, rather than by separate dollar amounts representing each individual category of fringe benefits found to be prevailing.

E. The director shall determine the prevailing wage rates and prevailing fringe benefit rates for job classifications based upon collective bargaining agreements after giving due regard to information obtained from all sources and the substantial evidence of industry practice gathered from surveys conducted employing the following procedures:

(1) Surveys and wage rate determinations shall be on a statewide basis.

(2) Separate surveys shall be prepared for the each job classification set forth in 11.1.2.17 NMAC and wage determination shall be issued on the basis thereof.

(3) The annual survey period shall be based upon data for the twelve- month period beginning July first and ending on June thirtieth of each year. The annual prevailing wage rates and prevailing fringe benefits rates determinations shall be and remain valid and the director shall issue to requesting agencies wage decisions based thereon until such prevailing wage rates and prevailing fringe benefit rates determinations are superseded by an effective new prevailing wage rates and prevailing fringe benefit rates determinations.

(4) Wage rate surveys prepared by the director shall be compiled from certified weekly payrolls and verified wage information submitted and prepared in accordance with Paragraph (9) of Subsection B of 11.1.2.9 NMAC.

(5) Wage information on contract work of a similar nature but not subject to the terms of the New Mexico Public Works Minimum Wage Act shall be incorporated into the survey only so long as it is prepared and

submitted in accordance with Paragraph (9) of Subsection B of 11.1.2.9 NMAC.

F. The director shall determine the employers' contribution requirements under the provisions of the Public Works Apprentice and Training Act, and that information shall be part of all public works construction projects.

G. In order to encourage the voluntary submission of wage information (whether in the form of verified wage information or certified payrolls) in connection with the director's wage rate surveys and in order to protect the privacy of employees with respect to whom such wage information pertains, except pursuant to lawful process or to the exercise of the director's enforcement obligations under the Public Works Minimum Wage Act, neither the labor and industrial commission nor the director, or any member of the director's staff, shall disclose to any person the employee's name, address, social security number or any other information clearly personal to any employee with respect to whom wage information is received, submitted or otherwise in the possession of the director without having received the prior written consent of the employee.

[5/31/72, 1/14/76, 6/4/79, 11/4/88; 11.1.2.12 NMAC - Rn& A, 11 NMAC 1.1.12, 12/31/09; A/E, 4/15/10; A, XX-XX-11]

11.1.2.13 [SURVEY CATEGORIES AND WAGE DIFFERENTIALS WITHIN EACH CRAFT CLASSIFICATION, APPLIED ON PUBLIC WORKS PROJECTS IN NEW MEXICO] PROCEDURE FOR ADOPTION OF WAGE RATES: [Authority: Subsections A to E of 11.1.2.13 NMAC adopted pursuant to Section 13-4-11, New Mexico Statutes Annotated, 1978 Compilation.

~~A. Purpose and scope: The regulations in this part set forth the establishment of survey categories within the various crafts employed on contract work of a similar nature, and of wage rate differentials within each such craft which will remain constant and reflect the skill differential of each classification within the craft, provided that changes may be made if future surveys clearly substantiate such change.~~

~~B. Survey categories for type A construction: The following classifications within the various crafts shall be surveyed by the director in his survey:~~

- ~~(1) bricklayer, blocklayer, stonemason;~~
- ~~(2) carpenters;~~
- ~~(3) cement masons;~~
- ~~(4) electricians lineman/wireman or technician (outside);~~
- ~~(5) ironworkers;~~
- ~~(6) *group iv operators;~~
- ~~(7) *group ii truck drivers;~~
- ~~(8) brush painters;~~
- ~~(9) spray painters;~~
- ~~(10) plumbers, pipe fitters, steam fitters;~~
- ~~(11) *group II laborers (semi skilled).~~
- ~~(12) Each of the above asterisked categories shall constitute the basis for wage rate differentials for the respective crafts which each represents. When appropriate wage requests are made for crafts which are not listed above, the director shall utilize the same survey procedures and base periods to determine the prevailing rate as he uses for the other crafts.~~

~~C. Survey categories for type "B" and Type "C" construction: The following classifications within the various crafts shall be surveyed by the director in his survey:~~

- ~~(1) asbestos worker/heat and frost insulator;~~
- ~~(2) boilermaker;~~
- ~~(3) bricklayer, blocklayer, stonemason;~~
- ~~(4) carpenter/lather building; residential;~~
- ~~(5) carpenter/lather heavy engineering;~~
- ~~(6) cement mason (composition or mastic finishing machine operator) building, residential, and heavy engineering;~~
- ~~(7) electricians: *wireman or technician (inside), *lineman or technician (outside); *installer (sound);~~
- ~~(8) elevator constructor;~~
- ~~(9) helper;~~
- ~~(10) glazier;~~
- ~~(11) ironworker;~~
- ~~(12) *painters;~~
- ~~(13) plasterer;~~

~~(14) plumbers and pipefitters, lead burner;~~
~~(15) roofer;~~
~~(16) sheet metal worker;~~
~~(17) soft floor layer (carpet, asph. tile, linoleum);~~
~~(18) sprinkler fitter;~~
~~(19) tile setter, helper;~~
~~(20) *group VIII operators—building ; residential;~~
~~(21) semi-skilled laborers: cement mason tenders; hodcarriers; plaster spreader opr.; plaster tenders; gunitenozzlemen; pumperetenozzlemen—building; residential;~~
~~(22) tenders (to cement mason and plasterer); hodcarriers—heavy engineering;~~
~~(23) *group II truck drivers—building; residential;~~
~~(24) *group IV operators—heavy engineering;~~
~~(25) *group II truck drivers—heavy engineering.~~
~~(26) Each of the above asterisked categories shall constitute the basis for wage rate differentials for the respective crafts which each represents. When appropriate wage requests are made for crafts which are not listed above, the director shall utilize the same survey procedures and base periods to determine the prevailing rate as he uses for other crafts~~

~~D. Wage rate differentials in craft classifications:~~

~~(1) The director may seek the assistance of contractors, contractors' associations, labor organizations, other interested parties and public officers in setting appropriate wage differentials within each craft employed on contract work of a similar nature.~~
~~(2) Informational data pertaining to wage rate differentials within a craft employed on contract work of a similar nature may be presented to the director by any of the above named interested parties.~~

~~E. Changes in wage spreads:~~

~~(1) Wage rate investigations shall be conducted to ascertain the propriety of wage differentials within craft classifications employed on contract work of a similar nature.~~
~~(2) When a change in wage rate differential is indicated by substantial evidence, all known interested parties shall be notified and given a reasonable time in which to present their views before a permanent change in a wage differential is made by the director.~~

~~F. Appendix A: Electrician classifications and wage spreads for type "A" construction:~~

(1) Groundman (outside)	\$3.41;
(2) Equipment operator (outside)	\$0.59;
(3) Lineman/wireman or technician(outside)	(Base);
(4) Cable splicer (outside)	+\$1.18.

~~G. Appendix B: Laborer classification groups and wage spreads for type "A" construction:~~

~~(1) Group I (unskilled): \$0.30: building and common laborer; carpenter tender chainman; rodman; stakedriver; concrete buggy operator (hand); concrete workers; flagman; soil sample tester;~~
~~(2) Group II (semiskilled): (base): wagon, air tract, drill and diamond drillers' tender (outside); air and power tool man (not a carpenter's tool); asphalt heaterman; asphalt jointman; asphalt raker; batching plant scaleman; tenderers (to cement mason and plasterer); chain sawman; concrete power buggyman; concrete touch-up man; concrete sawman—coring mach.; curbing machine, asphalt or cement; cutting torchman; metal form setter—road; grade setter; hod carrier; mortar mixer and mason tender; powderman or blaster helper; sandblaster; scaler; vibratorman (hand type); vibratory compactor (hand type); window washer; nurseryman gardener; wagon, air tract, drill and diamond driller (outside); roadway hardware worker;~~
~~(3) Group III (miscellaneous): +\$0.40: gunitepumpereteman and nozzleman; multi-plate setter; manhole builder; pipelayer; powderman blaster makeup; landscaper; traffic control technician; laboratory technician.~~

~~H. Appendix C: Equipment operator classification groups and wage spreads for type "A" construction:~~

~~(1) Group I: \$0.80: coner. paving curing machine;~~
~~(2) Group II: \$0.60: belt type conveyors (material and concrete); broom (self prop.); fork lift; grease truck oper.; head oiler; hydro lift; tractor (under 50 drawbar HP with or without attach.); indus. loco. brakeman; front end loader (2CY or less); fireman; oiler; screedman; roller (pull type); mulching machine, roller (self propelled);~~
~~(3) Group III: \$0.02: coner. paving form grader; coner. paving gang vibrator; coner. paving joint or saw mach.; coner. paving sub grader; tractor with backhoe attachment; subgrade or base finisher; power plant (elec.~~

gen. or welding mach.);

_____ (4) Group IV: (base): bulldozer (including self-propelled roller with dozer attachment); batch or continuous mix plant (concr., soil cement, or asph.); roller (steel wheel); front-end loader (2 through 10 CY); scraper oper., motor grader;

_____ (5) Group V: +\$0.00: asph. distr.; asph. paving or laydown mach.; asph. retort heater; mixer, heavy duty, asph. or soil cement; trenching mach.; clam-type shaftmucker; backhoe, clamshell, dragline, gradall, shovel (under 3/4 CY); elevating grader or belt loader; cranes (crawler or mobile) under 20 ton; air compressor (300 CFM and over); crushing screening and washing plants; drlg. mach. (cable core or rotary); mixer, concr. (1 CY and less); pump (6 in. intake or over); winch truck; hoist (1 drum); indus. loco. motorman; lumber stacker; tractor (50 drawbar HP or over);

_____ (6) Group VI: +\$0.15: concr. paver mixer; hoist (2 drums and over); side boom; traveling crane; piledriver; backhoe, clamshell, dragline, gradall, shovel (3/4 CY to 3 CY); cranes (crawler or mobile) 20 ton to 40 ton; front-end loader (over 10 CY); mixer, concr. (over 1 CY); mechanic and/or welder;

_____ (7) Group VII: +\$0.20: concr. slip form paving mach.; concr. paving finishing mach.; concr. paving longitudinal float; gunite mach.; refrig.; jumbo form or drlg.; stage; slusher; concr. paving spreader; pumperete mach.; grout pump oper.;

_____ (8) Group VIII: +\$0.35: mine hoist; bulldozer (multiple units); scraper (multiple units); mucking mach.; backhoe, clamshell, dragline, gradall, shovel (over 3 CY); cranes (crawler or mobile) over 40 tons;

_____ (9) Group IX: +\$0.85: belt loader (CMI type) oper.; pipemobile oper. assistant; derrick, cableway;

_____ (10) Group X: +\$1.65: pipemobile operator; mole operator.

I. Appendix D: Truck driver classification groups and wage spreads for type "A" construction:

_____ (1) Group I: \$0.20: pick up truck 3/4 ton or under; warehouseman; dump truck, under 8 cubic yards; flatbed, 1 1/2 ton or under;

_____ (2) Group II: (BASE): dump truck, 8 to 16 cubic yards; tank truck, under 6,000 gallons; flatbed, over 1 1/2 ton;

_____ (3) Group III: +\$0.20: spreader box (self-propelled); distributor (asphalt) transit mix; lowboy, light equipment; off-highway hauler; tank truck, over 6,000 gallons; dump truck, over 16 cubic yards; trailer-semi-trailer dump;

_____ (4) Group IV: +\$0.40: diesel-powered transport; lowboy, heavy equipment.

J. Appendix E: Electrician classifications and wage spreads for type "H" heavy engineering construction:

_____ (1) Outside classifications:

_____ (a) Groundman (outside)	\$3.41;
_____ (b) Equipment operator (outside)	\$0.59;
_____ (c) Lineman or technician (outside)	(base);
_____ (d) Cable splicer (outside)	+\$1.18.

_____ (2) Inside classifications:

_____ (a) Wireman or technician (inside)	(base);
_____ (b) Cable splicer (inside)	+\$1.73.

_____ (3) Sound classifications:

_____ (a) Installer (sound)	(base);
_____ (b) Technician (sound)	+\$1.55;
_____ (c) Soundman	+\$3.62.

K. Appendix F: Laborer classification groups and wage spreads for type "H" heavy engineering construction:

_____ (1) Group I (unskilled): \$0.30: building and common laborer; carpenter tender; chainman; rodman; stakedriver; concr. buggyopr. (hand); concr. workers; flagmen; soil sample tester;

_____ (2) Group II (semi-skilled): (base): wagon, air tract, drill and diamond drillers' tender (outside); air and power tool opr. (not a carpenter's tool); asbestos remover; asph. heaterman; asph. jointman; asph. raker; batching plant scaleman; tenderers (to cement mason and plasterer); chain sawman; concr. powerbuggymanopr.; concr. touch-up man; concr. sawman coring mach.; curbing mach., asph. or cement; cutting torchman; metal form setter road; grade setter; hod carrier; mortar mixer and mason tender; powderman or blaster helper; sandblaster; scaler; vibratorman (hand type); vibratory compactor (hand type); window washer; nurseryman gardener; wagon, air tract, drill and diamond driller (outside); roadway hardware worker;

_____ (3) Group III (miscellaneous): +\$0.30: gunitepumpereteman and nozzle man; multi-plate setter; manhole builder; pipelayer; powderman blaster makeup; landscaper; traffic control technician; laboratory

technician;

~~_____ (4) Group IV (shaft workers): +\$0.87: air tuggeropr.; coner. workers (incl. all cement chipping and finish, underground); drillers; form setters and handlers; hand muckers; miners; powdermen; timbermen (wood or steel); reinforcing steel setters; tunnel liner; plate setters, all cutting and welding incidental to miner's work; toplanders; bottomlanders;~~

~~_____ (5) Group V (shaft workers): +\$1.12: shifters;~~

~~_____ (6) Group VI (tunnel workers): \$0.15: laborers and handmuckers;~~

~~_____ (7) Group VII (tunnel workers): +\$0.00: groutmen; nippers; trackmen;~~

~~_____ (8) Group VIII (tunnel workers): +\$0.25: drillers; form setters and handlers; sealers; miners; timbermen; brakemen; coner. workers (incl. all cement chipping and finishing underground); reinforcing steel setters; timbermen (wood or steel); tunnel liner plate setters; all cutting and welding incidental to miner's work;~~

~~_____ (9) Group IX (tunnel workers): +\$0.45: powdermen;~~

~~_____ (10) Group X (tunnel workers): +\$1.12: shifters.~~

~~_____ L. Appendix G: Equipment operator classification groups and wage spreads for type "H" heavy engineering construction:~~

~~_____ (1) Group I: \$0.80: coner. paving curing machine;~~

~~_____ (2) Group II: \$0.60: belt type conveyors (material and coner.); broom (self prop.); forklift; greases truck oper.; head oiler; hydro lift; tractor (under 50 drawbar HP with or without attach.); indus. loco. brakeman; front end loader (2 CY or less); fireman; oiler; screedman; roller (pull type); mulching machine, roller (self propelled);~~

~~_____ (3) Group III: \$0.02: coner. paving form grader; coner. paving gang vibrator; coner. paving joint or saw mach.; coner. paving sub grader; tractor with backhoe attachment; subgrade or base finisher; power plant (elec. gen. or welding mach.);~~

~~_____ (4) Group IV: (base): bulldozer (including self propelled roller with dozer attachment); batch or continuous mix plant (coner., soil cement, or asph.); roller (steel wheel); front end loader (2 through 10 CY); scraper oper.; motor grader;~~

~~_____ (5) Group V: +\$0.00: asph. distr.; paving or laydown mach.; asph. retort heater; mixer, heavy duty, asph. or soil cement; trenching mach.; clam type shaftmucker; backhoe, clamshell, dragline, gradall, shovel (under 3/4 CY); elevating grader or belt loader; cranes (crawler or mobile) under 20 ton; air compressor (300 CFM and over); crushing screening and washing plants; drlg. mach. (cable core or rotary); mixer, coner. (1 CY and less); pump (6 in. intake or over); winch truck; hoist (1 drum); indus. loco. motorman; lumber stacker; tractor (50 drawbar HP or over);~~

~~_____ (6) Group VI: +\$0.15: coner. paver mixer; hoist (2 drums and over); side boom; traveling crane; piledriver; backhoe, clamshell, dragline, gradall, shovel (3/4 CY to 3 CY); cranes (crawler or mobile) 20 ton to 40 ton; front end loader (over 10 CY); mixer, coner. (over 1 CY); mechanic and/or welder;~~

~~_____ (7) Group VII: +\$0.20: coner. slip form paving mach.; coner. paving finishing mach.; coner. paving longitudinal float; gunite mach.; refrig.; jumbo form or drlg.; stage; slusher; coner. paving spreader; pumperete mach.; grout pump oper.;~~

~~_____ (8) Group VIII: +\$0.35: mine hoist; bulldozer (multiple units); scraper (multiple units); mucking mach.; backhoe, clamshell, dragline, gradall, shovel (over 3 CY); cranes (crawler or mobile) over 40 tons;~~

~~_____ (9) Group IX: +\$0.85: belt loader (CMI type) oper.; pipemobile oper. assistant; derrick, cableway;~~

~~_____ (10) Group X: +\$1.65: pipemobile operator; mole operator.~~

~~_____ M. Appendix H: Truck driver classification groups and wage spreads for type "H" heavy engineering construction:~~

~~_____ (1) Group I: \$0.20: pick up truck 3/4 ton or under; warehouseman; dump truck, under 8 cubic yards; flatbed, 1 1/2 ton or under;~~

~~_____ (2) Group II: (base): dump truck, 8 to 16 cubic yards; tank truck, under 6,000 gallons; flatbed, over 1 1/2 ton;~~

~~_____ (3) Group III: +\$0.20: spreader box (self propelled); distributor (asphalt) transit mix; lowboy, light equipment; off highway hauler; tank truck, over 6,000 gallons; dump truck, over 16 cubic yards; trailer semi-trailer dump;~~

~~_____ (4) Group IV: +\$0.40: diesel powered transport; lowboy, heavy equipment.~~

~~_____ N. Appendix I: Electrician classifications and wage spreads for type "B" building construction and type "A" residential construction:~~

~~_____ (1) Outside classifications:~~

~~_____ (a) Groundman (outside) _____ \$3.41;~~

(b)	Equipment operator (outside)	\$0.59;
(c)	Lineman or technician (outside)	(base);
(d)	Cable splicer (outside)	+ \$1.18.
(2)	Inside classifications:	
(a)	Wireman or technician (inside)	(base);
(b)	Cable splicer (inside)	+ 1.73.
(3)	Sound classifications:	
(a)	Installer (sound)	(base);
(b)	Technician (sound)	+ \$1.55;
(c)	Soundman	+ \$3.62.

~~O. Appendix J: Laborer classification groups and wage spreads for type "B" building and type "C" residential construction:~~

- ~~(1) Group I: \$0.87: watchmen;~~
- ~~(2) Group II (unskilled): \$0.30: building and common laborers; carpenter tenders; concr. workers; stakedrivers; concr. buggyopr. (hand); flagmen; soil sample tester;~~
- ~~(3) Group III (semi-skilled): (base): air and power tool opr. (not a carpenter's tool); asbestos remover; asph. heaterman; asph. jointman; asph. raker; batching plant scaleman; chain sawman; concr. touch-up man; concr. sawman—coring mach.; curbing mach. asph. or cement; cutting torchman; metal form setter road; grade setter; gunitereboundmen; rod and chainmen; concrete power buggy opr.; powderman or blaster helper; sandblaster (pot men); nozzle men; scaler; vibratorman (hand type); vibratory compactor (hand type); wagon core and diamond drillers' tenders (outside); window washers; fog mach. opr.; nurseryman gardener; multi-plate setter; conc. burner; cement mason tenders; hodcarriers; mortar mixers; plaster spreader opr.; plaster tenders; gunitenozzle men; pipelayer; pumperetenozzle men; manhole builder; roadway hardware worker;~~
- ~~(4) Group IV: + \$0.10: wagon, core, diamond drillers;~~
- ~~(5) Group V: (miscellaneous): + \$0.30: landscaper; traffic control technician; laboratory technician;~~
- ~~(6) Group VI: + \$0.45: powdermen and blasters.~~

~~P. Appendix K: Equipment operator classification groups and wage spreads for type "B" building construction and type "C" residential construction:~~

- ~~(1) Group I: \$2.52: fireman; oiler; helpers; mechanic, welder, grease truck; screedman; scale oper. such as (bin a batch) rubber tired farmtype tractor; tractors under 50 H.P. w/o attachments; brakeman; concr. paving curing mach. (bridge type);~~
- ~~(2) Group II: \$1.48: rollers; sheepsfoot or pneumatic self-propelled w/o dozer; concr. conveyor; service truck opr. (head oiler); air compressor (300 CFM and over); pumps (6" and over); screening plants: concr. mixers (under 1 CY); concr. saw or grinder span type; hoists, 1 drum; air tigger; elevating belt type loaders; fork-lift lumber stacker; tractor farm type (under 50 H.P. w/attachments); motorman and industrial locomotive opr.; winch trucks; front end loader (under 2 CY). power plants which generate over 15 KW; welding machines;~~
- ~~(3) Group III: \$1.40: bituminous distributors; boilers, retort and hot oil heaters; concr. mixers (1 CY and over). concr. paver (single drum); drlg. equip.; motor graders (rough); shaft and tunnel equip.; refrig.; slusher; jumbo form; trenching mach. (all types); pumperete and guniting mach.; slipform paver; mech. bull floats; concr. slab spreading mach.; concr. slab finish. mach.; asph. plants; bitum. finish mach.; crushing plants;~~
- ~~(4) Group IV: \$1.34: front end loader (2 thru 10 CY); rollers steel wheeled (all types); bulldozers; scrapers (motor or towed); elevating graders; concr. batching plants; self-propelled rollers, (equipped w/dozer); twin-bowl scrapers and quad 8 or 9 pushers; three bowl scrapers; tractor (farm type) w/hydraulic backhoes;~~
- ~~(5) Group V: \$1.28: concr. paver, double drum; cat cranes; hysters; side and swingboom cats; hoist (2 drum); auto fine grader;~~
- ~~(6) Group VI: \$1.18: mucking mach. (all types); motor grader finish;~~
- ~~(7) Group VII: \$1.08: hydraulic cranes (with less than 50' of boom—20 tons and under); steam engineers; loader (front end and over 10 CY); concr. pump (snorkel type); mechanic welder;~~
- ~~(8) Group VIII: (base): all shovel type equip.: cranes; draglines; backhoes; derricks; guy and stiff leg; pipemobile (#2 opr.); piledriver; hydraulic cranes (20 tons and over); mine hoist (belt loader "CMI" type); cranes, draglines (w/booms and jib over 150'). shovel (wheel type); boring mach. (tunnel or shaft mole); pipemobile.~~

~~Q. Appendix L: Truck driver classification groups and wage spreads for type "B" building construction and type "C" residential construction:~~

- ~~(1) Group I: \$0.12: pick up 3/4 ton and under; service station; lubrication; light tire repair or washer; swamper or riding helper; teamster 2 or 4 up; ambulance driver;~~

- ~~_____ (2) Group II: (base): bus or taxi driver; dump or batch truck, under 8 CY WLC; flatbed (bobtail) 2 ton and under; mechanic and welder helper; forklift under 5 ton MRC;~~
- ~~_____ (3) Group III: +\$0.08: dump trucks (incl. all hwy. and off hwy.) 8 up to 16 CY WLC; water, fuel or oil trucks less than 3,000 gal.; flatbed (bobtail) over 2 tons;~~
- ~~_____ (4) Group IV: +\$0.20: distributor driver; hvy. tire repair; lumber carrier driver; young buggy or similar equip.; transit mix or agitator 2 or 3 axle bobtail equip.; scissor truck; bulk cement bobtail 2 or 3 axles; semi-trailer driver (flatbed or van single axle); forklift 5 ton and over MRC; field equip. servicemen;~~
- ~~_____ (5) Group V: +\$0.25: dumpster and dumperete driver; water, fuel or oil truck (3,000 to 6,000 gal. capacity); lowboy, light equip. driver; euclid type tank wagon (under 6,000 gal.);~~
- ~~_____ (6) Group VI: +\$0.35: vacuum truck; dump trucks (incl. all hwy. and off hwy.) 16 up to 22 CY WLC;~~
- ~~_____ (7) Group VII: +\$0.45: transit mix or agitator semi or 4 axle equip. driver; flaherty truck type spreader box driver; slurry truck driver; bulk cement driver: semi doubles: 4 axle bobtail; winch truck and "A" frame; dump trucks (incl. all hwy. and off hwy.) 22 CY up to 35 CY WLC head field equip. serviceman;~~
- ~~_____ (8) Group VIII: +\$0.59: euclid diesel powered turnarocker; terra cobra; DW 10; DW 20; letourneau pulls and similar diesel powered equip.; lowboy heavy equip. driver; water, fuel or oil trucks (6,000 gal. and over incl. tank wagon drivers); semi-trailer driver (flatbed or van tandems); light equip. mechanic; dump trucks (incl. all hwy. and off hwy.) 35 CY WLC and over; truck and trailer or semi-trailer (flatbed); ejeect all driver;~~
- ~~_____ (9) Group IX: +\$0.74: lowboy (heavy equip., double gooseneck); heavy equip. mechanic; welder (body and fender man); warehouseman; material checker-cardexman; expeditor.]~~

A. When the director has determined the proposed prevailing wage rates applicable in the state for public works projects in accordance with Subsection D of 11.1.2.12 NMAC, the proposed prevailing wage rates shall be subject to a public hearing before the secretary or a hearing officer designated by the secretary.

B. The time, date and place of said public hearing will be established at the discretion of the secretary. Notice of the subject matter, the action proposed to be taken, the time, date and place of the public hearing, the manner in which interested persons may present their views, and the method by which copies of the proposed rates may be obtained, shall be published once at least thirty (30) days prior to the hearing date in a newspaper of general circulation. Such notice shall also be mailed by the director to all known interested parties at least thirty (30) days prior to the hearing date along with a copy of the proposed rates. Interested parties shall include without limitation the state highway department, incorporated cities and counties and their respective school boards or authorities, state institutions of higher learning and other contracting agencies which with regular frequency undertake public works projects subject to the Act, and all other persons (including labor organizations, contractors and contractor associations) who make written request to the director to receive notice as provided in this section. Any objections to the proposed prevailing wage rates may be communicated to the director by an interested party either orally at such public hearing or in writing delivered to the director on or before the date of such public hearing.

C. The secretary or the secretary's designee shall consider fully all data, views, or arguments submitted in support of or in opposition to the proposed prevailing wage rates before deciding to approve, modify or reject the prevailing wage rates proposed by the director for public works projects.

D. The adopted prevailing wage rates shall not be effective until they have been filed in accordance with the State Rules Act.

E. The adoption of wage rates by the secretary or the secretary's designee shall constitute an "action" which shall be appealable to the labor and industrial commission, sitting as the appeals board, pursuant to Section 13-4-15(A), NMSA 1978, and as described in Section 16 of these rules and regulations.

(1) Consistent with the right of appeal granted to any interested person by Section 13-4-15, NMSA 1978, the secretary or the secretary's designee shall not adopt the issued wage rates for fifteen (15) days following their issuance, while an appeal, if any, to the labor and industrial commission, sitting as the appeals board, is pending, or before the effective date of the decision by the labor and industrial commission pursuant to Subsection D of 11.1.2.16 NMAC.

(2) The labor and industrial commission is designated, pursuant to Section 9-26-6, NMSA 1978, to hear appeals of the adoption of wage rates and shall conduct such appeals and render its decision pursuant to the procedures described in 11.1.2.16 NMAC.

[5/31/72, 1/14/76, 6/4/76, 6/4/79, 1/29/81, 5/28/81, 3/25/85, 8/29/85, 12/16/85, 11/4/88, 9/25/89, 1/14/92, 2/14/94, 5/31/94, 8/15/98; 11.1.2.13 NMAC - Rn& A, 11 NMAC 1.1.13, 12/31/09; A/E, 4/15/10; A, XX-XX-11]

11.1.2.14 [REGULATIONS PERTAINING TO APPRENTICES AND TRAINEES] EFFECTIVE

DATE OF WAGE RATES:

~~[A. Purpose and scope: The regulations in this part are to provide for an appropriate wage rate for all apprentices and trainees employed on public works projects located in the state of New Mexico.]~~

~~B. Requirements of apprentices:~~

~~(1) All apprentices shall be properly indentured.~~

~~(2) Apprentices used on public works projects shall be in training and in compliance under registered apprenticeship standards and written apprenticeship agreements, and their employment shall be in accordance with the provisions of such apprenticeship standards and apprenticeship agreements.~~

~~(3) Every apprentice shall be employed only at the work of the trade to which he is indentured.~~

~~(4) Certification showing registration status of apprentices must accompany the first full payroll on which each apprentice first appears. Certification on any registered apprentice shall be made by the contractor, and verification may be obtained from the office of the New Mexico apprenticeship council.]~~

~~C. Requirements of trainees:~~

~~(1) All trainees must be properly enrolled in a bona fide training program approved for application on public works construction projects by the appropriate state and/or federal agency(ies) if and as required by law and applicable federal regulation.~~

~~(2) Trainees used on public works projects shall be in training and in compliance with the standards and trainee agreements approved for the public works construction project on which the trainee is employed by the appropriate state and or federal agency(ies) if and as required by law and applicable federal regulation.~~

~~(3) Certification showing enrollment status of trainees must accompany the first full payroll on which each trainee first appears. Certification on any enrolled trainee shall be made by the contractor and may be verified by the public agency approving the training program.~~

~~D. Method of establishing apprentice and trainee wage rates: Every apprentice and trainee shall be paid a wage rate applicable to his craft and classification in accord with the wage rates established by the approved apprenticeship or training program.]~~

A. The wage rates become effective once they are adopted and published, in accordance with 11.1.2.13 NMAC.

B. If an appeal is filed pursuant to Subsection E of 11.1.2.13 NMAC, then the secretary or the secretary's designee shall adopt the wage rates, as modified by the labor and industrial commission, following expiration of the stays provided by Paragraph (2) of Subsection E of 11.1.2.13 NMAC.

C. Wage rate decisions shall remain effective until superseded; provided that changes to decisions rendered shall not be issued without allowing the requesting agency at least ten (10) days' notice before the date bids are to be submitted. New wage rate decisions shall be issued for all contracts on which bids have not been submitted before the date on which a new wage determination becomes effective provided that any such new decision shall not supersede any previously issued decision unless such new decision is received by the contracting agency at least ten (10) days prior to the date on which bids are to be submitted.

D. Wage rate corrections or changes to decisions rendered shall not be issued without allowing the requesting agency at least ten (10) days' notice before the date bids are to be submitted.

E. All determinations will remain in effect until their expiration date or until modified, corrected, rescinded or superseded by the director.

[5/31/72, 6/4/79, 1/29/81, 10/1/97; 11.1.2.14 NMAC - Rn, 11 NMAC 1.1.14, 12/31/09; A, XX-XX-11]

11.1.2.15 [PROCEDURE FOR ADOPTION OF RULES AND REGULATIONS] PROCEDURE FOR INVESTIGATION OF VIOLATIONS: [Authority: Subsections A to D of 11.1.2.15 NMAC adopted pursuant to Sections 13-4-11 and 13-4-15, New Mexico Statutes Annotated, 1978 Compilation.]

~~A. Purpose and scope: The regulations in this part set forth the procedure for the adoption, amendment, or repeal of these rules and regulations. The regulations in this part are intended to clarify the responsibilities and rights of all interested parties as set out in the Public Works Minimum Wage Act, Sections 13-4-11 through 13-4-17 NMSA 1978~~

~~B. Notice and public hearing:~~

~~(1) Prior to the issuance of rules and regulations under 13-4-11(C), NMSA 1978, the director shall hold a public hearing on the proposed regulations, proposed amendments or repeal of an existing regulation.~~

~~(2) Notice of the subject matter of the regulation, the action proposed to be taken, the time and place of the hearing, the manner in which interested persons may present their views and the method by which copies of the proposed regulation, proposed amendment or repeal of an existing regulation may be obtained shall be published once at least thirty (30) days prior to the hearing date in a newspaper of general circulation and mailed at least thirty~~

~~(30) days prior to the hearing date to all persons who have made a written request for advance notice of hearing.~~

~~_____ (3) The director shall consider fully all data, views, or arguments submitted in accordance with these Rules. If the director issues rules or regulations pursuant to his authority under Section 13-4-11 (C), NMSA 1978, he shall prepare appropriate findings in support of the rules and regulations issued. The findings of the director shall consist of a concise statement of the principal reasons for and against adoption of the issued rule or regulation, and the reasons for his rejection of the considerations urged against its adoption. The director shall mail a copy of the rules and regulations issued and his findings to any person requesting, in writing, such information either (1) upon the day of issuance, if such request was made prior to issuance, or (2) within five (5) days after receipt of such request, if such request was made after issuance.~~

~~_____ C. Appeal to the labor and industrial commission:~~

~~_____ (1) The issuance of a rule or regulation by the director shall constitute an "action" which shall be appealable to the labor and industrial commission, sitting as the appeals board, pursuant to Section 13-4-15(A), NMSA 1978, and as described in Section 16 of these rules and regulations.~~

~~_____ (2) Consistent with the right of appeal granted to any interested person by Section 13-4-15, NMSA 1978, the director shall not adopt the issued rules and regulations for fifteen (15) days following their issuance, while an appeal, if any, to the labor and industrial commission, sitting as the appeals board, is pending, or before the effective date of the decision by the labor and industrial commission pursuant to Subsection D of 11.1.2.16 NMAC of these rules and regulations.~~

~~_____ (3) The labor and industrial commission, sitting as the appeals board, shall conduct the appeal and render its decision pursuant to the procedures described in Section 16 of these rules and regulations.]~~

~~_____ D. Effective date of adoption by the director:~~

~~_____ (1) The director shall adopt the issued rules and regulations, as modified by the labor and industrial commission, following expiration of the stays provided by Paragraph (2) of Subsection C of 11.1.2.15 NMAC, of these rules and regulations.~~

~~_____ (2) Upon adoption of any rules and regulations by the director, the adopted rules and regulations shall not be effective until they have been filed by the director in accordance with the State Rules Act.]~~

A. When a violation is reported or detected, the director shall convey that information to the contracting agency. The director has a non-discretionary duty to request all payroll records in question from either the subcontractor or the prime contractor no later than thirty business days after receiving the information pertaining to the alleged violation. The contractor or subcontractor shall provide legible copies of the certified payroll records within ten (10) business days, when requested by either the director or an interested party through the director.

(1) The director shall investigate a complaint filed in writing by an interested party for violations of the Public Works Minimum Wage Act, as long as the complaint is filed before the contract is closed out between the contracting agency and the prime contractor on any public works project. (Closed out is defined as: when the contracting agency has made final payment on the project).

(2) The provisions of this subsection do not affect any worker's right to make a claim through the wage and hour bureau or appropriate court for payment of prevailing wages and does not diminish the prime's or subcontractor's duty to cooperate with the wage and hour bureau.

(3) If the contractor or subcontractor has not complied with the request for certified payroll records or if the director determines that a violation of the Public Works Minimum Wage Act has occurred and not been rectified, payment to the contractor in proportion to that owed to the non-compliant contractor or subcontractor, shall be withheld by the contracting agency until compliance has been secured pursuant to the certification procedure outlined in Section 13-4-14(A) & (B) NMSA 1978. The contractor or subcontractor that does not comply with the act or the provision of these regulations can also be subject to debarment. The contracting agency may, if necessary, request the attorney general, through the director to take legal action to ensure compliance with the act and the regulations contained herein.

B. In the event voluntary compliance by the contractor cannot be achieved, enforcement action shall be undertaken by the director and the contracting agency as provided in the Public Works Minimum Wage Act.

C. Any contractor or subcontractor may appeal any determination, finding or action of the director to the labor and industrial commission pursuant to the procedures set forth in 11.1.2.16 NMAC.

[5/31/72, 6/4/79, 11/4/88, 9/25/89; 11.1.2.15 NMAC - Rn, 11 NMAC 1.1.15, 12/31/09; A, XX-XX-11]

11.1.2.16 PROCEDURE FOR DISPOSITION OF APPEALS [UNDER THE PUBLIC WORKS MINIMUM WAGE ACT]: Authority: Subsections A to D of 11.1.2.16 NMAC, adopted pursuant to Sections 13-4-11 and 13-4-15, New Mexico Statutes Annotated 1978 Compilation.

A. Purpose and scope: The regulations contained in this part set out the procedures by which appeals

may be filed, and by which the labor and industrial commission, sitting as the appeals board, hears and decides appeals pursuant to Section 13-4-15 NMSA 1978. The intent of this part is to clarify and implement the responsibilities and rights of all interested parties as set out in the Public Works Minimum Wage Act, Sections 13-4-11 through 13-4-17 NMSA 1978

B. Filing the appeal:

(1) The notice of appeal shall, consist with Section 13-4-15 (A) NMSA 1978, be filed with the director within fifteen (15) days after a determination, finding, rule, or regulation has been issued or any other action taken, and notice of the action has been given pursuant to Subsection D of 11.1.2.11 NMAC or Subsection B of 11.1.2.15 NMAC of these rules and regulations or otherwise. The filing of the notice of appeal shall immediately stay the effectiveness of the determination, finding or action appealed from.

(2) The appellant shall, within ten (10) days after filing the appeal, file with the labor and industrial commission, sitting as the appeals board, in care of the office of the director in Santa Fe, New Mexico, a concise statement of all determinations, findings or actions of the director with which he disagrees and from which the appeal is taken, and a brief setting forth the reasons and authorities on which the appeal is based. Five (5) copies of the said statement and brief shall be filed with the labor and industrial commission, sitting as the appeals board.

(3) Within ten (10) days after the filing of the statement and brief described in Subsection B of 11.1.2.16 NMAC supra, the director shall file by way of an answer, with the labor and industrial commission, sitting as the appeals board, his justification and authorities relied upon for the determination, findings, or action being appealed from. Five (5) copies of the said answer shall be filed with the labor and industrial commission, sitting as the appeals board, and one (1) copy shall be served upon the appellant.

(4) Any interested person other than the appellant, directly affected by the determination, finding or action of the director, such as, contractors, contracting agencies, labor organizations and contractors' associations, may intervene and file a statement and a brief in support of his position, in the manner provided in Paragraph (2) of Subsection B of 11.1.2.16 NMAC supra, and may participate in the hearing conducted by the labor and industrial commission, sitting as the appeals board, as described in Subsection C of 11.1.2.16 NMAC infra.

(5) The labor and industrial commission, sitting as the appeals board, shall furnish copies of the statements, briefs, and answers filed in the appeal to the attorney general, and may request the attorney general to appoint independent counsel to represent it at the hearing

C. Conducting the hearing:

(1) The hearing shall, consistent with Section 13-4-15 (C) NMSA 1978, be conducted by the labor and industrial commission, sitting as the appeals board, within forty (40) days after the filing of the appeal.

(2) The labor and industrial commission, sitting as the appeals board, shall decide all matters brought before it by a quorum which shall consist of two members. Prior to a hearing, the commission shall designate a chairman who shall conduct the meetings and rule on the admissibility of all evidence submitted by and objections of any participant.

(3) The labor and industrial commission, sitting as the appeals board, shall not be required to follow strict rules of evidence and shall have authority to admit any evidence which it concludes has probative value, but irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(4) The labor and industrial commission, sitting as the appeals board, shall make its decision as to the validity or invalidity of the determination, finding, or action of the director based on substantial evidence on the whole record made before it. The appellant shall present his case first, subject to opportunity to present evidence in rebuttal.

D. Decision by the labor and industrial commission:

(1) The labor and industrial commission, sitting as the appeals board, shall, pursuant to Section 13-4-15 (C) NMSA 1978, within ten (10) days after the close of the hearing, enter its decision and produce a concise statement of the principal reasons upon which the decision is based and promptly mail copies of the decision and statement to the participants at the hearing.

(2) The effective date of the decision by the labor and industrial commission, sitting as the appeals board, shall be stayed until thirty (30) days after mailing the decision and statement, and may be further stayed pending review in a district court pursuant to Section 13-4-15 (D) NMSA 1978, if and as determined by the court.

[E. Decisions of the labor and industrial commission may be appealed pursuant to the provisions of Section 39-3-1.1 NMSA 1978.](#)

[6/4/79, 11/4/88, 8/15/98; 11.1.2.16 NMAC - Rn, 11 NMAC 1.1.16, 12/31/09; A, XX-XX-11]

11.1.2.17 ~~[PERMANENT]~~ **JOB CLASSIFICATIONS AND DESCRIPTIONS** ~~[FOR PUBLIC WORKS IN NEW MEXICO]:~~ [The job classifications and descriptions for public works projects shall be as](#)

follows:

A. Asbestos worker/heat and frost insulator: The preparation, alteration, application, erection, assembling, molding, spraying, pouring, mixing, hanging, adjusting, repairing, reconditioning, maintenance, finishing or weatherproofing of cold or hot thermal insulations with such materials as may be specified when those materials are to be installed for thermal purpose in voids, or to create voids, on piping, fittings, valves, boilers, ducts, flues, tanks, vats and equipment, or on any hot or cold surfaces for the purpose of thermal control, or for the purpose of sound control on mechanical devices; equipment; piping, and surfaces related in an integral way to the thermal insulation of such mechanical devices, except for materials applied inside sheet metal ducts and fittings. This work also includes all labor connected with:

(1) insulation for: temperature control (excluding batt, blown-in and sprayed-on insulation); personnel protection/safety; prevention of condensation; fire proofing of building penetrations.

(2) distribution of, cleanup of, and removal from surfaces as described above, which surfaces will be reinsulated with (excluding demolition which is covered under the laborers classification) the materials they apply.

B. Asbestos worker-improver: One who works on the job learning the trade of asbestos worker.

C. Boilermaker: Assembles prefabricated boiler parts and fittings to build steam boilers, tanks, vats and other vessels made of ten gauge or heavier metal. Installs catwalks, platforms, stairways and ladders which are erected on, and supported by storage tanks for liquid or gas when such tanks were erected by boilermakers, and installs all catwalks, platforms, stairways and ladders which are erected on and exclusively supported by a pressure vessel.

D. Bricklayer, blocklayer, stonemason: Constructs partitions, fences, walks, fireplaces, chimneys, smokestacks, etc., using brick, structural tile, concrete and other types of structural block. This classification shall include the setting of stone, marble, slate, and artificial stone. Cutting, grouting and pointing of materials listed above which is necessary shall be a part of this classification. May also build or repair brick, block or stone retaining walls, cutting or placing of brick in mortar or other similar material.

E. Carpenter/lather: Sets batterboards, builds and sets forms for concrete, or structural stud except as provided elsewhere. Builds and erects wood and metal products for the framing of structure or building, including bearing and non-bearing walls, framework in buildings, including partitions, floor and ceiling joists, studding, and rafters. Installs wood subflooring and hardwood flooring. Builds wood stairways, cabinets, steps, etc. Installs wood or premanufactured molding, paneling, doors, windows, etc., products and components related to office interiors - partitions, draperies, shelving, panels, doors, (metal, wood, etc.); including hardware; insulation around concrete slabs. Install pin metal or red iron (steel studs) and wood furring (except on roofs). Carpenters may shoot grades for surveying. Attaches "sheetrock" and similar wallboard materials to walls and ceilings. Installs insulation material in walls, ceilings, and under floors of buildings where such insulation is not laid in cement or other plastic materials. Sets all woodworking equipment and operates same. Builds forms for pre-cast and prestressed concrete of all types and shapes on project site. Releases forms from concrete work when forms are to be reused, except as provided elsewhere. Erects wood, self-supporting scaffolding. Installs light iron and metal furring such as rods, channels and other bars or systems to which metal lath, rock lath or other materials used as a substitute for lath are to be attached. Installs metal lath, rock lath, and other materials used as a substitute for lath. Installs metal plastering accessories such as corner beads, door and window casing beads, metal picture mold, chair rails and other metal plastering accessories which are covered and serve as a ground or guard, except that metallic corner beads, when installed by using plastic material, shall be installed under the "plasterer" classification. May perform other related duties.

F. Carpenter (power saw operator): Cuts wood materials using a stationary or portable power saw of one or more horsepower.

G. Carpenter (saw filer): Sharpens, by use of files, all types of saws and saw blades used for the cutting of wood materials.

H. Carpenter (millwright): Performs work necessary to level, align, and secure permanent stationary pumps, motor, or compressor which require precision leveling and alignment of such equipment. Installs reduction gear boxes, fluid drives, speed increasers, including the connection of same to pump or compressor coupling. May align and secure other direct drive motors and machines requiring precision alignment. May perform other related duties.

I. Carpenter (piledriver): Rigs piledriving equipment, signals pile rig and guides pile and leads to point pile is driven, aligns and plumbs pile using tape and level during driving; splices piles before, during and after driving, cuts off piles, realigns piles after driving. In "piledriving" operations, handles wood, metal, sheetpiling, steel H-beams, concrete, or pipe, fastens them to cable of wench or piledriver, shifts timber piles with cant hook, cleans and points pile with axe or shovel. May drill pilot holes. May perform other related duties.

J. Cement mason (composition or mastic - finishing machine operator): Finishes concrete to a specified finish and grade on footings, floors, walks, steps and all concrete surfaces by using tools of the trade such as trowels, floats, screeds, etc. Sets to grade and aligns screeds one board high. Sets to grade and aligns forms for sidewalk, curbs and gutters. Patching, filling of voids and rubbing of concrete to a specified finish, which requires the use of power tools and tools of the trade. Bushhammer and related finish procedure. Concrete saw operation when used on new construction to saw control joints. Vibrating screeds and rollers to achieve final level of concrete. Gunite, in cement mason operation, when it is less than one and one-half inches in thickness, the handling and control of the nozzle shall be the work of the "cement mason." All work involving the laser screed including the ride-on, laser-guided, vibratory screeding machine that establishes grades by laser which disperses concrete by auger and thoroughly vibrates and consolidates the concrete. Applies coloring material to concrete, also uses mastic to level and waterproof concrete, where tools of the trade are involved. Operates troweling and floating machines which are used in the finishing of concrete. Cementitious insulation, screed wet material to required thickness and darby joints to leave a surface suitable for roofing. May perform other related duties pertaining to concrete construction.

K. Electrician classifications and description type A construction:

(1) Groundman (outside): Assists "lineman" and "equipment operator" in their tasks except that the "groundman" does not climb poles or towers.

(2) Equipment operator (outside): Operates power driven equipment used in the erection and installation of materials and apparatus outlined under the "lineman" classification.

(3) Lineman or technician (outside):

(a) Performs all electrical construction work outside of isolated plants and the property lines of any given property, but not electric signs, and not street electrical decorations, except when messenger or guy wire is necessary for support and when fed and controlled from the street.

(b) Street lighting and wiring when fed and controlled from the street. All line work consisting of wood, concrete or metal (or substitutes therefore), poles or towers, including wires, cables or other apparatus supported therefrom. Line work in public, private or amusement parks.

(c) All work necessary to the assembling, installation, erection, operation, maintenance, repair, control, inspection and supervision of all electrical apparatus, devices, wires, cables, supports, insulators, conductors, ducts and raceways when part of distributing systems outside of buildings, railroads and outside and directly related railroad property and yards. Installing and maintaining the catenary and trolley work on railroad property, and bonding of rails. All underground ducts and cables when they are installed by and are part of the system of a distributing company, except in power stations during new construction, including ducts and cables to adjacent switch racks or substations. All outdoor substations and electrical connections up to and including the setting of transformers and all connecting of the secondary buses thereto, and all other related work.

(4) Cable splicer (outside): Splices or terminates power cables which are designed to be used for voltages above 2,000. Splices or terminate gas or liquid filled power cables, when part of a distribution system outside of buildings.

L. Type H construction - heavy engineering and building outside classifications:

(1) Groundman (outside): Assists lineman and equipment operator in their tasks except that the groundman does not climb poles or towers.

(2) Equipment operator (outside): Operates power driven equipment used in the erection and installation of materials and apparatus outlined under the "lineman" classification.

(3) Lineman or technician (outside):

(a) Performs all electrical construction work outside of isolated plants and the property lines of any given property, but not electric signs, and not street electrical decorations, except when messenger or guy wire is necessary for support and when fed and controlled from the street.

(b) Street lighting and wiring when fed and controlled from the street. All line work consisting of wood, concrete or metal (or substitutes therefore), poles or towers, including wires, cables or other apparatus supported therefrom. Line work in public, private or amusement parks.

(c) All work necessary to the assembling, installation, erection, operation, maintenance, repair, control, inspection and supervision of all electrical apparatus, devices, wires, cables, supports, insulators, conductors, ducts and raceways when part of distributing systems outside of buildings, railroads and outside and directly related railroad property and yards. Installing and maintaining the catenary and trolley work on railroad property, and bonding of rails. All underground ducts and cables when they are installed by and are part of the system of a distributing company, except in power stations during new construction, including ducts and cables to adjacent switch racks or substations. All outdoor substations and electrical connections up to and including the

setting of transformers and all connecting of the secondary buses thereto, and all other related work.

(4) Cable splicer (outside): Splices or terminates power cables which are designed to be used for voltages above 2,000. Splices or terminates gas or liquid filled power cables, when part of a distribution system outside of buildings.

M. Inside classifications:

(1) Wireman or technician (inside): Installs wiring for automatic doors. Plans and executes the layout and installation of electrical conduit, switch panels, buss bars, outlet boxes, electrical wires and cables, lighting standards, lighting fixtures, receptacles, switches, and other electrical devices and apparatus necessary for the complete installation of wiring systems on commercial, industrial, and residential jobs, except electrical work which is incidental to the installation of elevators and escalators and is described under "elevator constructor". Lays out the following operations on PBX, PABX and key system: erection and alignment of equipment; distribution frame construction; cable and wire running, wiring (fanning, forming, connecting); connecting and cross connecting of predetermined circuit and line assignments, and assignment of individual station instruments. Analyzes proposed telephone and communication systems during the pre-installation stage to detect any basic conflicts in either equipment arrangements or plant facilities. Isolates trouble conditions in inoperable telephone communications systems. Analyzes the operation of a customer's telephone system and its association with his total communications requirements. Installs a variety of equipment relating to telephone interconnect communication systems and devices including private branch exchange (PBX-PABX), key equipment and associated devices.

(2) Cable splicer (inside): Splices or terminates power cables which are designed to be used for voltages above 2,000. Splices or terminates gas or liquid filled power cables.

N. Sound classifications:

(1) Installer (sound): Installs, repairs and services inter-communications systems, electronic signal systems, sound and public address equipment, music and television distribution systems, i.e., speakers, buzzers, microphones, signal lights or other units or component that are an integral part of such system.; including all wires or cables in connection with the work outlined above.

(2) Technician (sound): Lays out all phases of work to be done on inter-communications systems, electronic signal systems, sound and public address systems, and music and television distribution systems. Installs, repairs and services the above systems.

(3) Soundman: Analyzes proposed inter-communication, electronic signal, sound and public address, and music and television distribution systems prior to installation to detect any basic conflict in either equipment arrangements or plant facilities. Isolates trouble conditions in the above equipment when inoperable. Supervises the installation, repair and servicing of the previously described system.

O. Elevator constructor: Assembles and installs machinery and devices incidental to a complete elevator or escalator installation, including elevator cars, cables, counterweights, guide rails, hoisting machinery, etc. Installs all electrical wiring which is incidental to the installation of automatic elevators and escalators with the exception of power feed wires to the controller, which shall be classified as a task of "electricians". Steel trusses, girders, and supports for escalators, where riveted or welded and metal frames and bucks for elevator door openings shall be installed under the "ironworker" classification.

P. Elevator constructor helper: Assist elevator constructor in the performance of all phases of their work.

Q. Glazier: Installs metal window and door frames without glass when not welded to frame structures. Installs glass, including plate and window glass, mirrors, beveled plate, rough, ribbed, wire, figured, colored, art and other type glass when set in sash, frames, doors, skylights, etc., when set with putty, molding or other methods which are common to the glazing trade.

R. Ironworker: Installs reinforcing iron and steel for concrete structures. Installs fabricated steel members such as girders, columns, beams, and bracing in structures to form the steel framework. Installs metal stairways, catwalks, ladders, and decking. Installs ornamental iron and steel. Erects structural steel radio and television towers. Sets wall bearing steel bar joists in building structures. Installs chain link security fencing over 4" high and other metal security fencing which may have barb wire or razor wire attached thereto including aligning and stretching the wire; installs gates. Removal of reusable chain link fencing, gates, etc. This security fencing excludes common barb wire as defined elsewhere. Erects prefabricated metal building and prefabricated metal roofs. Performs layout work for rods within project area. Fastens rods in place with wire or fasteners; bends or adjusts as required. Selects and places steel bars or spirals in concrete forms to reinforce concrete; fastens rods together with wire or patented fasteners; may cut rods with hack-saw or oxyacetylene torch. May bend rod, using rod bending machine, performs layout work and proper placing of steel in the concrete forms. May prefabricate reinforcement assembly for placement complete in forms. Works as a member of a group that raises and places

fabricated or precast concrete beams or structural steel members, such as girders, plates, columns, and units them permanently to form a completed structural steel framework. Heats rivets, signals erection crane, splices cables, rigs equipment. May include dismantling and erecting large units of equipment. May spin suspension bridge cables. Erects, trims, and fits together by means of bolts and clamps, iron grills, grating, and special stairways. Erects ornamental enclosures and other ironwork not included in structural ironwork. Fastens ironwork to walls of buildings by means of bolts, brackets or anchors. Fastens newel posts, baluster, and other parts of stairways by fastening to supports or embedding them in sockets. Forges, welds, drills, and cuts as needed. May perform other related ironwork duties.

S. Painter (brush): Applies paint, stain, lacquer, varnish, etc., to surfaces in, on or around building structures, using appropriate brushes. Prepares surfaces to receive paint, including minor sandpapering and spackling. Mixes paints when necessary to achieve proper color. Seals, sands, and varnishes hardwood flooring. Paints structural steel framework of bridges; guard rails and cables of bridges; and all other surfaces requiring paint. May perform other related duties.

T. Painter (paperhanger): Applies wallpaper, fabric, or other materials used in the same manner as wallpaper, to the interior of rooms when such material is applied with paste or adhesive. Performs work necessary to prepare surfaces to receive wallpaper or other similar material.

U. Painter (riggers): May erect and rig stages and platforms from which painters are to work, including swing stage scaffolding, bosun's chairs, mechanical staging, cornice or roof hooks, scaffolding, and other devices and apparatus necessary to provide safe working conditions for painters.

V. Painter (roller): Performs painting tasks as outlined under "painter brush", when paint or other finish is applied by using rollers.

W. Painter (shop or color man): Mixes and prepares paints and other materials which are to be applied by painters.

X. Painter sprayman: Sandblasting to receive paint. Gasoline-powered compressor operating a striping machine, walking type sprayer for striping parking lots, etc. Performs painting tasks as outlined under "painter brush," when spray equipment is used.

Y. Painter drywall finishers and taper: Prepares drywall type construction to receive paint, texture, etc. by pointing, taping, and finishing.

Z. Plasterer: Applies interior and exterior plastering of cement, stucco and stone imitation or any patented materials when cast. Applies acoustical plaster or materials used as substitutes for acoustical plaster, as well as the preparatory pointing and taping of drywall surfaces to receive these finishes. Applies scratch and brown coats on walls and ceilings where tile, mosaic or terrazzo is to be applied. Molds and sets ornamental plaster and trim and runs ornamental plaster cornice and molding. Install metal corner beads when stuck by using plastic materials. Applies gunitite, in plastering operations, when it is one and one-half inches in thickness, the handling and control of the nozzle should be the work of the plasterer. Spray fire proofing material on steel beams/columns. Trowel or sprayed on foam insulation on walls before stucco, etc. Patching outside concrete walls. May perform other related duties.

AA. Plumbers and pipefitters: Fabricates and installs piping, and tubing systems, including installation of all necessary hangers and supports, which are to conduct water, steam, air, and other fluids or gases in and around buildings. Also installs vacuum piping systems. Installs drainage and sewage lines (laterals) from buildings to the point of attachment to mains. Installs plumbing fixtures, such as sinks, faucets, drinking fountains, commodes, etc. Installs refrigeration equipment. Performs cutting, welding and burning which is incidental to the work of plumbing or pipefitting, except as is described under "lead burner". May do other work in connection with the installation and testing of heating and cooling apparatus and control devices.

AB. Plumbers and pipefitters (lead burner): Performs cutting, burning and welding operations on lead pipes, tanks, reservoirs, etc.

AC. Roofer: Installs materials on roofs of buildings to prevent leakage. Installs tile, asbestos, slate, and composition shingles, including flashing, canales, roofing insulation, and other necessary waterproofing and damp proofing on walls and floors below ground. Installs built-up roofs by using roofing paper and asphalt or pitch tar and gravel, slate, slag, plastics, or other materials. Operates kettle and transports hot material to roof. May perform other water-proofing operations using methods which are common to the roofing trade. Prepares roofing area, handles all roofing materials at job site and performs all roofing clean-up. Tears off old roof when roof is to be replaced. May perform other related duties.

AD. Sheet metal worker: Fabricates and installs heating and air conditioning ducts and other ductwork. Fabricates and installs hangers, brackets, etc., used in the installation of sheet metal, and installs grills, registers, etc., which are part of duct systems. Fabricates or installs architectural sheet metal in and around buildings, including

metal flashings, gutters, canopies, soffets, and custom metal roofs. Installs warm air furnaces except where necessary piping for gas or oil is performed under the plumbing and pipefitting classification. May install other heating and cooling devices which are in connection with duct systems.

AE. Soft floor layer: Cleans and prepares floors and other surfaces to which linoleum and floor tile is to be applied. Lays carpets. Applies appropriate cement to floors and surfaces and installs materials such as rubber tile, asphalt tile, cork tile, linoleum, and other resilient floor coverings. Rolls finished floors and surfaces to smooth and press down coverings which have been applied. Mixes and pours liquid seamless floor covering on floor, gyms, etc.

AF. Sprinkler fitter: Installs all piping and auxiliary devices which are necessary for the complete installation of sprinkling systems for fire protection in buildings.

AG. Tile setter: Applies glazed, unglazed, mosaic, and other ceramic tiles which are used as a surface on floors, walls, ceilings and other surfaces and which must be set to a specified grade. Applies and floats all setting beds which these tiles are set into. Levels and plumbs these tiles to the specified grade.

AH. Tile setter helper: Handles and mixes materials to be used in floating beds, generally assists tile setter by delivering materials, cleaning and caring for tools, and such other tasks or may be directed by the "tile setter".

AI. Power equipment operators:

(1) Air compressor (300 c.f.m. and over): Keeps compressor fueled, oiled, clean and ready for service. Keeps oilers and air lines working properly, full of proper oil, sets and checks valves on oiler, sets and checks air pressure, cut off valve and gauges, checks and maintains air tools, keeps moisture drained from air tanks, checks governor, sets throttle to avoid compressor damage. Checks and repairs air brakes on compressor and repairs air hose. May perform other related duties.

(2) Asphalt distributor: Sets spray bar and operates valves and levers of distributor to control distribution of oil or bituminous liquid, also may drive truck on one-man operated distributor. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

(3) Asphalt paving or laydown machine: Manipulates controls of paving machine that spreads and levels asphaltic concrete. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

(4) Asphalt retort heater: Operates a stationary or portable piece of equipment designed to apply heat to a tank, tank car or tank truck containing asphalt. Starts fire, controls heat applied to tank by regulating burners. Starts, stops and controls flow of recirculating pumps. Maintains desired temperature in asphalt, regulates valves for discharge of asphalt from tank. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

(5) Backhoe, clamshell, dragline, gradall, shovel, "scooper": Operates boom shovel type equipment to hoist and move materials and perform other related operations. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

TYPE "A"

TYPE "B"

under 3/4 cu. yd.

3/4 cu. yd. and over

3/4 cu. yd. to 3 cu. yd.

over 3 cu. yd.

(manufacturers' rating)

(6) Batch or continuous mix plant (concrete, soil, cement or asphalt): Sets up and operates a large portable or stationary plant for batching concrete, soil-cement or asphaltic materials and aggregates; responsible for control of mixture and plant. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

(7) Belt type conveyors (material and concrete): Operates an endless belt-type conveyor that is a machine designed so the belt operates between a head pulley and tail pulley which are located on the opposite ends of the conveyor frame. The belt rides on carrier rollers so formed in shape and positioned that the belt forms a trough to carry the loose material. The operator starts and stops the belt as necessary, maintains the carrier rollers and belt splices, regulates belt speed for correct loading for efficient operation and belt life, maintains belt alignment to insure the belt is not loaded on one side which results in excessive belt wear. Conveyors are used efficiently in confined areas particularly in the placement of concrete with portable type conveyors. (Conveyor systems which are part of a plant shall be operated by the plant operator). May oil, grease or otherwise service and make necessary adjustments. May perform other related duties.

(8) Broom (self-propelled): Operates a self-propelled broom for sweeping loose materials from roadbeds, parking lots, air strips, etc. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

(9) Bulldozer: Operates a tractor with a concave steel scraper blade mounted in front of the chassis to level, distribute and push earth; regulates height of blade. Uses tractor as a pusher in loading earth carrying equipment. May oil, grease or otherwise service and make minor repairs to equipment as needed. May perform other related duties.

(10) Bulldozer (multiple units): Operates a multiple tractor with a single control center which has a concave steel scraper blade mounted in front of the chassis to level, distribute and push earth; regulates height of blade. Uses tractor as a pusher in loading earth carrying equipment. May oil, grease or otherwise service and make minor repairs to equipment as needed. May perform other related duties.

(11) Concrete paver mixer: Operates a paving machine that mixes and dumps concrete, the machine consisting primarily of a skip, concrete mixer and a boom equipped with a traveling bucket and a power plant, all mounted upon a crawler or wheel unit. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

(12) Concrete paving curing machine: Operates a self-propelled machine and operates pump on the machine which sprays curing compound on freshly poured concrete. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

(13) Concrete paving finishing machine: Operates self-propelled machine which travels on subgrade or paving forms and levels fresh concrete to approximate grade and contour by pushing and pulling screeds over the surface. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

(14) Concrete paving form grader: Operates a machine that controls subgrade under forms used in concrete paving and is equipped with knives or blades to loosen dirt and eject same from the form line grade. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

(15) Concrete paving gang vibrator: Operates a self-propelled machine which travels on paving forms and operates levers to lower multiple vibrator heads into freshly poured concrete. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

(16) Concrete paving joint or saw machine: Operates a self-propelled machine which travels on paving form or pavement and cuts grooves for expansion and contraction joints in freshly poured concrete or cured pavement. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

(17) Concrete paving longitudinal float: Operates a self-propelled machine which travels on paving forms and moves levers to strike off the concrete to correct elevation. Machine has one or more screeds traveling longitudinally. Operates milling machine (makes ridges). May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

(18) Concrete paving spreader: Operates a self-propelled machine that rides on the paving forms. Operates controls to spread fresh concrete evenly over subgrade or in concrete forms. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

(19) Concrete slip-form paving machine: Operates a self-propelled machine with long forms attached which move along with the machine. Machine vibrates, screeds, spreads and finishes the surface. Operates a roto mill machine (machine with plane to smooth). May oil, grease or other service and make necessary adjustments to equipment as needed. May perform other related duties.

(20) Concrete paving sub grader: Operates a machine that finishes subgrade. Machine runs on concrete paving forms or subgrade and is equipped with knives or blades to loosen material and eject same from subgrade. May oil, grease or otherwise service equipment as needed. May perform other related duties.

(21) Winch truck: Drives a heavy duty gasoline or diesel truck equipped with a winch and gin poles or other hoisting devices. Shifts winch gears in accordance with signals from helper on ground. May service and make necessary adjustments for proper operation of equipment. May perform other related duties.

AJ. Crane type equipment:

(1) Crane (crawler or mobile): Operates crane type equipment to hoist and move materials and perform other related operations. Such equipment is used for pouring concrete, setting steel or other miscellaneous tasks for which crane type equipment is required. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

TYPE "A"

under 20 ton

20 ton to 40 ton

over 40 ton

TYPE "B"

under 20 ton with less than 50' boom

20 ton and over with 50' boom and over

(manufacturers' rating)

(2) Traveling crane: Operates overhead, bridge, gantry, tower and traveling cranes (the principal types). These cranes are capable of movement on fixed tracks or a unit suspended by trolley to a beam and are designed to pick up a load, move it a distance, and land it again. Hoist, travel and swing mechanism vary with the different designs of crane and such equipment is used for pouring concrete, setting steel or other miscellaneous tasks for which equipment is required. May oil, grease or otherwise service and make necessary adjustments.

(3) Derrick, cableway: Operates guy, stiff leg or other derrick, cableway. (Derricks are distinguished from cranes by being stationary and being supported by cables, or structural member, but may be repositioned to higher levels as construction progresses). Derricks use a hoist as described in building hoists, 2 drums and up, but may vary with different designs, as the source of power for line pull, hold or release through sheaves on the particular derrick or cableway for lifting and moving materials to higher, lower, or the same levels in construction. The operator controls in accordance with signals received by sight, hearing or other signaling devices. If necessary may oil, grease or otherwise service and make necessary adjustments.

AK. Piledriver: Operates the basic machine, and applicable hammer controls to which pile driving attachments are attached. Pile driving attachments normally consists of leads, to service as a guide for the weight, hammer or extractor. The drop hammer is a weight hoisted by cable along the leads and released to fall by gravity onto the pile. Steam, compressed air, hydraulic, sonic and diesel hammers ride along the leads resting on top of pile or pile cap striking blows on the down stroke of the hammer, from its power source, onto the pile being driven. The extractor is a steam or air hammer that strikes its blows on the upstroke of the hammer equipped with devices for attachment onto the piling to be pulled. May drill or jet pilot holes. May oil, grease or otherwise service and make necessary adjustments.

AL. Crushing, screening and washing plants: Operates a crusher, screening or washing plant to control flow of materials through plant. Regulates flow of rock through chute to crusher. May perform other related work. May oil, grease, or otherwise service and make necessary adjustments or repairs to equipment as needed.

AM. Drilling machine (cable, core or rotary): Sets up and operates a portable cable, core, diamond or rotary drill for the purpose of drilling water wells or exploratory drilling. May drill pilot holes for piling. May oil, grease, or otherwise service and make necessary adjustments. May perform other related duties.

AN. Elevating grader or belt loader: Operates a self-propelled or tractor-drawn elevating grader, bucket, or belt loader. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

AO. Fireman: Hand strokes or fires by gas or oil, a portable or semi-portable steam boiler, such as is used on steam shovels, pile drivers, cranes, dredges, hoisting equipment and asphalt plants. May perform other related duties.

AP. Front end loader: Operates a rubber-tired or crawler-type tractor with an attached bucket on front end. Machine is used to load materials from stockpiles, excavation, charging batch plants, loading trucks. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

TYPE "A"	TYPE "B"
1 1/2 cu. yd. or less	under 2 yds.
over 1 1/2 cu. yd. to 6 cu. yd.	2 yds. to 7 yds.
over 6 cu. yd.	over 7 yds.

(manufacturers' rating)

AQ. Fork lift: Operates a machine powered by gasoline, diesel or electric power that is equipped with a vertical hoisting and lowering device that may be canted forward and reverse of vertical center by means of control devices. Machine is equipped with fork lifting and designed to slide under loads, machine is used for lifting and transporting loads. May oil, grease or otherwise service and make necessary adjustments. May perform other related duties.

AR. Grease truck operator, head oiler: An operator of a truck equipped with high pressure grease and oil dispensing equipment, which may have gasoline and diesel fuel tanks, who lubricates, changes oil and filters and refuels equipment. Maintains service records and performs preventative maintenance and visual inspection. Reports vehicle discrepancies to foreman or mechanic. May perform other related duties.

AS. Hoist (1 drum or 2 drums and over): Operates a single drum or multi-drum machine powered by air, electric, gasoline or diesel. Actuates valves, levers, brakes or other control devices which regulates linepull, hold or line release in accordance with signals received by sight, hearing or other signaling devices as necessary. Machines are used for various pulling and hoisting operations on construction work such as: to hoist and lower material in various elevations; to hoist and lower material in construction and assembly. May oil, grease or otherwise service and make necessary adjustments. May perform other related duties.

hoist 1 drum

hoist 2 drums and over (manufacturers' rating)

AT. Hydro lift: Operates a machine mounted on a truck that is capable of lowering, raising, (extending if applicable) boom, swinging boom to a limited degree, right and left of center (less than 180 degrees). Raising and lowering load line, truck may be equipped with outriggers, shifts winch gears on hydraulic control valves to perform the above operations. Operates from inside truck cab or outside control center. May drive truck. May oil, grease or otherwise service and make necessary adjustments. May perform other related duties.

AU. Industrial locomotive brakeman: A semi-skilled operator who hooks and unhooks various cars. throws switches, operates car dumps, signals locomotive operator, manipulates controls of loading devices (hopper conveyors, etc.) and assists locomotive operator. May oil, grease or otherwise service and make necessary adjustments. May perform other related duties.

AV. Industrial locomotive motorman: An operator of gasoline, diesel or electric powered railroad locomotive used to push, pull or switch railroad cars of various designs loaded with muck, concrete, aggregate, or other applications suitable for rail transport. May oil, grease or otherwise service and make necessary adjustments. May perform other related duties.

AW. Lumber stacker: Operates machine designed to straddle bundles or stacks of lumber or other objects suitable to be handled by this specialized machine, hoists and moves materials to various locations. May oil, grease or otherwise service and make necessary adjustments. May perform other related duties.

AX. Mechanic and welder: Assembles, sets up, adjust and maintains and repairs all types of construction equipment, such as internal combustion engines, air compressors, pumps, concrete mixers, heavy earth moving equipment, rock crushers, paving equipment. May perform other related duties.

AY. Mixer, concrete (1 c.y. and less): Operates a small, portable concrete mixing machine to mix sand, gravel, cement and water to make concrete. Starts power unit and does or oversees loading of materials. Controls the mixing by levers to discharge concrete from drum. This small machine is sometimes charged by shoveling in the proportions of materials directly into the mixing drum and some others have a skip into which materials are shoveled before being hoisted into the mixing drum. Rinses drum with water to remove adhering concrete. May oil, grease or otherwise service and make necessary adjustments as needed. May perform other related duties.

AZ. Mixer, concrete (over 1 c.y.): Operates a large, portable or sometimes stationary concrete mixing machines to mix sand, gravel, cement and water to make concrete. Starts power unit and oversees the loading of proper proportions of materials into the skip and then manipulates levers that control feeding of material into mixing drum. Starts drum rotating to mix materials; manipulates lever to discharge concrete from drum, either by tilting drum forward or by opening a discharge chute. Rinses drum with water to remove adhering concrete. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

BA. Mixer, heavy duty, asphalt or soil cement: Operates machine which picks up, mixes and spreads aggregate and asphalt or cement with water to stabilize base, subbase or surfacing materials. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

BB. Motor grader: Operates motor grader. Blade is mounted on a carrying and turning circle under the frame of the machine. Equipment is used in leveling dirt to grade and in laying asphalt and flexible base materials. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

BC. Mulching machine: Operates a power driven machine that shreds mulch material and discharges it to various areas. Also may control the addition of liquids and seed. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

BD. Oiler: A serviceman who lubricates mechanical equipment, gives signals to operator when applicable, changes oil, greases and filters, refuels equipment. May assist mechanic, head oiler or operator in assembling, setting up, adjusting, maintaining (including operation of steam cleaners) and repairing all types of construction equipment. May, when servicing equipment, drive a truck which carries fuels, oils and greases. May use the tools of the trade at and under the direction of a mechanic, head oiler or operator. May perform other related duties.

BE. Pumpcrete machine: Operates a concrete pumping machine that pumps fresh concrete from mixer to forms that mold fresh that mold fresh concrete. Sets up pump, operates power unit of pump and allows fresh concrete to flow into hopper or pump. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

BF. Pump (six inch intake or over): Operates water pump which pumps water for roadway prewetting, pumping by transmission line from water source to job area or other use. May oil, grease, prime or otherwise

service and make necessary adjustment to equipment as needed. May perform other related duties.

BG. Guniting machine: Operates a machine designed to pump dry sand and cement mixture forced under high air pressure to various areas specified for guniting treatment. May oil, grease or otherwise service and make necessary adjustments. May perform other related duties.

BH. Grout pump operator: Operates machine designed to pump cement, sand and water mixture forced under high pump pressure used to seal various cracks, fissures, voids, etc., under special applications. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

BI. Power plant (electric generator or welding machine): Operates a diesel or gasoline driven machine that generates A.C. or D.C. current of 15 K.W. or more used for lighting and electrical power. Keeps cycle and synchronization control board in adjustment adhering to manufacturers specifications. Keeps governor relay in adjustment. Operates welding machine in bank, for arc-welding, uses armature dressing stone as required and resets welding heats as required. May oil, grease or otherwise service and make necessary adjustment. May perform other related duties. (Electric power plants, when the principal use is to furnish electric power for camp sites, shall be excluded).

BJ. Roller (pull type): Operates a tractor, with no other attachments to pull a roller which is used for compaction. May oil, grease, or otherwise service equipment as needed. May perform other related duties.

BK. Roller (self-propelled): Operates a diesel or gasoline driven self-propelled machine used for compaction. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

BL. Roller (steel wheel): Operates a self propelled machine with either 2 or 3 steel flat wheels which is used to compact and smooth earth fills, flexible bases, bituminous roads surfaces. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

BM. Scraper operator: Operates a tractor or self-propelled machine to pull a steel bowl-like scoop (Scraper) mounted on wheels that scrapes up earth and transports it to a designated place; manipulates necessary scraper controls. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

BN. Scraper (multiple units): Operates a tractor or self-propelled machine to pull multiple steel bowl-like scoop (scraper) mounted on wheels that scrapes up earth and transports it to a designated place; manipulates necessary scraper controls. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

BO. Screedman: Manipulates handwheels or other devices to raise or lower screeds of asphalt machine. Regulates width of screed and depth of material. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

BP. Side boom: Operates a diesel or gasoline powered rubber-tired or crawler-tractor on which is mounted a side boom attachment with necessary hoisting devices. Positions tractor, manipulates control levers, clutches, brakes, and other controls to raise or lower boom, raise or lower load. By tractor motivation, loads may be transported to desired location. May oil, grease or otherwise service and make necessary adjustments. May perform other related duties.

BQ. Subgrade or base finisher: Sets and adjusts machine to grade or string line. Operates necessary controls for grading, cutting and finishing subgrade or treated and untreated base material. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

BR. Tractor (under 50 drawbar h.p. without attachments): Operates a small diesel or gasoline powered rubber-tired, farm-type tractor, with no attachments, to pull by drawbar, seed drills, etc. May oil, grease or otherwise service and make necessary adjustments. May perform other related duties.

BS. Tractor (under 50 drawbar h.p. with attachments): Operates a small diesel or gasoline powered rubber-tired or crawler tractor. May be used with attachments such as dozer, tampers, post hole diggers, post drivers etc. May be used to pull brooms, sleds, trailers, etc. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

BT. Tractor with backhoe attachment: Operates a small diesel or gasoline powered rubber-tired or crawler tractor with attached backhoe, 5/8 cubic yards and under capacity. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

BU. Tractor (50 drawbar h.p. or over): Operates a large diesel or gasoline powered, rubber-tired or crawler tractor. May be used to pull graders, rock wagons, rippers, push or pull self-loading scraper, pull rollers or discs, push material spreader box and other miscellaneous operations. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

BV. Trenching machine: Operates a power-driven machine that digs trenches for sewer, water, drainage, oil and gas pipelines, footings, etc. The trenching machine is mounted on crawler treads or rubber tires with the digging equipment usually consisting of an endless chain or wheel or edged buckets that excavate and deposit the material on a conveyor belt which in turn discharges the material at the side of the trench. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

BW. Welder-a tool of the trade: Is capable of operating one or both electric welding apparatus and acetylene welding apparatus. Fuses metal parts together using either arc welding process or oxyacetylene method. Cuts, lays out, fits and welds sheet metal, cast iron, and other metal or alloyed metal parts to fabricate or repair equipment. Welds together the joints between lengths of pipe for oil, gas or other types of pipelines. May perform other related duties.

BX. Shaft and tunnel type equipment:

(1) Refrigeration: Operates a plant designed to circulate brine or other refrigerant through piping system to freeze specified areas for purpose of drilling, trenching, boring, blasting and stabilizing formations to permit such operations. Maintains pressures, vacuum, intercooling and other related functions. May keep brine or other refrigerants at proper levels in supply tanks. May oil, grease or otherwise service and make necessary adjustments. May perform other related duties.

(2) Clam type shaft mucker: Operates a machine, suspended by cables, that is attached to a guide rail, vertically, that by the use of double action air rams, will swing the boom to which the clamshell is attached up to 180 degrees, extended or retract boom to which the clamshell is attached, open and close clamshell bucket. The operator swings boom to desired location, extends boom with clamshell open forcing it into muck, closes clamshell, retracts boom, swings it over muck, bucket or skip opens clamshell releasing muck and repeats operations. May oil, grease or otherwise service and make necessary adjustments. May perform other related duties.

(3) Mucking machine: Operates a machine designed especially to work in confined spaces, generally operated by air or electric power to minimize air pollution, under ground. Rocker shovel types have front-mounted buckets that are loaded by being pushed into the material and lifted over the machine and dumped into an attached car, or lifted to a point that gravity dumps the material from the back of the loaded bucket onto a conveyor belt that runs over the machine to a dumping point or into attached car. This type mucking machine usually operates on tracks or are crawler mounted. The bucket is hinged to a boom which in turn is hinged to a turntable on the main frame which allows the main frame to travel in one direction while the swinging action of the bucket can reach out to the sides to remove such loose material generally called muck. These machines are especially suited for underground, emptying into conveyors or into cars. May oil, grease or otherwise service and make necessary adjustments. May perform other related duties.

(4) Mine hoists: Operates hoists used in mining operations and in compliance with the department of mines regulations. Hoists and lowers men and materials in shafts and inclines in accordance to authorized signals. May oil, grease or otherwise service and make necessary adjustments. May perform other related duties.

(5) Mole operator: Operates a horizontal boring machine which is the vertical rotating cutter head which deposits muck onto conveyor that passes over the machine to a dump point. The operator controls the elevation and direction and travel by hydraulic rams. The machine is a specialized piece of machinery for tunnel boring. May oil, grease or otherwise service and make necessary adjustments. May perform other related duties.

(6) Jumbo form or drilling stage: Operates a specialized machine usually mounted on rails or rubber-tired wheels which has surrounding it, expandable, retractable forms. Drilling stage consists of one or more drilling stages from which drilling operations at the phase are performed for blasting. The operator positions machine for drilling, removes it for blasting, connects and disconnects air and water lines from the source as needed. May oil, grease or otherwise service and make necessary adjustments. May perform other related duties.

(7) Slusher operator: Operates hoist as described under 1 or 2 drum hoist to raise and lower, drag and release a bucket similar to dragline bucket without a bottom in it. To move loose material into dump chute or other purposes. Sheaves to control line direction are usually secured to roof, side or face of excavation by rock bolts. May oil, grease or otherwise service and make necessary adjustments. May perform other related duties.

BY. Truck drivers:

(1) Bus or taxi: Drives a bus or taxi to transport employees to and from construction project. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

(2) Distributor (asphalt): Drives truck equipped with tank and controls for regulating distribution of bituminous materials. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

(3) Dumpster or dumptor: Operator of a self-propelled, 4-wheeled, rubber-tired truck type machine which is used in hauling of materials. Machine is normally used off the highway, working around rock crushers or excavation. Being reverse steer, the operator rides facing the dump-bed which is dumped by release of safety lock and sudden stop of machine, which causes off center loading of truck bed to dump. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

(4) Dump or batch truck: Drives a truck for transporting loads of construction material. May service and make necessary adjustments for proper operation of equipment. May perform other related duties. under 8 C.Y.

8 C.Y. and under 16 C.Y. (manufacturers' rating)

16 C.Y. and under 20 C.Y.

20 C.Y. and over

(5) Diesel-powered transport (non self-loading) 10 yds. and over: Drives diesel powered Euclid Turnarocker, Terra Cobra, D.W.-10, D.W.-20 Le Tourneau pulls and similar diesel powered equipment when used to haul material and assigned to a "teamster".

(6) Flatbed: Drives a truck for transporting loads of construction materials or equipment. May load and unload truck. May service and make necessary adjustments for proper operation of equipment. May perform other related duties.

1 1/2 ton or under (manufacturers' rating)

over 1 1/2 ton

(7) Lumber carrier: Drives truck that hauls logs and lumber with truck trailer or bobtail.

(8) Lowboy, heavy equipment: Drives a truck to which is attached a trailer with a low frame or bed upon which heavy equipment or material is hauled. May service and make necessary adjustments for proper operation of equipment. May perform other related duties.

(9) Lowboy, light equipment: Performs duties of the same nature as described under "lowboy, heavy equipment".

(10) Off-highway hauler: Drives equipment powered by a tractor exclusively for transporting loads of construction materials. Equipment must not be used as self-loading. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

(11) Pickup truck 3/4 ton or under: Drives a light truck for transporting small loads of construction materials, tools or equipment. May service and make necessary adjustments for proper operation of equipment. May perform other related duties.

(12) Service station attendant: Maintains service station. Washes, lubricates, fuels and otherwise services vehicles and equipment. Changes and repairs tires and tubes. Operates and maintains service station equipment. May perform other related duties.

(13) Spreader box: Hooks spreader box to tailgate of truck, adjusts hopper and strike-off blade so that gravel, stone or other material may be spread to a specific depth on road surface. Controls flow of materials when spreading. May perform other related duties.

(14) Spreader box (self-propelled): Drives a self-propelled vehicle, consisting primarily of a hopper mounted on pneumatic-tired wheels, used to spread crushed aggregate on bituminous roadway material. May service and make necessary adjustments for proper operation of equipment. May perform other related duties.

(15) Swamper or rider helper: Assists truck driver. Shares with a driver the duties of loading and unloading a truck, shifting articles about on truck, handling cumbersome articles and may drive to relieve driver. May perform other related duties.

(16) Tank truck: Drives a truck or truck with trailer or semi-trailer on which is mounted a tank, for transporting loads of liquid products or construction material. May oil, grease or otherwise service and make necessary adjustments to equipment as needed. May perform other related duties.

3,000 gal. or under

3,001 gal. to 6,000 gal.

6,001 gal. and over

(17) Teamster, 2 or 4 or more: Drives teams of horses or mules to move earth or other construction material. May perform other related duties.

(18) Trailer or semi-trailer dump: Drives a truck to which is attached a trailer or semi-trailer dump used in transporting construction materials. May perform other related duties.

(19) Transit mix: Drives a truck upon which is mounted a concrete mixer. Drives truck under loading hopper to receive sand, gravel and cement. Fills water tank and starts and stops mixer. Drives truck to location for

unloading. Dumps concrete into chute leading to forms. Cleans mixer drum. May service and make necessary adjustments for proper operation of equipment. May perform other related duties.

(20) Warehouseman: Maintains warehouse for construction supplies and materials. May operate necessary equipment and machinery within warehouse area. May perform other related duties.

BZ. Semi-skilled laborers:

(1) Air and power tool man (not a carpenter's tool): A worker who uses a tool 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, driving sheeting, chipping concrete, trimming or cutting stone, calking steel plates, or compaction of earthen backfill. Install plastic and PVC linings on ponds. Rotary man operates a hand-held device to make cuts on road with a person holding a nozzle to fill cuts with oil. May perform other related semi-skilled duties.

(2) Asbestos remover: A person who removes asbestos from pipes, ceiling and other parts of existing buildings, either by scraping or by using pressure by water. In addition, this definition includes a person who cleans up and disposes of asbestos after it has been removed.

(3) Asphalt heaterman: Tends a stationary or portable liquid asphalt kettle, starts fires (usually fuel oil) under the kettle, controls heat applied to the kettle by regulating dials or burners, maintains desired temperature in asphalt, regulates valves for discharge of asphalt from kettle. May perform other related semi-skilled duties.

(4) Asphalt jointman: Cleans and pours asphalt joints in concrete paving with nozzle or can. Takes care of asphalt kettle heaters. May perform other related semi-skilled duties.

(5) Asphalt raker: Distributes asphaltic road-building materials evenly over road surface by raking and brushing materials to correct thickness; may control straight edge to regulate width and depth of materials; directs "asphalt shovelers" when to add or take away material to fill low spots or to reduce high spots. Applies color to tennis courts, etc. by using a squeegee. Applies epoxy on concrete floors to seal. May perform other related semi-skilled duties.

(6) Batching plant scaleman: Manually operates a stationary or portable batching scale that weighs out concrete materials. Adjusts scales for required weight of the materials. Operates controls that admit materials separately from storage hoppers to weighing bins. Observes scales or indicators that show when proper amount of materials have been made. Discharges materials from weighing bin into truck or other carrier or mixer. He may measure materials by volume instead of weight. May perform other related semi-skilled duties.

(7) Tenderers (to cement mason and plasterer): Assists in the pouring of concrete by spreading concrete, cleaning and caring of cement mason's tools, mixes mortar used in the patching of concrete, and performs other tasks as may be directed by cement masons or plasterer. Mixes mortar for plasterers and delivers same to location where plasterers are working. Sets up scaffolding as directed by foreman where necessary, and cleans and cares for tools and equipment used in the preparation and application of plaster.

(8) Chain sawman: Operates a power driven chain saw to clear areas of timber. Fells trees, and sometimes cuts the fallen trees into short Sections to facilitate their removal.

(9) Concrete burner: Operates a devise used to burn holes, etc., through concrete. This devise consists of a consumable aluminum-magnesium rod inside a small iron pipe. Oxygen is forced through the pipe under pressure, and the end of the assembly is lighted. The concrete is melted by the intense heat of the device.

(10) Concrete power buggyman: Drives self-propelled buggy to transport concrete from mixer or source of supply to place of deposit. Operates levers to dump load. May perform other related semi-skilled duties.

(11) Concrete touch-up man: Prepares the surfaces of concrete masonry which is not to be finished (using tools other than those normally used by "cement masons") by patching holes and broken corners, and removing high spots and defective concrete.

(12) Concrete sawman - coring machine: Operates a power driven, hand guided, water cooled saw or diamond driller which is used to cut through slabs of concrete, except as otherwise provided elsewhere.

(13) Curbing machine, asphalt or cement: Operates a machine which applies asphalt or concrete along the edge of highways or parking aprons to form a small curb.

(14) Cutting torchman: Uses cutting torch only for demolition work on steel or other metal structures. May perform other related semi-skilled duties.

(15) Metal form setter-road: Fits together, aligns and grades metal road forms for holding concrete in place on road and street surfaces. Dismantles, moves and cleans forms after concrete hardens. May perform other related semi-skilled duties.

(16) Grade setter: Keeps stakes and stringline set in place out in front of trenching machine so that machine will cut ditch in correct location. Sets stakes so that pipelayers can fine-grade ditch and measure from the batter board down to correct depth of ditch. May perform other related semi-skilled duties.

(17) Gunite, pumpcreteman and nozzleman: Assists operator and handles the equipment and directs the placing of concrete or mortar that is moved by pressures or pneumatic equipment, such as gunite. May fine-grade and place wire mesh at times. May perform other related semi-skilled duties.

(18) Hod carrier: Assists brickmasons, stonemasons and blockmasons by preparing mortar mix, either by hand or machine, delivers material to masons on scaffold, operates small material moving equipment such as power buggy, hoists, mortar mix pumps and other similar equipment. May erect and dismantle bricklayer scaffolds.

(19) Manhole builder: Constructs a means of permanent access to water and sewer lines for maintenance purposes. This work consists of laying brick or concrete block starting from a concrete slab at bottom of ditch up to an approximate grade line near the surface of the ground. Brick or block is laid in by eyesight and is normally not to a plumb line. Chipped or culled brick can be used and quite often is. No effort may be made to keep mortar off the face of the brick and joints are not pointed. May apply coating of concrete to interior and exterior surface, except where tools of the trade are involved. May perform other related duties.

(20) Mortar mixer and mason tender: Mechanically mixes mortar ingredients to proper consistency and delivers to mason on scaffold or at site of work. Keeps materials supplied to mason and assists according to directions of mason.

(21) Multi-plate setter: Assembles large diameter metal culverts by bolting together semi-circular pieces of metal to form a complete circle, and bolts each section of this circle to similar sections which are placed adjacently, repeating these processes until the required length of culvert is formed.

(22) Nurseryman-gardener: Performs tasks related to the development and cultivation of plants, trees and shrubs both before and after such plants, etc., are planted.

(23) Pipelayer: On utility projects lays tile, concrete, corrugated metal pipe. Receives pipe lowered from top of trench; inserts spigot end of pipe into bell end of last laid pipe; adjusts pipe to line and grade; seals joints with cement or other sealing compound. May perform other related semi-skilled duties.

(24) Plaster spreader operator: Mixes plaster to be used in a machine which is designed to apply plaster to surfaces by means of a hose. Handles and maintains hose, places and moves machine, and services and maintains machine. May perform other related duties.

(25) Potman: Cleans, screens and feeds sand to hopper or pot of sandblasting machine.

(26) Powderman-blaster-makeup: Supervises and assists in locating, loading and firing blast holes for breaking up hard materials; enlarges bottom of drilled holes by discharging small quantities of explosives; inserts 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; charges hole by placing explosive, including stick that contains detonator, in hole and tamping with a pole; depresses handle of blasting machine or lights fuse to fire explosive. May use prima-cord or delay caps. May perform other related semi-skilled duties.

(27) Powderman or blaster helper: Carries powder or other explosive to blaster or powderman and assists by placing prepared explosive in hole, connecting lead wire to blasting machine, and performing other duties as directed. May perform other related semi-skilled duties as directed by powderman or blaster.

(28) Roadway hardware worker: Attaches and assists in the installation of guardrails, (other than guardrails on bridges) guardrail posts, informational signs and metal fencing; including barb wire, woven wire, and chain link which is used to define right of way, medians or driving lanes or provide safety for such areas, excludes security fencing as defined elsewhere. Assists Ironworker in the installation of chain link fencing by installing posts (digging, placing concrete, etc.). May require the use of small hand tools such as hammer and spud wrench. May perform other related duties.

(29) Sandblaster: Cleans and prepares surfaces by the use of sandblasting equipment other than preparation for painting (see painter spraymsn). May perform other related semi-skilled duties.

(30) Scaler: Cleans and dresses the slopes of roadway cuts and embankments while suspended by ropes or cables. Uses hand tools as required. May perform other related semi-skilled duties.

(31) Vibratorman (hand type): Lowers hose-like flexible shaft of vibrator into newly poured concrete. Starts power unit and holds shaft, allowing hammerhead on shaft to vibrate, thus compacting the concrete. Air, electric or gasoline operated vibrators are used. May perform other related semi-skilled duties.

(32) Vibratory compactor (hand type): Operates hand guided vibratory or impact compactor. Adjusts levers, throttles and other devices necessary for operation.

(33) Wagon, air track, drill and diamond driller (outside): Sets up and operates drilling mechanism that drills holes into concrete or rock. Levels machine by placing timbers under wheels. Inserts and fastens drill steel in chuck. Adjusts angle of drill tower and bolts into position. Controls drilling and speed of drill by moving levers. May make other adjustments to equipment as needed. May perform other related semi-skilled duties.

(34) Wagon, air track, drill and diamond drillers' tender (outside): Assists in setting up drill, assorting

drill steels, and inserting drill steel into drill chuck. Lubricates drill and performs other duties as directed. May perform other related semi-skilled duties.

(35) Window washer: Cleans and washes windows. May perform other related tasks.

(36) Caulker: A tool of the trade except when specifically the specialty of a contractor, semi-skilled laborer.

CA. Miscellaneous laborers:

(1) Gunitenozzleman: Handles the equipment and directs the placing of concrete or mortar 1 1/2" thickness or over that is moved by pneumatic equipment such as gunite. May fine-grade and place wire mesh at times. May perform other related semi-skilled duties.

(2) Laboratory technician: Conducts gradation testing, collects samples by extraction, and submits test results. May perform other related duties.

(3) Landscaper: The duties of the landscaper include site development, soil preparation, fertilizing, the building of garden accessories, preparation for the installation of garden sprinkler systems, and other related duties. The landscaper may operate small walking type farm equipment and perform other related duties. Duties of the landscaper shall not include electrical work, fencing, concrete retaining walls, or other work which is generally performed by skilled craftsmen.

(4) Pumpcrete nozzleman: Handles the hose or nozzle equipment and directs the placing of concrete or mortar that is moved by pneumatic equipment such as gunite. May fine-grade and place wire mesh at times. May perform other related semi-skilled duties.

(5) Traffic control technician: Manages, supervises, inspects and coordinates all traffic control at the project site. Supervises flag and signing personnel. Prepares revisions to the traffic control plan. Coordinates all traffic control with emergency agencies. Prepares and submits statements concerning road closures, delays and other project activities to the news media. May perform other related duties.

CB. Unskilled laborers:

(1) Carpenter tender: Performs unskilled labor such as hand handling of materials used by carpenters. Assists in erecting and removing of forms, removes nails and clears lumber. May perform other related unskilled duties.

(2) Chainman, rodman, stakedriver: Carries supplies, drags chain, holds survey rod, drives stakes and assists surveyor in other related duties.

(3) Building and common laborer: A general term used on construction work covering many unskilled occupations. A laborer works with all crews doing everything from pick and shovel work to cleaning up lumber with hammer; shoveling and placing concrete; applying coats of oil to inside face of forms; stripping forms; working on rock crusher to feed trap; opening cement sacks at batch plant; lowering pipe into ditch for pipelayers; working with dirt crew to move construction layout stakes; working as flagman, signalman or spotter to control traffic; serving as dumpman; spreading hot asphaltic material over roadbed with shovel; operating hand concrete buggy or wheelbarrow; helping painter to prepare surfaces for painting and cleaning paint equipment; may perform other related duties.

(4) Concrete buggy operator (hand): Operating buggy by pushing or pulling by hand between mixer or other source to site of work.

(5) Concrete workers: Pours, finishes and performs other work in relation to the lining with concrete.

(6) Flagman: Flagman is stationed at strategic locations to control flow of traffic by hand held flags or other hand held warning device.

(7) Soil sample tester (unskilled laborer): Takes soil for test sample for approximately a quart of soil by digging shallow hole with a small hand shovel. May perform other related duties.

CC. Shaft workers (laborer):

(1) Concrete workers: Pours, finishes and perform other work in relation to the lining of shafts with concrete.

(2) Drillers: Operates drilling equipment to drill holes into material through which shaft is being sunk in order to allow blasting powder to be used to loosen earth materials.

(3) Form handlers: Sets prefabricated steel forms for concrete by bolting forms together. Removes these forms after concrete has set.

(4) Hand muckers: Removes debris which has been loosened in shaft by blasting, using hand tools. Loads such debris into hoisting bucket for removal to the surface.

(5) Miners: A general term used to describe all classifications of laborers engaged in sinking shafts.

(6) Powderman: Prepares blasting material, inserts this material into predrilled holes. Performs electrical wiring necessary for detonation, and assures that all charges have detonated before other workmen resume

work in the shaft.

(7) Shifters: Supervises drillers, powdermen and other laborers who are engaged in work related to sinking and lining a shaft.

(8) Toplanders: Works on the surface to assemble, rig and otherwise handle materials to be lowered into the shaft and by standard signals given appropriately, signals to hoistman. Unloads materials being brought out of the shaft.

CD. Tunnel workers (laborer):

(1) Chuck tenders: Assists the driller by tightening or loosening drill bar. Changing drill bars and other related tasks as directed by the driller.

(2) Drillers: Operates drilling equipment to drill holes into material through which tunnel is being built in order to allow blasting powder to be used to loosen earth material. Also operates drilling equipment used for the insertion of bolt and plate assemblies for support of tunnel surfaces.

(3) Form men: Sets retractable and expandable prefabricated forms except placement and extraction of jumbo forms, used in the pouring of concrete to line tunnel surfaces. Removes these forms after concrete has set.

(4) Groutman: Operates grout or concrete nozzle to fill minor cracks and faults in surface of tunnel, and to stop water leaks as digging of tunnel progresses.

(5) Laborers and hand muckers: Generally assists other tunnel workers by handling material, loading accumulated debris onto rail cars for removal, driving rail spikes and other related tasks.

(6) Miners: A general term used to describe all classifications of laborers engaged in the digging and building of tunnels.

(7) Nippers: Changes drill heads on drilling bars as directed by drillers. May also perform other tasks as directed by drillers.

(8) Powderman: Prepares blasting material, and inserts this material into predrilled holes. Performs electrical wiring necessary for detonation and assures that all charges have detonated before other workmen resume work in the area made hazardous by the charges.

(9) Scaler: Removes loose rock from top and sides of tunnel. Probes for and removes pieces of rock which have become partially loosened.

(10) Timberman: Installs wood or steel shoring for the support of tunnel surfaces.

(11) Trackman: Performs work which is related to the laying of track inside a tunnel, and maintenance of such track. May supervise "Laborers" who are assisting in the laying and maintenance of track.

CE. Post script: All laborers or mechanics may work from blueprints and do layout.

[7/23/69, 8/4/69, 9/10/69, 9/30/69, 6/5/79, 3/25/85, 8/29/85, 9/3/85, 12/16/85, 11/4/88, 7/14/92, 2/14/92, 2/14/94, 3/3/94; 11.1.2.17 NMAC - Rn, 11 NMAC 1.1.17, 12/31/09; A, XX-XX-11]

11.1.2.18 SURVEY CATEGORIES AND WAGE DIFFERENTIALS: Survey categories are described and wage differentials are determined as follows:

A. Survey categories for type A construction: The following classifications within the various crafts shall be surveyed by the director in his survey:

(1) bricklayer, blocklayer, stonemason;

(2) carpenters;

(3) cement masons;

(4) electricians-lineman/wireman or technician (outside);

(5) ironworkers;

(6) *group iv operators;

(7) *group ii truck drivers;

(8) brush painters;

(9) spray painters;

(10) plumbers, pipe fitters, steam fitters;

(11) *group II laborers (semi-skilled);

(12) each of the above asterisked categories shall constitute the basis for wage rate differentials for the respective crafts which each represents; when appropriate wage requests are made for crafts which are not listed above, the director shall utilize the same survey procedures and base periods to determine the prevailing rate as he uses for the other crafts.

B. Survey categories for type "B" and Type "C" construction: The following classifications within the various crafts shall be surveyed by the director in his survey:

(1) asbestos worker/heat and frost insulator;

- (2) boilermaker;
- (3) bricklayer, blocklayer, stonemason;
- (4) carpenter/lather - building; residential;
- (5) carpenter/lather - heavy engineering;
- (6) cement mason (composition or mastic - finishing machine operator) - building, residential, and heavy engineering;
- (7) electricians: *wireman or technician (inside), *lineman or technician (outside); *installer (sound);
- (8) elevator constructor;
- (9) helper;
- (10) glazier;
- (11) ironworker;
- (12) *painters;
- (13) plasterer;
- (14) plumbers and pipefitters, lead burner;
- (15) roofer;
- (16) sheet metal worker;
- (17) soft floor layer (carpet, asph. tile, linoleum);
- (18) sprinkler fitter;
- (19) tile setter, helper;
- (20) *group VIII operators - building; residential;
- (21) semi - skilled laborers: cement mason tenders; hodcarriers; plaster spreader opr.; plaster tenders; gunitenozzlemen; pumpcretenozzlemen - building; residential;
- (22) tenders (to cement mason and plasterer); hodcarriers - heavy engineering;
- (23) *group II truck drivers - building; residential;
- (24) *group IV operators - heavy engineering;
- (25) *group II truck drivers - heavy engineering;
- (26) each of the above asterisked categories shall constitute the basis for wage rate differentials for the respective crafts which each represents; when appropriate wage requests are made for crafts which are not listed above, the director shall utilize the same survey procedures and base periods to determine the prevailing rate as he uses for other crafts.

C. Wage rate differentials in craft classifications:

(1) The director may seek the assistance of contractors, contractors' associations, labor organizations, other interested parties and public officers in setting appropriate wage differentials within each craft employed on contract work of a similar nature.

(2) Informational data pertaining to wage rate differentials within a craft employed on contract work of a similar nature may be presented to the director by any of the above-named interested parties.

D. Changes in wage spreads:

(1) Wage rate investigations shall be conducted to ascertain the propriety of wage differentials within craft classifications employed on contract work of a similar nature.

(2) When a change in wage rate differential is indicated by substantial evidence, all known interested parties shall be notified and given a reasonable time in which to present their views before a permanent change in a wage differential is made by the director.

E. Appendix A: Electrician classifications and wage spreads for type "A" construction:

<u>(1) Groundman (outside)</u>	<u>-\$3.41;</u>
<u>(2) Equipment operator (outside)</u>	<u>-\$0.59;</u>
<u>(3) Lineman/wireman or technician (outside)</u>	<u>(Base);</u>
<u>(4) Cable splicer (outside)</u>	<u>+\$1.18.</u>

F. Appendix B: Laborer classification groups and wage spreads for type "A" construction:

(1) Group I (unskilled): -\$0.30: building and common laborer; carpenter tender chainman; rodman; stakedriver; concrete buggy operator (hand); concrete workers; flagman; soil sample tester;

(2) Group II (semiskilled): (base): wagon, air tract, drill and diamond drillers' tender (outside); air and power tool man (not a carpenter's tool); asphalt heaterman; asphalt jointman; asphalt raker; batching plant scaleman; tenderers (to cement mason and plasterer); chain sawman; concrete power buggyman; concrete touch-up man; concrete sawman - coring mach.; curbing machine, asphalt or cement; cutting torchman; metal form setter-road; grade setter; hod carrier; mortar mixer and mason tender; powderman or blaster helper; sandblaster; scaler; vibratorman (hand type) ; vibratory compactor (hand type); window washer; nurseryman-gardener; wagon, air tract,

drill and diamond driller (outside); roadway hardware worker;

(3) Group III (miscellaneous): +\$0.40: gunitepumpcreteman and nozzleleman; multi-plate setter; manhole builder; pipelayer; powderman-blaster-makeup; landscaper; traffic control technician; laboratory technician.

G. Appendix C: Equipment operator classification groups and wage spreads for type “A” construction:

(1) Group I: -\$0.80: concr. paving curing machine;

(2) Group II: -\$0.60: belt type conveyors (material and concrete); broom (self-prop.); fork lift; grease truck oper.; head oiler; hydro lift; tractor (under 50 drawbar HP with or without attach.); indus. loco. brakeman; front end loader (2CY or less); fireman; oiler; screedman; roller (pull type); mulching machine, roller (self-propelled);

(3) Group III: -\$0.02: concr. paving form grader; concr. paving gang vibrator; concr. paving joint or saw mach.; concr. paving sub grader; tractor with backhoe attachment; subgrade or base finisher; power plant (elec. gen. or welding mach.);

(4) Group IV: (base): bulldozer (including self-propelled roller with dozer attachment); batch or continuous mix plant (concr., soil cement, or asph.); roller (steel wheel); front end loader (2 through 10CY); scraper oper., motor grader;

(5) Group V: +\$0.00: asph. distr.; asph. paving or laydown mach.; asph. retort heater; mixer, heavy duty, asph. or soil cement; trenching mach.; clam type shaftmucker; backhoe, clamshell, dragline, gradall, shovel (under 3/4 CY); elevating grader or belt loader; cranes (crawler or mobile) under 20 ton; air compressor (300 CFM and over); crushing screening and washing plants; drlg. mach. (cable core or rotary); mixer, concr. (1 CY and less); pump (6 in. intake or over); winch truck; hoist (1 drum); indus. loco. motorman; lumber stacker; tractor (50 drawbar HP or over);

(6) Group VI: +\$0.15: concr. paver mixer; hoist (2 drums and over); side boom; traveling crane; piledriver; backhoe, clamshell, dragline, gradall, shovel (3/4 CY to 3 CY); cranes (crawler or mobile) 20 ton to 40 ton; front end loader (over 10 CY); mixer., concr. (over 1 CY); mechanic or welder;

(7) Group VII: +\$0.20: concr. slip-form paving mach.; concr. paving finishing mach.; concr. paving longitudinal float; gunit mach.; refrig.; jumbo form or drlg.; stage; slusher; concr. paving spreader; pumpcrete mach.; grout pump oper;

(8) Group VIII: +\$0.35: mine hoist; bulldozer (multiple units); scraper (multiple units); mucking mach.; backhoe, clamshell, dragline, gradall, shovel (over 3 CY); cranes (crawler or mobile) over 40 tons;

(9) Group IX: +\$0.85: belt loader (CMI type) oper. pipemobileoper. assistant; derrick, cableway;

(10) Group X: +\$1.65: pipemobile operator; mole operator.

H. Appendix D: Truck driver classification groups and wage spreads for type “A” construction:

(1) Group I: -\$0.20: pick-up truck 3/4 ton or under; warehouseman; dump truck, under 8 cubic yards; flatbed, 1 1/2 ton or under;

(2) Group II: (BASE): dump truck, 8 to 16 cubic yards; tank truck, under 6,000 gallons; flatbed, over 1 1/2 ton;

(3) Group III: +\$0.20: spreader box (self-propelled); distributor (asphalt) transit mix; lowboy, light equipment; off-highway hauler; tank truck, over 6,000 gallons; dump truck, over 16 cubic yards; trailer semi-trailer dump;

(4) Group IV: +\$0.40: diesel-powered transport; lowboy, heavy equipment.

I. Appendix E: Electrician classifications and wage spreads for type “H” heavy engineering construction:

(1) Outside classifications:

(a) Groundman (outside) -\$3.41;

(b) Equipment operator (outside) -\$0.59;

(c) Lineman or technician (outside) (base);

(d) Cable splicer (outside) +\$1.18.

(2) Inside classifications:

(a) Wireman or technician (inside) (base);

(b) Cable splicer (inside) +\$1.73.

(3) Sound classifications:

(a) Installer (sound) (base);

(b) Technician (sound) +\$1.55;

(c) Soundman +\$3.62.

J. Appendix F: Laborer classification groups and wage spreads for type “H” heavy engineering construction:

(1) Group I (unskilled): -\$0.30: building and common laborer; carpenter tender; chainman; rodman; stakedriver; concr. buggyopr. (hand); concr. workers; flagmen; soil sample tester;

(2) Group II (semi-skilled): (base): wagon, air tract, drill and diamond drillers’ tender (outside); air and power tool opr. (not a carpenter’s tool); asbestos remover; asph. heaterman; asph. jointman; asph.raker; batching plant scaleman; tenderers (to cement mason and plasterer); chain sawman; concr. powerbuggymanopr. concr. touch-up man; concr. sawman - coring mach.; curbing mach., asph. or cement; cutting torchman; metal form setter-road; grade setter; hod carrier; mortar mixer and mason tender; powderman or blaster helper; sandblaster; scaler; vibratorman (hand type); vibratory compactor (hand type); window washer; nurseryman-gardener; wagon, air tract, drill and diamond driller (outside); roadway hardware worker;

(3) Group III (miscellaneous): +\$0.30: gunitepumpcreteman and nozzleleman; multi-plate setter; manhole builder; pipelayer; powderman - blaster - makeup; landscaper; traffic control technician; laboratory technician;

(4) Group IV (shaft workers): +\$0.87: air tuggeropr. concr. workers (incl. all cement chipping and finish, underground); drillers; form setters and handlers; hand muckers; miners; powdermen; timbermen (wood or steel); reinforcing steel setters; tunnel liner; plate setters, all cutting and welding incidental to miner’s work; toplanders; bottomlanders;

(5) Group V (shaft workers): +\$1.12: shifters;

(6) Group VI (tunnel workers): -\$0.15: laborers and handmuckers;

(7) Group VII (tunnel workers): +\$0.00: groutmen; nippers; trackmen;

(8) Group VIII (tunnel workers): +\$0.25: drillers; form setters and handlers; scalers; miners; timbermen; brakemen; concr. workers (incl. all cement chipping and finishing underground); reinforcing steel setters; timbermen (wood or steel); tunnel liner plate setters; all cutting and welding incidental to miner’s work;

(9) Group IX (tunnel workers): +\$0.45: powdermen;

(10) Group X (tunnel workers): +\$1.12: shifters.

K. Appendix G: Equipment operator classification groups and wage spreads for type “H” - heavy engineering construction:

(1) Group I: -\$0.80: concr. paving curing machine;

(2) Group II: -\$0.60: belt type conveyors (material and concr.); broom (self-prop.); forklift; greases truck oper.; head oiler; hydro lift; tractor (under 50 drawbar HP with or without attach.); indus. loco. brakeman; front end loader (2 CY or less); fireman; oiler; screedman; roller (pull type); mulching machine, roller (self-propelled);

(3) Group III: -\$0.02: concr. paving form grader; concr. paving gang vibrator; concr. paving joint or saw mach.; concr. paving sub grader; tractor with backhoe attachment; subgrade or base finisher; power plant (elec. gen. or welding mach.);

(4) Group IV: (base): bulldozer (including self-propelled roller with dozer attachment); batch or continuous mix plant (concr, soil-cement, or asph.); roller (steel wheel); front end loader (2 through 10 CY); scraper oper.; motor grader;

(5) Group V: +\$0.00: asph. distr.; paving or laydown mach.; asph.retort heater; mixer, heavy duty, asph. or soil cement; trenching mach.; clam type shaftmucker; backhoe, clamshell, dragline, gradall, shovel (under 3/4 CY); elevating grader or belt loader; cranes (crawler or mobile) under 20 ton; air compressor (300 CFM and over); crushing screening and washing plants; drlg. mach. (cable core or rotary); mixer, concr. (1 CY and less); pump (6 in. intake or over); winch truck; hoist (1 drum); indus. loco. motorman; lumber stacker; tractor (50 drawbar HP or over);

(6) Group VI: +\$0.15: concr. paver mixer; hoist (2 drums and over); side boom; traveling crane; piledriver; backhoe, clamshell, dragline, gradall, shovel (3/4 CY to 3 CY); cranes (crawler or mobile) 20 ton to 40 ton; front end loader (over 10 CY); mixer, concr. (over 1 CY); mechanic or welder;

(7) Group VII: +\$0.20: concr. slip-form paving mach.; concr. paving finishing mach.; concr. paving longitudinal float; gunit mach.; refrig. jumbo form or drlg.; stage; slusher; concr. paving spreader; pumpcrete mach.; grout pump oper;

(8) Group VIII: +\$0.35: mine hoist; bulldozer (multiple units); scraper (multiple units); mucking mach.; backhoe, clamshell, dragline, gradall, shovel (over 3 CY); cranes (crawler or mobile) over 40 tons;

(9) Group IX: +\$0.85: belt loader (CMI type) oper.; pipemobileoper. assistant; derrick, cableway;

(10) Group X: +\$1.65: pipemobile operator; mole operator.

L. Appendix H: Truck driver classification groups and wage spreads for type “H” - heavy

engineering construction:

(1) Group I: -\$0.20: pick-up truck 3/4 ton or under; warehouseman; dump truck, under 8 cubic yards; flatbed, 1 1/2 ton or under;

(2) Group II: (base): dump truck, 8 to 16 cubic yards; tank truck, under 6,000 gallons; flatbed, over 1 1/2 ton;

(3) Group III: +\$0.20: spreader box (self-propelled); distributor (asphalt) transit mix; lowboy, light equipment; off-highway hauler; tank truck, over 6,000 gallons; dump truck, over 16 cubic yards; trailer semi-trailer dump;

(4) Group IV: +\$0.40: diesel-powered transport; lowboy, heavy equipment.

M. Appendix I: Electrician classifications and wage spreads for type "B" building construction and type "A" residential construction:

(1) Outside classifications:

(a) Groundman (outside) -\$3.41;

(b) Equipment operator (outside) -\$0.59;

(c) Lineman or technician (outside) (base);

(d) Cable splicer (outside) +\$1.18.

(2) Inside classifications:

(a) Wireman or technician (inside) (base);

(b) Cable splicer (inside) +1.73.

(3) Sound classifications:

(a) Installer (sound) (base);

(b) Technician (sound) +\$1.55;

(c) Soundman +\$3.62.

N. Appendix J: Laborer classification groups and wage spreads for type "B" building and type "C" residential construction:

(1) Group I: -\$0.87: watchmen;

(2) Group II (unskilled): -\$0.30: building and common laborers; carpenter tenders; concr. workers; stakedrivers; concr. buggyopr. (hand); flagmen; soil sample tester;

(3) Group III (semi-skilled): (base): air and power tool opr. (not a carpenter's tool); asbestos remover; asph. heaterman; asph. jointman; asph. raker; batching plant scaleman; chain sawman; concr. touch-up man; concr. sawman - coring mach.; curbing mach. asph. or cement; cutting torchman; metal form setter-road; grade setter; gunitereboundmen; rod and chainmen; concrete power buggy opr.; powderman or blaster helper; sandblaster (pot men); nozzlelemen; scaler; vibratorman (handtype); vibratory compactor (hand type); wagon core and diamond drillers' tenders (outside); window washers; fog mach. opr.; nurseryman-gardener; multi-plate setter; conc. burner; cement mason tenders; hodcarriers; mortar mixers; plaster spreader opr.; plaster tenders; gunitenozzlemen; pipelayer; pumpcrete nozzlelemen; manhole builder; roadway hardware worker;

(4) Group IV: +\$0.10: wagon, core, diamond drillers;

(5) Group V: (miscellaneous): +\$0.30: landscaper; traffic control technician; laboratory technician;

(6) Group VI: +\$0.45: powdermen and blasters.

O. Appendix K: Equipment operator classification groups and wage spreads for type "B" building construction and type "C" residential construction:

(1) Group I: -\$2.52: fireman; oiler; helpers: mechanic, welder, grease truck; screedman; scale oper. such as (bin-a-batch) rubber tired farmtype tractor; tractors under 50 H.P w/o attachments; brakeman; concr. paving curing mach. (bridge type);

(2) Group II: -\$1.48: rollers; sheepsfoot or pneumatic self-propelled w/o dozer; concr. conveyor; service truck opr. (head oiler); air compressor (300 CFM and over); pumps (6" and over); screening plants; concr. mixers (under 1 CY); concr. saw or grinder-span type; hoists, 1 drum; air tugger; elevating belt type loaders; fork-lift lumber stacker; tractor-farm type (under 50 H.P. w/attachments); motorman and industrial locomotive opr.; winch trucks; front end loader (under 2 CY). power plants which generate over 15 KW; welding machines;

(3) Group III: -\$1.40: bituminous distributors; boilers, retort and hot oil heaters; concr. mixers (1 CY and over). concr. paver (single drum); drlg. equip.; motor graders (rough); shaft and tunnel equip.; refrig., slusher, jumbo form; trenching mach. (all types); pumpcrete and gunitite mach.; slipform paver; mech. bull-floats; concr. slab spreading mach.; concr. slab finish. mach.; asph. plants; bitum. finish mach.; crushing plants;

(4) Group IV: -\$1.34: front end loader (2 thru 10 CY); rollers steel wheeled (all types); bulldozers; scrapers (motor or towed); elevating graders; concr. batching plants; self-propelled rollers, (equipped w/dozer); twin-bowl scrapers and quad 8 or 9 pushers; three bowl scrapers; tractor (farm type) w/hydraulic backhoes;

(5) Group V: -\$1.28: concr. paver, double drum; cat cranes; hysters; side and swingboom cats; hoist (2 drum); auto fine grader;

(6) Group VI: -\$1.18: mucking mach. (all types); motor grader-finish;

(7) Group VII: -\$1.08: hydraulic cranes (with less than 50' of boom - 20 tons and under); steam engineers; loader (front end and over 10 CY); concr. pump (snorkel type); mechanic welder;

(8) Group VIII: (base): all shovel type equip.: cranes; draglines; backhoes; derricks; guy and stiff leg; pipemobile (#2 opr.); piledriver; hydraulic cranes (20 tons and over); mine hoist (belt loader "CMI" type); cranes, draglines (w/booms and jib over 150'). shovel (wheel type); boring mach. (tunnel or shaft mole); pipemobile.

P. Appendix L: Truck driver classification groups and wage spreads for type "B" building construction and type "C" residential construction:

(1) Group I: -\$0.12: pick-up 3/4 ton and under; service station; lubrication; light tire repair or washer; swamper or riding helper; teamster 2 or 4 up; ambulance driver;

(2) Group II: (base): bus or taxi driver; dump or batch truck, under 8 CY WLC; flatbed (bobtail) 2 ton and under; mechanic and welder helper; forklift under 5 ton MRC;

(3) Group III: +\$0.08: dump trucks (incl. all hwy. and off-hwy.) 8 up to 16 CY WLC; water, fuel or oil trucks less than 3,000 gal.; flatbed (bobtail) over 2 tons;

(4) Group IV: +\$0.20: distributor driver; hvy. tire repair; lumber carrier driver; young buggy or similar equip.; transit mix or agitator 2 or 3 axle bobtail equip.; scissor truck; bulk cement bobtail 2 or 3 axles; semi-trailer driver (flatbed or van single axle); forklift 5 ton and over MRC; field equip. servicemen;

(5) Group V: +\$0.25: dumpster and dumpcrete driver; water, fuel or oil truck (3,000 to 6,000 gal. capacity); lowboy, light equip. driver; euclid type tank wagon (under 6,000 gal.);

(6) Group VI: +\$0.35: vacuum truck; dump trucks (incl. all hwy. and off-hwy.) 16 up to 22 CY WLC;

(7) Group VII: +\$0.45: transit mix or agitator semi or 4 axle equip. driver; flaherty truck type spreader box driver; slurry truck driver; bulk cement driver: semi-doubles: 4 axle bobtail; winch truck and "A" frame; dump trucks (incl. all hwy. and off-hwy.) 22 CY up to 35 CY WLC head field equip. serviceman;

(8) Group VIII: +\$0.59: euclid diesel powered turnarocker; terra cobra; DW 10; DW 20; letourneau pulls and similar diesel powered equip.; lowboy heavy equip. driver; water, fuel or oil trucks (6,000 gal. and over incl. tank wagon drivers); semi-trailer driver (flatbed or van tandems); light equip. mechanic; dump trucks (incl. all hwy. and off-hwy.) 35 CY WLC and over; truck and trailer or semi-trailer (flatbed); eject all driver;

(9) Group IX: +\$0.74: lowboy (heavy equip., double gooseneck); heavy equip. mechanic; welder (body and fender man); warehouseman; material checker-cardexman; expeditor.
[11.1.2.18 NMAC - N, XX-XX-11]

11.1.2.19 APPRENTICES AND TRAINEES:

A. Requirements of apprentices:

(1) All apprentices shall be properly indentured.

(2) Apprentices used on public works projects shall be in training and in compliance under registered apprenticeship standards and written apprenticeship agreements, and their employment shall be in accordance with the provisions of such apprenticeship standards and apprenticeship agreements.

(3) Every apprentice shall be employed only at the work of the trade to which he is indentured.

(4) Certification showing registration status of apprentices must accompany the first full payroll on which each apprentice first appears. Certification on any registered apprentice shall be made by the contractor, and verification may be obtained from the office of the New Mexico apprenticeship council.

B. Requirements of trainees:

(1) All trainees must be properly enrolled in a bona fide training program approved for application on public works construction projects by the appropriate state or federal agency(ies) if and as required by law and applicable federal regulation.

(2) Trainees used on public works projects shall be in training and in compliance with the standards and trainee agreements approved for the public works construction project on which the trainee is employed by the appropriate state and or federal agency(ies) if and as required by law and applicable federal regulation.

(3) Certification showing enrollment status of trainees must accompany the first full payroll on which each trainee first appears. Certification on any enrolled trainee shall be made by the contractor and may be verified by the public agency approving the training program.

C. Method of establishing apprentice and trainee wage rates: Every apprentice and trainee shall be

[paid a wage rate applicable to his craft and classification in accord with the wage rates established by the approved apprenticeship or training program.](#)
[11.1.2.19 NMAC - N, XX-XX-11]

HISTORY OF 11.1.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:
SLC 69-1, Interim Job Classifications, filed 7/23/69.

SLC 69-2, Job Classifications and Descriptions for Public Works in New Mexico, filed 8/4/69.

SLC 69-4, Permanent Job Classifications and Descriptions for Public Works in New Mexico, filed 9/10/69.

LID 88-2, Permanent Job Classifications and Descriptions for Public Works in New Mexico, filed 11/4/88.

SLC 72-1, Rules and Regulations for Implementing the New Mexico Public Works Minimum Wage Act, filed 5/31/72.

SLC 76-1, Rules and Regulations to Implement the New Mexico Minimum Wage Act, filed 1/14/76.

SLC 79-2, Rules and Regulations under the New Mexico Public Works Minimum Works Act, filed 6/4/79.

LID 88-1, Rules and Regulations under the New Mexico Public Works Minimum Wage Act, filed 11/4/88.

LID 89-1, Rules and Regulations under the New Mexico Public Works Minimum Wage Act, filed 9/25/89.

History of Repealed Material [RESERVED]