



**International
Union of Bricklayers
and Allied Craftworkers**

Timothy J. Driscoll
President

August 15, 2022

Submitted via email to WHDPRAComments@dol.gov

Division of Regulations, Legislation, and Interpretation
Wage and Hour Division
U.S. Department of Labor
Room S-3502
200 Constitution Avenue NW
Washington, DC 20210

Re: Notice of Proposed Changes to the WD-10 Survey Form (Control No. 1235-0015)

To Whom it May Concern:

On behalf of the International Union of Bricklayers and Allied Craftworkers (“BAC”) and its affiliate local unions and district councils throughout the United States, I am writing to provide comments on the Wage and Hour Division (“WHD”) of the U.S. Department of Labor’s (“DOL”) proposed revisions to the WD-10 form used to solicit wage data for the purposes of determining the prevailing wage under the Davis-Bacon Act of 1931 and Related Acts (collectively, “DBA”) published at 87 Fed. Reg. 36152 (June 15, 2022).

BAC represents approximately 75,000 trowel trades craftworkers in the United States and Canada. Our members work for signatory contractors that accept responsibility for complying with labor and employment laws and providing employees with the rights and protections required by law. The DBA directs DOL to determine a

minimum wage, known as the “prevailing wage,” and prohibits employers from paying below this amount on federal or federally-assisted construction projects. Requiring the payment of prevailing wages assures that workers are fairly compensated for their work in accordance with local market conditions, and prevents low-road employers from engaging in a race to the bottom that would depress wages and benefits.

BAC commends DOL’s proposal to improve the WD-10 form and is supportive of the comments submitted by North America’s Building Trades Unions (NABTU), especially with respect to its recommendations for improvements to the WD-10 form, its instructions, and the Classification and Sub-Classification Directory (“Directory”). NABTU also recommends that DOL eliminate the “Other Classification” category in its Directory. Given the nature of the masonry/trowel trades industry, the plethora of trades BAC represents that would be omitted from the Directory, and the potential for confusion amongst our affiliates and signatory contractors, I write separately to suggest, if the “Other Classification” category is eliminated from the Directory, additional changes should be made.

Occupational Titles in the Masonry/Trowel Trade Industry

As evidenced by the occupational titles for which registered apprenticeships are offered on Apprenticeship.gov, DOL has approved several additional distinct occupations in the masonry/trowel trades industry that are not included in the WD-10 form’s Directory. These are well-established trades in the construction industry that have long been a part of BAC’s craft jurisdiction. In order to accurately reflect the current reality of

the masonry/trowel trades industry in which our members and signatory contractors work, and to minimize the confusion to those working in specific trades that may not otherwise be listed therein, BAC recommends that all of its trades, which are listed below, be included in the Directory.

- **Bricklayer.** This is listed as an alternative occupational title under the *Brickmasons and Blockmasons* category on Apprenticeship.gov. BAC feels that “bricklayer” is the title with the most common usage in the industry and fairly comprehensive in its scope, e.g., the inclusion of block laying. DOL has already proposed this as a classification in the Directory and BAC supports this.
- **Cement Mason/Concrete Finisher.** These are listed as occupational titles on Apprenticeship.gov, they have received wage determinations under the DBA, and they are a classification on the DOL’s proposed Directory. In order to accurately capture the full breadth of occupations in our industries, BAC supports the inclusion of these classifications.
- **Marble Finisher.** Marble Finisher is listed on Apprenticeship.gov as an alternative occupational title that falls under *Helpers--Brickmasons, Blockmasons, Stonemasons, and Tile and Marble Setters* and has wage determinations under the DBA. BAC recommends that Marble Finishers be included in the Directory.

- **Marble Mason.** Marble Mason is listed as an alternative occupational title under *Tile and Stone Setters* on Apprenticeship.gov and has wage determinations under the DBA. BAC recommends that Marble Mason be included in the Directory.
- **Plasterer.** Plasterer is listed as a part of the Plasterers and Stucco Masons category on Apprenticeship.gov and has wage determinations under the DBA. BAC recommends that Plasterer be included in the Directory.
- **Pointer-Caulker-Cleaner.** Pointer-Caulker-Cleaner (“PCC”), sometimes called Tuckpointer-Caulker-Cleaner, is a significant part of the construction industry, particularly in the maintenance and restoration of existing built structures. PCC is an approved occupation title on Apprenticeship.gov and has wage determinations under the DBA. BAC recommends that PCC be added as a stand-alone labor classification in the Directory.
- **Stone Mason.** Stone Mason has its own category (*Stonemason*) on Apprenticeship.gov and has wage determinations under the DBA. BAC recommends that Stone Mason be included in the Directory.
- **Terrazzo Finisher.** Terrazzo Finisher falls under *Terrazzo Workers and Finishers* on Apprenticeship.gov and has wage determinations under the DBA. BAC recommends that Terrazzo Finisher be included in the Directory.
- **Terrazzo Worker.** Terrazzo Worker falls under *Terrazzo Workers and Finishers* on Apprenticeship.gov, has wage determinations under the DBA, and is a classification on the DOL’s proposed Directory. BAC supports this inclusion.

- **Tile Finisher.** Tile Finisher is listed an alternative occupational title that falls under *Helpers--Brickmasons, Blockmasons, Stonemasons, and Tile and Marble Setters* on Apprenticeship.gov, has wage determinations under the DBA, and is included in DOL's proposed Directory. BAC supports this inclusion.
- **Tile Setter.** Tile Setter is listed as an alternative occupational title under *Tile and Stone Setters* on Apprenticeship.gov, has wage determinations under the DBA, and is included in DOL's proposed Directory. BAC supports this inclusion.

Considering DOL's proposal to include Classifications and Sub-Classifications in the Directory, BAC proposes to either add the Pointer-Caulker-Cleaners and Stone Masons categories as stand-alone classifications or, alternatively, combine them with Bricklayer into one category and then list all three of these occupations separately as independent sub-classifications. Further, BAC recommends that Marble be added under the proposed classification of Tile/Terrazzo, which should include the following sub-classifications:

- Marble Mason
- Marble Finisher
- Tile Setter
- Tile Finisher
- Terrazzo Worker
- Terrazzo Finisher

BAC recommends that the above occupations should all be included in the new WD-10's Directory either as classifications or as sub-classifications as described above.

Conclusion

BAC appreciates DOL's continued efforts to administer and enforce the DBA, including its ongoing efforts to improve the overall quality and accuracy of DBA survey data. In addition to the increased accuracy of wage data reporting that would result from both DOL's proposed changes to its survey collection forms and NABTU's recommendations, further refinement of the Classifications and Sub-Classifications Directory as described above would better reflect the actual practices in the masonry/trowel trades industry. Such refinement would support the overall intent and purpose of DOL's proposed modifications and would ultimately strengthen DOL's efforts to administer and enforce the DBA as well.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Timothy J. Driscoll". The signature is fluid and cursive, with a long horizontal line extending from the start of the name.

Timothy J. Driscoll
President