

Waterman, Robert - WHD

From: Kenyaita Washington <k.Washington@iuoelocal12.org>
Sent: Monday, August 15, 2022 5:32 PM
To: WHDPRAComments
Cc: Hugo Tzec; Ron Sikorski
Subject: Control No. 1235-0015 (Errata)
Attachments: Letter re Control No. 1235-0015.pdf; 2015-6-12 Ltr to Vilaylak re NV Survey.pdf; 2018-01-11 Letter to Vicki Vilaylak.pdf

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To Whom It May Concern,

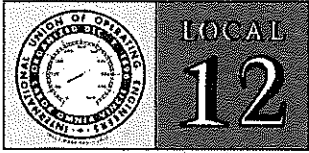
Attached please find comments from the International Union of Operating Engineers, Local Union No. 12 regarding Control No. 1235-0015 and attachments not attached to the last email. Sorry for any inconvenience this may have caused. Please contact Mr. Tzec with questions or comments at (626) 432-7389 or h.tzec@iuoelocal12.org.

Thank you,

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International Union of Operating Engineers AFL-CIO
Southern California & Southern Nevada 

RONALD J. SIKORSKI
Business Manager
and
General Vice President

**Comments of the International Union of Operating Engineers, Local Union No. 12
in Response to the U.S. Department of Labor's Proposed Revision of the WD-10 Form**

Control Number 1235-0015

The International Union of Operating Engineers, Local Union No. 12 (Local 12) submits these comments in response to the DOL's proposed revision of the information collection request (ICR) titled "Report of Construction Contractor's Wage Rates," which describes the WD-10 form and its use in wage surveys to implement the prevailing wage requirements of the Davis-Bacon and Related Acts. Local 12 represents more than 18,000 members in 12 counties in southern California and in 4 counties in southern Nevada.

Local 12 submits these comments to share our insights based upon Local 12's participation in five wage surveys over the past eight years in the State of Nevada; to explain the categorization in Local 12's CBA, which establish prevailing practices in the operating engineer trade in southern California¹ and southern Nevada; to propose a methodology to prevent discarding data on hundreds of power equipment operators in our jurisdiction based on alleged insufficiency of data; and to emphasize the importance of area practices concerning classification of work in the wage surveys. Local 12 supports the DOL's efforts, particularly elimination of "peak week" and

¹ A clear example of the need to rely on area practices in selecting classifications of power equipment operator is the "chipper," which is used in California to cut down damaged trees following ever-increasing forest fires.

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simplification of the WD-10 form, to increase the amount of data used to determine prevailing rates. In our view, those changes are fully consistent with the DOL's fulfillment of its statutory duty to produce reliable rates based on prevailing practices in a locality.² Elimination of peak week will increase the amount of data collected and ensure that surveys more accurately reflect the prevailing rates in relevant labor markets. The greater the amount of data submitted and ultimately used by the DOL in issuing wage determinations in a trade, the more reliable the results. The current practice of using data during only a single week drives down the amount of data submitted and used to calculate prevailing rates of pay, and thus, detracts from accuracy.

These comments focus on issues that pertain to data collection and computation of prevailing rates of pay solely for Local 12 and largely pertain to the proposed "Directory of Classifications and Sub-classifications." Local 12's recommendations are based on Secretary Walsh's clear direction in a July 15, 2022 decision that area practices must inform the process of data analysis in conducting wage surveys. In that decision, Secretary Walsh reiterated the "critical importance" of "proper classification of workers" to administration of the DBA, and further stated that "publication of prevailing rates based on local area practice is the central purpose of the DBA."³ Data collected in surveys demonstrate that different sub-classifications within a trade may dominate in some localities but be less frequently used in other areas depending upon the type of construction surveyed, union density, the local economy, and federal investment in local construction.

² Decision of Secretary Walsh reversing ARB Case No. 2020-0035 (July 15, 2022).

³ Walsh decision at 5, quoting *Bldg. Const. Trades' Dept. v. Donovan*, 712 F.2d 611, 619 (D.C. Cir. 1983).

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I. LOCAL 12's SURVEY EXPERIENCES DEMONSTRATE THE IMPORTANCE OF RELYING ON LOCAL PRACTICES TO DETERMINE CLASSIFICATIONS AND RATES OF PAY IN A GIVEN LOCALITY AND THE IMPORTANCE OF ENCOURAGING SUBMITTERS TO EXPLAIN ON THE WD-10 NEGOTIATED WAGE DIFFERENTIALS

Over the past eight years, Local 12 has participated in surveys of all four types of construction – building, heavy, highway, and residential – in Clark (Las Vegas), Esmeralda, Nye, and Lincoln counties.⁴ Local 12 has been able to avoid the stumbling blocks created by the *Mistick* requirement that wage rates “need to be identical ‘to the penny’ in order to be regarded as the ‘same wage’”⁵ for a given classification even though Local 12’s master agreements include over 70 “groups” of “classifications” and a different rate of pay for nearly every group. Indeed, in Clark County, Local 12 prevailed on 19 operating engineer classifications during the 2017 Davis-Bacon Highway Survey and the WHD posted a “UAVG” rate for “crane.” In the same county, Local 12 prevailed on about 50 classifications in 24 different wage “groups” during the 2014 Davis-Bacon Building Survey and about 35 classifications during the 2014 Davis-Bacon Heavy Survey. The ability to prevail on the most commonly used power equipment in Clark County has enabled signatory contractors to successfully compete for federal contracts. The WHD issued no open shop rates in the building and highway surveys.

⁴ Local 12 is currently participating in another highway survey in Nevada.

⁵ See DOL’s Notice of Proposed Rulemaking, *Updating the Davis-Bacon and Related Acts Regulations*, to amend Parts 1, 3, and 5 of these regulations. 87 *Fed. Reg.* 15711, 15706 (Mar. 18, 2022). (“To the extent that an inflexible, ‘to the penny’ approach to determining if wage data reflects the ‘same wage’ promotes the use of average rates even when wage rate variations are exceedingly slight and are based on practices reflecting that the rates, while not identical, are functionally equivalent, such an approach would be inconsistent with these authorities and the statutory purpose they reflect.”)

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A. The Key to Local 12's Successful Participation in Federal Surveys is that Local 12 Educated Wage Analysts on Local Practices

The key to Local 12's successful participation in those surveys is that it took the time to explain to the WHD in detail the basis for the wage rates in its master collective bargaining agreements in an effort to ensure that wage analysts did not mistakenly believe that signatory contractors paid operating engineers different base wages for the same work.⁶ In Local 12's survey experience, use of section 8, "Comments or Remarks" on the current WD-10 form has provided Local 12 and signatory contractors with ample opportunity to explain apparent (not actual) differences in base wages, based on characteristics of power equipment, such as size of equipment, weight capacity or maximum rated capacity ("MRC") in pounds or tons, drilling depth, and/or boom length, and negotiated amounts above base rate. All these variables impact pay. Under Local 12's CBAs, an operator of a higher capacity piece of equipment may, for example, earn a higher hourly wage than an operator of a lower capacity piece of equipment. Local 12's success illustrates the importance of including a space on the WD-10 form for explanations of local terminology used to describe power equipment; power equipment characteristics; the nature of work performed (mechanic, surveyor, materials tester, etc.); and negotiated wage differentials (e.g., zone pay/travel assistance, tool allowances, shift differentials, premiums for working forepersons, etc.).

B. Local 12 Encourages the WHD to Insert a Designated Space under Power Equipment Operator to Provide Submitter with the Opportunity to Explain Local Terminology and Local Practices Addressing Wage Rates Based on Characteristics of Power Equipment

⁶ See January 11, 2018 letter from Local 12 House Counsel Hugo Tzec to National Wage Survey Coordinator Vickj Vilaylak concerning the Highway Survey of Nevada (Statewide). See also, Mr. Tzec's June 12, 2015 letter to Ms. Vilaylak concerning the Building, Residential and Heavy Survey of Nevada (Statewide).

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Local 12 urges the WHD to modify the national "Directory of Classifications and Sub-Classifications" in a manner that encourages survey participants to provide information that will enable the WHD to determine practices concerning job classifications in local labor markets. To ensure that wage analysts do not view negotiated variables as different pay for the "same" work, Local 12 encourages the DOL to include under the power equipment operator classification a space for insertion of size of equipment, weight/capacity, engine type, drilling depth, and/or boom length and local terminology used to describe power equipment.

As proposed, the Directory does not provide a designated space for submitters to explain differences in local terminology for power equipment, locally negotiated rates based on the characteristics of the power equipment, or any locally-based add-ons that would otherwise create apparent *Mistick* problems. While the proposed WD-10 form includes a space below the "Wage Survey Information" for "general additional remarks," it does not provide space under the power equipment operator classification in the Directory for an explanation of local practice.

Examples of local terminology in Nevada include the use of the word "hoist." In Local 12's jurisdiction, a hoist is a crane. In other parts of the country, hoists (also referred to as elevator operators or manlifts) are responsible for transporting workers to their place of work and transporting materials on the construction site. There are also regional differences in the work functions of oilers and equipment greasers—oilers are essential for the safe operation of cranes and other equipment with a certain lift capacity while greasers are essential for the maintenance of all power equipment. Another example of regional difference is that Local 12 differentiates rates of pay for concrete pumps based on boom length and drilling machines based on drilling depth.

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C. Include a Separate Designated Space under Crane for the Submitter to Describe the Type of Crane and Other Pertinent Information Relating to Wage Rates

The labeling of cranes is a major concern for Local 12 since our CBAs provide different rates of pay based on type of crane and other factors, such as capacity/weight. Rather than attempting to capture all the regional differences in negotiated rates for cranes, Local 12 recommends that the WHD include a separate designated space under crane for the submitter to describe the type of crane and other pertinent information relating to wage rates.

D. Include a Designated Space on the "Wage Survey Information" and Instructions on CBA-Provided Payments Above Base Rate

In the NPRM, the DOL proposed an amendment,⁷ which would permit the Administrator to count wage rates together – for the purpose of determining the prevailing wage – if the rates are functionally equivalent and the variation can be explained by a CBA or a "written policy" otherwise maintained by the contractor. The NPRM uses zone pay, escalators, and shift differentials as examples of functional equivalents. Local 12 recommends, therefore, that the WHD designate a space on the WD-10 and include instructions on how to report zone pay, shift differentials, premiums for working forepersons, and other compensation above the base rate of pay for journeypersons that is provided pursuant to a CBA. The WD-10 form should include a designated space for including "CBA-provided payments above base rates," along with instructions that should read as follows:

CBA- Provided Payments Above Base Rate	Report zone pay, shift differentials, premiums for working forepersons, and other compensation above the base rate of pay for journeypersons that are contained in locally negotiated CBAs.
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⁷ 29 C.F.R. § 1.3(e).

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II. LOCAL 12 RECOMMENDS THAT THE WHD INCLUDE ADDITIONAL CLASSIFICATIONS IN THE DIRECTORY

While modifying the WD-10 will not cure the deficiencies in the survey process, it is important that the DOL create a Directory that does not adversely impact Local 12 and other similarly situated Locals and trades. Accordingly, Local 12 recommends additional changes to the WD-10 form and instructions.

A. Local 12 Urges the DOL to Include in the Directory as Classifications All Power Equipment on Which Local 12 Prevails in the post-*Mistick* Era

Local 12 encourages the DOL to include several pieces of commonly used pieces of equipment that do not appear in the Directory but appear on wage determinations that were issued within Local 12's geographic jurisdiction in the post-*Mistick* era. Those classifications include crusher, hoist, Gradall, drilling machine, concrete pump, equipment greaser, grade checker, and batch plant operator.

B. Local 12 Requests that the WHD Include the Classifications of Surveyors, Field Soils and Material Tester, and Building/Construction Inspector in the Directory

Local 12 requests that the WHD include in the Directory the classifications of surveyor,⁸ field soils and material tester, and building/construction inspector since these workers perform on-site physical and manual work as an integral part of the construction process. In southern Nevada and southern California, Local 12 prevails on this work under state prevailing wage law. The

⁸ During the Obama administration, the WHD issued All Agency Memorandum No. 212, Applicability of Davis-Bacon to Members of Survey Crews, which was rescinded during the Trump administration. In the recent NPRM, the DOL sought public comments pertinent to coverage of survey crew members under the definition of "laborer or mechanic" in 29 C.F.R. §5.2(m). 87 Fed.Reg. at 15729. Since it is likely that finalization of the new WD-10 form will occur before the effective date of the Final Rule on the NPRM, we recommend that the DOL include a "surveyor" classification.

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following is a representative sampling on classifications used in state prevailing wages to describe field soils and material tester, and/or building/construction inspector:

California	Field soils and material tester Field asphaltic concrete (soil and materials tester) Nondestructive testing (NDT) Building/construction inspector AWS-CWI welding inspector
Illinois	Material tester I and material tester II
Minnesota	Quality control tester
Nevada	Field Soils and Material Tester Field Asphaltic Concrete (Soils and material Tester) Field Earthwork (Grading and Excavation and Filing) AWS-CWI Welding Inspector Building/Construction Inspector Licensed Grading Inspector Nondestructive Testing (NDT)

C. Clarification of the Function of "Other Classification"

Local 12 requests that the DOL clarify the function of proposed "5000. Other Classification." The Directory already lists 27 "classifications," which far exceeds the 16 key classifications listed for "building" construction⁹ and 8 classifications¹⁰ listed for heavy & highway in the Prevailing Wage Resource Book. The instructions appear to invite submitters to include new classifications, which would increase the number of classifications and decrease the amount of data upon which each prevailed rate is based. The instructions for "Labor Classification number" and "Labor Classification name" state, in pertinent part, that:

If no classification is listed in the directory that reflects the trade of the worker(s), please select "Other Classification" number and provide the classification name.

⁹ See Prevailing Wage Resource Book, DB SURVEYS, which lists the following "key classifications": heat and frost insulators, bricklayers, boilermakers, carpenters, cement masons, electricians, iron workers, laborers – common, painters, pipefitters, plumbers, power equipment operators (operating engineers), roofers, sheet metal workers, tile setters, and truck drivers.

¹⁰ The key classifications in the Prevailing Wage Resource Book for heavy & highway are carpenters, cement masons, electricians, iron workers, laborers – common, painters, power equipment operators (operating engineers), and truck drivers.



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Local 12 recommends that the WHD direct submitters to contact the Davis-Bacon Survey Center for assistance if a classification does not appear in the Directory, using the following instruction:

Labor Classification number and name	Insert classification number and name as listed in the Classification and Sub-Classification Directory” that best characterizes the trade of the worker(s) on which you wish to report. If no classification is listed in the directory that reflects the trade of the worker(s), please contact Davis-Bacon Survey Center at 866-236-2773 or email DavisBaconInfo@dol.gov for assistance.
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D. Clarify Labels Used to Describe Equipment to Provide Improved Notice to Submitters of the Nature of the Equipment Used

Local 12 further recommends that the DOL modify the listings in “4000” that are insufficient to fully inform the submitter the nature of the equipment and/or duplicates a label used under the “truck driver” classification. “4014. Concrete,” for example, is both duplicative and insufficient to notify submitters of power equipment type. It should be modified to state “concrete pump truck.”

III. THERE ARE DEFICIENCIES IN THE SURVEY PROCESS FOR DETERMINING PREVAILING RATES FOR POWER EQUIPMENT OPERATORS THAT CANNOT BE CURED BY MODIFYING THE WD-10 FORM

While the proposed Directory appears, on its face, to simplify the classification of operating engineers, the problems presented in the survey process for our trade are complex and will not be resolved by inclusion of a drop-down menu, with established choices and write-in options. The fundamental problems presented are not rooted in the labels used to describe the many dozens of pieces of heavy equipment used on construction projects. Paring down the number of labels used in the operating engineer trade will not mitigate the harm caused by the DOL’s failure to devise a

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methodology for the few crafts¹¹ with collective bargaining agreements that include diverse wage scales for “groups” of work functions or sub-classifications within the trade. *Mistick* problems are inevitable when the WHD reaches to the supergroup level or statewide to combine data since different Local Unions in the same state negotiate different wage packages. In the states in which Local 12 has jurisdiction, for example, there is a sister local that negotiates wage packages based on market conditions in its geographic jurisdiction. *Mistick* problems are further exacerbated by the great number of “classifications” within our trade. Production of probative data on each individual classification (as contrasted with viewing groups or types of equipment collectively) is challenging and often results in discarding abundant data in our classifications.

IV. LOCAL 12 ENCOURAGES THE WHD TO ADOPT A METHODOLOGY THAT GIVES EFFECT TO DISCARDED DATA

A. The Current Methodology for Determining Prevailing Rates for Power Equipment Operators Results in Discarding Abundant Data in Surveys in Local 12’s Geographic Jurisdiction

The DOL routinely discards abundant union data in the operating engineer classification. Rather than discarding this data, the DOL should use the data as a supplemental indicator of whether union practices prevail in a locality. The WD-22’s for Clark County in the 2014 Nevada Building Survey, for example, the DOL discarded union data on the following 21 classifications: 1) backhoe excavator combo; 2) broom/sweeper; 3) bulldozer; 4) compactor; 5) concrete pump, truck mounted; 6) concrete texture cure machine; 7) crane; 8) crusher; 9) drill rig caissons; 10)

¹¹ The operating engineer trade is one of three key crafts identified in the Prevailing Wage Resource Book that negotiate CBAs that include groups with different pay scales for various work functions or “sub-classifications.” The other two are laborers and truck drivers. See e.g., Multnomah County (Portland), Oregon, where the IBT prevails on 7 groups, each of which has a different rate of pay (\$29.33, \$29.20, \$29.34, \$29.62, \$29.85, \$30.03, and \$30.24). The difference in pay between two of the group is \$0.00. <https://sam.gov/wage-determination/OR20220029/7> These comments do not purport to address issues that pertain to any trade or Local except operating engineers and Local 12.

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grade checker; 11) grader/blade; 12) lift/outside elevator; 13) power equipment; 14) roller (finishing); 15) rotomill; 16) scraper; 17) shuttle buggy; 18) skip loader; 19) soil stabilizer; 20) tractor; and 21) trencher. In some instances, the discarded data for an individual classification represents a significant number of workers. The discarded data for crusher; grade checker; scraper; concrete pump, truck mounted; compactor; roller (finishing); crane (tower), and rotomill represented 27, 22, 22, 19, 16, 11, 10, and 8 workers respectively. Collectively, the discarded data for the operating engineers in all 21 classifications exceeds the amount used to determine prevailing rates for some other crafts. By contrast, the discarded open shop data for operating engineer in Clark County – auger, grader (finishing), pump crete – accounted for only 7 workers.

B. Local 12 Recommends that the DOL Use the Discarded Union Data as a Basis for Posting Additional Power Equipment Classifications at Union Rates When Local 12 Prevails on a Majority of the Wages Posted

Local 12 encourages the WHD to adopt methodological changes that allow it to use discarded data in determining prevailing rates for power equipment operators. Adopting a methodology that takes into account discarded union data when union rates predominate is consistent with *Fry Brothers*, which holds that when the DOL “determines that the prevailing wage for a particular craft derives from experience under negotiated arrangements, the Labor Department has to see to it that the wage determinations carry along with them as fairly and fully as may be practicable, the classifications of work according to job content upon which the wage rates are based.”¹²

¹² *Fry Brothers*, WAB Case No. 76-06 (June 14, 1977).

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Local 12's recommendation is to use the data in a manner akin to the methodology set forth in All Agency Memorandum No. 213, *Application of the Davis-Bacon and Related Acts Requirement that Wage Rates for Additional Classifications, When "Conformed" to an Existing Wage Determination, Bear a "Reasonable Relationship" to the Wage Rates in that Wage Determination*. In AAM No. 213, for the first time in the history of the WHD's administration of the conformance regulation, the WHD acknowledged that where union rates predominate, it is "appropriate" to look to union rates within each category in selecting conformed rates:

[I]f a wage determination contains predominantly union prevailing wage rates for skilled classifications, it typically would be appropriate to look to the union sector skilled classifications in the wage determination and rates for those classifications when proposing a wage rate for the additional classification. Conversely, if a wage determination contains predominantly weighted average prevailing wage rates for skilled classifications, it would typically be appropriate to look to the weighted average/non-union sector skilled classifications in the wage determination and the rates for those classifications when proposing a wage rate for the additional classification.

Based on those principles, when there are more Local 12 rates on the wage determination than open shop rates, the WHD should give effect to the discarded data submitted by Local 12 and its signatory contractors. In the 2014 Nevada Building Survey, where all the wage determinations for power equipment operators were union, the WHD could have captured most of the discarded union data if it had posted Local 12 rates for all data upon which at least 6 workers were employed regardless of whether they were employed by 3 contractors and/or the data submitted by a single employer constituted more than 60% in a county. The discarded data for crusher (27); grade checker (22); scraper (22); concrete pump, truck mounted (19); compactor (16); roller (finishing)(11), crane (tower)(10), and rotomill (8).

A variation on this proposal would be to include the classifications for which data are discarded on the wage determination in the CBA group in which they appear when other

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classifications in the same CBA group are posted on the wage determination and union rates predominate. Both approaches would minimize the need for conformances.¹³

V. OTHER RECOMMENDED CHANGES TO THE INSTRUCTIONS

Local 12 encourages the WHD to eliminate redundant instructions for reporting on “working forepersons” “sub-classification number,” “sub-classification name,” and “# of workers performing on this project at this wage rate,” and replace them with a single instruction. Additionally, remove “only” in the first sentence of the current instructions on working forepersons so that this modifier does not discourage submitters from including working forepersons.¹⁴

# of working forepersons performing on this project at this base rate/hourly premium	Include “working forepersons” if they spend at least 20% of their time during a workweek performing the work of a classification or sub-classification in the “Classification and Sub-Classification Directory.” Report the premium (if any) above the base hourly wage rate paid to working forepersons. If one or more working foreperson(s) received an increase in pay pursuant to an escalator in a CBA during the survey period, use the same wage line to report this information. Include both wage rates: original CBA rate/updated CBA rate. Do not average the wage rate paid to all workers in a classification.
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CONCLUSION

Local 12 appreciates the opportunity to share our insights based upon Local 12’s participation in five wage surveys over the past eight years in the State of Nevada; to explain the

¹³ As reported by the GAO in 2011, “Labor official said the rates issued via conformance requests—an average of over 3,000 per year were filed in fiscal years 2007, 2008, and 2009—are only good for the specific project on which they are issued and many are repeated requests for job classifications for workers who operate specific pieces of highway construction equipment.” See Gov’t Accountability Office, GAO-11-152, *Davis-Bacon Act: Methodological Changes Needed to Improve Wage Survey* (2011) (2011 GAO Report), at 32-33, available at: <https://www.gao.gov/products/gao-11-152>.

¹⁴ The proposed instructions on working foreperson currently state (emphasis added): “Working supervisors/forepersons should only be included if they spend at least 20% of their time during a workweek performing the work of a classification in the ‘Classification and Sub-Classification Directory’, in which case they should be reported as a worker in that classification.”

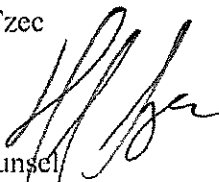
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categorization in Local 12's CBA, which establish prevailing practices in the operating engineer trade in southern California and southern Nevada; to emphasize the importance of area practices concerning classification of work in the wage surveys; and to make recommendations on the use of discarded data on power equipment operator classifications based on alleged insufficiency of data.

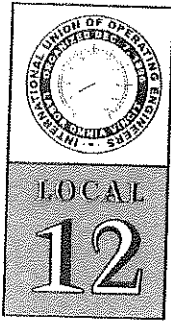
Date: August 15, 2022

Respectfully submitted,
Ronald J. Sikorski, Business Manager
and General Vice-President

By: Hugo A. Tzec



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INTERNATIONAL UNION OF
OPERATING ENGINEERS

HUGO A. TZEC - HOUSE COUNSEL

WM. C. WAGGONER
Business Manager
and
General Vice-President

June 12, 2015

VIA E-MAIL & U.S. EXPRESS MAIL EM376875245US

Vickie Vilaylak
National Wage Survey Coordinator
U.S. Department of Labor
Wage and Hour Division
90 7th St., Suite 13-100
San Francisco, CA 94103

Re: Statewide Survey of Nevada

Dear Ms. Vilaylak:

International Union of Operating Engineers Local 12 submits this letter, along with the collective bargaining agreements (CBAs) applicable during the survey period, to assist your office in its review of the wage data for work performed by operating engineers in southern Nevada.

A. Local 12's Geographic Jurisdiction in Southern Nevada and Applicable CBAs

IUOE Local 12's geographic jurisdiction extends through these Southern Nevada counties:

- Group 10042 – Esmeralda, Nye and Lincoln
- Group 29820 – Clark.

Please note that all other counties in Nevada fall within the geographic jurisdiction of IUOE Local 3, and a separate collective bargaining agreement establishes a different schedule of rates and benefits for the same or similar work.

Local 12 submitted wage data for Building, Heavy and Residential work performed by Local 12 members under these three specific CBAs:

- **Master Labor Agreement between Nevada Contractors Association and International Union of Operating Engineers, Local Union No. 12** (primary CBA)
- Master Labor Agreement between Southern Nevada Crane Contractors Association and the International Union of Operating Engineers, Local Union No. 12 (SNCCA CBA)
- Master Labor Agreement between Concrete Pumpers Association of Southern California, Inc. and International Union of Operating Engineers, Local Union No. 12 (CPASC CBA)

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Attached please find these CBAs along with their respective contract extensions and/or renewals. We also include "wage allocation" letters for these CBAs, which summarize the wage rates for all operating engineer's classifications/sub-classifications (by appendix and group designation) and fringe benefit contributions throughout the applicable survey period. The wage allocation letters should be your primary source for determining which Local 12 wage rate and fringe benefit applies during any specific period within the survey period.

You will find that most of the work reported was performed under the Master Labor Agreement between Nevada Contractors Association and the International Union of Operating Engineers, Local Union No. 12. (Bold and underlined above) For identification purposes I will refer to this as the "primary CBA." The primary CBA is submitted here in booklet format (2007-2010) and is your best source for identifying Operating Engineer's classifications and sub-classifications.

B. Zone Pay and Travel Assistance for Work Performed Under Primary CBA

The zone pay premiums are set forth in Article XVI (Working Rules), Paragraph Q, page 107-108 of our primary CBA. Zone pay shall apply as follows and supplement the base rate for the entire shift:

From the City Hall of Las Vegas, Nevada

- 20 to 40 Miles – add \$2.00 per hour to wage rates
- 40 to 60 Miles – add \$3.00 per hour to wage rates
- Over 60 Miles – add \$3.50 per hour to wage rates

C. Shift Differential for Work Performed Under Primary CBA

Local 12's primary CBA includes a multi-shift differential. The premiums for operating engineers who work these shift differentials are set forth in Article XVI (Working Rules), Paragraph B, pages 75-76. The specific dollar amount attributed to these premiums are set forth in the following Appendices: A-2, A-3, B-2, B-3, C-2, C-3.

D. Size of Equipment, Operating Weight and Function

1. Size of Equipment, Operating Weight and Equipment Function

All of Local 12's CBAs provide for higher rates of pay for larger pieces of equipment. Thus, while a piece of equipment with the same name may appear in a number of different pay "groups" in the agreement, the size of the equipment dictates the group in which the particular piece of equipment falls. The higher pay for different group designations can also depend upon the

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 National Wage Survey Coordinator
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operating weight capacity or maximum rated capacity (“MRC”) in pounds or tons. A greater skill set is required to operate equipment based upon size and operating weight. Similarly a greater skill set is required depending on the function(s) that the equipment is designed to perform. The rate of pay varies depending upon any or all of these factors.

IUOE Local 12 has selected the following examples to demonstrate the extent to which wage rates vary. This is an illustrative summary, not a comprehensive one:

i. Backhoes are equipment that appear in more than one group based upon size:

Appendix/Group	Size/Capacity	Rate of pay for August 12, 2013 – October 1, 2014 ¹
A/8	Backhoe (over ¾ yd.- 5 cu. yds. MRC.)	40.25
A/10	Backhoe (over 5 cu. yds. MRC)	40.37
A/12	Backhoe (over 7 cu. yds. MRC)	40.54

ii. Excavators (specifically delineated as “Excavator Track/Rubber-Tired”) are examples of equipment grouped based upon operating weight capacity:

Appendix/Group	Size/Operating Weight	Rate of pay for August 12, 2013 – October 1, 2014
A/4	Excavator (Operating weight under 21,000 lbs.)	39.92
A/8	Excavator (Operating Weight 21,000 lbs.- 100,000 lbs.)	40.25
A/12	Excavator (Operating Weight 100,000 lbs.- 200,000 lbs.)	40.54
A/16	Excavator (Operating Weight exceeding 200,000 lbs.)	40.87

iii. Rubber-Tired Earth Moving Equipment operators have various rates of pay attributed to them not only because of the size and operating weight but also because of the function performed by the piece of equipment, i.e. single vs. multiple engines, operating with a “push-pull” system or “in tandem,” etc.:

¹These rates are applicable to the work performed on the respective piece of equipment for the specific time period delineated. We only reference one year to illustrate the different rates for different equipment size/operating weight/function. Please refer to the appropriate wage allocation letters for all other wage rates and fringe benefit contributions applicable during any other periods falling within the reporting period.

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Appendix/Group	Size/Operating Weight/Function	Rate of pay for August 12, 2013 – October 1, 2014
A/6	Rubber-Tired Earth Moving Equipment (single engine, up to 25yds struck)	40.14
A/8	Rubber-Tired Earth Moving Equipment (single engine, over 25 – 50 yds struck)	40.25
A/10	Rubber-Tired Earth Moving Equipment (single engine, over 50 yds struck)	40.37
A/12	Rubber-Tired Earth Moving Equipment (multiple engine, over 50 yds struck)	40.54
A/13	Rubber-Tired Earth Moving Equipment, operating with the Push-Pull System (single engine, up to 25 yds struck)	40.64
A/15	Rubber-Tired Earth Moving Equipment, operating with the Push-Pull System (single engine, over 25 – 50 yds struck)	40.75
A/16	Rubber-Tired Earth Moving Equipment, operating with the Push-Pull System (single engine, over 50 yds struck)	40.87
A/17	Rubber-Tired Earth Moving Equipment, operating with the Push-Pull System (multiple engine, over 50 yds struck)	41.04
A/18	Rubber-Tired Earth Moving Equipment, operating in Tandem (single engine up to 25 yds struck)	41.14
A/19	Rubber-Tired Earth Moving Equipment, operating in Tandem (single engine, over 25 – 50 yds struck)	41.25
A/20	Rubber-Tired Earth Moving Equipment, operating in Tandem (single engine, over 50 yds struck)	41.37
A/21	Rubber-Tired Earth Moving Equipment, operating in Tandem (multiple engine, over 50 yds struck)	41.54
A/22	Rubber-Tired Earth Moving Equipment, operating with Tandem Push-Pull system (single engine, up to 25 yds struck)	41.64
A/23	Rubber-Tired Earth Moving Equipment, operating with Tandem Push-Pull system (single engine, 25-50 yds struck)	41.75

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Appendix/Group	Size/Operating Weight/Function	Rate of pay for August 12, 2013 – October 1, 2014
A/24	Rubber-Tired Earth Moving Equipment, operating with Tandem Push-Pull system (multiple engine, 25-50 yds struck)	41.87
A/25	Rubber-Tired Earth Moving Equipment, operating with Tandem Push-Pull system (multiple engine, over 50 yds struck)	42.04

iv. Another example not listed here is the sub-classification of “Roller Operator (Compacting)” found in Appendix A, Group 4, which provides for a lower rate of pay than “Roller Operator (asphalt or finish),” which is in Appendix A, Group 6. Operation of a roller used for compacting asphalt or finishing requires a higher level of skill than a roller for compacting alone.

2. Cranes

Two different CBAs govern Crane work performed in Southern Nevada—the primary CBA and the Master Labor Agreement between Southern Nevada Crane Contractors Association and the International Union of Operating Engineers, Local Union No. 12 (referred herein as the “SNCCA CBA”). Both CBAs designate higher rates of pay for Cranes depending on the maximum tonnage—MRC—each crane is able to lift. The higher the MRC the greater the skill level required to operate the crane.

i. Primary CBA

Appendix/Group	Size/MRC	Rate of pay for August 12, 2013 – October 1, 2014
B/12	Crane (up to 40 tons MRC)	42.34
B/16	Crane (40-79 tons MRC)	43.76
B/17	Crane (80-150 tons MRC)	44.26
B/19	Crane (150-200 tons MRC)	46.29
B/20	Crane (200-250 tons MRC)	46.90
B/21	Crane (250-300 tons MRC)	47.51
B/22	Crane (300-350 tons MRC)	48.27
B/23	Crane (over 350 tons MRC)	48.73

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ii. SNCCA CBA

Group	Size/MRC	Rate of pay for November 4, 2013 – July 1, 2014
12	Crane (up to 40 tons MRC)	42.74
16	Crane (40-79 tons MRC)	44.16
17	Crane (80-150 tons MRC)	44.66
19	Crane (150-200 tons MRC)	46.69
20	Crane (200-250 tons MRC)	47.30
21	Crane (250-300 tons MRC)	47.91
22	Crane (300-350 tons MRC)	48.67
23	Crane (over 350 tons MRC)	49.13

3. Concrete Boom Pumps

Aside from Appendix A, Group 25 in the primary CBA, most of the concrete boom pump work performed in Southern Nevada is governed by the Master Labor Agreement between Concrete Pumpers Association of Southern California, Inc. and International Union of Operating Engineers, Local Union No. 12 (referred herein as the "CPASC CBA"). The CPASC CBA designates higher rates of pay for concrete boom pumps depending on the vertical reach in feet of the boom. The greater the vertical reach the higher the skill level required to operate that boom pump:

Appendix/Group	Size/Vertical Reach	Rate of pay for Month day, 2013 – Month day, 2014
A/2	Concrete Boom Pump (vertical reach up to 92 ft)	41.31
A/3	Concrete Boom Pump (vertical reach 92-112 ft)	41.56
A/4	Concrete Boom Pump (vertical reach 112-118 ft)	42.81
A/5	Concrete Boom Pump (vertical reach 118-165 ft)	43.06
A/6	Concrete Boom Pump (vertical reach 171-187 ft)	43.31
A/7	Concrete Boom Pump (vertical reach 190-206 ft)	43.81

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4. Oilers

Work performed by Local 12 Oilers in Southern Nevada is governed by all three CBAs: primary CBA, SNCCA CBA and the CPASC CBA. Under the primary CBA, Engineer Oilers (Appendix A, Group 1) perform work on excavators or backhoes and are paid less than the Oilers performing work on concrete pumps. Oilers performing work on concrete pumps under the CPASC CBA are paid higher rates than Engineer Oilers because a commercial driver's license ("CDL") is required for oilers driving the truck-mounted concrete pumps. In turn, concrete pump Oilers are paid less than Oilers performing work on cranes because crane oilers are required to have a CDL for driving truck-mounted cranes *and* a higher skill level given the greater complexity and variety of cranes. Finally, crane Oilers (under both the primary and SNCCA CBAs) are divided into two classifications based on the MRC in tons of the crane assigned to the Oiler. Once again, the higher the MRC the higher the skill level necessary for that oiler.

i. Primary CBA

Appendix/Group	Size/MRC/Function	Rate of pay for August 12, 2013 – October 1, 2014
A/1	Engineer Oiler	37.19
B/8	Oiler (40-200 tons MRC)	40.87
B/9	Oiler (over 200 tons MRC)	41.55

ii. SNCCA CBA

Group	Size/MRC/Function	Rate of pay for November 4, 2013 – July 1, 2014
8	Oiler (40-200 tons MRC)	41.27
9	Oiler (over 200 tons MRC)	41.95

iii. CPASC CBA

Group	Size/Function	Rate of pay for November 4, 2013 – July 1, 2014
1	Engineer Oiler (Second Operator)	40.05

D. Clarification of Names of Equipment

Your office may also appreciate clarification of some of the names of the equipment in the collective bargaining agreement. The Rubber-Tired Earth Moving Equipment is also known in the industry as a "Scraper."

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E. "Working Foreman" Data Should be Included at the Journeyman Rate Paid for the Laborers and Mechanics Work Performed

IUOE Local 12 has submitted wage data for working foreman. *See* "Foreman" as found in Article XVI (Working Rules), Paragraph O, page 106-107. This premium received by foremen and working foreman is \$2.00 "per hour over the hourly rate of the highest paid Operating Engineer on the job or project."

IUOE Local 12 requests that the Wage and Hour Division include in the survey the data for working foremen at the rate of the classification of laborers and mechanics work performed by the working foreman. This approach is consistent with the CBA, regulations, and guidance, since the premium paid to working foreman is not based on the journeyman work that they perform, but rather is a supplement paid for the lead or oversight work that they perform.

Section 2 of Paragraph O in the primary CBA recognizes that a journeyman acting as a lead of a smaller crew may be required to perform work at the trade. As stated in Section 2, the working foreman is compensated at the journeyman rate for performing work of the trade, with a premium for the lead or oversight responsibility:

O. Foreman:

1. If a Contractor employs seven (7) or more employees covered by the Agreement, excluding Engineer-Oiler and Signalmen, Forklift Operators, Compressor Operators, Pump Operators, Generator Operators, Rodmen, Chain, Instrumentmen and Chief of Party on a project, an Operating Engineer Foreman shall be employed at the rate of not less than Two (\$2.00) per hour over the hourly rate of the highest paid Operating Engineer on the job or project. The additional pay shall be added to the regular rate and become the base rate for the entire shift. He shall not operate equipment except in an emergency or when the regular operator is temporarily absent.
2. When less than seven (7) employees are working and the Employer assigns supervisory authority to one of the Journeymen, **he may be required to work at the trade**, but will be paid at the Foreman's rate, and the additional pay shall be added to the regular rate and become the base rate for the entire shift.

The working foreman described in Section 2 is a laborer or mechanic within the meaning of 29 CFR 5.2(m) when performing the work of a journeyman. DOL regulation 29 CFR 5.2(m) provides that workers who are not employed in a "bona fide executive, administrative, or professional capacity" and who devote more than 20 percent of their time during a workweek to duties of a mechanic or laborer are laborers and mechanics for the time so spent. Regarding compensation for the laborers and mechanics work performed by working foremen, the

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“DBA/DBRA Compliance Principles” of Prevailing Wage Resource Book states that working foremen are entitled to the “rate listed in the contract wage determination for the hours spent as a laborer or mechanic.” Likewise, Field Operations Handbook, 15e15(b), states that these workers “must be paid the applicable DBRA prevailing wage rate for the classification of work performed for all hours engaged in such work as a laborer or mechanic.”

The Resource Book and Handbook clearly demonstrate the Wage and Hour Division’s interpretation that the Davis-Bacon Act affords wage protection for working foreman for their work as laborer or mechanics at the rate paid to the classification of covered work that they perform. The Wage and Hour Division and counsel from the Solicitor’s office have advised that the DOL has not issued an opinion on whether wage data for working foreman should be included at the working foreman rate or the rate of the journeyman work performed by the working foreman. However, since the working foreman is entitled to protection for only work performed in a covered classification, the DOL should include data at the rate of the covered work, *i.e.*, the journeyman rate. A failure to do so would create *Mistick* issues where none would otherwise exist. The working foremen are paid the **same** rate as the journeyman for the journeyman work performed by the working foreman.

The Arizona Department of Transportation included working foreman at the journeyman rate following the Iron Worker’s appeal to the U.S. DOL of iron worker wage determinations for highway work. *See* February 19, 2010 letter from Arizona Department of Transportation to the law firm of Weinberg, Roger & Rosenfeld (attached). The ADOT had originally excluded the data on foreman during the survey. On appeal, the Iron Workers advised the U.S. DOL and ADOT that the excluded foremen were actually working foreman. During a period of inaction on the appeal by the U.S. DOL, the ADOT corrected the error, and informed the U.S. DOL of the corrections.

F. Survey Crews

IUOE Local 12’s CBA contains sub-classifications survey crews. Among others, the classifications include: Chainman, Instrumentman, Global Position Systems Chainman and Rodman and Party Chief.

IUOE Local 12 negotiated these classifications many decades ago. Presently, four-person crews are used very rarely in the construction industry. With technological advance, including the widespread use of GPS in surveying, employers almost always employ one or two-person “crews.” *See* All Agency Memorandum No. 212. When two-person crews are used, both members are capable of performing all the functions required, and both perform physically demanding work. The two-person crews earn the Appendix C, Group 10 rate of pay.

The term “party chief,” which implies that one of the members of the crew is a supervisor who does not perform physically demanding work, is no longer an apt description of the work of

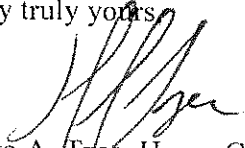
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the surveyor. IUOE Local 12 encourages the Wage and Hour Division to investigate the actual work performed by the Local 12 party chief rather than excluding the data based upon a misassumption created by a job title that has not been updated to reflect their work.

Please contact me at h.tzec@iuoelocal12.com or (626) 432-7389 if you have any questions.

Very truly yours



Hugo A. Tzec, House Counsel
I.U.O.E., Local Union No. 12

HAT:kw

Attachments as referenced (e-mail w/o attachments)

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RONALD J. SIKORSKI
Business Manager

INTERNATIONAL UNION OF
OPERATING ENGINEERS
HUGO A. TZEC - HOUSE COUNSEL

January 11, 2018

VIA EMAIL & U.S. EXPRESS MAIL EM376877122US

Ms. Vicki Vilaylak
National Wage Survey Coordinator
U.S. Department of Labor
Wage and Hour Division
90 7th St., Suite 13-100
San Francisco, CA 94103

Re: Highway Survey of Nevada (Statewide)

Dear Ms. Vilaylak:

The International Union of Operating Engineers Local 12 submits this letter, along with the collective bargaining agreements applicable during the survey period, to assist your office in its review of the wage data for work performed by operating engineers in southern Nevada.

A. Local 12's Geographic Jurisdiction in Southern Nevada and Applicable CBAs

IUOE Local 12 has geographic jurisdiction covers the following Southern Nevada counties:

- Group 10042 – Esmeralda, Nye and Lincoln
- Group 29820 – Clark.

Please note that all *other* counties in Nevada are within the geographic jurisdiction of IUOE Local 3, and a separate collective bargaining agreement establishes a different schedule of rates and benefits for the same or similar work.

B. Local 12's Primary CBA and Wage Allocation Letters

Local 12 submitted wage data for highway work performed by Local 12 members under the Master Labor Agreement between Nevada Contractors Association and International Union of Operating Engineers, Local Union No. 12 (primary CBA).¹ Most of the work reported by Local 12 and its signatory contractors was performed under the primary CBA. The primary CBA (along

¹ IUOE Local 12 has also submitted a minimal amount of data on work performed under Master Labor Agreement between Southern Nevada Crane Contractors Association and the International Union of Operating Engineers, Local Union No. 12 (SNCCA CBA), and Master Labor Agreement between Concrete Pumpers Association of Southern California, Inc. and International Union of Operating Engineers, Local Union No. 12 (CPASC CBA) Local 12 has also enclosed copies of these CBAs, contract extensions and renewals, and wage allocation letters.

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with extensions and renewals) is submitted here in booklet format. Also enclosed are "wage allocation" letters for the primary CBA, which set forth the wage rates for all operating engineer's classifications/sub-classifications (by appendix and group designation) and fringe benefit contributions. These documents should be the DOL's primary source for identifying Operating Engineer's classifications and sub-classifications and for determining which Local 12 wage rate and fringe benefit applies during any specific period within the survey period.

C. Wage Rates that are "Frozen"

Where applicable, Local 12 indicates on section 8 of the WD-10 that a wage rate has been "frozen" following bidding on the projects. As a result, no CBA wage and fringe benefit escalators were paid to workers on those projects as of the date indicated in section 8 of the WD-10. Those projects include:

- I-II Boulder City Bypass Phase #2
- Northern 215 Beltway ITS
- 2015 Beltway at Craig
- Craig Road to Speedway Blvd. 3629
- I-215 Airport Connector Phase 2
- U.S. 6 North Improvements NDOT 3628
- Project Neon Design Build
- Las Vegas Wash Channel
- Pecos & Russell Resurface
- Pavilion at Griffith Park
- NDOT 3605
- Replace DMS Signs
- Stephanie-Galleria/Russell
- I-11 Bypass
- Main Street Phase I
- Nellis at Hacienda
- Flamingo Corridor IMP
- Town & Center Griffith
- Main Street at Commerce
- NDOT 3620
- Tropical Parkway
- Cliff Shadows Parkway II

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D. Base Rates in the Primary CBA are the Same

The base wage rates in Local 12's CBAs are the same for the same work. However, the CBAs include the "premiums" described below that provide additional income to workers. To assist the Wage and Hour Division's wage analysts in understanding the various "add-ons" to base rates of pay, Local 12 lists the most common factors that require the payment of premiums in this letter.

E. Tool Allowance is a Premium

Heavy duty repairmen receive a \$0.50 per hour "tool allowance" under the primary CBA.²

F. Zone Pay is a Premium

The zone pay premiums supplement the base pay provided in the primary CBA for the entire shift:³

From the City Hall of Las Vegas, Nevada

- 20 to 40 Miles – add \$2.00 per hour to wage rates
- 40 to 60 Miles – add \$3.00 per hour to wage rates
- Over 60 Miles – add \$3.50 per hour to wage rates

Local 12 indicates in section 8 of the WD-10 form the projects on which workers received zone pay.

G. "Working Foreman" Data Includes Premium Pay

IUOE Local 12 has submitted wage data for working foreman, and indicates in section 8 of the WD-10 form when an operator received a "foreman" premium in accordance with the requirements of the primary CBA.⁴ This premium compensates the worker assigned supervisory duties over a smaller crew while he or she works at the trade.

² See Article XVI (Working Rules), Paragraph U, Section 7, page 134 of the primary CBA.

³ See Article XVI (Working Rules), Paragraph Q, page 109 of primary CBA.

⁴ See "Article XVI (Working Rules), Paragraph O, page 107 of the primary CBA.

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H. Shift Differential is a Premium

Local 12's primary CBA includes a premium for a shift differential, with dollar amounts delineated in the agreement.⁵

I. Size of Equipment, Operating Weight and Function

Local 12's CBA provides for higher rates of pay for larger pieces of equipment. Thus, while a piece of equipment with the same name may appear in a number of different pay "groups" in the CBA, the size of the equipment dictates the group in which the particular piece of equipment falls. The different group designations can also depend upon the operating weight capacity or maximum rated capacity ("MRC") in pounds or tons. A greater skill set is required to operate equipment based upon size and operating weight. Similarly, a greater skill set is required depending on the function(s) that the equipment is designed to perform. The rate of pay varies depending upon these factors.

IUOE Local 12 has selected examples set forth in Attachments 1-7 to this letter to demonstrate the extent to which wage rates vary based upon these factors. These are an illustrative summary, not a comprehensive one, but include the types of equipment most commonly used in highway construction.⁶

J. Clarification of Names of Equipment

Attachment 7 provides an alternate name used in the construction industry to describe Rubber-Tired Earth Moving Equipment, which is also known as a "Scraper." Local 12 can provide you and your staff further clarification when you come across slang terms used to report equipment on the WD-10 forms.

⁵ See Article XVI (Working Rules), Paragraph B, pages 75. The specific dollar amount attributed to these premiums are set forth in the following Appendices to the primary CBA: A-2, A-3, B-2, B-3, C-2, C-3.

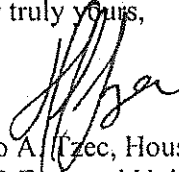
⁶ These rates are applicable to the work performed on the respective piece of equipment for the specific time period delineated. Please refer to the appropriate wage allocation letters for fringe benefit contributions applicable during any other periods falling within the reporting period.

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Please contact me at h.tzec@iuoelocal12.org or (626) 432-7389 if you have any questions.

Very truly yours,



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HAT:kw

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Attachment 1 - Backhoes

Appendix/ Group	Size/Capacity	Wage rate 10/1/14 to 9/30/15	Wage rate 10/1/15 to 9/30/16	Wage rate 10/1/16 to 9/30/17
A/VIII	Backhoe (up to ¾ yd.- 5 cu. yds. MRC)	\$41.35	\$42.50	\$44.45
A/X	Backhoe (over 5 cu. yds. MRC)	\$41.47	\$42.62	\$44.57
A/XII	Backhoe (over 7 cu. yds. MRC)	\$41.64	\$42.79	\$44.74

Backhoes are equipment that appear in more than one group in IUOE Local 12's collective bargaining based upon size.

Sources: p. 147, 150 and 151 of 7/1/16 primary CBA and August 2, 2016 wage allocation letter

- Please note that in section 8 of the WD-10 forms, IUOE Local 12 uses cardinal numbers (1,2, 3, etc.) instead of Roman numerals in listing CBA sections since space is limited in section 8.
- Please also note that these Attachments only reflect the effective date for wage rate increases. Fringe benefit contributions may have increased prior to these wage rate increases, therefore, please refer to the appropriate wage allocation letters for fringe benefit contributions applicable during the periods falling within the reporting time frame.

Attachment 2 – Excavators

Appendix/ Group	Size/Capacity	Wage rate 10/1/14 to 9/30/15	Wage rate 10/1/15 to 9/30/16	Wage rate 10/1/16 to 9/30/17
A/IV	Excavator (Operating weight under 21,000 lbs.)	\$41.02	\$42.17	\$44.12
A/VIII	Excavator (Operating Weight 21,000 lbs.- 100,000 lbs.)	\$41.35	\$42.50	\$44.45
A/XII	Excavator (Operating Weight 100,000 lbs.- 200,000 lbs.)	\$41.64	\$42.79	\$44.74
A/XVI	Excavator (Operating Weight exceeding 200,000 lbs.)	\$41.97	\$43.12	\$45.07

Excavators (specifically delineated as “Excavator Track/Rubber-Tired”) are examples of equipment grouped based upon operating weight capacity.

Sources: p. 144, 147, 152 and 153 of 7/1/16 primary CBA and August 2, 2016 wage allocation letter

Attachment 3 – Cranes

Appendix/Group	Size/Maximum Tonnage (MRC)	Wage rate 10/1/14 to 9/30/15	Wage rate 10/1/15 to 9/30/16	Wage rate 10/1/16 to 9/30/17
B/XII	Crane (up to 40 tons MRC)	\$43.44	\$44.59	\$46.54
B/XVI	Crane (40-79 tons MRC)	\$44.86	\$46.01	\$47.96
B/XVII	Crane (80-150 tons MRC)	\$45.36	\$46.51	\$48.46
B/XIX	Crane (150-200 tons MRC)	\$47.39	\$48.54	\$50.49
B/XX	Crane (200-250 tons MRC)	\$48.00	\$49.15	\$51.10
B/XXI	Crane (250-300 tons MRC)	\$48.61	\$49.76	\$51.71
B/XXII	Crane (300-350 tons MRC)	\$49.37	\$50.52	\$52.47
B/XXIII	Crane (over 350 tons MRC)	\$49.83	\$50.98	\$52.93

The primary CBA designates higher rates of pay for cranes depending on the maximum tonnage—MRC—each crane is able to lift. The higher the MRC the greater the skill level required to operate the crane.

Sources: p. 162 and 163 of 7/1/16 primary CBA and August 2, 2016 wage allocation letter

The Master Labor Agreement between Southern Nevada Crane Contractors Association and the International Union of Operating Engineers, Local Union No. 12 also designates higher rates of pay for cranes depending on the maximum tonnage that each crane is able to lift.

Attachment 4 – Asphalt Pavers and Screed Operators (aka “Screedman”)

Appendix/ Group	Size/Capacity	Wage rate 10/1/14 to 9/30/15	Wage rate 10/1/15 to 9/30/16	Wage rate 10/1/16 to 9/30/17
A/IV	Screed Operator (Asphalt or Concrete)	\$41.02	\$42.17	\$44.12
A/VIII	Asphalt or Concrete Spreading Operator (Tamping or Finishing)	\$41.35	\$42.50	\$44.45
A/VIII	Asphalt Paving Machine Operator (Barber Greene or similar type) – one (1) Screedman required	\$41.35	\$42.50	\$44.45

Sources: p. 144, 146 and 147 of 7/1/16 primary CBA and August 2, 2016 wage allocation letter.

Attachment 5 – Rollers

Appendix/ Group	Function	Wage rate 10/1/14 to 9/30/15	Wage rate 10/1/15 to 9/30/16	Wage rate 10/1/16 to 9/30/17
A/IV	Roller operator (compacting)	\$41.02	\$42.17	\$44.12
A/VI	Roller operator (asphalt or finish)	\$41.24	\$42.39	\$44.34

The sub-classification of “Roller Operator (Compacting)” provides for a lower rate of pay than “Roller Operator (asphalt or finish),” because operation of a roller used for compacting asphalt or finishing requires a higher level of skill than a roller for compacting alone.

Sources: p. 144 and 146 of 7/1/16 primary CBA and August 2, 2016

Attachment 6 – Oilers

Appendix/Group	Size/MRC/Function	Wage rate 10/1/14 to 9/30/15	Wage rate 10/1/15 to 9/30/16	Wage rate 10/1/16 to 9/30/17
A/I	Engineer Oiler	\$38.29	\$39.44	\$41.39
B/VIII	Crane Oiler (40-200 tons MRC)	\$41.97	\$43.12	\$45.07
B/IX	Crane Oiler (over 200 tons MRC)	\$42.65	\$43.80	\$45.75

Sources: pp. 142 and 161 of 7/1/16 primary CBA and August 2, 2016 wage allocation letter

Engineer oiler

Under the primary CBA, “Engineer Oilers” are the lowest-paid oilers. They perform work on excavators, backhoes, crushers, and trenching machines.

Crane oiler

Crane Oilers under the primary CBA are divided into two classifications based on the MRC in tons of the crane assigned to the Oiler. Once again, the higher the MRC, the higher the skill level necessary for that oiler. Under the SNCCA CBA, Crane Oilers also are divided into two classifications based on the MRC in tons of the crane assigned to the Oiler.

Attachment 7 – Rubber-Tired Earth Moving Equipment (aka “Scraper”)

Appendix/ Group	Size/Capacity	Wage rate 10/1/14 to 9/30/15	Wage rate 10/1/15 to 9/30/16	Wage rate 10/1/16 to 9/30/17
A/VIII	Rubber-Tired Scraper Operator (self-loading paddle wheel type – John Deere, 1040 or similar	\$41.35	\$42.50	\$44.45

Rubber-Tired Earth Moving Equipment operators have various rates of pay attributed to them not only because of the size and operating weight but also because of the function performed by the piece of equipment, i.e., self-loading paddle wheel, single vs. multiple engines, operating with a “push-pull” system or “in tandem,” etc.

Sources: p. 149 of 7/1/16 primary CBA and August 2, 2016 wage allocation letter

- Please note that IUOE Local 12 submitted fewer data on “scrapers” than on the equipment described in Attachments 1 to 5.