

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
[11.1.2.1 NMAC - Rp, 11.1.2.1 NMAC, 12/30/2016]

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.
[11.1.2.2 NMAC- Rp, 11.1.2.2 NMAC, 12/30/2016]

11.1.2.3 STATUTORY AUTHORITY: Section 13-4-11 NMSA 1978 (2009).
[11.1.2.3 NMAC - Rp, 11.1.2.3 NMAC, 12/30/2016]

11.1.2.4 DURATION: Permanent.
[11.1.2.4 NMAC - Rp, 11.1.2.4 NMAC, 12/30/2016]

11.1.2.5 EFFECTIVE DATE: December 30, 2016, unless a later date is indicated at the end of section.
[11.1.2.5 NMAC - Rp, 11.1.2.5 NMAC, 12/30/2016]

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, 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 permanent job classifications and descriptions for public works projects are also contained in this rule.
[11.1.2.6 NMAC - Rp, 11.1.2.6 NMAC, 12/30/2016]

11.1.2.7 DEFINITIONS:

- A.** "Base wage rate" means the straight time hours and hourly rate paid each laborer or mechanic.
- B.** "Craft" means a particular construction trade.
- 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, if the payment has been authorized through a negotiated process or by a collective bargaining agreement, 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; zone, incentive, and subsistence pay and any other compensation paid to an employee other than wages, unless otherwise addressed separately in the applicable collective bargaining agreement, which shall be controlling in accordance with Subsection E of 11.1.2.12 NMAC.
- 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 public works projects or contracts.
- I.** "Secretary" means the secretary of the department of workforce solutions.
- J.** "Similar nature" means contract work performed on projects as defined in 11.1.2.18 NMAC.
- K.** "State" means the state of New Mexico.
- L.** "Wage" means the basic hourly rate of pay.

[11.1.2.7 NMAC - Rp, 11.1.2.7 NMAC, 12/30/2016]

11.1.2.8 PREAMBLE:

- A.** Every contract or project in excess of \$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 NMAC 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.

[11.1.2.8 NMAC - Rp, 11.1.2.8 NMAC, 12/30/2016]

11.1.2.9 RESPONSIBILITIES AND DUTIES:

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; and
- (5) adopt appropriate wage rate for all apprentices on public works projects.

B. The contracting agencies:

(1) All agencies proposing to contract for work to be performed subject to this act must submit a request to the director, in the manner prescribed by the division, not less than three weeks before the advertising date, for a wage rate decision applicable to the work to be performed. The 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; and
- (f) proposed advertising date and date by which bids are to be submitted.

(2) The director shall issue an electronic correspondence of the appropriate wage rate decision or decisions to the requesting agency within five working days of receipt by the director of such agency's request.

(3) The contracting agency or its agent; i.e., architect or engineer, shall electronically submit, to 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 electronically submitted to the director by the contracting agency or its agent; i.e., architect or engineer within 10 business days. If the project is canceled, the contracting agency is required to notify the division electronically within 10 business days of cancelation.

(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 and benefits that must be paid in order for a bidder to be considered responsible.

(6) In order to ensure compliance by contractors and 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 maintain certified weekly payroll records. 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 need only appear on the first payroll on which the employee’s name appears;
- (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; and
- (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 sworn statement of wages paid prior to the final payment on a project, which shall be substantially in the following form:

I hereby certify that the above information is correct and that all workers I employ on this public works project were paid no less than the Prevailing Wage Rate(s) as determined by the Department of Workforce Solutions, Labor Relations Division for this project as identified by the State Wage Decision Number. I understand that contractors who violate Prevailing Wage Laws (i.e., incorrect job classification, improper payment of prevailing wages, or overtime, etc.), are subject to debarment procedures and shall be required to pay back any wages due to workers. (Ref. Labor Relations Division Public Works Minimum Wage Act Policy Manual (11.1.2 NMAC) & Public Works Minimum Wage Act (13-4-11 through 13-4-18, NMSA 1978)). I, _____, being first duly sworn on oath under penalty of perjury, swear that the foregoing information is true and correct.

Contractor’s signature. Date

Notary: Subscribed and sworn to before me at _____ this _____ day of _____, 20____

_____, Notary Public

(Signature) (Date)

My commission expires: _____

(10) The contractual provision shall require that the contractor and all subcontractors and their tiers shall maintain legible copies of the certified weekly payrolls prepared in accordance with these regulations.

(11) The sworn statement of wages paid must be filed prior to the final payment to a contractor. Bond monies and retainage will be released only to contractors who have filed sworn statements 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. All contractors shall keep all certified payroll records for the duration of time not less than 12 months after the completion of the project that is being performed by the contractor, and subject to all other state or federal requirements for the retention of such records by the contractor.

(12) Contracting agencies shall comply with requests from the director to inspect all projects and to inspect all documentation associated with those projects.

C. Contractor and subcontractor

(1) Contractors and all contracting tiers on projects must file a sworn statement of wages paid.

(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.

[11.1.2.9 NMAC - Rp, 11.1.2.9 NMAC, 12/30/2016]

11.1.2.10 CLASSIFICATION OF TYPES OF CONSTRUCTION:

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; canals, ditches and channels (including linings other than concrete linings); earth dams under 1,000,000 cubic yards, 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 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 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; 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 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 the heavy engineering structure.

(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 feet from the building, 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.

(4) Type "H" The heavy engineering construction classification shall include construction, alteration, repair and demolition of heavy engineering work such as railroad and geothermal projects, power generating plants, pump stations, natural gas compressing stations; covered reservoirs and sewage and water treatment facilities; concrete linings for canals, ditches and channels; concrete dams; earth dams of 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 80% of the total contract cost. Where one classification comprises eighty percent or more of the total contract cost, the predetermined rate for that classification shall be used for the entire contract.

[11.1.2.10 NMAC - Rp, 11.1.2.10 NMAC, 12/30/2016]

11.1.2.11 ADOPTION OF STANDARD JOB CLASSIFICATIONS AND DESCRIPTIONS:

A. The director has adopted the standard job classifications and descriptions as set forth in 11.1.2.18 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 request in the manner prescribed by the division 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.

[11.1.2.11 NMAC - Rp, 11.1.2.11 NMAC, 12/30/2016]

11.1.2.12 PREDETERMINATION OF WAGE RATES:

A. Not later than July 30 of each year, interested parties may submit to the director for consideration collective bargaining agreements and other data collected during the preceding 12 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 or associations except in the case of a printed agreement the director may require certification; and

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

(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. The information 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. The director shall consider any information provided during the 12 month period preceding June 30 of each year. Information from sources other than applicable collective bargaining agreements shall only be considered consistent with the provisions of the Public Works Minimum Wage Act.

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 11.1.2.18 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 where no applicable collective bargaining agreement is submitted.

D. 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 11.1.2.18 NMAC has been filed with the division in accordance

with 11.1.2.12 NMAC, then the collective bargaining agreement establishes the general prevailing wage rate except as provided in Paragraph (2) of Subsection D of 11.1.2.12 NMAC.

(2) If the prevailing wage rates and prevailing fringe benefit rates cannot reasonably and fairly be determined in a locality because no collective bargaining agreements exist, then the director shall determine the prevailing wage rates and prevailing fringe benefit rates for the same or most similar class or classification of laborer or mechanic in the nearest and most similar neighboring locality in which collective bargaining agreements exist.

E. 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.

F. In order to protect the privacy of employees with respect to whom any 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 social security number or date of birth 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.

[11.1.2.12 NMAC- Rp, 11.1.2.12 NMAC, 12/30/2016]

11.1.2.13 PROCEDURE FOR ADOPTION OF WAGE RATES:

A. When the director has determined the proposed prevailing wage and fringe benefit rates applicable in the state for public works projects in accordance with Subsection D of 11.1.2.12 NMAC, the proposed prevailing wage and fringe benefit 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 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 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 or the director's designee on or before the date of such public hearing.

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

D. The adoption of wage and fringe benefit rates by the director shall constitute an "action" which shall be appealable to the labor and industrial commission, sitting as the appeals board, pursuant to Subsection A of Section 13-4-15 NMSA 1978, and as described in 11.1.2.17 NMAC.

(1) 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 wage rates for 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 11.1.2.17 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 11.1.2.17 NMAC.

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

[11.1.2.13 NMAC- Rp, 11.1.2.13 NMAC, 12/30/2016]

11.1.2.14 EFFECTIVE DATE OF WAGE RATES:

A. The wage and fringe benefit 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 D of 11.1.2.13 NMAC, then the director shall adopt the wage rates, as modified by the labor and industrial commission, following expiration of the stays provided by Paragraph (2) of Subsection D of 11.1.2.13 NMAC.

C. Except as provided in Subsection D of 11.1.2.14 NMAC, each discrete public works project shall be governed by one wage and fringe rate decision, which shall remain effective for the duration of the project.

D. 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 10 days prior to the date on which bids are to be submitted. Wage and fringe rate corrections or changes to decisions rendered shall not be issued without allowing the requesting agency at least 10 days' notice before the date bids are to be submitted.

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

F. The procurement of services pursuant to state price agreements or other methods that serve to establish long-term pre-determination of the price of services shall not have an impact on the obligations of contract agencies and contractors to adhere to the requirements of the Public Works Minimum Wage Act and these regulations.

[11.1.2.14 NMAC - Rp, 11.1.2.14 NMAC, 12/30/2016]

11.1.2.15 PROCEDURE FOR INVESTIGATION OF VIOLATIONS:

A. When a violation is reported or detected, the director shall convey all relevant information to the contracting agency. The director has a non-discretionary duty, once probable cause of a violation is found, to request all payroll records in question from either the subcontractor or the prime contractor and the contractor or subcontractor shall provide legible copies of the requested certified payroll records within 10 business days, when requested by the director.

(1) The director shall investigate a complaint filed by any adversely affected interested party or that party's agent regarding violations of the Public Works Minimum Wage Act, as long as the complaint is received by the director 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 limit any worker's right to make a claim for payment of prevailing wages, nor do the provisions of this subsection diminish the prime's or subcontractor's duty to cooperate with the division.

(3) If the contractor or subcontractor has not complied with the director's 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 Subsection A and B of Section 13-4-14 NMSA 1978. 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, the director and the contracting agency shall undertake appropriate enforcement action as provided in the Public Works Minimum Wage Act.

C. Any adversely affected interested party or that party's agent may appeal any determination, finding or action of the director to the labor and industrial commission pursuant to the procedures set forth in 11.1.2.17 NMAC.

[11.1.2.15 NMAC - Rp, 11.1.2.15 NMAC, 12/30/2016]

11.1.2.16 PROCEDURE FOR ENFORCEMENT ACTIONS:

A. The director may cancel, revoke, or suspend the registration of any party required to be registered pursuant to the Public Works Minimum Wage Act for failure to comply with the registration requirements or for good cause, pursuant to Section 13-4-14.2 NMSA 1978.

B. The director shall determine when good cause exists to cancel, revoke, or suspend the registration of any party. A determination of good cause to cancel, revoke, or suspend the registration of any party may include, but is not limited to, frequent or substantive violations of the Public Works Minimum Wage Act.

C. The director shall include the name of a person or firm who has willfully violated the Public

Works Minimum Wage Act on a list to be distributed to all departments of the state, pursuant to Section 13-4-14 NMSA 1978.

D. Prior to taking any enforcement action pursuant to Subsections A, B, or C of 11.1.2.16 NMAC, the director shall provide a notice of contemplated action to the party setting out the basis for the proposed enforcement action.

(1) The notice of contemplated action from the director shall be provided at least 15 days prior to any final enforcement action taken by the director.

(2) Any party who receives a notice of contemplated action may provide a written response to the director for consideration prior to the director's final enforcement action.

(3) The director shall consider the written response provided by a party prior to taking any final enforcement action.

(4) After consideration of the response, the director may continue with the final enforcement action as proposed in the notice of contemplated action.

E. Any final enforcement action by the director in cancelling, revoking, or suspending the registration of any party or including the names of persons or firms who have willfully violated the Act on a list to be distributed to all departments of the state, may be appealed pursuant to Section 13-4-15 NMSA 1978 and 11.1.2.17 NMAC.

[11.1.2.16 NMAC - N, 12/31/2016]

11.1.2.17 PROCEDURE FOR DISPOSITION OF APPEALS:

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, consistent with Subsection A of Section 13-4-15 NMSA 1978, be filed with the director within 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 B of 11.1.2.13 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 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, a concise statement of all determinations, findings or actions of the director with which the appellant disagrees and from which the appeal is taken, and a brief setting forth the reasons and authorities on which the appeal is based. Five copies of the said statement and brief shall be filed with the labor and industrial commission, sitting as the appeals board.

(3) Within 10 days after the filing of the statement and brief described in Subsection B of 11.1.2.17 NMAC, 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 copies of the said answer shall be filed with the labor and industrial commission, sitting as the appeals board, and one 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 11.1.2.17 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 11.1.2.17 NMAC.

(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 Subsection C of Section 13-4-15 NMSA 1978, be conducted by the labor and industrial commission, sitting as the appeals board, within 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 Subsection C of Section 13-4-15 NMSA 1978, within 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 30 days after issuing the decision and statement, and may be further stayed pending review in a district court pursuant to Subsection D of Section 13-4-15 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.

[11.1.2.17 NMAC - Rp, 11.1.2.16 NMAC, 12/30/2016]

11.1.2.18 JOB CLASSIFICATIONS AND DESCRIPTIONS: 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, dismantling, 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, or on either piping, fittings, valves, boilers, ducts, flues, tanks, vats and equipment, or on any hot or cold surfaces for the purpose of thermal control, or to be installed for 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. Boilermaker: Assembles prefabricated boiler parts and fittings to build steam boilers, tanks, vats and other vessels made of ten gauge or heavier metal, and 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.

C. 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. All cutting, grouting and pointing of materials listed above 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.

D. 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 steel studs and wood furring (except on roofs). Carpenters may shoot grades for surveying and 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 and structural element for pre-cast and pre-

stressed concrete of all types and shapes on project site. 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. Cuts wood materials using a stationary or portable power saw of one or more horsepower. Sharpens by use of files, all types of saws and saw blades used for the cutting of wood materials.

E. Carpenter (millwright): Performs work necessary to assemble, level, align, secure, dismantle, adjust and maintain permanent stationary pumps, motors, generators, turbines, fans, compressors or torque converters 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. Installs, repairs, or removal of all pulleys, sheaves, sprockets, gears and flywheels including all belts, cables and chains. Fabricates and or installs all templates, soleplates, grout pads and wedge blocks for all machinery requiring foundation or bolts. Installs all machinery, equipment and conveying devices in all classes of plants, factories, buildings, amusement parks, mills, shops stores, warehouses and construction or mining sites.

F. 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.

G. 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. Fabricate, cut, bend and tie reinforcing steel and mesh to be placed within the 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. Guniting, 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.

H. Electrician classifications and description - Outside:

(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. Includes directional boring to install underground pipe, conduit or cable.

(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.

I. Electrician classifications and descriptions - Inside:

(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". Analyzes proposed telephone and communication systems during the pre-installation stage to detect any basic conflicts in either equipment arrangements or plant facilities. Isolated trouble conditions in inoperable telephone communications systems. 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 gas or liquid filled power cables which are designed to be used for voltages above 2,000. Splices or terminates gas or liquid filled power cables.

J. Low voltage electrician classification: Installer/Technician: Installs pathways (j-hooks) for low voltage cabling coax or fiber optic and terminates ends of the different types of cables levels and tests. This work includes voice, data security, access control, building automation and video surveillance. Repairs and services inter-communications systems, i.e. speakers, buzzers, microphones, signal lights or other units or component that are an integral part of such system.

K. 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.

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

M. Glazier: Installs metal window and door frames without glass, curtain wall systems, window wall systems, cable net systems, canopy systems, structural glazing systems, unitized systems, interior glazing systems, photovoltaic panels and systems, suspended glazing systems, louvers, skylights, entranceway systems including doors and hardware, revolving and automatic door systems, patio doors, store front systems including the installation of all metals, column covers, panels and panel systems, glass hand rail systems, decorative metals as part of the glazing system, and the sealing of all architectural metal and glass systems for weatherproofing and structural reasons, using vinyl, molding, rubber, lead, sealants, silicone and all types of mastics in wood, iron, aluminum, sheet metal or vinyl sash, doors, frames or any materials of the above systems as part of the glazing systems. Installs glass, including plate and window glass, mirrors, beveled plate, rough ribbed, wire, figured, colored, art and other type glass or substitute for glass when set in sash, frames, doors, skylights, etc., when set with putty, mulling or other methods which are common to the glazing trade.

N. 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. 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 spinsuspension bridge cables. Erects, trims, and fits together by means of bolts and clamps, iron grills, grating, and special stairways. Erects ornamental enclosures and other iron work 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 Ironworker related duties.

O. Painter (brush): Applies paint, stain, lacquer, varnish, etc., to surfaces in, on or around building structures, using appropriate brushes, rollers, sprayers or trowels. Does preparation of surfaces to receive paint, including sandblasting, small patching, sanding and spackling. Mixes and prepares paints and other materials which are to be applied by painters. 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 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. Operates gasoline-powered compressor striping machine and walking type sprayers for striping parking lots, etc. May perform other Painter related duties.

P. Paperhanger: Applies wallpaper, fabric, or other materials used in the same manner as wallpaper, to the interior of rooms. Performs work necessary to prepare surfaces to receive wallpaper or other similar material including removal of old wall paper.

Q. Drywall finisher/taper: Prepares drywall type construction to receive paint, texture, etc. by pointing, taping, bedding, texturing, skimming, wire brushing, stripping, wax, or acid application and finishing.

R. 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 plasterer related duties.

S. 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.

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

U. Roofer: Installs, alters or repairs roof systems on new or existing roof decks to create a weatherproof and waterproof protective membrane, with or without insulation, using asphalt, pitch, tar, sealants, single ply or multiple ply materials, felt, shakes, shingles, roof tile, slate, coatings, urethane, urethane foam, metal or any other approved roofing materials, including the preparatory work necessary to bring such surfaces to a condition where roofing can be installed, sealed, or repaired. Includes cutting, shaping fabricating and installing or wood, metal or other approved materials for fascias, soffits, copings, cornices, canals, flashing, gutters, leaders, rainwater downspouts, pans, prefabricated chimneys, at or near roof lines, metal flues, prefabricated roof curbs. Installs roofing insulation, and other necessary waterproofing and damp proofing on walls and floors below ground. May perform other water-proofing operations using methods which are common to the roofing trade. Handles all roofing materials at job site and performs all roofing clean-up. Tears off old roof when roof is to be replaced.

V. 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 panel systems, canopies, awnings, exhaust louvers, and cupolas. 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.

W. 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 sheet rubber, sheet vinyl, asphalt tile, cork tile, linoleum, rubber tile, artificial turf 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. Installs decorative or protective trim to and adjoining the above materials including the attaching of cap strips, nosing, and slats.

X. Sprinkler fitter: Fabricates, assembles, and installs all piping and auxiliary devices which are

necessary for the complete installation of sprinkling systems for fire protection in buildings.

Y. 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.

Z. 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".

AA. Power equipment operators - group I:

(1) Concrete paving curing machine (Bridge type): Operates 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.

(2) 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.

(3) Oiler: A service man 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.

(4) Screedman: Manipulates handwheels or other devices to raise or lower screeds of asphalt machine. Regulated width of screed and depth of material. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed.

(5) Scale operator such as (bin-a-batch).

(6) 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.

(7) 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.

(8) Helpers: mechanic, welder, grease truck and crane oiler.

AB. Power equipment operators - group II

(1) 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, posthole diggers, postdrivers, etc. May be used to pull brooms, sleds, trailers, etc. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(2) Air compressor (315 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.

(3) Pumps (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.

(4) Mixer, concrete (one cubic yard 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.

(5) Roller (sheepsfoot or pneumatic self-propelled without dozer): 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.

(6) Service truck operator (head oiler-type b/c work): An operator of a truck equipped with high pressure grease and oil dispensing equipment. Maintains service records and performs preventative maintenance and visual inspection. Reports vehicle discrepancies to foreman or mechanic.

(7) Screening plants: Operates a screening plant to sort and segregate material. Regulates

flow of material through chute to screener. May perform other related work. May oil, grease, or otherwise service and make necessary adjustments or repairs to equipment as needed.

(8) 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.

(9) Concrete paving joint or saw machine or grinder span type: 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.

(10) Hoist (one drum): Operates a single 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 or to hoist and lower material in construction and assembly. May oil, grease or otherwise service and make necessary adjustments.

(11) Air tugger

(12) Elevating belt type loaders: 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.

(13) 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.

(14) Winch truck: Drive 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.

(15) Front end loader (under two cubic yards): Operates a runner 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.

(16) 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.

(17) 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).

(18) Cat head winch

(19) Oiler with CDL

(20) Concrete curbing machine

(21) Inside and outside material and personnel elevators

(22) Industrial locomotive motorman: An operator of gasoline, diesel or electric powered railroad locomotive used to push, pull or switch railroad cards 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.

AC. Power equipment operators - group II

(1) Bituminous distributors

- (2) Boilers
- (3) 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.
- (4) Mixer, concrete (over one cubic yard): 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.
- (5) Concrete paver mixer (single drum): 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.
- (6) 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.
- (7) Shaft and tunnel type equipment:
 - (a) 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.
 - (b) Slusher operator: Operates hoist as described under one or two 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.
 - (c) 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.
- (8) 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.
- (9) Pumpcrete machine: Operates a concrete pumping machine that pumps fresh concrete from mixer to forms 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.
- (10) 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.
- (11) 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.
- (12) Mechanical bull floats
- (13) 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.
- (14) 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.

(15) 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.

(16) 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.

(17) 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.

(18) 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.

(19) 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.

(20) Bituminous finishing machines

(21) Certified forklift

(22) 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.

(23) 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.

AD. Power equipment operators-group IV:

(1) Front end loader (two through ten cubic yards): 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.

(2) Rollers steel wheeled (all types): Operates a self-propelled machine with 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.

(3) 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.

(4) Scrapers (motor or towed): 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, twin bowl scraper and quad eight or nine pushers (\$0.35 over base rate). Three bowl scraper (\$0.60 over base rate).

(5) 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.

(6) Bobcat with hydraulic backhoe with buckets up to one and one quarter cubic yards.

(7) Backhoes with buckets up to three-quarter cubic yard-Type B/C work.

(8) Small Articulating Truck

AE. Power equipment operators-group V:

(1) Concrete paver (double drum): 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.

(2) Hoist (two drums): Operates a two 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 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.

- (3) Cat cranes
- (4) Hysters
- (5) Forklifts over 20,000 lbs. lifting capacity
- (6) Auto fine grader

AF. Power equipment operators-group VI:

(1) Mucking machine (all types): Operates a machine designed especially to work in confined spaces, generally operated by air or electric power to minimize air pollution, underground. 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.

- (2) Tractor with hydraulic backhoe.
- (3) Backhoes with buckets up to one and one quarter cubic yards- Type B/C work.
- (4) Service truck operator (head oiler-type a/h work): 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.
- (5) Motor grader (rough): 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.

AG. AG. Power equipment operators-group VII:

(1) Steam engineers

(2) Front end loader (over 10 cubic yards): 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.

- (3) Concrete pump (snorkel type)
- (4) Mining machine
- (5) Concrete batching plant operator
- (6) Asphalt plant operator
- (7) Crushing plant operator- Operates a crusher 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.

- (8) Hot plant operator
- (9) Roof bolting Machine
- (10) Shuttle car operator

AH. Power equipment operators-group VIII-All shovel type equipment that does not require a state of New Mexico crane license:

- (1) 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.
- (2) Crane (crawler or mobile under ten tons): 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.
- (3) Backhoes with buckets over one and one quarter cubic yards- Type B/C work.
- (4) Backhoes over a three-quarter yard bucket- Type A/H work.
- (5) 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, two

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.

(6) Track or excavator backhoe

(7) Pipemobile

(8) Pile driver: 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.

(9) 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.

(10) Motor grader (finish)

(11) 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 and paving equipment.

(12) 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.

(13) Mobile pipeline inspection camera

(14) Operator/rigger

(15) Crane inspector

(16) Continuous mining machine

(17) VAC jet rodder

(18) Equipment instructor

(19) Heavy equipment robotics operator/mechanic

(20) Ultra high pressure waterjet cutting tool system operator/mechanic

(21) Vacuum blasting machine operator/mechanic

(22) Master environmental maintenance mechanic

AI. Power equipment operators-group IX: Hydraulic cranes with less than 150 feet of boom and over ten tons but less than 100 tons lifting capacity including boom trucks (NM, Class II, license required).

AJ. Power equipment operators-group X: Hydraulic cranes and boom trucks (100 tons and over); cranes and draglines with booms and jibs over 150 feet through 199 feet; \$0.75 above base rate per hour additional; cranes 200 feet and over \$1.00 additional; tower cranes (NM, Class I Crane License Required).

AK. Truck drivers group I:

(1) Pickup truck three-quarter 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.

(2) 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.

(3) 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.

AL. Truck drivers-group II:

(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.

(2) Dump or batch truck: Drives a truck, under eight cubic yards, for transporting loads of construction material. May service and make necessary adjustments for proper operation of equipment.

(3) Flatbed (bobtail) two ton and under: 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.

AM. AM. Truck drivers-group III:

(1) Dump trucks (including all highway and off highway): Drives a truck, eight cubic yards and under 16 cubic yards, for transporting loads of construction material. May service and make necessary adjustments for proper operation of equipment.

(2) Tank truck: Drives a truck or truck with trailer or semi-trailer, on which is mounted a tank, under 3,000 gallons, for transporting loads of liquid products or construction material. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(3) Flatbed (bobtail) over two tons: 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.

AN. Truck driver-group IV:

(1) Distributor (asphalt): Only drives truck equipped with tank and controls for regulating distribution of bituminous materials. Does not operate levers or valves (See power equipment operators-Group III). May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(2) Heavy tire repairman

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

(4) Transit mix or agitator (two or three axle bobtail equipment): 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.

(5) Scissor truck

(6) Trailer or semi-trailer dump: Drives a truck to which is attached a trailer or semi-trailer dump used in transporting construction materials.

(7) Field equipment servicemen

AO. Truck driver-group V:

(1) Dumpster or dumptor: Operator of a self-propelled, four-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.

(2) Tank truck: Drives a truck or truck with trailer or semi-trailer, on which is mounted a tank, 3,000 to 6,000 gallons, for transporting loads of liquid products or construction material. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

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

(4) Euclid type tank wagon under 6,000 gallons.

AP. Truck driver-group VI:

(1) Vacuum truck

(2) Dump trucks (including all highway and off highway): Drives truck, 16 cubic yards and under 22 cubic yards, for transporting loads of construction material. May service and make necessary adjustments for proper operation of equipment.

AQ. Truck driver VII:

(1) Transit mix or agitator (semi or four axle equipment): 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.

(2) Flaherty truck type spreader box: 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.

(3) Slurry truck driver

(4) Bulk cement driver

(5) Semi doubles driver

(6) Four axle bobtail driver

(7) Dump trucks (including all highway and off highway): Drives truck, 22 cubic yards and under 36 cubic yards, for transporting loads of construction material. May service and make necessary adjustments for proper operation of equipment.

(8) Head field equipment servicemen.

AR. Truck driver VIII:

(1) 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".

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

(3) Tank truck: Drives a truck or truck with trailer or semi-trailer, on which is mounted a tank 6,000 gallons and over, for transporting loads of liquid products or construction material. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(4) Semi-trailer drivers (flatbed or van, tandems)

(5) Light equipment mechanic

(6) Dump trucks (including all highway and off highway): Drives truck, 36 cubic yards and over, for transporting loads of construction material. May service and make necessary adjustments for proper operation of equipment.

AS. Truck driver IX:

(1) Warehouseman: Maintains warehouse for construction supplies and materials. May operate necessary equipment and machinery within warehouse area.

(2) Cardex men

(3) Expediter

(4) Lowboy (heavy equipment double gooseneck

(5) Heavy equipment mechanic

(6) Welder (body and fender man)

AT. Semi-skilled laborers:

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

(2) Concrete worker/buggy operator: Pours and performs other work in relation to the lining with concrete. Operates buggy by pushing or pulling by hand between mixer or other source to site of work.

(3) Fire watch: a laborer who watches the work area for fires when craftsmen are cutting or welding.

(4) Scaffold tender: Tends to the scaffold builder.

(5) Certified flagman: Supervises flag and signing personnel. Prepares revision to the traffic control plan.

(6) Bleacher seating: Unloads, moves to place of erection, assembles and installation of all stadium seating.

(7) Fence builder: Digs post holes, pours concrete for posts, sets posts, stretches fencing material and performs all aspects of building fences of all types.

(8) Guardrail builder: 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. May require the use of small hand tools such as hammer and spud wrench.

(9) Form stripper: Strips, cleans and oils all types of concrete forms.

(10) Gabian basket builders: Assembles wire baskets for rip rap.

(11) Rip rap stoneman: One who places stones into gabian baskets.

(12) Drywall, stocking and handling: Carries and handles of all materials by hand to a point adjacent to place of erection. Assists in placement of materials.

(13) Fly ash vacuum operator: Installs vacuum lines and operates nozzle of vacuum hose at power plants in the cleanup of ash.

(14) Landscaping and planter: Duties include site development, soil preparation, rototilling, fine grading, soil amending, installation of plants, seeded and sodded grasses, gravel and bark mulches. Installation of landscape sprinkler systems including landscape irrigation backflow preventers, and all components downstream

including pipe, valves, low voltage control wiring, irrigation controllers, sprinkler heads, and drip components. May operate small behind and stand-on only landscape equipment (including miniskid steers with attachments). Maintenance of landscapes including weeding, mowing, and irrigation repair. Duties do not include electrical work, fencing, concrete retaining walls or other work that is generally performed by skilled craftsmen.

(15) Manhole builder: Constructs a means of permanent access to water, electrical and sewer lines for maintenance purposes.

(16) Tool room person: manages, inspects and coordinates all tool room activities and exchanges.

(17) Rodmen: holds survey rod.

AU. 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.

(2) 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.

(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, and regulates valves for discharge of asphalt from kettle.

(4) Asphalt jointman: Cleans and pours asphalt joints in concrete paving with nozzle or can. Takes care of asphalt kettle heaters.

(5) Chain saw-man: 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.

(6) Oxy/Gasoline torch operators: Uses cutting torch only for demolition work on steel or other metal structures.

(7) Cutting torch/welding torch operator or burner person: Uses cutting torch only for demolition work on steel or other metal structures.

(8) Guniting rebound men: A laborer who shoots guniting into place.

(9) Concrete power buggy operator: Drives self-propelled buggy to transport concrete from mixer or source of supply to place of deposit. Operates levers to dump load.

(10) Sandblaster: Cleans and prepares surfaces by the use of sandblasting equipment other than preparation for painting (see painter).

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

(12) Wagon, air track, drill and diamond driller (outside): Sets up and operates air driven 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.

(13) 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.

(14) Concrete burner: Operates a device used to burn holes, etc., through concrete. This device 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.

(15) 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.

(16) 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.

(17) 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.

(18) 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.

(19) 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.

(20) 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.

(21) 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.

(22) Grade setter/checker: 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.

(23) 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.

(24) Vibrator operator (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.

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

(26) 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.

(27) Pipelayer: Unloading, handling, distribution and installation, concrete, corrugated metal pipe and corrugated and smooth wall plastic pipe, PVC and polyethylene pipe. Receives pipe lowered from top of trench; joins pipe ends; adjusts pipe to line and grade; seals joints with cement or other sealing compound.

(28) 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.

(29) Jack hammer and chipping hammer operator: Operates jackhammer, chipping hammer, whether powered by air or electric or any other means.

(30) Tamper operator: Performs the compacting of soil using walk/stand behind equipment.

(31) Scaffold builder: Erects and dismantles all types of scaffolding, except wood scaffolding, for job site.

(32) Powderman tender: 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.

(33) Water pump tender: fuels and tends to all water pumps under six inches for the purpose of moving water on the job site.

(34) Certified scissor lift/man lift operator: Person who completes competent person training certification in the operation of scissor and man lifts.

AV. Specialty laborer:

(1) Asbestos abatement remover: A person who has proper certifications for removal of 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.

(2) Toxic and hazardous waste remover: Person who has the proper certification for the removal of toxic and hazardous materials.

(3) Lead base paint remover: Person who has the proper certifications for the removal of lead base paints.

(4) Powderman and blaster: 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.

- (5) Pest technician (Licensed by the Bureau of Rodent Management): Technician certified for the removal and handling of rodents and pests.
 - (6) Radiation worker II: Person that completes proper training for work in areas containing radiation.
- AW. Unskilled laborers:**
- (1) Chainman, stake driver, stake hopper: Carries supplies, drags chain, holds survey rod, drives stakes and assists surveyor in other related duties.
 - (2) 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.
 - (3) Concrete buggy operator (hand): Operating buggy by pushing or pulling by hand between mixer or other source to site of work.
 - (4) Flagman: Flagman is stationed at strategic locations to control flow of traffic by hand held flags or other hand held warning device.
 - (5) Window washer: Cleans and washes windows.
 - (6) Unloading of furniture and fixtures: Unloads furniture and fixtures from trucks and moves them to the place of installation or storage.
 - (7) Heat tenders: Fuels and tends to heaters use on the job sites.
- [11.1.2.18 NMAC - Rp, 11.1.2.17 NMAC, 12/30/2016]

11.1.2.19 APPRENTICES:

- 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 labor relations division, apprenticeship office.
- B. Method of establishing apprentice wage rates:** Every apprentice shall be paid a wage rate applicable to his craft and classification in accord with the wage rates established by the approved apprenticeship program.
- [11.1.2.19 NMAC - Rp, 11.1.2.19 NMAC, 12/30/2016]

11.1.2.20 PREVAILING WAGE AND FRINGE BENEFIT RATES: Pursuant to 11.1.2.13 NMAC, the department of workforce solutions hereby publishes the attached proposed 2017 prevailing wage and fringe benefit rates that will apply to all wage rate decisions issued from January 1, 2017 to December 31, 2017.

A. Type A: street, highway, utility and light engineering

Trade classification	Base rate	Fringe rate
Bricklayer/blocklayer/stonemason	23.46	8.40
Carpenter/lather	23.75	9.27
Cement mason	17.42	6.35
Ironworker	26.50	14.32
Painter (brush/roller/spray)	16.60	5.78
Plumber/pipefitter	22.84	7.48
Electricians outside classifications		
Groundman	21.81	10.92
Equipment operator	31.31	13.39

Lineman/wireman or tech	36.83	14.82
Cable splicer	40.51	15.38
Laborers		
Group I	12.20	5.30
Group II	12.50	5.30
Group III	12.90	5.30
Operators		
Group I	16.69	6.03
Group II	17.44	6.03
Group III	17.55	6.03
Group IV	17.63	6.03
Group V	17.75	6.03
Group VI	17.89	6.03
Group VII	18.27	6.03
Group VIII	18.50	6.03
Group IX	25.45	6.03
Group X	28.35	6.03
Truck drivers		
Group I	16.00	7.02
Group II	16.00	7.02
Group III	16.00	7.02
Group IV	16.00	7.02

B. Type B: general building

Trade classification	Base rate	Fringe rate
Asbestos worker - heat & frost insulator	31.26	11.11
Boilermaker	21.77	3.98
Bricklayer/blocklayer/stonemason	23.46	7.66
Carpenter/lather	23.75	8.77
Cement mason	19.96	9.57
Electricians		
Outside classifications		
Groundman	21.81	10.70
Equipment operator	31.31	13.08
Lineman/tech	36.83	14.45
Cable splicer	40.51	15.38
Inside classifications		
Wireman/technician	30.00	10.15
Cable splicer	33.00	10.24
Sound classifications		
Installer	23.39	8.31
Technician	28.95	7.52
Soundman	27.01	8.31
Elevator constructor	38.37	28.08
Elevator constructor helper	26.86	28.08
Glazier	20.15	4.35
Ironworker	26.50	13.68
Painter (brush/roller/spray)	16.60	5.38

Paper hanger	16.60	5.38
Drywall finisher/taper	23.75	8.77
Plasterer	21.66	7.93
Plumber/pipefitter	28.87	10.83
Roofer	15.18	0.50
Sheetmetal worker	28.28	15.91
Soft floor layer	23.75	8.77
Sprinkler fitter	28.90	18.82
Tile setter	23.46	7.66
Tile setter helper/finisher	15.53	7.66
Laborers		
Group I	16.09	5.38
Group II	16.74	5.38
Group III	17.71	5.38
Group IV	19.94	5.38
Operators		
Group I	19.96	6.10
Group II	21.97	6.10
Group III	22.40	6.10
Group IV	22.81	6.10
Group V	22.98	6.10
Group VI	23.18	6.10
Group VII	23.29	6.10
Group VIII	26.10	6.10
Group IX	28.32	6.10
Group X	31.48	6.10
Truck drivers		
Group I	14.76	6.25
Group II	15.00	6.25
Group III	15.50	6.25
Group IV	15.51	6.25
Group V	15.60	6.25
Group VI	15.75	6.25
Group VII	15.90	6.25
Group VIII	16.11	6.25
Group IX	16.32	6.25

C. Type C: residential

Trade classification	Base rate	Fringe rate
Asbestos worker - heat & frost insulator	31.26	11.11
Boilermaker	21.77	3.98
Bricklayer/blocklayer/stonemason	23.46	7.66
Carpenter/lathe	23.75	8.77
Millwright/piledriver	31.00	19.37
Cement mason	16.81	8.71
Electricians		
Outside classifications		
Groundman	21.81	10.70
Equipment operator	31.31	13.08

Lineman/tech	36.83	14.45
Cable splicer	40.51	15.38
Inside classifications		
Wireman/technician	30.00	10.15
Cable splicer	33.00	10.24
Sound classifications		
Installer	10.00	1.01
Technician	28.95	7.52
Soundman	13.62	1.01
Elevator constructor	38.37	28.08
Elevator constructor helper	26.86	28.08
Glazier	20.15	4.35
Ironworker	13.00	6.16
Painter (brush/roller/spray)	11.75	5.38
Paper hanger	12.75	5.38
Drywall finisher/taper	23.75	8.77
Plasterer	18.24	6.86
Plumber/pipefitter	22.84	6.63
Roofer	13.96	1.87
Sheetmetal worker	28.28	15.91
Soft floor layer	23.75	8.77
Sprinkler fitter	28.90	18.82
Tile setter	23.46	7.66
Tile setter help/finisher	16.04	7.66
Laborers		
Group I	14.55	5.38
Group II	15.45	5.38
Group III	16.35	5.38
Group IV	17.25	5.38
Operators		
Group I	11.82	5.55
Group V	13.01	5.55
Group VII	15.91	5.55
Group VIII	17.37	5.55
Truck drivers		
Group I	14.88	0.00
Group II	15.00	0.00
Group III	15.08	0.00
Group IV	15.20	0.00
Group V	15.25	0.00
Group VI	15.35	0.00
Group VII	15.45	0.00
Group VIII	15.59	0.00
Group IX	15.74	0.00

D. Type H: heavy engineering

Trade classification	Base rate	Fringe rate
Asbestos worker - heat & frost insulator	31.26	11.11

Boilermaker	18.50	3.31
Bricklayer/blocklayer/stonemason	23.46	7.66
Carpenter/lather	23.75	8.77
Millwright/piledriver	31.00	19.37
Cement mason	21.00	9.38
Electricians		
Outside classifications		
Groundman	21.81	10.70
Equipment operator	31.31	13.08
lineman/ technician	36.83	14.45
Cable splicer	40.51	15.38
Inside classifications		
Wireman/ technician	30.00	10.15
Cable splicer	33.00	10.24
Glazier	20.15	4.35
Ironworker	26.50	13.68
Painter (brush/roller/spray)	21.25	6.73
Plumber/pipefitter	31.76	11.55
Roofer	19.56	11.34
Sheetmetalworker	28.28	15.91
Operators		
Group I	17.67	6.03
Group II	18.76	6.03
Group III	19.41	6.03
Group IV	19.62	6.03
Group V	19.68	6.03
Group VI	19.82	6.03
Group VII	19.94	6.03
Group VIII	21.38	6.03
Group IX	26.45	6.03
Group X	29.35	6.03
Laborers		
Group I	18.00	5.05
Group II	19.18	5.05
Group III	19.53	5.05
Group IV	19.94	5.05
Group V	20.30	5.05
Group VI	19.03	5.05
Group VII	19.18	5.05
Group VIII	19.43	5.05
Group IX	19.63	5.05
Group X	20.30	5.05
Truck drivers		
Group I	16.00	7.06
Group II	16.00	7.06
Group III	16.00	7.06
Group IV	16.00	7.06
Group V	16.00	7.06

Group VI	16.00	7.06
Group VII	16.00	7.06
Group VIII	16.06	7.06
Group IX	16.41	7.06

[11.1.2.20 NMAC - Rp, 11.1.2.20 NMAC, 1/1/2017]

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:

11.1.2 NMAC, Public Works Minimum Wage Act Policy Manual, filed 8/15/98, repealed effective 12/30/2016.