

## **DBRA-114**

March 1, 1973

This is in further reference to the correspondence and discussions between our staffs relating to the use of helpers on HUD construction programs.

To confirm the oral advice given by the ESA representative to officials of your agency at a number of regional conferences and to insure a uniform understanding on the part of all HUD regional offices, we are taking this opportunity to summarize the position of the Department of Labor on this matter.

"Carpenter's helper" and other such subclassifications are included in construction wage determinations issued by the Department of Labor when the information available indicates that a practice of using such a subclassification prevails in the area. In the absence of such information, the helper or other subclassification will not be included in the schedule of classifications issued. Accordingly, the contracting agency should not utilize the conformable procedures to add such a subclassification without a showing to the Department of Labor that a practice of using a helper or other such subclassification prevails in the area.

When information available to the Department shows the prevailing rate for carpenters, for example, to be the same as the local union rate, the Department will conform to union negotiated practice insofar as any subclassification such as helper is concerned. If such a classification is included in the negotiated agreement, the Department will include the classification in applicable decisions. The duties ascribed to the position by the Department will be the same as those contemplated in the agreement.

With the exception of a situation where negotiated rates prevail as described in the preceding paragraph, specific statements with universal application cannot be made regarding the proper distinction between a "helper" and a "laborer" or the extent to which either may use "tools of the trade." For example, a carpenter's helper in some localities is little more than a laborer. On the other hand, the term is frequently used with reference to informal trainees and/or "rough carpenters" who do use tools of the trade.

A local definition of subclassifications is frequently necessary and should be specified in any survey of local wage rates, so that the Department of Labor can properly evaluate the data submitted. It is also necessary to supply such definitions when utilizing the conformed rate procedure which is discussed above.

The Department will not, without a clear showing of prevailing practice, issue or approve helper classifications when in local usage this classification is actually an informal trainee position. Regulations, Parts 5 and 5a provide for the use of apprentices and trainees on projects subject to Davis-Bacon requirements. Such classifications are not, and need not be, included in the wage determination.

Sincerely,

Warren D. Landis  
Assistant Administrator