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VIA EMAIL

Mr. Dominic Padilla
Executive Director of Facilities & Transportation
Canutillo Independent School District
7710 Cap Carter
Canutillo, TX 79835

Re: Prevailing wage rate—CISD

Dear Mr. Padilla:

I am legal counsel for the Sheet Metal Workers Local 49, and have been asked to reply to your correspondence with regard to the CISD Prevailing Wage Rate issue as it pertains to sheet metal workers wage rate—both as to fabricators and installers. I have reviewed the Federal Davis Bacon Wage Determination posting and the City of El Paso and wage rate documentation and note the following: neither Davis Bacon nor the City of El Paso bifurcate HVAC Duct work into the categories that CISD has unilaterally done; you note in your email that “It is my sole opinion that the intent of the CISD wage rate was to pay employees who fabricated ductwork on-site the \$27.16 while those who install prefabricated sheet metal ducts are to be paid the \$11.10.”

However, there is nothing in these two category determinations that denote this distinction; to the contrary, the only distinction drawn by these entities for sheetmetal workers is that of “duct work,” and “all other work.” Had these entities intended to create a subcategory of sheet metal duct installation, they would have specifically done so as to differentiate between fabrication and installation, and to assign distinct dollar values for the two tasks. As you correctly noted, the wage scale definition for sheet metal workers is “fabricate, assemble, install and repair sheet metal products and equipment, such as ducts, control boxes...” Each of these tasks constitute a separate, and equally integral component of the task. There is no objective basis for CISD’s determination that these tasks fall within separate categories and are therefore subject to two wage rates. A determination predicated on what one believes to be the intent of a governmental body on these matters is far too tenuous a proposition; the letter of the law, not speculation, should be the controlling factor.

I respectfully request that this matter be placed on the board’s agenda for the next scheduled meeting.

Sincerely,

MANNIE KALMAN
MK/sr

cc: Vince Alvarado/Local 49 Sheet Metal Workers