



March 6th, 2019

Prevailing Wage Application to Modular Furniture Installation

All workers employed on public works projects must be paid the prevailing wage determined by the Director of the DIR according to the type of work and location of the project. Prevailing wage requirements apply to public works projects over \$1,000, defined by the DIR as single contracts or purchase orders when any or all of the project consists of public work. Labor Code 1720 defines “public work” as: “Construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds,” adding that “‘installation’ includes, but is not limited to, the assembly and disassembly of freestanding and affixed modular office systems.” “Installation” is further defined by the State of California (SB975) as “the bolting, securing, or mounting of items to the realty as fixtures.”

The current 2018 CA Department of Industrial Relations (DIR) Determination #SC-23-31-16-2013-1, Scope of Work, and Travel and Subsistence Provision for Modular Furniture Installers for Southern California can be found here: <https://www.dir.ca.gov/OPRL/2018-1/PWD/Southern.html>. Covered under this Scope of Work is: “the detailing, handling, assembly, installation, disassembly, removal and relocation of all types of manufactured Modular office furniture systems and all accessories.”

The DIR determination for Public Works Case No. 2013-027 for Los Angeles Community College District provides additional clarification around the definitions of free standing, “modular,” and “system.” The determination states that “a ‘system’ is a group and a ‘modular office system’ within the meaning of section 1720 is a group of furniture items capable of being joined or arranged together and serving the common purpose of enabling an administrator, faculty member, office worker or student to perform his or her work.” The Determination adds that these definitions “show that ‘installation’ under AB 1598 does not include assembly of individual pieces of furniture that are not part of a modular office system,” finally concluding that, “the assembly and disassembly of freestanding individual pieces of furniture and office items that are not part of a modular office system...are not a public work” and therefore prevailing wage requirements do not apply.

Examples from this determination of the types of free standing items that are not covered “installation” and therefore not considered a public work subject to prevailing wage (unless part of a modular system), as well as those items that are affixed (non-freestanding) or are part of a modular system and therefore subject to prevailing wage, can be found in **Appendix B – Summary of Prevailing Wage Determinations**.

The following **Appendix A** provides several examples from the University drawn from these determinations.

Appendix A – Examples:

Expanding on the above classifications, the University provides the following simple examples for the installation (assembly and disassembly) of freestanding pieces of furniture:

Prevailing Wage	Non-prevailing Wage
 <p data-bbox="155 764 760 835">Freestanding electric sit-stand desk with screen or panel</p>	 <p data-bbox="813 764 1409 800">Freestanding, individual electric sit-stand desk</p>
 <p data-bbox="155 1276 748 1381">Multiple desks or tables that are physically joined or arranged together serving a common purpose</p>	 <p data-bbox="813 1276 1442 1381">Freestanding, individual electric conference table (unless hardwired/spliced to building electrical system)</p>
 <p data-bbox="155 1793 737 1856">Freestanding workstation or office system (individual or joined, freestanding or affixed)</p>	 <p data-bbox="813 1793 1279 1822">Freestanding, individual office chair</p>

Appendix A Examples continued –

Prevailing Wage	Non-prevailing Wage
 <p data-bbox="154 787 803 892">Freestanding individual seating/tables or other office components arranged in a grouping serving a common purpose</p>	 <p data-bbox="828 787 1429 850">Freestanding, individual lounge chair (with or without footstool)</p>
 <p data-bbox="154 1333 462 1365">Modular lounge seating</p>	 <p data-bbox="828 1333 1372 1365">Freestanding, individual freestanding sofa</p>

Appendix B – Summary of Prevailing Wage Determinations

Subject to Prevailing Wage Requirements	Not Subject to Prevailing Wage Requirements
The detailing, handling, assembly, installation, disassembly, removal and relocation of all types of manufactured ‘modular office furniture systems’ and all accessories ¹	Installation of any type of fixture which is not a pre-manufactured modular office system ¹
Assembly of full wall (floor to ceiling) demountable systems (prefabricated and sold as modular wall systems) ¹ – *subject to UCSB Construction routing	Labor hours for employees who work <u>exclusively</u> as warehousemen or truck drivers ¹
Assembly of all types of modular and other types of shelving units, file cabinets, and mobile filing units (mechanical or electrical) ¹	
Assembly and affixing of bookshelves, overhead cabinets, wall systems, keyboard trays, lighting, or tack boards that are fastened or attached to cubicles panels, floors, or walls in some manner, and other such furniture items that must be bolted onto the walls for seismic safety purposes ²	Setting in place a chair, couch, or any other freestanding individual piece of furniture with no requirement to assemble it into an <i>integrated</i> modular office system ²
Furniture that must be affixed to the realty like fixed seating in lecture halls and raised access flooring, an element installed above an existing sub-flooring which allows network and electrical cables to run underneath ¹	Assembly or disassembly of individual freestanding pieces of furniture (such as individual chairs, student and faculty benches, lounge seating, student lab stools, meeting room tables, cubicles, child development center furniture, sofas, children’s activity tables, student desks, and file cabinets) so long as they are not part of a modular office system ²
Cubicles and conference tables that are affixed to the realty and have power capabilities with hardwire connections to the building power supply or standard outlets for power ²	Free standing desks delivered to a classroom with no required installation of a modular system ²
Assembly of UL Listed components [of a modular system] that by specific design are plug-in, snap in, or put on, as well as telephone, computer, communications and data processing cabling components (phone, internet, etc.) ¹	
Freestanding furniture that is part of a modular office system, including desks, bookcases, lounge seating (chairs, sofas, benches, and settees), overhead cabinets, conference room tables and	

¹ Scope of Work Provision for Modular Furniture Installer (Carpenter) in Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura Counties (SC-23-31-16)

² DIR determination for Public Works Case No. 2013-027 for Los Angeles Community College District

chairs, cubicles, monitor arms, keyboard trays, tack boards and white boards, as well as activity tables, seating, and bookshelves for children ²	
Purchase order for a grouping consisting of seating, tables, desks, study carrels, cubicles, walls, panels, and partitions that are to be physically joined or arranged together to comprise a work, classroom, or study space (including tack boards, shelves, overhead storage units, and any other pieces of furniture that are affixed to the cubicle or study carrel), regardless of whether they are freestanding or affixed to the realty ²	