



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

**INTERNATIONAL UNION OF
OPERATING ENGINEERS**

DAVID P. KOPPELMAN - HOUSE COUNSEL

September 3, 2002

VIA FAX & U. S. MAIL

John R. Harrington, Esq.
544 Riverdale Drive
Glendale, CA 91204

Re: Ruff Services

Dear Mr. Harrington:

Receipt is acknowledged of your fax dated August 29, 2002, concerning the above subcontractor.

While I admire Mr. Ruff's creativity, his reliance on "Black's Law Dictionary" rather than the Operating Engineers Master Labor Agreement is misplaced. Pursuant to Section 3.12 of the LAUSD Project Stabilization, the terms of the Operating Engineers MLA are incorporated into the PSA unless directly in conflict therewith. Furthermore, Article I, Para. B.6 of the Operating Engineers MLA specifically incorporates field survey work as being construction work falling within Local 12's jurisdiction. Finally, I note that the State of California recognizes survey work as construction work and has established a prevailing wage for such work.

Therefore, Ruff Services falls under the PSA insofar as its employees perform field survey work. If you require further information, please let me know.

Very truly yours,

David P. Koppelman, Counsel
I.U.O.E., Local Union No. 12

DPK:dv

cc: William C. Waggoner
Ruff Services (via fax & US mail)