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ERLAND CONSTRUCTION, INC.

1 NORTH AVENUE - P.O. BOX G
BURLINGTON, MASSACHUSETTS 01803
(617) 272-9440

February 24, 1984

City of Cambridge
Law Department
City Hall
795 Mass Ave.
Cambridge, MA 02139
Attn: Mr. Birge Albright

Dear Mr. Albright:

As requested in our telephone conversation of February 22, 1984 we are sending this letter stating our objection to the release of our certified payroll information.

The letter of the Carpenter's Union Local 40 comes without any reason for requesting the release of this information which we feel should accompany any request of this nature. If the intention is to determine that the requirements of the Davis-Bacon regulations are being met, which is the right of the general public to know, a request of compliance to the Federal Contracts Compliance Officer of the Community Development Department would provide that answer. When voluntarily entering into contract and signing to Article 17 - Federal Compliance of the Federal Supplementary Conditions of the Contract for Construction (attached) which was required by the City of Cambridge - it was stated that the only agencies allowed access to that information were the authorized representatives of the Owner, the appropriate Federal agency and the U.S. Department of Labor. We have always and will continue to make our records available to those parties as required.

We also feel that release of this information is exempt under both the Federal Freedom of Information Act and the State Public Records Law as previously discussed with you. We feel that the Federal Exemption applies even though the Community Development Department of the City of Cambridge is not a Federal agency as outlined in the Marvin Lerman letter to Kathy Spiegelman. The requirements of the City's maintaining and monitoring these records are pursuant to the direct requirements of H.U.D. and therefore subject to the same rights of protection. Please refer to the H.U.D. handbook on "Federal Labor Standard Compliance in Housing and Community Development Programs" which specifically addresses "requests by outside parties for payrolls" and makes exemption of release of that information under exemption 6 of the Federal Freedom of Information Act. In regards to the exemption under the State Public Records, we take exemption under Mass General Laws Chapter 4 Section 7 Clause 26C which exempts the release of this personnel related information. We have certain individual employees who strongly object to the release of any information pertaining to their payroll and fringe benefit status to the general public. We stand that the release of their payroll information

ERLAND CONSTRUCTION, INC.

Mr. Birge Albright
City of Cambridge
Law Department
February 24, 1984
Page Two

is in violation of their rights and privacy. Due to the nature of the workforce on this project and in our business in general, the withholding of names, addresses, and Social Security numbers would still not protect the identity and privacy of the workers involved. Also the release of this information to a competitor of Erland in the private sector would reveal certain "proprietary information" regarding the manner in which Erland performs and manages its projects.

In closing we believe that before any decision relative to this matter is issued from your office, we feel that you should fully satisfy yourself that you are the proper party to render that decision and, if that is the case, that you have had enough time to properly research all relevant information prior to rendering that decision.

Sincerely yours,

ERLAND CONSTRUCTION, INC.



Charles S. Vaciliou
Vice President

CSV/nbw
cc: Ned Handy, City of Cambridge
Enclosure

HAND DELIVERED

Comm. from Charles S. Vaciliou, Vice-Pres.,
Erland Construction, Ins., expressing his
opposition to the request of Carpenters Union
Local #40 to release Erland Construction's
certified payroll information.

In City Council,

March 12, 1984

3/12/84

Placed on File