
HOUSE BILL 1672

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Condotta, Short, and Manweller

Read first time 02/05/13. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to determinations of prevailing wage rates on
2 public works projects; adding a new section to chapter 39.12 RCW; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that there is a great
6 deal of confusion regarding the correct prevailing wage rate to be
7 applied to various types of construction work due to determinations
8 issued by the department of labor and industries and the industrial
9 statistician and that there is a need to protect both workers and
10 contractors from the application of unknown determinations issued by
11 the department of labor and industries or industrial statistician
12 regarding the correct prevailing wage rate that must be paid for a
13 specific type of construction work. The legislature further finds that
14 this confusion hurts both the contractors and the contractor's
15 employees and that greatly improved transparency must be provided by
16 the department of labor and industries and the industrial statistician
17 so that determinations regarding the correct prevailing wage for
18 specific types of construction work are made available to employers and
19 their employees.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 39.12 RCW
2 to read as follows:

3 (1) Whenever the director of labor and industries or the industrial
4 statistician issues a determination for what prevailing wages must be
5 paid for specific construction work, the department of labor and
6 industries or the industrial statistician shall:

7 (a) File a notice of that determination with the code reviser for
8 publication in the state register;

9 (b) Place an informational note on every listed prevailing wage
10 classification that may be impacted by the determination of the
11 existence of the determination and how to get a copy of the
12 determination. The failure by the department of labor and industries
13 to meet this requirement negates the application of that determination
14 on a public works project otherwise subject to the determination; and

15 (c) Include a statement on every notice of intent to pay prevailing
16 wages that uses a classification that may be impacted by a
17 determination of the existence of determinations affecting that
18 occupational classification and how to get a copy of any or all
19 determinations.

20 (2) The department of labor and industries shall maintain a list of
21 all determinations about what prevailing wages must be paid for
22 specific types of construction work and ensure that the list of
23 determinations and how to access the list is made known on all approved
24 statements of intent to pay prevailing wages issued by the industrial
25 statistician of the department of labor and industries under RCW
26 39.12.040. Failing to include this notice on an approved statement of
27 intent to pay prevailing wages issued by the industrial statistician
28 negates the application of any determination of prevailing wage
29 otherwise subject to that public works project.

30 (3) The department of labor and industries shall make specific
31 determinations issued by the department and the industrial statistician
32 available in printed paper format as requested by any contractor or
33 construction worker. The department of labor and industries may reject
34 any unreasonable request for an excessive number of printed paper
35 copies of determination.

36 (4) The department of labor and industries shall, by December 1st
37 of each year, issue a written report to the senate commerce and labor
38 committee or its successor, and the house of representatives labor and

1 workforce development committee or its successor and include a copy of
2 all determinations issued by the department and the industrial
3 statistician since the last report. Failure by the department of labor
4 and industries to issue this report as required negates all
5 determinations issued by the department since the last report was
6 issued by the department.

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