

SENATE BILL REPORT

SB 5244

AS REPORTED BY COMMITTEE ON LABOR & COMMERCE, MARCH 3, 1993

Brief Description: Enforcing the payment of prevailing wages.

SPONSORS: Senators Prentice, A. Smith, Moore, Winsley, Vognild, Sutherland, Jesernig and Quigley

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: That Substitute Senate Bill No. 5244 be substituted therefor, and the substitute bill do pass.

Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

Staff: Jonathan Seib (786-7427)

Hearing Dates: March 1, 1993; March 3, 1993

BACKGROUND:

The state prevailing wage law requires prevailing wages to be paid to employees on public works construction projects. All public works contracts must contain a provision requiring the payment of prevailing wages. Before an agency may disburse any payment on a public works contract, the contractor and subcontractors are required to submit a "statement of intent to pay prevailing wages." When the agency finally accepts the project, an "affidavit of wages paid" must be submitted before the agency may release the final payments.

An agency that willfully fails to comply with the prevailing wage requirements is liable for any wages due to the project's employees under the prevailing wage law.

SUMMARY:

The Legislature declares that there is a need to assure that public agencies carry out their responsibilities under the prevailing wage law and that an enforceable standard of compliance is established.

The requirement is deleted that an agency violation of the prevailing wage law must be willful. An agency is liable for worker wages if the agency knowingly fails to comply with the prevailing wage law.

EFFECT OF PROPOSED SUBSTITUTE:

The wording in the intent section is changed to be consistent with the remainder of the bill.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

"Wilfully" difficult standard to prove; current law causes problems for both contractors and workers.

TESTIMONY AGAINST:

There is concern that the bill would impose liability even when there was a bona fide dispute over whether prevailing wages had to be paid.

TESTIFIED: Jim Justin, Association of Washington Cities (con); Steve Karavitis, City of Tacoma (con); Bob Dilger, Washington State Building and Construction Trades Council (pro); Alan Darr, Operating Engineers (pro)