
HOUSE BILL 3106

State of Washington 56th Legislature 2000 Regular Session

By Representatives B. Chandler and McMorris

Read first time 02/01/2000. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to determining and applying prevailing wages;
2 amending RCW 39.04.010, 39.12.010, and 39.12.020; and adding a new
3 section to chapter 39.12 RCW.

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

5 **Sec. 1.** RCW 39.04.010 and 1997 c 220 s 402 are each amended to
6 read as follows:

7 The term state shall include the state of Washington and all
8 departments, supervisors, commissioners and agencies thereof.

9 The term municipality shall include every city, county, town,
10 district or other public agency thereof which is authorized by law to
11 require the execution of public work, except drainage districts, diking
12 districts, diking and drainage improvement districts, drainage
13 improvement districts, diking improvement districts, consolidated
14 diking and drainage improvement districts, consolidated drainage
15 improvement districts, consolidated diking improvement districts,
16 irrigation districts or any such other districts as shall from time to
17 time be authorized by law for the reclamation or development of waste
18 or undeveloped lands.

1 The term public work shall include all work, construction,
2 alteration, repair, or improvement other than ordinary maintenance,
3 executed at the cost of the state or of any municipality, or which is
4 by law a lien or charge on any property therein. All public works,
5 including maintenance when performed by contract shall comply with the
6 provisions of (~~RCW 39.12.020~~) chapter 39.12 RCW. The term does not
7 include work, construction, alteration, repair, or improvement
8 performed under contracts entered into under RCW 36.102.060(4) or under
9 development agreements entered into under RCW 36.102.060(7) or leases
10 entered into under RCW 36.102.060(8).

11 The term contract shall mean a contract in writing for the
12 execution of public work for a fixed or determinable amount duly
13 awarded after advertisement and competitive bid. However, a contract
14 which is awarded from a small works roster under the authority of RCW
15 39.04.150, 35.22.620, 28B.10.355, 35.82.075, and 57.08.050 need not be
16 advertised.

17 **Sec. 2.** RCW 39.12.010 and 1989 c 12 s 6 are each amended to read
18 as follows:

19 (1) The "prevailing rate of wage", for the intents and purposes of
20 this chapter, shall be the weighted average rate of hourly wage, usual
21 benefits, and overtime paid in the (~~locality, as hereinafter~~
22 ~~defined,~~) county to the (~~majority of~~) workers, laborers, or
23 mechanics, in the same trade or occupation. (~~In the event that there~~
24 ~~is not a majority in the same trade or occupation paid at the same~~
25 ~~rate, then the average rate of hourly wage and overtime paid to such~~
26 ~~laborers, workers, or mechanics in the same trade or occupation shall~~
27 ~~be the prevailing rate.~~) The average shall be weighted for the hours
28 worked at each hourly wage. If the wage paid by any contractor or
29 subcontractor to laborers, workers, or mechanics on any public work is
30 based on some period of time other than an hour, the hourly wage for
31 the purposes of this chapter shall be mathematically determined by the
32 number of hours worked in such period of time.

33 (2) (~~The "locality" for the purposes of this chapter shall be the~~
34 ~~largest city in the county wherein the physical work is being~~
35 ~~performed.~~

36 (~~3~~) The "usual benefits" for the purposes of this chapter shall
37 include the amount of:

1 (a) The rate of contribution irrevocably made by a contractor or
2 subcontractor to a trustee or to a third person pursuant to a fund,
3 plan, or program; and

4 (b) The rate of costs to the contractor or subcontractor which may
5 be reasonably anticipated in providing benefits to workers, laborers,
6 and mechanics pursuant to an enforceable commitment to carry out a
7 financially responsible plan or program which was communicated in
8 writing to the workers, laborers, and mechanics affected, for medical
9 or hospital care, pensions on retirement or death, compensation for
10 injuries or illness resulting from occupational activity, or insurance
11 to provide any of the foregoing, for unemployment benefits, life
12 insurance, disability and sickness insurance, or accident insurance,
13 for vacation and holiday pay, for defraying costs of apprenticeship or
14 other similar programs, or for other bona fide fringe benefits, but
15 only where the contractor or subcontractor is not required by other
16 federal, state, or local law to provide any of such benefits.

17 ~~((4))~~ (3) An "interested party" for the purposes of this chapter
18 shall include a contractor, subcontractor, an employee of a contractor
19 or subcontractor, an organization whose members' wages, benefits, and
20 conditions of employment are affected by this chapter, and the director
21 of labor and industries or the director's designee.

22 **Sec. 3.** RCW 39.12.020 and 1989 c 12 s 7 are each amended to read
23 as follows:

24 Except as provided in section 4 of this act, the hourly wages to be
25 paid to laborers, workers, or mechanics, upon all public works and
26 under all public building service maintenance contracts of the state or
27 any county, municipality or political subdivision created by its laws
28 with a population of less than one hundred thousand, shall be not less
29 than the prevailing rate of wage for an hour's work in the same trade
30 or occupation in the ~~((locality))~~ county within the state where such
31 labor is performed. For a contract in excess of ten thousand dollars,
32 a contractor required to pay the prevailing rate of wage shall post in
33 a location readily visible to workers at the job site: PROVIDED, That
34 on road construction, sewer line, pipeline, transmission line, street,
35 or alley improvement projects for which no field office is needed or
36 established, a contractor may post the prevailing rate of wage
37 statement at the contractor's local office, gravel crushing, concrete,

1 or asphalt batch plant as long as the contractor provides a copy of the
2 wage statement to any employee on request:

3 (1) A copy of a statement of intent to pay prevailing wages
4 approved by the industrial statistician of the department of labor and
5 industries under RCW 39.12.040; and

6 (2) The address and telephone number of the industrial statistician
7 of the department of labor and industries where a complaint or inquiry
8 concerning prevailing wages may be made.

9 (~~This chapter shall not apply to workers or other persons
10 regularly employed on monthly or per diem salary by the state, or any
11 county, municipality, or political subdivision created by its laws.~~)

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 39.12 RCW
13 to read as follows:

14 This chapter does not apply to:

15 (1) Workers or other persons regularly employed on monthly or per
16 diem salary by the state, or any county, municipality, or political
17 subdivision created by its laws; or

18 (2) Common school construction performed under Title 28A RCW.

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