

# SENATE BILL REPORT

## HB 1370

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As Reported By Senate Committee On:  
Labor, Commerce, Research & Development, March 20, 2007

**Title:** An act relating to public workers excluded from prevailing wages on public works provisions.

**Brief Description:** Regarding public workers excluded from prevailing wages on public works provisions.

**Sponsors:** Representatives Green, Conway, Hasegawa, Chase, Simpson, Morrell and Wood.

**Brief History:** Passed House: 2/23/07, 93-0.

**Committee Activity:** Labor, Commerce, Research & Development: 3/20/07 [DP].

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### SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

**Majority Report:** Do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Ranking Minority Member; Franklin, Hewitt, Holmquist and Murray.

**Staff:** Jennifer Strus (786-7316)

**Background:** State law requires that an employer who hires workers paid on an hourly or per diem basis for public works and public building service maintenance contracts must pay those workers at least the prevailing wage rate for an hour's work in the same trade and occupation in the locality where the work is performed. Department of Labor and Industries (L&I) determines the prevailing wage rate in a locality by periodically surveying nongovernmental construction employers.

Last year, Public School Employees (PSE) of Washington sued L&I arguing that public workers paid on an hourly or per diem basis should be included in the prevailing wage survey. A Superior Court judge agreed with PSE.

**Summary of Bill:** Governmental employees are specifically excluded from the application of the prevailing wage statute regardless of how often the employee is paid.

As a result, governmental employee wages will not be included in surveys to determine the prevailing wage rate in the locality where the work is performed.

**Appropriation:** None.

**Fiscal Note:** Available.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill has been worked through the Prevailing Wage Advisory Committee and there is no opposition. Business and labor have unanimously approved this bill. The bill clarifies what has been the policy of L&I since prevailing wages have been paid. By clarifying the existing statute, the bill will prevent future misunderstandings.

**Persons Testifying:** PRO: Representative Green, prime sponsor; Josh Swanson, David Soma, L&I; Dave Johnson, Building Trades.