

# HOUSE BILL REPORT

## HB 1058

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**As Reported by House Committee On:**  
Labor & Workforce Development

**Title:** An act relating to prevailing wage records requests.

**Brief Description:** Regarding records requests relating to prevailing wage investigations.

**Sponsors:** Representatives Hudgins, Green, Eddy, Reykdal, Appleton and Moeller; by request of Department of Labor & Industries.

**Brief History:**

**Committee Activity:**

Labor & Workforce Development: 1/14/11, 1/19/11 [DPS].

**Brief Summary of Substitute Bill**

- Prohibits a contractor or subcontractor from using records requested by the Department of Labor and Industries to challenge a prevailing wage determination if the records are not provided within 60 days of a request.

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### HOUSE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Sells, Chair; Reykdal, Vice Chair; Condotta, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Fagan, Green, Kenney, Miloscia, Moeller, Ormsby, Roberts, Taylor and Warnick.

**Staff:** Alison Hellberg (786-7152).

**Background:**

Contractors and subcontractors on public works projects must comply with the state prevailing wage requirements. They must pay prevailing wages to employees on public works projects. The prevailing wage is the rate of hourly wage, usual benefits, and overtime paid to the majority of workers in the same trade or occupation in the largest city in the county where the work is performed. The Department of Labor and Industries (Department) administers and enforces the state prevailing wage law.

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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.*

Interested parties may file complaints of prevailing wage violations. The Department investigates these complaints and issues written determinations with its findings. These determinations may be appealed. In order to complete an investigation of a prevailing wage complaint, the Department frequently requests records from a contractor or subcontractor. Examples of these records include payroll and time records.

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**Summary of Substitute Bill:**

If a contractor or subcontractor fails to provide records requested by the Department within 60 days, the records may not be used in a proceeding to challenge a determination that wages are owed, that a record or statement is false, or that the contractor or subcontractor has failed to file a record or statement.

**Substitute Bill Compared to Original Bill:**

The amount of time that requested records must be provided is changed from 30 days to 60 days.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The Department already has subpoena powers, but contractors are not required to provide complete records or records that have not been changed. Occasionally records are provided that the Department has never seen before and there is no time to check their validity. This is similar to powers that the Department has in other areas. The construction industry is full of dubious contractors who consistently try to skirt the law. The bill plugs one small hole in a huge problem. This levels the playing field and helps workers.

(Opposed) None.

**Persons Testifying:** Tamara Jones, Department of Labor and Industries; and Don DeMulling, Ironworkers Local 86.

**Persons Signed In To Testify But Not Testifying:** None.