

SENATE BILL REPORT

SB 5070

As Reported by Senate Committee On:
Labor, Commerce & Consumer Protection, January 24, 2011

Title: An act relating to prevailing wage records requests.

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

Sponsors: Senators Conway, Kohl-Welles, Kline and Chase; by request of Department of Labor & Industries.

Brief History:

Committee Activity: Labor, Commerce & Consumer Protection: 1/20/11, 1/24/11 [DPS].

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Majority Report: That Substitute Senate Bill No. 5070 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry, Ranking Minority Member; King, Assistant Ranking Minority Member; Hewitt, Keiser and Kline.

Staff: Mac Nicholson (786-7445)

Background: Prevailing wages must be paid to laborers, workers, and mechanics 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 (L&I) administers and enforces state prevailing wage laws, and investigates complaints of violations of prevailing wage laws or rules.

Summary of Bill (Recommended Substitute): An employer, contractor, or subcontractor that fails to provide or allow inspection of records requested by L&I within 60 days of the request may not use the records in any proceeding to challenge the correctness of any determination made by L&I that wages are owed; that a record or statement is false; or that the employer, contractor, or subcontractor has failed to file a record or statement.

EFFECT OF CHANGES MADE BY LABOR, COMMERCE & CONSUMER PROTECTION COMMITTEE (Recommended Substitute): The proposed substitute

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provides that the employer, contractor, or subcontractor must provide requested records within 60 days, rather than 30 days.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: The problems the bill addresses are situations where employers don't provide complete prevailing wage records to L&I until L&I has issued a determination or there has been a court proceeding. L&I must then re-consider their determination using the new records, and this draws out investigations. The language in the bill is based on other employment standards investigation language and will allow L&I to complete investigations and ensure wages are paid.

Persons Testifying: PRO: Tamara Jones, L&I.