
SENATE BILL 5685

State of Washington

63rd Legislature

2013 Regular Session

By Senator King

Read first time 02/08/13. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to ensuring transparency with prevailing wage rate
2 determinations; adding a new section to chapter 39.12 RCW; and creating
3 a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that there is a great
6 deal of confusion regarding the correct prevailing wage rate to be
7 applied to various types of construction work due to determinations
8 issued by the department of labor and industries and the industrial
9 statistician, and that there is a need to protect both workers and
10 contractors from the application of unknown determinations issued by
11 the department or industrial statistician regarding the correct
12 prevailing wage rate. The legislature further finds that this
13 confusion harms both contractors and the contractor's employees, and
14 that greatly improved transparency must be provided by the department
15 and the industrial statistician so that determinations regarding the
16 correct prevailing wage for specific types of construction work are
17 made available to employers and employees.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 39.12 RCW
2 to read as follows:

3 (1) Whenever the director of the department of labor and industries
4 or the industrial statistician issues a determination for what
5 prevailing wages must be paid for specific construction work, the
6 department or the industrial statistician shall:

7 (a) Place a notice of that determination in the state register;

8 (b) Place an informational note on every listed prevailing wage
9 classification that may be impacted by the determination and how to get
10 a copy of the determination. Failure by the department to meet this
11 requirement shall negate the application of that determination on a
12 public works project otherwise subject to the determination;

13 (c) Include a statement on every notice of intent to pay prevailing
14 wages that uses a classification that may be impacted by a
15 determination of the existence of determinations affecting that
16 occupational classification and how to get a copy of the determination.

17 (2) The department shall maintain a list of all determinations
18 about what prevailing wages must be paid for specific types of
19 construction work and ensure that list of determinations, and how to
20 access the list, is made known on all approved statements of intent to
21 pay prevailing wages issued by the industrial statistician of the
22 department under RCW 39.12.040. Failing to include this notice on an
23 approved statement of intent to pay prevailing wages issued by the
24 industrial statistician shall negate the application of any
25 determination of the public works otherwise subject to that public
26 works project.

27 (3) The department shall make specific determinations issued by the
28 department and the industrial statistician available in printed paper
29 format as requested by any contractor or construction worker. The
30 department may reject any unreasonable request for an excessive number
31 of printed paper copies of determination.

32 (4) The department shall, by December 1st of each year, issue a
33 written report to the senate commerce and labor committee or its
34 successor, and the house labor and workforce development committee or
35 its successor, with a copy of all determinations issued by the
36 department and the industrial statistician since the last report.
37 Failure by the department to issue this report as required shall negate

1 all determinations issued by the department since the last report was
2 issued by the department.

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