
SENATE BILL 5951

State of Washington

64th Legislature

2015 Regular Session

By Senators Braun and Baumgartner

Read first time 02/12/15. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to prevailing wages; amending RCW 39.12.015; and
2 prescribing penalties.

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

4 **Sec. 1.** RCW 39.12.015 and 1965 ex.s. c 133 s 2 are each amended
5 to read as follows:

6 (1) All determinations of the prevailing rate of wage shall be
7 made by the industrial statistician of the department of labor and
8 industries.

9 (2) A pilot project is created to establish the prevailing rate
10 of wage for the following trades: Cement masons; operating engineers;
11 laborers in utilities construction; plasterers; telecommunications
12 technicians; and divers. The prevailing rate of wage under the pilot
13 project must be published no later than February 2017, and for those
14 trades specified in (a) of this subsection, may be adjusted
15 semiannually based on changes to the collective bargaining
16 agreements. Under the pilot project, the industrial statistician
17 shall establish the prevailing rate of wage as follows:

18 (a) For the trades of plasterer, telecommunications technician,
19 and diver, the industrial statistician shall establish the prevailing
20 rate of wage by adopting the hourly wage, usual benefits, and
21 overtime pay established in collective bargaining agreements for the

1 specified trades. If there is no collective bargaining agreement, the
2 prevailing rate of wage is established by conducting wage surveys.

3 (b)(i) For the trades of cement mason, operating engineer, and
4 laborer in utilities construction, the industrial statistician shall
5 establish the prevailing rate of wage by using a stratified random
6 sampling methodology. To conduct the stratified random sampling
7 methodology, the department of labor and industries shall identify
8 the contractors, employers, and labor unions eligible to receive wage
9 surveys for the specified trades. The department shall send wage
10 surveys to at least thirty percent of those eligible survey
11 recipients in each of the specified trades. The department shall use
12 a random method to select the recipients of the survey in each trade.
13 The prevailing rate of wage for a trade may be established using a
14 stratified random sampling methodology when the department has
15 received survey responses from at least twenty-five percent of the
16 eligible survey recipient population in that particular trade.

17 (ii) A recipient of a wage survey under the pilot project is
18 required to respond to the survey within ninety days of receiving the
19 survey. If a recipient has not responded within ninety days, the
20 department shall contact the recipient by telephone. If after thirty
21 days of the first telephone call the recipient has still not
22 responded, the department shall contact the recipient by telephone
23 and notify the recipient that it must respond to the survey and will
24 be subject to civil penalties if the recipient fails to respond. If
25 the recipient fails to respond within fourteen business days of the
26 department's second telephone call to the recipient, the department
27 shall assess a civil penalty of five hundred dollars against the
28 recipient.

29 (iii) Civil penalties collected under this pilot program are
30 deposited in the public works administration account.

31 (c) The joint legislative audit and review committee, in
32 consultation with the department of labor and industries and the
33 prevailing wage advisory committee, shall conduct an assessment of
34 the pilot project. The joint legislative audit and review committee
35 may contract with an independent expert in prevailing wage to assist
36 with the assessment. The assessment must evaluate which of the
37 following three prevailing wage methodologies generates the rate that
38 best reflects the actual market wage rate: (i) The use of stratified
39 random sampling; (ii) the use of collective bargaining agreements; or
40 (iii) the general wage survey method. The joint legislative audit and

1 review committee shall submit a progress report by June 30, 2018, and
2 the results of the assessment by June 30, 2020, to the appropriate
3 committees of the legislature.

4 (d) The pilot project under this subsection expires August 1,
5 2021.

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