
SUBSTITUTE SENATE BILL 5766

State of Washington

66th Legislature

2019 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Conway, King, Keiser, and Kuderer)

READ FIRST TIME 02/19/19.

1 AN ACT Relating to the methodology for establishing the
2 prevailing rate of wages for the construction of affordable housing,
3 homeless and domestic violence shelters, and low-income
4 weatherization and home rehabilitation public works; reenacting and
5 amending RCW 39.12.015; adding a new section to chapter 39.12 RCW;
6 creating new sections; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature intends that the
9 methodology for establishing the prevailing rates of wages under this
10 act applies only to affordable housing, homeless and domestic
11 violence shelters, and low-income weatherization and home
12 rehabilitation programs.

13 **Sec. 2.** RCW 39.12.015 and 2018 c 248 s 1 and 2018 c 242 s 1 are
14 each reenacted and amended to read as follows:

15 (1) All determinations of the prevailing rate of wage shall be
16 made by the industrial statistician of the department of labor and
17 industries.

18 (2) The time period for recovery of any wages owed to a worker
19 affected by the determination is tolled until the prevailing wage
20 determination is final.

1 (3) (a) Except as provided in section 3 of this act, and
2 notwithstanding RCW 39.12.010(1), the industrial statistician shall
3 establish the prevailing rate of wage by adopting the hourly wage,
4 usual benefits, and overtime paid for the geographic jurisdiction
5 established in collective bargaining agreements for those trades and
6 occupations that have collective bargaining agreements. For trades
7 and occupations with more than one collective bargaining agreement in
8 the county, the higher rate will prevail.

9 ~~((4))~~ (b) For trades and occupations in which there are no
10 collective bargaining agreements in the county, the industrial
11 statistician shall establish the prevailing rate of wage as defined
12 in RCW 39.12.010 by conducting wage and hour surveys. In instances
13 when there are no applicable collective bargaining agreements and
14 conducting wage and hour surveys is not feasible, the industrial
15 statistician may employ other appropriate methods to establish the
16 prevailing rate of wage.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 39.12
18 RCW to read as follows:

19 (1) For residential construction, the industrial statistician
20 shall establish the prevailing rate of wage by conducting wage and
21 hour surveys. If the industrial statistician determines that
22 information received from a survey is insufficient to determine the
23 prevailing rate of wage for a trade under this subsection, the
24 industrial statistician shall employ other appropriate methods to
25 establish the prevailing rate of wage.

26 (a) The industrial statistician shall conduct the initial surveys
27 required by this subsection (1) as soon as feasible after the
28 effective date of this section. These surveys shall cover fiscal year
29 2018.

30 (b) The industrial statistician shall conduct a wage and hour
31 survey following the initial survey or otherwise reestablish a
32 prevailing rate of wage for each trade covered by this section at
33 least every five years, and after the initial survey may stagger the
34 surveys for workload purposes.

35 (2) (a) Until the industrial statistician has established a
36 prevailing wage rate under subsection (1) (a) of this section and
37 except as provided in (b) of this subsection, the industrial
38 statistician shall establish the wage rate by:

1 (i) Identifying the residential prevailing wage rate in effect on
2 August 30, 2018, for that trade (rate A);

3 (ii) Determining the year most recent to 2018, but not earlier
4 than 2007, in which the wage rate for that trade was adjusted (year
5 A);

6 (iii) Determining the percentage change in the annual average
7 hourly wages reported for construction workers in Washington state,
8 as calculated by the United States bureau of labor statistics' state
9 and area employment, hours, and earnings estimates, from year A to
10 2019;

11 (iv) Adding the percentage change from (a)(iii) of this
12 subsection to one hundred percent (percentage A); and

13 (v) Multiplying rate A by percentage A.

14 (b) If the residential construction wage rate in effect for a
15 trade on August 31, 2018, is the same as the wage rate in effect on
16 August 30, 2018, the industrial statistician must adopt the wage rate
17 in effect for the trade on August 31, 2018, until a wage rate is
18 established under subsection (1)(a) of this section.

19 (3) For purposes of this section:

20 (a) "Residential construction" means construction, alteration,
21 repair, improvement, or maintenance of single-family dwellings,
22 duplexes, apartments, condominiums, and other residential structures
23 not to exceed four stories in height, including the basement, in the
24 following categories:

25 (i) Affordable housing, including permanent supportive housing
26 and transitional housing, which may include common spaces, community
27 rooms, recreational spaces, a management office, or offices for the
28 purposes of service delivery;

29 (ii) Weatherization and home rehabilitation programs for low-
30 income households; and

31 (iii) Homeless shelters and domestic violence shelters.

32 (b) "Residential construction" does not include the utilities
33 construction, such as water and sewer lines, or work on streets, or
34 work on other structures unrelated to the housing.

35 NEW SECTION. **Sec. 4.** The industrial statistician must establish
36 and publish wage rates under section 3(2) of this act within thirty
37 days after the effective date of this section. The wage rates take
38 effect thirty days after publication.

1 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect immediately.

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