<u>**SSB 5726**</u> - S AMD **141**
     By Senator King

ADOPTED 03/02/2023

1   On page 2, beginning on line 9, after "<u>of</u>" strike all material
2   through "<u>owed.</u>" on line 23 and insert "<u>workers, laborers, or</u>
3   <u>mechanics in the same trade or occupation under the collective</u>
4   <u>bargaining agreements. In the event there is not a majority of</u>
5   <u>workers, laborers, or mechanics in the same trade or occupation paid</u>
6   <u>at the same rate, then the rate representing the most workers,</u>
7   <u>laborers, or mechanics in the same trade or occupation shall prevail.</u>
8   <u>The industrial statistician shall consider the applicable collective</u>
9   <u>bargaining agreements and may seek input from the labor and</u>
10 <u>management signatory parties and their multiemployer bargaining unit</u>
11 <u>representatives, if applicable, regarding which rate is the majority</u>
12 <u>rate, or the rate representing the most workers, laborers, or</u>
13 <u>mechanics in the same trade or occupation in the event there is no</u>
14 <u>majority. In no case where there is a collective bargaining agreement</u>
15 <u>within a county, shall the industrial statistician conduct wage</u>
16 <u>surveys or otherwise apply hours worked data to set the prevailing</u>
17 <u>rate of wage, except that it may apply hours worked data to resolve</u>
18 <u>an appeal under (b) of this subsection.</u>
19   <u>(b) An interested party may appeal a determination by the</u>
20 <u>industrial statistician under this subsection. The interested party</u>
21 <u>must allege and prove by competent evidence that the actual rate used</u>
22 <u>in the determination is not the rate representing the majority number</u>
23 <u>or plurality of workers, laborers, or mechanics in the same trade or</u>
24 <u>occupation under the collective bargaining agreements. Until final</u>
25 <u>determination thereof, the work in question shall proceed under the</u>
26 <u>rate established by the industrial statistician.</u>"

27   On page 3, line 22, after "<u>(3)</u>" strike "<u>Cost</u>" and insert "<u>Until</u>
28 <u>December 31, 2029, cost</u>"

29   On page 3, line 25, after "<u>increase to</u>" strike "<u>request</u>" and
30 insert "<u>require</u>"

1   On page 3, line 26, after "contract" insert "for the following
2 scopes of work established pursuant to this chapter:
3   (a) Carpenters;
4   (b) Cement masons;
5   (c) Laborers;
6   (d) Power equipment operators; and
7   (e) Teamsters"

8   On page 3, beginning on line 27, after "(4)" strike all material
9 through "39.04.155" on line 29 and insert "Nothing in subsection (2)
10 of this section shall supersede the wage adjustment provisions
11 provided for in RCW 39.04.155, 35.22.620(11)(e), 53.08.120(3)(e),
12 39.10.380(1), 35.23.352(13), 36.32.235(9), 39.04.235, 54.04.070(7),
13 39.10.420, 39.10.340, 39.10.300, and 57.08.050(6)"

     EFFECT: Changes the method by which the industrial statistician
determines the prevailing wage when more than one collective
bargaining agreements apply from the rate representing the majority
of hours worked to the rate representing the majority of workers,
laborers, or mechanics. Provides that if a rate representing the
majority is not present, the rate representing the most workers,
laborers, or mechanics shall prevail. Provides that the industrial
statistician may seek input from the labor and management signatory
parties and their multiemployer bargaining unit representatives
regarding which rate is the majority rate. Modifies terminology
around contesting a determination to align with changes made to the
bill. Provides that cost increases resulting from the prevailing wage
adjustments are good cause justification for the contractor to
require, rather than request, a financial adjustment to the
contractor's contract. Expires the provision relating to the good
cause justification for requiring financial adjustment to the
contractor's contract on December 31, 2029, and limits its
application to the following scopes of work: Carpenters, cement
masons, laborers, power equipment operators, and teamsters. Provides
that the subsection requiring payment of prevailing wage at the time
the work is performed does not supersede wage adjustment provisions
in other statutes.

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