

# HOUSE BILL REPORT

## SSB 5070

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**As Passed House:**  
April 6, 2011

**Title:** An act relating to prevailing wage records requests.

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

**Sponsors:** Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Conway, Kohl-Welles, Kline and Chase; by request of Department of Labor & Industries).

**Brief History:**

**Committee Activity:**

Labor & Workforce Development: 3/8/11, 3/16/11 [DP].

**Floor Activity:**

Passed House: 4/6/11, 96-1.

**Brief Summary of Substitute Bill**

- Prohibits a contractor or subcontractor from using records requested by the Department of Labor and Industries to challenge a prevailing wage determination if the records are not provided within 60 days of a request.

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### HOUSE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

**Majority Report:** Do pass. Signed by 13 members: Representatives Sells, Chair; Reykdal, Vice Chair; Condotta, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Fagan, Green, Kenney, Miloscia, Moeller, Ormsby, Roberts, Taylor and Warnick.

**Staff:** Alison Hellberg (786-7152).

**Background:**

Contractors and subcontractors on public works projects must comply with the state prevailing wage requirements and pay their employees prevailing wages. 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.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Department of Labor and Industries (Department) administers and enforces the state prevailing wage law.

Interested parties may file complaints of prevailing wage violations. The Department investigates these complaints and issues written determinations with its findings. These determinations may be appealed. In order to complete an investigation of a prevailing wage complaint, the Department frequently requests records from a contractor or subcontractor. Examples of these records include payroll and time records.

**Summary of Bill:**

If a contractor or subcontractor fails to provide records requested by the Department within 60 days, the records may not be used in a proceeding to challenge a determination that wages are owed, that a record or statement is false, or that the contractor or subcontractor has failed to file a record or statement.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The companion to this bill passed out of this committee unanimously. This bill was originally 30 days, but changed to 60 days in committee. The Senate bill has this same change. The goal of this bill is to move these administrative procedures along faster and get people paid.

(Opposed) None.

**Persons Testifying:** Tamara Jones, Department of Labor and Industries.

**Persons Signed In To Testify But Not Testifying:** None.