

HOUSE BILL REPORT

HB 2845

As Reported by House Committee On: Labor & Workplace Standards

Title: An act relating to the time period for workers to recover wages under prevailing wage laws.

Brief Description: Addressing the time period for workers to recover wages under prevailing wage laws.

Sponsors: Representatives Ormsby, Sells, Frame, Gregerson, Moscoso, Bergquist, Jinkins, Cody, Peterson, Robinson, Farrell, Riccelli, Sawyer, Pollet, Appleton, Reykdal, Kilduff, Stanford and Walkinshaw.

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/28/16, 2/1/16 [DP].

Brief Summary of Bill

- Provides that the time period for recovery of wages owed to a worker affected by a prevailing wage determination is tolled from the time the determination request is filed until the determination is final.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 6 members: Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe, Moeller and Ormsby.

Staff: Joan Elgee (786-7106) and Kelly Holler (786-7290).

Background:

Prevailing Wage Determinations.

State law requires that contractors pay prevailing wages to laborers, workers, and mechanics employed on all public works contracts and public building service maintenance contracts. The prevailing wage is the hourly wage, usual benefits, and overtime paid in the largest city

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in each county to the majority of individuals in the same trade or occupation. The prevailing wage for each county and occupation is established by the industrial statistician for the Department of Labor and Industries (L&I).

The industrial statistician is authorized to issue determinations regarding the prevailing wage in response to requests by interested parties. These determinations may be sought to clarify how prevailing wage law applies to a specific project. For example, determinations may examine whether the prevailing wage is owed for work on a project or the appropriate scope of work governing the wage of a given group of workers.

Recovering Prevailing Wages Owed.

If the employer fails to pay a worker wages owed, the worker may file a wage complaint with L&I. If a violation is found, L&I collects wages owed from the employer on behalf of the worker and may also collect interest and penalties. As an alternative to collecting wages through the L&I complaint process, workers may file a private right of action for unpaid prevailing wages. In a private lawsuit, an employer that "willfully" fails to pay required wages is liable for payment of double wages and attorney's fees. In addition, the employer is liable for reasonable attorney's fees when a worker obtains a judgment for wages owed.

Summary of Bill:

The time period for filing complaints or claims to recover wages affected by a prevailing wage determination is tolled from the date of the request of a prevailing wage determination to the date the determination is final.

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) Currently, there is a three-year time period to file wage claims, which continues to run when L&I is making a prevailing wage determination. This means that during the time a determination is being made, some workers lose the opportunity to recover wages because too much time has passed to file a claim. This bill "stops the clock" on the time period for wage claims while a determination is pending, thus providing time for workers to file their claims after L&I completes its determination process.

(Opposed) None.

Persons Testifying: Representative Ormsby, prime sponsor; and Josh Swanson, International Union of Operating Engineers, Local 302.

Persons Signed In To Testify But Not Testifying: None.