

# SENATE BILL REPORT

## HB 2845

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As Reported by Senate Committee On:  
Commerce & Labor, February 26, 2016

**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:** Passed House: 2/16/16, 92-6.

**Committee Activity:** Commerce & Labor: 2/26/16, 2/26/16 [DP].

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### SENATE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass.

Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Hasegawa, Ranking Minority Member; Conway, Keiser, King and Warnick.

**Staff:** Jarrett Sacks (786-7448)

**Background:** Employers on public works projects must pay prevailing wages. In general, the prevailing wage is the hourly wage, usual benefits, and overtime paid to the majority of workers in the same trade or occupation in the largest city of the county where the work is being performed. Prevailing wage rates are established by the industrial statistician at the Department of Labor and Industries (L&I) for each trade and occupation employed in the performance of public work.

The industrial statistician makes 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.

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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.*

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.

**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.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The clock runs out after three years on prevailing wage claims, even if some of that time is spent checking if prevailing wage should be paid. The bill tolls it to ensure the worker can collect the money they are owed. Prevailing wage determinations are separate from wage claims, and it is good to have it so one does not impede the other.

**Persons Testifying:** PRO: Representative Ormsby, Prime Sponsor; Neil Hartman, WA Building & Construction Trades Council.

**Persons Signed In To Testify But Not Testifying:** No one.