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SENATE BILL 5269

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State of Washington

56th Legislature

1999 Regular Session

By Senators Prentice, Roach, Heavey, Costa and Gardner

Read first time 01/18/1999. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to defining locality to tie the prevailing rate of  
2 wage to the site of installation; and amending RCW 39.12.010.

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

4 **Sec. 1.** RCW 39.12.010 and 1989 c 12 s 6 are each amended to read  
5 as follows:

6 (1) The "prevailing rate of wage", for the intents and purposes of  
7 this chapter, shall be the rate of hourly wage, usual benefits, and  
8 overtime paid in the locality, as hereinafter defined, to the majority  
9 of workers, laborers, or mechanics, in the same trade or occupation.  
10 In the event that there is not a majority in the same trade or  
11 occupation paid at the same rate, then the average rate of hourly wage  
12 and overtime paid to such laborers, workers, or mechanics in the same  
13 trade or occupation shall be the prevailing rate. If the wage paid by  
14 any contractor or subcontractor to laborers, workers, or mechanics on  
15 any public work is based on some period of time other than an hour, the  
16 hourly wage for the purposes of this chapter shall be mathematically  
17 determined by the number of hours worked in such period of time.

18 (2) The "locality" for the purposes of this chapter shall be the  
19 largest city in the county (~~wherein~~) where the physical work is being

1 performed. For off-site work, "locality" shall be the physical place  
2 or places where the construction called for in the contract will remain  
3 when work on it has been completed.

4 (3) The "usual benefits" for the purposes of this chapter shall  
5 include the amount of:

6 (a) The rate of contribution irrevocably made by a contractor or  
7 subcontractor to a trustee or to a third person pursuant to a fund,  
8 plan, or program; and

9 (b) The rate of costs to the contractor or subcontractor which may  
10 be reasonably anticipated in providing benefits to workers, laborers,  
11 and mechanics pursuant to an (~~enforeible~~) enforceable commitment to  
12 carry out a financially responsible plan or program which was  
13 communicated in writing to the workers, laborers, and mechanics  
14 affected, for medical or hospital care, pensions on retirement or  
15 death, compensation for injuries or illness resulting from occupational  
16 activity, or insurance to provide any of the foregoing, for  
17 unemployment benefits, life insurance, disability and sickness  
18 insurance, or accident insurance, for vacation and holiday pay, for  
19 defraying costs of apprenticeship or other similar programs, or for  
20 other bona fide fringe benefits, but only where the contractor or  
21 subcontractor is not required by other federal, state, or local law to  
22 provide any of such benefits.

23 (4) An "interested party" for the purposes of this chapter shall  
24 include a contractor, subcontractor, an employee of a contractor or  
25 subcontractor, an organization whose members' wages, benefits, and  
26 conditions of employment are affected by this chapter, and the director  
27 of labor and industries or the director's designee.

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