
HOUSE BILL 2220

State of Washington 59th Legislature 2005 Regular Session

By Representatives Miloscia, Conway and Hudgins

Read first time 02/24/2005. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to providing living wages on public contracts on
2 behalf of or for the house of representatives and the senate; adding a
3 new chapter to Title 44 RCW; providing an effective date; and declaring
4 an emergency.

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

6 NEW SECTION. **Sec. 1.** FINDINGS. The legislature finds that the
7 state annually awards contracts to private contractors to provide
8 services on behalf of or for the house of representatives and the
9 senate, and that such expenditures should be spent in a manner that
10 promotes the creation of jobs that allow residents to support
11 themselves and their families with dignity. The legislature further
12 finds that the present federal and state minimum wage rates generate
13 income at a level below the amount required to support a family at a
14 basic level, and that jobs that do not pay living wages result in
15 families who have a greater need for social services provided by the
16 state and paid for by state taxpayers. The payment of adequate wages
17 to workers for those hours performing services on behalf of or for the
18 house of representatives and the senate will promote stability and
19 reduced turnover, resulting in a higher quality of service.

1 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
2 section apply throughout this chapter unless the context clearly
3 requires otherwise.

4 (1) "Contract" means public works contracts, personal services
5 contracts, and purchasing contracts for goods and services entered
6 into, renewed, or extended by the state on behalf of or for the house
7 of representatives and the senate on or after July 1, 2005.

8 (2) "Contractor" means any person, firm, or corporation that, in
9 the pursuit of an independent business, undertakes a contract.

10 (3) "Department" means the department of labor and industries.

11 (4) "Employee" has the meaning provided in RCW 49.46.010. In
12 addition to individuals not included in the definition of "employee"
13 under RCW 49.46.010, "employee" shall not include: (a) An individual
14 enrolled in a state-approved apprenticeship training program; (b) an
15 individual in a work study position, internship, or who is in a
16 position that requires student status as a prerequisite to being
17 employed in that position; and (c) an individual subject to a bona fide
18 collective bargaining agreement.

19 (5) "Subcontractor" means any person, firm, or corporation that, in
20 the pursuit of an independent business, undertakes a contract with
21 another person, firm, or corporation who holds a contract.

22 NEW SECTION. **Sec. 3.** LIVING WAGE REQUIREMENT. All contracts and
23 any subcontracts under these contracts shall require the following:

24 (1) The contractor and any subcontractors must pay each employee
25 performing work under the contract the living wage rate under this
26 chapter or, if applicable, the prevailing wage rate under chapter 39.12
27 RCW, whichever is higher;

28 (2) Within ten days of a request by the house of representatives or
29 the senate, the contractor and any subcontractors must provide
30 satisfactory proof of compliance with the living wage requirement in
31 the form of payroll records, benefit records, or other appropriate
32 evidence;

33 (3) If the contractor or any subcontractor violates the living wage
34 requirement, the contractor or subcontractor must provide proof of
35 compliance, including the payment of any back wages owed, within thirty
36 days. If the contractor or subcontractor remains out of compliance

1 after thirty days, the state may terminate the contract and otherwise
2 pursue contractual remedies for breach of contract;

3 (4) If a contractor or subcontractor continues to violate or
4 subsequently violates the living wage requirement, the state may
5 terminate all contracts with the contractor or subcontractor on behalf
6 of or for the house of representatives and the senate, and the
7 contractor or subcontractor shall be prohibited from contracting with
8 the state on behalf of or for the house of representatives or the
9 senate for two years; and

10 (5) If a contractor or subcontractor retaliates or discriminates
11 against an employee in his or her terms and conditions of employment
12 for reporting a possible violation of the living wage requirement to
13 the chief clerk of the house of representatives or the secretary of the
14 senate, the state may terminate all contracts with the contractor or
15 subcontractor on behalf of or for the house of representatives and the
16 senate, and the contractor or subcontractor shall be prohibited from
17 contracting with the state on behalf of or for either the house of
18 representatives or the senate for two years.

19 NEW SECTION. **Sec. 4.** LIVING WAGE RATE. (1) Until January 1,
20 2006, every contractor and subcontractor shall pay to each of his or
21 her employees who has reached the age of eighteen years a living wage
22 rate of not less than ten dollars per hour if health benefits are paid
23 for in whole or in substantial part by the contractor or subcontractor,
24 or eleven dollars and fifty cents per hour if health benefits are not
25 so provided.

26 (2)(a) Beginning January 1, 2006, and each following January 1st as
27 set forth in (b) of this subsection, every contractor and subcontractor
28 shall pay each of his or her employees performing work under a contract
29 at a rate not less than the amount established in this subsection.

30 (b) Beginning September 30, 2005, and on each following September
31 30th, the department shall calculate an adjusted living wage rate by
32 increasing the current year's living wage rate by the rate of
33 inflation. The adjusted living wage rate shall be calculated to the
34 nearest cent using the consumer price index for urban wage earners and
35 clerical workers, CPI-W, or a successor index, for the twelve months
36 before each September 1st as calculated by the United States department

1 of labor. Each adjusted living wage rate calculated under this
2 subsection takes effect on the following January 1st.

3 NEW SECTION. **Sec. 5.** EXEMPTION. The chief clerk of the house of
4 representatives and the secretary of the senate may grant an exemption
5 to the living wage requirement of this chapter upon making a written
6 finding either that:

7 (1) Compliance with the living wage requirement will cause economic
8 hardship to the state or its citizens; or

9 (2) The exemption is in the best interests of the state due to
10 unforeseen or special circumstances including but not limited to a
11 declared natural disaster.

12 NEW SECTION. **Sec. 6.** Captions used in this act are not any part
13 of the law.

14 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of the
16 state government and its existing public institutions, and takes effect
17 July 1, 2005.

18 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
19 a new chapter in Title 44 RCW.

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