

# SENATE BILL REPORT

## SB 5763

---

---

As Passed Senate, February 2, 2022

**Title:** An act relating to eliminating subprevailing wage certificates for individuals with disabilities.

**Brief Description:** Eliminating subprevailing wage certificates for individuals with disabilities.

**Sponsors:** Senators Randall, Sheldon, Lovelett, Nguyen, Nobles, Saldaña, Wellman and Wilson, C..

**Brief History:**

**Committee Activity:** Labor, Commerce & Tribal Affairs: 1/17/22, 1/20/22 [DP, DNP, w/oRec].

**Floor Activity:** Passed Senate: 2/2/22, 42-5.

**Brief Summary of Bill**

- Repeals the statute requiring the Department of Labor and Industries to provide for the employment of individuals with disabilities at wages lower than the applicable prevailing wage rate through the issuance of special certificates.

---

### SENATE COMMITTEE ON LABOR, COMMERCE & TRIBAL AFFAIRS

**Majority Report:** Do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Rivers, Robinson and Saldaña.

**Minority Report:** Do not pass.

Signed by Senator Schoesler.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Braun.

---

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

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

**Background:** State law requires prevailing wages be paid to laborers, workers, and mechanics employed upon all public works and under all public building service maintenance contracts. The prevailing wage is the hourly wage, usual benefits, and overtime to the majority of workers, laborers, or mechanics in the same trade or occupation

Under current law, the director of the Department of Labor and Industries (L&I) is required, to the extent necessary to prevent curtailment of opportunities for employment, to provide for the employment of individuals with disabilities at wages lower than the applicable prevailing wage rate through the issuance of special certificates.

L&I has implemented rules carrying out the statute, authorizing nonprofit vocational rehabilitation programs to apply for subprevailing wage certificates for workers with certain disabilities. Subprevailing wage certificates are valid for a maximum of one year and may be renewed.

**Summary of Bill:** The statute requiring the director of L&I to provide for the employment of individuals with disabilities at wages lower than the applicable prevailing wage rate through the issuance of special certificates is repealed.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: Last year, the Legislature eliminated subminimum wage certificates for people with disabilities, but the prevailing wage statute remains and continues to undervalue people with disabilities. This bill is an extension of the values and priorities of the bill from last year. People with different abilities should not be subject to less pay and all people deserve equal wages and employment opportunities. No certificates have been issued since 2017 and the bill would not affect any current employment relationships.

**Persons Testifying:** PRO: Senator Emily Randall, Prime Sponsor; Joe Kendo, Washington State Labor Council, AFL-CIO; Josh Swanson, International Union of Operating Engineers, local 302; Sara Stewart, Community Employment Alliance; Jessica Renner, Self Advocates in Leadership (SAIL).

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