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**SENATE BILL 5563**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators King and Wagoner

AN ACT Relating to determining the prevailing wage for public works; and amending RCW 39.12.015.

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

**Sec.**  RCW 39.12.015 and 2019 c 29 s 2 are each amended to read as follows:

(1) All determinations of the prevailing rate of wage shall be made by the industrial statistician of the department of labor and industries.

(2) The time period for recovery of any wages owed to a worker affected by the determination is tolled until the prevailing wage determination is final.

(3)(a) Except as provided in RCW 39.12.017, and notwithstanding RCW 39.12.010(1), the industrial statistician shall establish the prevailing rate of wage by adopting the hourly wage, usual benefits, and overtime paid for the geographic jurisdiction established in collective bargaining agreements for those trades and occupations that have collective bargaining agreements. For trades and occupations with more than one collective bargaining agreement in the county, the ((~~higher rate will prevail.~~

~~(b)~~)) industrial statistician shall determine and prevail the majority rate from those agreements. When a majority rate is not present, the industrial statistician shall determine and prevail the rate representing the preponderance of hours.

(b) An interested party may contest a determination by the industrial statistician under this subsection. The interested party must allege and prove by competent evidence that the actual rate used in the determination is less than the rate representing the majority number or preponderance of hours worked. Until final determination thereof, the work in question shall proceed under the rate established by the appropriate fiscal officer.

(c) For trades and occupations in which there are no collective bargaining agreements in the county, the industrial statistician shall establish the prevailing rate of wage as defined in RCW 39.12.010 by conducting wage and hour surveys. In instances when there are no applicable collective bargaining agreements and conducting wage and hour surveys is not feasible, the industrial statistician may employ other appropriate methods to establish the prevailing rate of wage.

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