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**SENATE BILL 5563**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators King and Wagoner

Read first time 01/25/23. Referred to Committee on Labor & Commerce.

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

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

4 **Sec. 1.** RCW 39.12.015 and 2019 c 29 s 2 are each amended to read  
5 as follows:

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

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

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

20 ~~(b))~~ industrial statistician shall determine and prevail the  
21 majority rate from those agreements. When a majority rate is not

1 present, the industrial statistician shall determine and prevail the  
2 rate representing the preponderance of hours.

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

10 (c) For trades and occupations in which there are no collective  
11 bargaining agreements in the county, the industrial statistician  
12 shall establish the prevailing rate of wage as defined in RCW  
13 39.12.010 by conducting wage and hour surveys. In instances when  
14 there are no applicable collective bargaining agreements and  
15 conducting wage and hour surveys is not feasible, the industrial  
16 statistician may employ other appropriate methods to establish the  
17 prevailing rate of wage.

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