
HOUSE BILL 1908

State of Washington 60th Legislature 2007 Regular Session

By Representatives Wood, Ormsby and Conway

Read first time 01/31/2007. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to defining locality for purposes of paying
2 prevailing wages on public works, including the off-site prefabrication
3 of nonstandard, project-specific items; and amending RCW 39.12.010.

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

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

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

1 (2)(a) Except as provided in (b) of this subsection, the "locality"
2 for the purposes of this chapter shall be the largest city in the
3 county wherein the public work is located or the ((physical work))
4 public building maintenance service contract is ((being)) performed.

5 **(b) For the off-site prefabrication of nonstandard, project-**
6 **specific items in a location outside of Washington, the "locality" for**
7 **the purposes of this chapter shall be the largest city in the county**
8 **wherein the physical work of the on-site installation of the item is**
9 **being performed.**

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

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

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

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

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