
SENATE BILL 6438

State of Washington

61st Legislature

2010 Regular Session

By Senator Honeyford

Read first time 01/14/10. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to the prevailing rate of wage on public works; and
2 amending RCW 39.12.010.

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

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

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

1 (2) The "locality" for the purposes of this chapter shall be ((~~the~~
2 ~~largest city in~~)) the county wherein the physical work is being
3 performed.

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

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

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

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

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