Chapter 296-127 WAC
PREVAILING WAGE

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-127-016 Coverage and exemptions of workers involved in the production and delivery of materials predominantly used in road construction. [Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. WSR 88-22-046 (Order 88-22), § 296-127-016, filed 10/31/88.] Repealed by WSR 92-01-104, filed 12/18/91, effective 1/31/92. Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270.

296-127-400 Applicability. [Statutory Authority: Chapter 39.12 RCW. WSR 19-15-119, § 296-127-400, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 39.12.022. WSR 90-19-061, § 296-127-400, filed 9/17/90, effective 10/18/90.] Repealed by WSR 22-15-100, filed 7/19/22, effective 8/19/22. Statutory Authority: 2022 c 55.

296-127-410 Definitions. [Statutory Authority: Chapter 39.12 RCW. WSR 19-15-119, § 296-127-410, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 39.12.022. WSR 90-19-061, § 296-127-410, filed 9/17/90, effective 10/18/90.] Repealed by WSR 22-15-100, filed 7/19/22, effective 8/19/22. Statutory Authority: 2022 c 55.

296-127-420 Application for a subprevailing wage certificate. [Statutory Authority: Chapter 39.12 RCW. WSR 19-15-119, § 296-127-420, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 39.12.022. WSR 90-19-061, § 296-127-420, filed 9/17/90, effective 10/18/90.] Repealed by WSR 22-15-100, filed 7/19/22, effective 8/19/22. Statutory Authority: 2022 c 55.

296-127-430 Conditions for granting a subprevailing wage certificate. [Statutory Authority: Chapter 39.12 RCW. WSR 19-15-119, § 296-127-430, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 39.12.022. WSR 90-19-061, § 296-127-430, filed 9/17/90, effective 10/18/90.] Repealed by WSR 22-15-100, filed 7/19/22, effective 8/19/22. Statutory Authority: 2022 c 55.

296-127-440 Issuance of a subprevailing wage certificate. [Statutory Authority: Chapter 39.12 RCW. WSR 19-15-119, § 296-127-440, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 39.12.022. WSR 90-19-061, § 296-127-440, filed 9/17/90, effective 10/18/90.] Repealed by WSR 22-15-100, filed 7/19/22, effective 8/19/22. Statutory Authority: 2022 c 55.

296-127-450 Terms of subprevailing wage certificate. [Statutory Authority: Chapter 39.12 RCW. WSR 19-15-119, § 296-127-450, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 39.12.022. WSR 90-19-061, § 296-127-450, filed 9/17/90, effective 10/18/90.] Repealed by WSR 22-15-100, filed 7/19/22, effective 8/19/22. Statutory Authority: 2022 c 55.

296-127-460 Renewal of subprevailing wage certificate. [Statutory Authority: Chapter 39.12 RCW. WSR 19-15-119, § 296-127-460, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 39.12.022. WSR 90-19-061, § 296-127-460, filed 9/17/90, effective 10/18/90.] Repealed by WSR 22-15-100, filed 7/19/22, effective 8/19/22. Statutory Authority: 2022 c 55.

296-127-470 Review. [Statutory Authority: RCW 39.12.022. WSR 90-19-061, § 296-127-470, filed 9/17/90, effective 10/18/90.] Repealed by WSR 22-15-100, filed 7/19/22, effective 8/19/22. Statutory Authority: 2022 c 55.

WAC 296-127-010 Definitions for chapter 296-127 WAC. (1) "Department" means the department of labor and industries.

(2) "Director" means the director of the department or his or her duly authorized deputy or representative.

(3) "Industrial statistician" means the industrial statistician of the department.

(4) "Assistant director" means the assistant director of the fraud prevention and labor standards (FPLS) division or his or her duly authorized deputy or representative.

(5) "Contractor" means:

(a) The prime contractor, and each and every subcontractor, required to be registered under chapter 18.27 RCW and/or licensed under chapter 19.28 RCW, that performs any work on a public works project site, and/or is required to pay industrial insurance premiums as a construction company.

(b) Employers engaged in shipbuilding and ship repair, building service maintenance, and any fabricator or manufacturer that produces nonstandard items specifically for a public works project.

(c) Employers that contract with contractors or subcontractors for the purpose of the production and/or delivery of materials pursuant to the terms of WAC 296-127-018.

(d) An entity, however organized, with substantially identical operations, corporate, or management structure to an entity that has been found in violation under RCW 39.12.050, 39.12.055, or 39.12.065, or any associated rules. The nonexclusive factors used to determine substantial identity include an assessment of whether there is: Substantial continuity of the same business operation; use of the same machinery, equipment, or both tangible and intangible real or personal property; similarity of jobs and types of working conditions; continuity of supervisors; and similarity of product or services. An entity with operational, corporate, and management structures distinct from an entity that has been found in violation under RCW 39.12.050, 39.12.055, or 39.12.065, or any associated rules, shall not be deemed a substantially identical entity.

(6) The term municipality shall include every city, county, town, district, political subdivision, or other public agency thereof which is authorized by law to require the execution of public work, except drainage districts, diking districts, diking and drainage improvement districts, drainage improvement districts, diking improvement districts, consolidated diking and drainage improvement districts, consolidated drainage improvement districts, consolidated diking improvement districts, irrigation districts, or any such other districts as shall from time to time be authorized by law for the reclamation or development of waste or undeveloped lands.

(7)(a) The term "public work" shall include:

(i) All work, construction, alteration, enlargement, improvement, repair, and/or demolition that is executed by contract, purchase order, or any other legal agreement and that is executed at the cost of the state of Washington or of any municipality. The source of the funding shall not determine the applicability of the statute, and may include, but is not limited to, such sources as those payments made through contracts with insurance companies on behalf of the insured state or municipality;

(ii) All work, construction, alteration, enlargement, improvement, repair, and/or demolition which, by law, constitutes a lien or charge on any property of the state or of a municipality;

(iii) All work, construction, alteration, repair, or improvement, other than ordinary maintenance that the state or a municipality causes to be performed by a private party through a contract to rent, lease, or purchase at least 50 percent of the project by one or more state agencies or municipalities, pursuant to RCW 39.04.260;

(iv) Maintenance, except ordinary maintenance as defined by (b)(ii)(A) and (B) of this subsection, when performed by contract. Main-

tenance is defined as keeping existing facilities in good usable, operational condition;

(v) Janitorial and building service maintenance as defined by WAC 296-127-023, when performed by contract, on public buildings and/or assets; and

(vi) The fabrication and/or manufacture of nonstandard items produced by contract specifically for a public works project as defined by (a)(i) through (v) of this subsection.

(b) The term "public work" shall not include:

(i) Work, construction, alteration, enlargement, improvement, repair, demolition, and/or maintenance for which no wage or salary compensation is paid, consistent with the requirements of RCW 35.21.278; or

(ii) Ordinary maintenance.

(A) Ordinary maintenance is defined as maintenance work performed by the regular employees of the state or any county, municipality, or political subdivision created by its laws.

(B) For housing authorities when contracting with a property management services company for purposes of operating a housing project, as defined in RCW 35.82.030. Rental and other project revenues collected by a property management services company from the housing project's tenants and used to pay administrative operating and ordinary maintenance costs incurred by the company under the terms of the contract with the authority shall be treated as private funds, and any resulting services as executed at the cost of the property management services company and the housing project's tenants, until the net operating revenues are distributed to the authority for its exclusive use and control. For the purposes of this subsection, "ordinary maintenance" only includes: Routine repairs related to unit turnover work; grounds and parking lot upkeep; and repairs and cleaning work needed to keep a property in a clean, safe, sanitary, and rentable condition that are customarily undertaken or administered by residential property management services companies. "Ordinary maintenance" does not include repairs that would be considered replacement capital repairs or scheduled regular maintenance work on plumbing, electrical, or HVAC/R systems or their components.

(8) "Contract" means a contract, purchase order, or any other legal agreement in writing for public work to be performed for a fixed or determinable amount, which is duly awarded after advertisement and competitive bid. A contract that is awarded from a small works roster, or under the emergency provisions of state law, need not be advertised.

(9) "Residential construction" means construction, alteration, repair, improvement, or maintenance of single family dwellings, duplexes, apartments, condominiums, and other residential structures not to exceed four stories in height, including basement, in the following categories:

(a) Affordable housing, including permanent supportive housing and transitional housing, which may include common spaces, community rooms, recreational spaces, a management office, or offices for the purposes of service delivery;

(b) Weatherization and home rehabilitation programs for low-income households; and

(c) Homeless shelters and domestic violence shelters.

"Residential construction" does not include the utilities construction (such as water and sewer lines), or work on streets, or work on other structures unrelated to the housing.

[Statutory Authority: Chapter 39.12 RCW. WSR 25-09-126, s 296-127-010, filed 4/22/25, effective 1/1/26; WSR 24-21-088, s 296-127-010, filed 10/17/24, effective 11/17/24; WSR 22-24-089, § 296-127-010, filed 12/6/22, effective 1/6/23; WSR 19-15-119, § 296-127-010, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 39.12.070. WSR 94-01-100, § 296-127-010, filed 12/16/93, effective 1/16/94. Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. WSR 92-01-104, § 296-127-010, filed 12/18/91, effective 1/31/92; WSR 88-22-046 (Order 88-22), § 296-127-010, filed 10/31/88. Statutory Authority: RCW 39.12.050, 39.12.065, 43.22.270 and 51.04.020. WSR 86-03-063 (Order 85-28), § 296-127-010, filed 1/17/86. Statutory Authority: RCW 39.12.015, 39.12.060 and HB 795, 1982 1st ex.s. c 38. WSR 82-18-041 (Order 82-28), § 296-127-010, filed 8/27/82.]

WAC 296-127-011 Time for determining prevailing wage. (1) Prevailing wage rates for all public work contracts will be determined by the industrial statistician and published on the first business day of February and the first business day of August of each year. These rates shall become effective thirty days after the date of publication. However, the industrial statistician may revise an established prevailing wage rate in response to an administrative or judicial finding overturning the established rate, or at any time necessary to correct an error, with such revision becoming effective thirty days after the date of publication. However, in the event of an emergency as determined by the director of the department, such revised rate shall take effect upon publication.

(2) The department shall establish deadlines for the submission of:

(a) Completed wage surveys, for inclusion of submitted data in the survey computations;

(b) Newly ratified collective bargaining agreements for inclusion in the semiannual prevailing wage publication;

(c) Notice of collectively bargained wage and benefit adjustments, and/or relevant contractual changes, for inclusion in the semiannual prevailing wage publication; and

(d) Notice of changes in apprenticeship standards and incremental wage rates for inclusion in the semiannual prevailing wage publication.

(3) The applicable prevailing wage rates for a given public works contract will be determined as follows:

(a) For all public works contracts, except janitorial or building service maintenance contracts, the applicable prevailing wage rates shall be the rates that are in effect on the date when bids by prime contractors are due for submission to contract awarding agencies. These rates shall remain in effect for the duration of the contract.

(b) If contracts are not awarded within six months of the date bids are due, the applicable prevailing wage rates shall be those that are in effect on the date the contract is awarded. These rates shall remain in effect for the duration of the contract.

(c) For work orders issued under job order contracts pursuant to chapter 39.10 RCW, the appropriate prevailing wage rates shall be the rates that are in effect on the date when the individual work order is issued.

(4) If a contract for public work is not awarded pursuant to bids, the applicable prevailing wage rates shall be those that are in

effect on the date when the contract is executed. These rates shall remain in effect for the duration of the contract.

(5) A schedule of the applicable prevailing wage rates must be included by:

(a) Contract awarding agencies, in the bid specifications and contract documents for each contract.

(b) Contractors, in the bid and/or contract documents provided to subcontractors.

[Statutory Authority: Chapter 39.12 RCW. WSR 19-15-119, § 296-127-011, filed 7/23/19, effective 8/23/19. Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270, 43.22.051, and 2003 c 301. WSR 04-10-083, § 296-127-011, filed 5/4/04, effective 6/4/04. Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. WSR 92-01-104, § 296-127-011, filed 12/18/91, effective 1/31/92; WSR 88-22-046 (Order 88-22), § 296-127-011, filed 10/31/88. Statutory Authority: RCW 39.12.015, 39.12.060 and HB 795, 1982 1st ex.s. c 38. WSR 82-18-041 (Order 82-28), § 296-127-011, filed 8/27/82.]

WAC 296-127-013 Scope of work descriptions. (1) In order to determine applicable prevailing wage rates, the director or his/her designee will issue scope of work descriptions for each trade and occupation recognized as being involved in public work.

(2) The scope of work descriptions shall be created using authoritative sources available to the department, such as:

(a) Washington state apprenticeship and training council approved apprenticeship standards;

(b) Collective bargaining agreements;

(c) Dictionaries of occupational titles;

(d) Experts from organized labor, licensed contractors, and contractors' associations;

(e) Recognized labor and management industry practice.

(3) The applicable prevailing wage rates for workers employed on public works projects shall be determined by the scopes of work performed by those workers, and not by their specific job titles.

(4) The applicable scope of work description for a public works contract is the scope of work description that is in effect on the date that the bids are due to be submitted to the contract awarding agency. If the contract is not awarded within six months of the bid due date, then the applicable scope of work description shall be that which is in effect on the date that the contract is awarded. The same scope of work description shall remain in effect for the duration of the contract.

(5) In the event a dispute arises regarding a scope of work description following the award of a public works contract, the aggrieved party may request an arbitration hearing pursuant to the provisions of RCW 39.12.060, WAC 296-127-060, 296-127-061, and 296-127-062.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-013, filed 7/19/00, effective 7/19/00. Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. WSR 92-01-104, § 296-127-013, filed 12/18/91, effective 1/31/92; WSR 88-22-046 (Order 88-22), § 296-127-013, filed 10/31/88.]

WAC 296-127-01301 Certified asbestos abatement workers. For the purpose of the Washington state public works law, chapter 39.12 RCW, the department of labor and industries has established the work classification of certified asbestos abatement workers.

Asbestos abatement work may be performed by any worker who is certified as an asbestos remover and encapsulator, except when the work performed is incidental to the normal scope of work of another trade or occupation. Incidental asbestos work includes only that work of short duration which is indistinguishable from the work of another established classification.

This classification does not include work falling within the scope of work for asbestos workers. That work is primarily related to the installation of insulation material around mechanical systems.

Certified asbestos abatement workers perform all of the work, including any cleanup required in connection with the abatement of asbestos, coming within the purpose and scope of chapter 49.26 RCW and chapter 296-65 WAC. WAC 296-65-003 provides definitions which establish the scope of this work.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01301, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01303 Heat and frost insulators and asbestos workers. For the purpose of the Washington state public works law, chapter 39.12 RCW, heat and frost insulators and asbestos workers apply insulation materials to mechanical systems to reduce loss or absorption of heat, prevent moisture condensation and to deaden sound and prevent vibration.

The work includes, but is not limited to:

• The preparation and physical distribution on the job site of asbestos, cork, plastic, magnesia or similar insulation materials.

• Insulation of mechanical systems, plumbing, heating systems, any insulation connected with air handling systems, refrigeration piping and related vessels, boilers, tanks, flues breechings, evaporators, turbines, fittings, valves, ducts, flues, vats and all insulation connected with steam, condensate, feedwater and/or chilled water, or insulation of any mechanical system for sound control.

• All cleanup required in connection with heat and frost insulators and asbestos worker's work.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01303, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01305 Boilermakers. For the purpose of the Washington state public works law, chapter 39.12 RCW, boilermakers assemble, erect, repair and clean boilers, tanks, vats and pressure vessels according to blueprint specifications, using hand tools and portable power tools and equipment.

The work includes, but is not limited to:

• Locating and marking of reference points for columns or plates on foundations, using master straightedge, squares, transit and measuring tape.

• Using rigging or cranes to lift parts to specified positions.

• Aligning structures or plate sections, using plumb bobs, levels, wedges, dogs or turnbuckles.

• Drilling, reaming, chipping, caulking and grinding of structures and sections and bolting or welding them together.

• Setting of drums and headers and installation of tubes.

• And all the cleanup required in connection with boilermakers work.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01305, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01306 Brick masons. For the intents and purposes of the Washington state public works law, chapter 39.12 RCW, the job description for brick masons is as follows:

• Prepare and lay building materials such as brick, concrete block, cinder block, terra cotta block, marble and granite block, and related materials to construct, repair and waterproof structures, such as walls, partitions, arches, sewers, chimneys or smokestacks, piers, abutments, walks and curbstones.

• Measure distance from reference points and mark guidelines on working surface to lay out work.

• Spread soft layer of mortar that serves as base and binder for brick (or block), using trowel.

• Apply mortar to end of brick and position brick in mortar bed.

• Tap brick with trowel to level, align, and embed in mortar, allowing specified thickness of joint. Remove excess mortar from face of brick, using trowel.

• Finish mortar between brick with pointing tool or trowel.

• Break bricks to fit spaces too small for whole brick, using edge of trowel or brick hammer.

• Determine vertical and horizontal alignment of courses, using plumb bob, gaugeline and level. Fasten brick or terra cotta veneer to face of structures, with tie wires embedded in mortar between bricks, or in anchor holes in veneer brick.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01306, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01308 Building service employees (janitors, waxers, and window washers). For the purpose of the Washington state public works law, chapter 39.12 RCW, the work of building service employees includes, but is not limited to:

(1) Janitors. Empty trash and damp wipe containers. Dust chairs, sides of desks, top of filing cabinets, panelled walls, doors, ledges and picture frames within easy reach. Damp wipe desk tops, telephones and desk fixtures. Damp mop floors. Vacuum upholstered furniture and draperies. Wash vinyl furniture with cleaning solution. Wash doors and other surfaces and spot wash painted walls. Clean door glass and inside partition glass. Vacuum and shampoo carpets.

(2) Utility janitors. Performs the following duties in addition to those performed by janitors: Waxing of floors (when not performed by traveling waxers), high wall and ceiling washing requiring the use of a ladder, and minor repairs and maintenance necessary to the operation of the building.

(3) Waxers. Waxing of floors.

(4) Window washers. Washing of all windows, other than inside partition glass and door glass, washing of painted walls, (when not done as a prerequisite to repainting) and wall paper cleaning.

(5) And all the cleanup required in connection with building service employees.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01308, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01309 Cabinet makers. For the purpose of the Washington state public works law, chapter 39.12 RCW, cabinet makers set up and operate a variety of woodworking machines and use various hand tools to fabricate and repair wooden cabinets, sashes, doors, and furniture in a shop or plant.

The work includes, but is not limited to:

• Study blueprints or drawings of articles to be constructed or repaired and plan sequences of cutting or shaping operations to be performed.

• Mark outline or dimensions of parts on paper or lumber stock, according to blueprint or drawing specifications. Match materials for color, grain or texture.

• Set up and operate woodworking machines, such as: Power saws, jointer, mortiser, tenoner, molder and shaper to cut and shape parts from woodstock.

• Trim component parts of joints to assure snug fit, using hand tools, such as: Planes, chisels, or wood files. Bore holes for insertion of screws or dowels by hand or using boring machine. Glue, fit and clamp parts and subassemblies together to form a complete unit, using clamps or clamping machine. Drive nails or other fasteners into joints at designated places to reinforce joints.

• Sand and scrape surfaces and joints of articles to prepare articles for finishing. Dip, brush or spray assembled articles with protective or decorative materials, such as stain, varnish, or paint.

• Install hardware such as: Hinges, catches and drawer pulls.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01309, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01310 Carpenters. For the purpose of the Washington state public works law, chapter 39.12 RCW, carpenters construct, erect, install and repair structures, structural members and fixtures made of wood, plywood, wallboard and materials that take the place of wood, such as plastic, metals, composites, and fiberglass, using carpenter hand tools and power tools.

The work includes, but is not limited to:

• Build rough wooden structures, such as concrete forms, scaffolds, wooden bridges, trestles, coffer dams, tunnel and sewer support; welding and burning.

• Install ladders, handrails, walkways, platforms and gangways.

• Install door and window bucks (rough frames in which finished frames are inserted) in building frame work and brace them with boards nailed to frame work.

• Install subflooring in buildings.

• Nail plaster grounds (wood or metal strips) to studding.

• Fit and nail sheathing on outer walls and roofs on buildings.

• Construct, erect, install and repair commercial, industrial and residential structures.
• Select specified type of lumber or other materials.
• Prepare layout, using rule, framing square and calipers.
• Mark cutting and assembling lines on materials, using pencil, chalk, and marking gauge.
• Shape materials to prescribed measurements, using saws, chisels and planes.
• Assemble, cut and shape materials and fasten them together with nails, dowel pins, or glue.
• Verify trueness of structure with plumb bob and carpenter's level.
• Apply decorative paneling to walls.
• Erect frame work for structures and lay subflooring.
• Cover subfloor with building paper to keep out moisture and lay hardwood, parquet and wood-strip-lock floors by nailing floors to subfloor or cementing them to mastic or asphalt base.
• Build stairs and layout and install partitions and cabinets.
• Install metal roof decking and metal siding, regardless of the fastening method, or what it is fastened to.
• Install all other types of siding, regardless of composition, fastening method, or what it is fastened to.
• Fit and install prefabricated wooden cabinets, window frames, door frames, doors, weather stripping, interior and exterior trim, and finish hardware, such as locks, letter drops and kick plates.
• Apply acoustical tile to ceilings and walls of buildings to reduce reflecting of sound and to decorate rooms.
• Cement tile to masonry surface.
• Nail channels or wood furring strips to surfaces to provide mounting for tile.
• Place building paper between tile and furring strip to keep out moisture.
• Nail, screw, or staple tile to wooden furring strips.
• Nail or screw moulding to walls to support and seal joint between ceiling tile and wall. Hang dry lines to wall mauling.
• Drive hanger inserts into reinforced concrete ceiling, suspend and bend hanger wires at points touching dry lines.
• Thread wires through holes in main runners and cut and attach cross supports to suspended runners and wall mauling.
• Cut tiles for fixtures and borders and insert tiles into supporting frame work.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01310, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01312 Carpenter tenders. For the purpose of the Washington state public works law, chapter 39.12 RCW, carpenter tenders are laborers who assist carpenters engaged in construction, erection, installation and repair of wooden structures and fixtures. Carpenter tenders perform a variety of routine tasks which do not require the use of carpenter tools, such as:
• Cleaning materials, equipment, tools and work areas.
• Moving and lifting building materials, tools and supplies.
• Handing materials, tools and supplies to carpenters.
• Dismantling temporary wooden structures.
• Assisting carpenters in stripping forms and shoring.

• Cleaning and moving forms.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01312, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01313 Carpet and resilient floor layers. For the purpose of the Washington state public works law, chapter 39.12 RCW, carpet and resilient floor layers do the measuring, cutting, sewing, taping, fitting, laying and installing of oil cloth, matting, linen, carpet, synthetic turf, linoleum, vinyl, plastic, rubber, cork, mastic, asphalt, mastipave, tile and chalkboard, nonslip or abrasive materials, resilient, decorative seamless surface coatings (except terrazzo, magnesite and latex built-up floors) and all other resilient coverings on floors, walls, counters, table tops and ceilings when cemented, tacked or otherwise applied to a base, whether used as shock-absorbing, sound-absorbing, or decorative coverings.

The work includes, but is not limited to:

• Handling of the materials at the site of installation.

• Sweeping, scraping, sanding, or chipping dirt and irregularities from base surfaces and filling cracks with putty, plaster, or cement grout to form smooth, clean foundations.

• All necessary preparation work and finish work, such as drilling holes for sockets and pins, installation of underlayment, sanding and filling, fitting of metal edgings, metal corners and caps and fitting devices for attachment of such materials.

• Spreading of adhesive cement over floor to cement foundation material to the floor. Laying covering on cement. Rolling finished floor to smooth it out and press cement into base and covering.

• All the cleanup required in connection with carpet and resilient floor layers work.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01313, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01315 Cement masons. For the purpose of the Washington state public works law, chapter 39.12 RCW, cement masons perform all work where finishing tools are used.

The work includes, but is not limited to:

• The setting of screeds, the rodding (buildings), shaping, smoothing and finishing of the surfaces of freshly poured concrete floors, walls, sidewalks, curbs, steps and stairways, the finishing of extruded barrier rails, or any other concrete surface requiring finishing, using hand tools or power tools, including floats, trowels, screeds and straightedge.

• The removing of rough or defective spots from concrete surfaces, using grinder or chisel and hammer and patching holes with fresh concrete or epoxy compound preparatory to sacking. (The finishing of a large surface of patched holes.)

• The moulding of expansion joints and edges, using edging tools, jointers and straightedge.

• The application of penetrating sealer and primer protective coatings to concrete floors and steps for the first twenty-four hours after pouring, when part of the finishing process.

• The installation of seamless composition floors and the installation and finishing of epoxy based coatings or polyester based lin-

ings to all surfaces, when the coatings or linings are applied by spraying or troweling.

• Sandblasting or waterblasting for architectural finish or preparatory to patching.

• The setting of all forms one board high.

• The cutting of joints with concrete saw for the control of cracks in buildings and contiguous to buildings.

• The setting of concrete curb, gutter and sidewalk forms as a composite crew with laborers.

• All cleanup work required in connection with the above work.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01315, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01316 Diver and diver tender. For the purpose of the Washington state public works law, chapter 39.12 RCW, divers perform a variety of underwater applications and operations such as structural repair and demolition, underwater welding and cutting, dredging, debris removal and excavation. Diver tenders aid and assist divers by coordinating activities. By classification, this work includes, but is not limited to:

(1) Diving master/supervisor. Is the designated person in charge (per Occupational Safety and Health Act (OSHA) regulations) during operations requiring multiple divers in the water/liquid medium. Is in charge of and responsible for all aspects of the diving operation and supervising all personnel in the dive team.

(2) Diver. A person who wears a type of diving gear that directly supplies compressed air or other gasses for breathing purposes and who personally enters and descends below the surface of the water or other liquid medium to work at ambient pressures encountered therein; including a person working in a one atmosphere bell/vehicle; to inspect, repair, remove, or install equipment or structures. The diver:

• Descends into water with the aid of diver tender and communicates with surface by signal line or telephone; and

• Inspects docks; and hulls, fittings, and propellers of ships; or

• Repairs vessels below waterline, replacing fastenings and adding or repairing hull fittings; or

• Caulks leaks in ships or caissons; or

• Guides placement of pilings for structures, such as docks, bridges, cofferdams, oil drilling platforms, and stormwater/sewerage outfalls; or

• Lays, inspects, and repairs underwater pipelines, cables and sewers, using hand tools; or

• Cuts and welds steel; uses air bladder lifting devices for working underwater; or

• Cleans debris from intake and discharge strainers; or

• Places rigging around objects and hooks rigging to crane lines; or

• Rigs explosives for underwater demolitions; or

• Places recording instruments below surface of water preparatory to underwater tests or experiments; or

• Sets sheet piling for cofferdams; or

• Drills holes in rock for blasting purposes at bottom of liquid medium; or

• Photographs underwater structures; or

• Places sandbags around pipelines or base of cofferdam to provide structural support.

(3) Diver tender. A person who works from above the surface of the water or liquid medium to:

• Aid and assist the diver by coordinating topside activity;

• Aid in dressing and undressing the diver;

• Maintain communications with the diver; or

• Generally maintain the diving equipment on the job site.

(4) Assistant tender. A person who acts as an extra tender available to assist the diver's regular tender.

(5) RCV/ROV pilot-controller. A person who uses remote controls to fly/drive remotely controlled vehicle(s) during underwater functions, and performs routine field maintenance of the RCV/ROV.

(6) RVC/ROV tender. A person who assists the RCV/ROV pilot-controller.

[Statutory Authority: Chapter 39.12 RCW and RCW 43.22.270. WSR 08-23-082, § 296-127-01316, filed 11/18/08, effective 1/1/09.]

WAC 296-127-01317 Drywall applicators (drywall nailers and sheetrock installers). For the purpose of the Washington state public works law, chapter 39.12 RCW, drywall applicators install plasterboard or other wallboards to ceilings and interior walls of buildings, using hand tools and portable power tools.

The work includes, but is not limited to:

• Installing horizontal and vertical metal studs for attachment of wallboard on interior walls.

• Cutting angle iron and channel iron to specified size and suspending angle iron grid and channel iron from ceiling, using wire.

• Cutting wallboard to size.

• Cutting openings for electrical and other outlets.

• Nailing wallboard to wall and ceiling supports.

• Trimming rough edges from wallboard to maintain even joints.

• Nailing prefabricated metal pieces around windows and doors and between dissimilar materials to protect drywall edges.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01317, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01318 Drywall finishers (tapers). For the purpose of the Washington state public works law, chapter 39.12 RCW, drywall finishers perform all the preparatory work and finishing work involved in covering interior walls and ceilings with decorative or protective finish materials.

The work includes, but is not limited to:

• Handling of all materials after the initial unloading at the job site, including the distribution to the points of application.

• Erecting, moving and dismantling of all scaffolding.

• All preparatory work of taping, sealing, finishing and sanding of joints between plasterboard or other wallboard.

• Spotting, caulking, pointing and sealing of cracks and holes in walls and ceilings.

• Applying protective coverings prior to the application of the finish materials.

• Spackling of surfaces and application of texture finishes where adhesive materials are used.

• Applying all primers, sealers, decorative or protective finish materials, regardless of the method of application.

• Installing metal moulding at corners instead of sealant and tape.

• Removing all drywall material scraps and all cleaning work, including scraping of floors.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01318, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01320 Power line construction electricians. For the purpose of the Washington state public works law, chapter 39.12 RCW, power line construction electricians erect, maintain and repair transmission poles (whether built of wood, metal or other material), fabricated metal transmission towers, outdoor substations, switch racks, or similar electrical structures, electric cables and related auxiliary equipment for high-voltage transmission and distribution power lines used to conduct energy between generating stations, substations and consumers.

The work includes, but is not limited to:

• The moving of men, tools, or equipment. The sorting, loading and moving of materials from the first drop. The handling, assembling and erecting of all necessary materials.

• The trenching, digging, and backfilling of vaults, holes for poles and anchors (by hand or mechanical equipment), guying, fastening to the stub-in on concrete footings or pads, assembling of the grillage, grounding of all structures, the stringing and installation of transformers.

• Constructing, repairing and maintaining highway and street lighting systems and highway and street traffic signal systems.

• Trimming trees and brush prior to the construction of new power lines, during repair of damaged lines, or as part of routine maintenance of the lines (tree trimmers).

• All the cleanup required in connection with line construction electrician work.

All the classifications listed below work under the supervision of linemen and assist linemen.

(1) Groundmen. Performs the following tasks:

• Manual digging of pole holes, anchor holes and trenches.

• Assists in framing of poles, pulling guys.

• Assembles and erects fixtures.

• Tamping and compacting.

• Driving of 1/2 to 3/4 ton pickup truck.

(2) Head groundman. Performs the following tasks:

• Manual digging of pole holes, anchor holes, and trenches.

• Assists in framing of poles, pulling guys.

• Assembles and erects fixtures.

• Tamping and compacting.

• Driving of 1/3 to 3/4 ton pickup truck for material or man haul.

(3) Line equipment operators. They operate caterpillars, trucks equipped with winch and/or boom, hydraulically operated backhoes with or without front end loaders, mounted booms, and any other equipment that does not come within the scope of heavy equipment operators.

(4) Heavy line equipment operators. They operate any piece of equipment which, in accordance with manufacturer's recommended specifications is capable of operating with one hundred or more aggregate feet of boom, be it crane, backhoe, clam shell, drag line, or shovel.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01320, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01322 Electronic technicians. (1) For the purpose of the Washington state public works law, chapter 39.12 RCW, electronic technicians install, operate, inspect, maintain, repair, and service:

(a) Radio, television and recording systems and devices;

(b) Systems for paging, intercommunication, public address, wired music, clocks, security and surveillance systems and mobile radio systems; and

(c) Fire alarm and burglar systems.

(2) When installed for the specific purpose of carrying low voltage wiring, the work identified in subsection (1) of this section includes:

(a) Installing unlimited lengths of nonmetallic conduit;

(b) Installing incidental metallic conduits of no longer than ten feet nor larger than one inch;

(c) Pulling wiring through conduit, except as provided in subsection (3) of this section; and

(d) All the cleanup required in connection with electronic technician's work.

(3) The work identified in subsection (1) of this section does not include pulling wiring through conduit that exceeds ten feet in length for the purpose of installing fire alarm systems.

[Statutory Authority: Chapter 39.12 RCW and RCW 43.22.270. WSR 09-19-118, § 296-127-01322, filed 9/22/09, effective 11/1/09. Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01322, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01323 Inside wireman electrician. For the purpose of the Washington state public works law, chapter 39.12 RCW, inside wireman electricians plan the layout, install and repair conduit, wiring, electrical fixtures, apparatus, and control equipment in buildings and adjacent yards to provide electricity for power and lighting.

(1) They assemble, install and maintain all electrical lighting, electric heating and cooling equipment, standby motor generators, electric heat pumps, under-floor duct and luminous ceilings.

They install, repair and maintain highway and street lighting systems and highway and street traffic signal systems.

The work includes, but is not limited to:

• The handling and moving of any electrical materials, equipment and apparatus on the job site.

• Welding, burning, brazing, bending, drilling and shaping of all copper, silver, aluminum, angle iron and brackets to be used in connection with the installation and erection of electrical wiring and equipment.

• Measuring, cutting, bending, threading, forming, assembling and installing of electrical conduit, using such tools as hacksaw, pipe threader and conduit bender.

• Pulling wiring through conduit.

• The installation of conduit and interduct raceways for fiber optic cable and the pulling of fiber optic cable through these raceways, except telephone conduit and cable.

Cutting holes in floors and walls for electrical conduit:

• With point and hammer.

• Core-drilled.

• Chasing and channeling necessary to complete any electrical work, including the fabrication and installation of duct and manhole forms incidental to electrical installation.

• Splicing wires by stripping insulation from terminal leads with knife or pliers, twisting or soldering wires together and applying tape or terminal caps.

• Installation and maintenance of lighting fixtures.

• Connecting wiring to lighting fixtures and power equipment.

Assembling and installing of conduit switches, relays, junction boxes, circuit breaker panels, and related accessories and controls.

• Testing continuity of circuit to insure electrical compatibility and safety of components.

• All cleanup required in connection with electrical work.

(2) The following power line construction classifications may assist journeymen wireman in the installation, repair and maintenance of highway and signal lighting systems and highway and street traffic signal systems:

(a) Groundmen.

• Performs the following tasks:

• Manual digging of pole holes, anchor holes and trenches.

• Assembles and erects fixtures.

• Assists in framing of poles, pulling guys.

• Tamping and compacting.

• Driving of 1/2 or 3/4 ton pickup truck.

(b) Head groundman.

• Performs the following tasks:

• Manual digging of pole holes, anchor holes and trenches.

• Assists in framing of poles, pulling guys.

• Assembles and erects fixtures.

• Tamping and compacting.

• Driving of 1/3 or 3/4 ton pickup truck for materials or man haul.

(c) Line equipment operators. Operate caterpillars, trucks equipped with winch and/or boom, hydraulically operated backhoes with or without front end loaders, mounted booms, and any other equipment that does not come within the scope of heavy equipment operators.

(d) Heavy line equipment operators. Operate any piece of equipment which, in accordance with manufacturer's recommended specifications is capable of operating with one hundred or more aggregate feet of boom, be it crane, backhoe or clam shell, drag line, or shovel.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01323, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01324 Electrician-motor shop. For the purpose of the Washington state public works law, chapter 39.12 RCW, electrician-

motor shop performs in-shop repair and maintenance on A.C. and D.C. electric motors and controllers. This work includes, but is not limited to:

Assembles and tests electric motor and generator stators, armatures, or rotors. Inspects cores for defects and aligns laminations, using hammer and drift. Files burrs from core slots, using hand file, portable power file, and scraper. Lines slots with sheet insulation and inserts coils into slots. Cuts, strips, and bends wire leads at ends of coils, using pliers and wire scrapers. Twists leads together to connect coils. Taps coil and end windings to shape, using hammer and fiber block. Tests windings for motor-housing clearance, grounds, and short circuits, using clearance gauge, growler, spring-steel blade, telephone receiver, insulation tester, and resistance bridge. Winds new coils on armatures, stators, or rotors of used motors and generators. May rewind defective coils. Turns armatures. Tests circuits, connections, controllers, and transformers. May be designated according to motor part wound as armature winder (electrical equipment); rotor winder (electrical equipment); stator winder (electrical equipment).

The work of the motor shop electrician is limited to in-shop work.

[Statutory Authority: Chapter 39.12 RCW. WSR 16-19-072, § 296-127-01324, filed 9/20/16, effective 11/1/16.]

WAC 296-127-01325 Electrical fixture maintenance workers. For the purpose of chapter 39.12 RCW, Washington state prevailing wage law, the prevailing wage for electrical fixture maintenance worker is required for the following work:

Cleaning of all types of lighting fixtures, luminous ceilings, all types of diffused areas and ceiling lighting. The work also includes replacement of lamps, ballasts, sockets and the installation of energy efficiency upgrades. This work must be limited to nonresidential fixture bodies, but may also include replacement or retrofitting of remote located ballasts with approved products.

Work beyond that which is described above must be paid at another electrical classification such as inside wireman electrician or residential electrician. Electrical fixture maintenance worker does not include installation of new fixtures or branch circuits, movement or relocation of existing fixtures, or alteration of existing branch circuits.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01325, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01327 Elevator constructors. For the purpose of the Washington state public works law, chapter 39.12 RCW, elevator constructors assemble and install electric and hydraulic freight and passenger elevators, escalators, and dumbwaiters.

The work includes, but is not limited to:

• Studies blueprints and lays out location of framework, counterbalance rails, motor pump, cylinder, and plunger foundations.

• Drills holes in concrete or structural steel members with portable electric drill, secures anchor bolts or welds brackets to support rails and framework, and verifies alignment with plumb bob and level.

• Cuts prefabricated sections of framework, rails, and other elevator components to specified dimensions, using acetylene torch, power saw, and disc grinder.

• Installs cables, counterweights, pumps, motor foundations, escalator drives, guide rails, elevator cars, and control panels.

• Positions electric motor and equipment on top of elevator shaft, using hoists and cable slings.

• Connects electrical wiring to control panels and electric motors.

• Installs safety and control devices.

• All cleanup required in connection with the installation of elevators.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01327, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01328 Fence erectors and fence laborers. For the purpose of the Washington state public works law, chapter 39.12 RCW, fence erectors and fence laborers erect and repair metal and wooden fences and fence gates around industrial establishments (schools, playgrounds, etc.), residences, farms and along highways using power tools and hand tools.

The work of the fence erectors includes, but is not limited to:

(1) Fence erector.

• Lays out fence line, using tape measure, and marks for postholes.

• Digs postholes with mechanical posthole digger or power-driven auger.

• Aligns posts, using line or by sighting along edges of posts.

• Verifies vertical alignment of posts with plumb bob or spirit level.

• Attaches fence-rail support to post, using hammer and pliers.

• Cuts metal tubing, using pipe cutter, and inserts tubing through rail support.

• Completes top fence rail of metal fence by connecting tube sections, using metal sleeves.

• Attaches rails or tension wire along bottoms of posts to form fencing frame.

• May weld metal parts together, using portable gas welding equipment.

• Stretches wire, wire mesh, barbed wire, or chain link fencing between posts and attaches fencing to frame.

• Assembles gate and fastens in position, using hand tools.

• Saws required length of lumber to make rails for wooden fence.

• Nails top and bottom rails to fence posts, or inserts them in slots on posts.

• Nails pointed slats to rails to construct picket fence.

• Erects alternate panel, basket weave, and louvered fences.

(2) Fence laborer. In addition to assisting the fence erector in the performance of the tasks described above, the work of the fence laborer includes, but is not limited to:

• Digs holes for posts with spade or posthole digger.

• Blasts rock formations with dynamite to facilitate digging of holes.

• Sets metal or wooden posts in upright position in holes.

• Mixes concrete by hand or by use of a cement mixer.

• Pours concrete around base of posts or tamps soil into holes to embed posts.

• All the cleanup required in connection with the erection of fences.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01328, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01329 Flaggers. For the intents and purposes of the Washington state public works law, chapter 39.12 RCW, the scope of work for flaggers is as follows:

• Controls and directs pedestrian and vehicular traffic through construction projects using sign, hand and flag signals, warning paddles and radio communication.

• Informs drivers of detour routes through construction sites. Distributes signs, markers, flares, barricades, cones and other traffic control devices along construction sites in designated patterns.

• Is responsible for the safety of the workers and the public on construction sites.

• Must have completed a Washington state approved flagging course, or the equivalent.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01329, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01331 Glaziers. For the purpose of the Washington state public works law, chapter 39.12 RCW, glaziers select, cut, prepare, handle, install or remove all window glass, plate glass, and all other types of glass, including structural glass, mirror glass, tempered and laminated glass, safety or protection glass, all types of insulating glass units, all plastics or other similar materials when used in place of glass and when set or glazed with putty, moulding rubber, cement, lead and all types of mastic, or other materials used in place of same.

Glaziers install the above materials in windows, louvers, doors, partitions, skylights, and on building fronts, walls, ceilings and tables, whether the materials are set in wood, stone, cement, or metal of all types.

The work includes, but is not limited to:

• Install mirrors of all types.

• Mark outline or pattern on glass and cut glass, using glasscutter. Break off excess glass by hand or with notched tool.

• Fasten glass panes into wood sash with glazier's points and spread smooth putty around edge of panes with knife to seal joints.

• Install metal window and door frames into which glass panels are to be fitted, such as fixed or sliding patio doors and vented, fixed or sliding windows.

• Bolt metal hinges, handles, locks, and other hardware to prefabricated glass doors. Set glass doors in frame and fit hinges.

• Install metal-framed glass enclosures for showers, bath tubs, and skylights where the glass installation and frame assembly is a single operation.

• Install mirror or structural glass on building fronts, walls, ceilings, or tables, using mastic, screws or decorative moulding.

• All the cleanup required in connection with glazing work.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01331, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01332 Hod carriers, mason tenders, and mortarmen. For the purpose of the Washington state public works law, chapter 39.12 RCW, hod carriers, mason tenders and mortarmen assist bricklayers and masons.

The work includes, but is not limited to:

• The mixing, packing, wheeling and tempering of mortar and fire clay.

• The mixing, handling and conveying of all other materials used by bricklayers and masons (e.g., brick, tile, stone and cast stone), whether done by hand or any other process (e.g., operation of forklifts, hoisting equipment and pumping equipment).

• Building of scaffolds, trestles, boxes and swinging staging.

• Hanging of cables and placing of putlogs.

• Carrying bricks and mortar in a hod.

• Cleaning and clearing of all debris.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01332, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01333 Heating equipment mechanics. For the purpose of the Washington state public works law, chapter 39.12 RCW, heating equipment mechanics replace the gas and oil burners in furnaces or replace complete furnaces, but they do not install the original furnaces.

The work includes, but is not limited to:

• Removal of old burner.

• Installation of new burner.

• Connection of fuel lines.

• Installation of instrumentation lines.

• Installation of new fan.

• Firing off.

• Setting burner on correct ratio.

• All cleanup required in connection with the installation of heating equipment.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01333, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01334 Industrial power vacuum cleaner. For the purpose of the Washington state public works law, chapter 39.12 RCW, the industrial power vacuum cleaner performs duct cleaning work that normally requires the utilization of a specialized truck or trailer with power vacuum equipment that removes or cleans out mold, fungi, dust and other contaminants from HVAC systems.

(1) Work includes, but is not limited to:

• Source removal methods that employ vacuum units and compressed air to loosen dirt and debris in HVAC systems and convey it to a containment device for proper disposal; and

• Work that involves the attachment of the vacuum system to an existing port.

(2) Work performed under this scope does not include:

• Creating service openings in the system as necessary in order to accommodate cleaning of otherwise inaccessible areas or the sealing of those service openings; nor

• Removing and installing ceiling sections to gain access to HVAC systems during the cleaning process.

Openings that are created for access and then sealed will utilize HVAC sheet metal rates of wage.

Work utilizing mechanical or hand brushes and other tools to loosen dirt and debris for removal from HVAC systems will use the appropriate general laborer or mechanic wages.

[Statutory Authority: Chapter 39.12 RCW and RCW 43.22.270. WSR 08-23-082, § 296-127-01334, filed 11/18/08, effective 1/1/09.]

WAC 296-127-01335 Inland boatmen. For the purpose of the Washington state public works law, chapter 39.12 RCW, inland boatmen man the tugs and launches (but not outboard-powered skiffs) engaged in construction, dredge tending, pile driving, diver tending and geodetic surveying.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01335, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01337 Insulation applicators. For the purpose of the Washington state public works law, chapter 39.12 RCW, insulation applicators install all the insulation material in floors, walls, sound rated partitions and ceilings.

They also install insulation materials on roofs, when the material must be measured, cut and nailed to the inside or outside of an existing roofing system.

The insulation materials installed by insulation applicators include, but are not limited to:

• Batt insulation, semi-rigid and rigid insulation, blown spray and foam-type insulation, regardless of method of installation, attachment or connection.

• All the cleanup required in connection with insulation applicators.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01337, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01339 Ironworkers. For the purpose of the Washington state public works law, chapter 39.12 RCW, ironworkers perform all work in connection with field fabrication and/or erection, installation, removal, wrecking and dismantling of structural, architectural and reinforcing iron and steel, ornamental lead, bronze, brass, copper and aluminum, and plastics or other materials when used in place thereof.

The work performed by ironworkers includes, but is not limited to:

• Steel and metal houses and packaged buildings.

• Bridges, viaducts, cableways, tramways, monorails.

• Locks, gates, metal forms, railings (including pipe).

• Steel towers, energy producing windmill type towers, nuclear reactors.

• Frames in support of boilers.

• The installation of metal siding and metal roof decking, regardless of the fastening method, or what it is fastened to.

• All reinforcing work in connection with field fabrication, handling, burning, welding and tying of all materials used to reinforce concrete structures.

• The signaling, rigging, hoisting, aligning, bolting, riveting, or welding of structural-steel members.

• The unloading, loading, distributing, stockpiling, hoisting, rigging, and handling of materials used by ironworkers and all cleanup work.

Work process:

(1) Structural:

(a) Erecting:

• Connecting
• Fitting
• Hooking on
• Bolting up
• Torquing
• Signaling
• Preengineered buildings
• Sheeting

(b) Rigging:

• Cranes
• Derricks
• Land rigs
• Cable splicing

(c) Maintenance of equipment:

• Dismantling
• Field rigging
• Moving field equipment

(2) Welding:

(a) Acetylene welding

(b) Electric arc welding

(c) Cutting and burning

(d) Heliarc.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01339, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01340 Laborers in utilities construction. For the purpose of the Washington state public works law, chapter 39.12 RCW, the work for laborers includes, but is not limited to:

(1) Pipe layer.

• Shoring, building of manholes and catch basins.

• Sealing, doping and wrapping of the pipe after the joints have been welded and before the pipe is lowered into the trench or ditch.

• Joining ductile iron pipe by using screws, bolts, fittings, caulking or any other method for making joints in the industry, when the pipe will not be under pressure. Lowering the pipe into the trench or ditch.

(2) Topman. Assists the pipe layer from the surface, he does not work in the trench or ditch.

(3) General laborer.

• Performs all other laborers' work which is not done by pipe layers and topmen.

• Responsible for all cleanup required in connection with utilities construction work.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01340, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01342 Clean-up laborers. For the intents and purposes of the Washington state public works law, chapter 39.12 RCW, the scope of work for clean-up laborers is as follows:

Performs general cleanup in buildings during construction when too much rubbish has accumulated.

Cleans areas where the next phase of construction will take place.

Performs final cleanup after the construction has been completed.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01342, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01344 Laborers. For the intents and purposes of the Washington state public works law, chapter 39.12 RCW, laborers perform a variety of tasks such as:

• Erect and repair guard rails, median rails, guide and reference posts, sign posts and right of way markers along highways.

• Mix, pour and spread asphalt, gravel and other materials, using hand tools, and mix, pour, spread and rod concrete.

• Lift, carry and hold building materials, tools and supplies.

• Measure distances from grade stakes, drive stakes and stretch tight line.

• Bolt, nail, align and block up under forms.

• Signal operators of construction equipment to facilitate alignment, movement and adjustment of machinery to conform to grade specifications.

• Level earth to fine grade specifications, using pick and shovel.

• Mix concrete, using portable mixer.

• Position, join, align, wrap and seal pipe sections.

• The placement and testing of plastic conduit for electrical cable, when the conduit is buried underground.

• Erect scaffolding, shoring and braces.

• Mop, or spread bituminous compounds over surfaces for protection (outside buildings).

• Spray material such as water, sand, steam, vinyl, or stucco through hoses to clean, coat or seal surfaces.

• Apply caulking compounds by hand or with caulking gun to seal crevices.

• The application of penetrating sealer and primer protective coatings to concrete floors and steps when safe to walk on.

• Installation of plastic panels on the inside of existing window frames for insulation (instead of storm windows). The panels are held in place magnetically (with metal brackets) and with self-taping screws.

The cleaning and grinding of concrete floors and walls by high pressure waterblasting or sandblasting preparatory to the application of waterproofing.

• The removing of rough or defective spots from concrete surfaces, using grinder or chisel and hammer and patching holes with fresh concrete or epoxy compound when not preparatory to sacking (finishing a large surface of patched holes).

• The setting of concrete curb, gutter and sidewalk forms as a composite crew with cement masons.

• The laying of concrete, granite and brick pavers in beds of sand.

• General cleanup required after damage caused by water or fire.

All clean-up work required in connection with the above work. Clean tools, equipment, materials and work areas:

(1) When the cleanup is performed for more than one trade (usually employed by general contractor).

(2) When assisting those trades for which laborers have been specifically designated as tenders, e.g., carpenter tender, cement finisher tender, etc.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01344, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01345 Landscape maintenance workers. For the purpose of the Washington state public works law, chapter 39.12 RCW, landscape maintenance involves the tending to and maintenance of an area of land that has been previously landscaped, when the work is not preparatory to construction.

(1) Landscape maintenance includes:

(a) Mowing, weeding, and otherwise performing tasks associated with the maintenance of lawns, yards, gardens, athletic fields, golf courses, parks, trails, or other previously landscaped surfaces.

(b) Pruning, trimming, mulching, and composting.

(c) Maintaining decorative rock including adding material to existing areas.

(d) Incidental hauling or placement of top soil, plants, or other landscaping materials using trucks with only one rear axle.

(e) Reseeding, resodding, replanting, top dressing, aerification, and applying chemicals, fertilizers, and soil amendments.

(f) Use of power tools with a maximum of twenty horsepower such as line trimmers, edgers, mowers, and leaf blowers.

(g) Rehydroseeding using equipment with a maximum capacity of one hundred gallons.

(h) Use of riding mowers which do not exceed fifty horsepower.

(i) Minor, nonconstruction related repair and maintenance of existing irrigation systems.

(j) Debris removal, and clearing of storm drains, catch ponds, and drain grates.

(2) Landscape maintenance does not include:

(a) Any landscape or nonlandscape construction activity or work, other than incidental maintenance and repairs mentioned above.

(b) Any work that is:

(i) On land that has not been previously landscaped;

(ii) Preparatory to construction, alteration, repair, improvement, or demolition;

(iii) Included or required in the process of construction or as a part of a construction project;

(iv) Required for the restoration of a surface area after construction;

(v) Power line clearance tree trimming or clearing;

(vi) Clearing of trees;

(vii) Tree falling or bucking;

(viii) Inspection, service, maintenance or repair of backflow protection devices connected to a potable water system;

(ix) Construction or repair of irrigation systems other than the minor incidental work identified in subsection (1)(i) of this section;

(x) The use of power tools over twenty horsepower;

(xi) The use of any other riding equipment regardless of horsepower, other than riding mowers which do not exceed fifty horsepower;

(xii) Rehydroseeding using equipment that exceeds a one hundred gallon capacity.

[Statutory Authority: Chapter 39.12 RCW. WSR 20-14-025, § 296-127-01345, filed 6/23/20, effective 6/27/20.]

WAC 296-127-01346 Landscape construction. For the purposes of the Washington state public works law, chapter 39.12 RCW, landscape construction involves the beautification of a plot of land by changing its natural features through the addition or modification of lawns, trees, bushes, etc.

(1) Landscape construction includes:

• Constructing or maintaining lawns, yards, gardens or other landscaped surfaces.

• Mixing and spreading mulches, ground covers, soil amendments, decorative bark or decorative rock.

• Seeding, sodding or hydroseeding.

• Applying chemicals or fertilizers.

• Planting trees, shrubs or plants.

• Installing, servicing or repairing above ground lawn or landscape sprinkler systems.

• Installing, servicing or repairing underground lawn or landscape sprinkler systems to a maximum depth of three feet below finish grade.

• Assembling or placing premanufactured trellis work, play equipment, benches or picnic tables.

• Constructing rock walls to a maximum height of four feet.

• Land clearing.

• Spreading top soil to a maximum depth of six inches below finish grade.

• Trenching to a maximum depth of three feet below finish grade.

• Installing french drains or other subsurface water collection systems to a maximum depth of three feet below finish grade.

• Hauling top soil, plants or other landscaping materials in trucks with only one rear axle.

(2) Landscape construction does not include:

• Any activity or task (including those mentioned above) when performed preparatory to any nonlandscaping construction work.

• Constructing roads, footpaths, trails or rock walls more than four feet high.

• Custom fabrication of trellis work, play equipment, benches or picnic tables.

• Constructing restrooms, shelters or similar structures.

• Installing sewer systems, storm sewer systems, catch basins, vaults or drainage systems for impervious surfaces (such as parking lots).

• Installing drainage systems or underground sprinkler systems more than three feet below final grade.

• Land clearing, dozing, grading, excavating or hauling except as permitted above.

• Tree falling or bucking.

• Subgrade preparation.

• The use of power equipment with more than ninety horsepower.

• The use of trucks with more than one rear axle except hydro-seeders.

• Demolition of structures.

• Asphalt or concrete work except incidental anchorage for play equipment, benches or picnic tables.

• Welding.

• Installing agricultural irrigation systems.

• Encapsulation of landfills.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01346, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01347 Lathers. For the purpose of the Washington state public works law, chapter 39.12 RCW, a lather erects horizontal metal framework to which laths are fastened, using nails, bolts, and studgun. Drills holes in floor and ceiling and drives ends of wooden or metal studs into holes to provide anchor for furring or rockboard laths.

Cuts and shapes lath and other materials, using hand tools and power tools.

Nails, clips or fastens all types of wood, wire and metal laths, plasterboard, wallboard, rockboard, gypsum, sheetrock and acoustical materials which take the place of same to walls, ceilings, and partitions of buildings to provide supporting base for plaster, fireproofing or acoustical material.

Erects all metal plastering accessories which are covered and/or serve as ground, guard, stock or screed for plaster materials, including wire mesh.

The work includes, but is not limited to:

• Installs all carrying bars and purlins (pieces of horizontal timber), light iron and metal furring (thin strips of wood or metal to create air space) of all descriptions, such as rods, channels, flatiron, t-bar, h-bar and other ceiling bars or systems for the receipt of lath and board.

• Wires plasterer's channels to overhead structural framework to provide support for plaster or acoustical ceiling tile.

• Nails, plaster grounds (wood or metal strips) to studding to provide a guide for plasters.

• Handles, moves, hoists and stores on the job site all materials used by lathers and does all the cleanup required in connection with lather work.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01347, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01349 Marble setters. For the purpose of the Washington state public works law, chapter 39.12 RCW, marble setters cut, trim and set marble slabs in floors and walls of buildings and repair and polish slabs previously set in buildings.

The work includes, but is not limited to:

• Cutting, trimming and facing marble to specified size, using cutting, power sawing, and facing equipment and hand tools.

• Drilling holes in slabs and attaching brackets.

• Spreading mortar on bottom of slabs and on sides of adjacent slabs.

• Setting blocks in position, tamping them into place, and anchoring bracket attachments with wire.

• Filling joints with grout and removing excess grout from marble with a sponge.

• Cleaning and beveling cracks or chips on slabs, using power tools and hand tools.

• Heating cracked or chipped areas with blowtorch and filling defects with composition mastic that matches grain of marble.

• Polishes marble and other ornamental stone to high luster, using power tools or by hand.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01349, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01351 Millwrights. For the purpose of the Washington state public works law, chapter 39.12 RCW, millwrights install machinery and equipment according to layout plans, blueprints, and other drawings in industrial establishments, using hoists, lift trucks, hand tools and power tools. They read blueprints and schematic drawings to determine work procedures.

The work includes, but is not limited to:

• Dismantle machines, using hammers, wrenches, crowbars, and other hand held tools.

• Move machinery and equipment, using hoists, dollies, rollers, and trucks.

• Assemble and install equipment, such as shafting, conveyors, and tram rails, using hand tools and power tools.

• Construct foundation for machines, using hand tools and building materials, such as wood, cement, and steel.

• Align machines and equipment, using hoists, jacks, hand tools, squares, rules, micrometers, and plumb bobs.

• Assemble machines and bolt, weld, rivet, or otherwise fasten them to foundation or other structures, using hand tools and power tools.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01351, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01352 Metal fabricators. For the purpose of the Washington state public works law, chapter 39.12 RCW, metal fabricators fabricate and assemble structural or ornamental metal products, such as frame work or shells for machinery, tanks, stacks, and metal parts for buildings and bridges.

The work includes, but is not limited to:

• Develop layout and plan sequences of operation.

• Design and construct templates and fixtures.

• Locate and mark bending and cutting lines onto workpiece.

• Operate a variety of machines and equipment to fabricate metal products, such as brakes, saws rolls, shears, flame cutters, drill presses, bending machines, welding machines, and punch and forming presses.

• Set up and operate machine tools associated with fabricating shops, such as radial drill presses, end mills and edge planers, to turn, drill and mill metal to specific dimensions.

• Weld, forge weld, braze, solder, rivet or bolt components together to assemble workpiece.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01352, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01354 Operating engineers (equipment operators). For the purpose of the Washington state public works law, chapter 39.12 RCW, operating engineers operate, repair and maintain all types of self-propelled mechanically, electrically, electronically, hydraulic, automatic or remote controlled equipment on construction projects.

The work includes, but is not limited to, the following types of construction and equipment:

(1) Type of construction.

(a) Heavy and highway.

• Roads, streets, highways, grading and paving, excavation of earth and rock, viaducts, bridges, abutments, retaining walls, alleys, sidewalks, guard rails, fences, parkways, parking areas, athletic fields, railroads, airport grading, surfacing and drainage, pile driving, water supply, water development, reclamation, irrigation, drainage and flood control projects, water mains, pipe lines, sanitation and sewer projects, all common ditches, dams, aqueducts, canals, reservoirs, intakes, channels, levees, dikes, revetments, jetties, quarrying of breakwater or riprap stone, foundations pile driving piers, docks, locks, river and harbor projects, breakwaters, dredging, channel-cutoffs, duct lines, subways, shafts, tunnels, drilling, soil testing, clearing and grubbing, land leveling, quarrying, demolition and site clearing, tramways, soil stabilization, landscaping, beautification projects, hoisting or related work done by helicopters.

• Oil or gas refineries, nuclear power plants, industrial complexes and incidental structures.

• It shall also include any work relating to off-shore drilling and pipe lines.

(b) Building.

• Construction, erection, alteration, repair, modification, demolition, addition or improvement, in whole or in part, of any building structure.

• It shall include the installation, operation, maintenance and repair of equipment, and other facilities used in connection with the performance of such building construction.

(c) Material supply. Operations such as quarries, sand and gravel plants, screening plants, asphalt plants, ready-mix concrete or batch plants and prestressed concrete plants (excluding established plants) that are established at the job site.

(2) Type of equipment.

(a) Self-propelled.

• Asphalt machines, backhoes, blades, boring equipment, brooms, chippers, compactors, compressors, concrete saws, cranes, derricks, dozers, drilling equipment, hoists, lifts, loaders, motor graders, pavement breakers, paving machines, pumps, rollers, scrapers, screeds, shovels, tractors, and trenchers.

(b) Stationary.

• Asphalt plants, concrete batch plants, crushing plants, and screening plants.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01354, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01356 Painters. For the intents and purposes of the Washington state public works law, chapter 39.12 RCW, the job description for painters is as follows:

(1) Preparation of surfaces.

(a) Washing, cleaning and smoothing of surfaces, using sandpaper, brushes or steel wool.

(b) Removal of old paint or other coatings from surfaces, using paint remover, scraper, wire brush or by sandblasting.

(c) Filling of nail holes, cracks and joints with putty, plaster or other fillers.

(2) Color matching and mixing.

(3) Application of paint, varnish, stain, enamel, lacquer, vinyl, wallpaper and other materials of whatever kind or quality applied to walls or ceilings with paste or adhesive using brushes, spray gun or paint rollers.

(4) Application of polyurethane elastomers, vinyl plastics, neoprene, resin, polyester and epoxy as waterproofing or protective coatings to any kind of surfaces (except roofs) when applied with brushes, spray guns or rollers.

(5) Application of sprayed on fire retardant foam.

(6) Texturing and decorating.

(7) Erecting of scaffolding or setting up of ladders to perform the work above ground level.

(8) Responsible for all the cleanup required in connection with painters work.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01356, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01358 Pile drivers. For the purpose of the Washington state public works law, chapter 39.12 RCW, the work of a pile driver includes, but is not limited to:

Pile driver (pile buck).

• The preparation, aligning, plumbing, setting, stressing, testing, pulling, welding, cutting off and capping of piling of any type including steel pile and concrete pile and the splicing, barking, heading and shoeing of piling and the rigging and signaling connected with all of the above.

• Operating engineer pile driver.

• Operating any power equipment used for pile driving, such as cranes equipped with drophammers and drums and hoists on A-frame type fixed leads on floating rigs.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01358, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01360 Plasterers. For the purpose of the Washington state public works law, chapter 39.12 RCW, plasterers apply gypsum, portland cement, stucco, imitation stone, and kindred materials and products to interior walls, ceilings, and partitions and to exterior walls of buildings, and finish those materials and products.

The work includes, but is not limited to:

• The spreading of plaster over laths, masonry, or any other base, using trowel and smoothing the plaster with darby and float for uniform thickness.

• The application of all the various manufacturer's brand names of "thin coat" or "plaster veneer."

• The application of all bonding agents and mastical.

• Roughing of undercoat with wire or metal scraper to provide bond for succeeding coats of plaster.

• The application of all malleable plastic materials and apoxy materials.

• The setting in place of plasterboard, insulationboard, "styrofoam and bead-board," ground, locks, patent dots, cork plates, brownstone and acoustical tile, fiberglass reinforcement and finished products.

• The plastering of joints, nail holes, and bruises on wallboard.

• The grouting and filling of door bucks, runners and similar installations.

• The application of scratchcoat, browncoat, and finishcoat of plaster to wood, metal, or board laths successively to all ceilings and walls when finished with terrazzo or tile, and the application of any plastic material to same.

• The fireproofing of all building assemblies with plaster materials, sprayed fiberglass or similar materials, whether applied to gypsum, metal lath or directly.

• All waterproofing work, such as the cutting and placing of nylon mesh and the plastering and finish of all exterior wall insulation and plaster finish systems.

• The application of crushed stone, marble or ceramic chips and broken glass where embedded in plaster, cement, plastic, or similar materials.

• The placing of acoustic blocks with any plastic material, regardless of thickness.

• The placing, by any method, of plaster or composition caps and ornaments.

• Creating decorative textures in finish coat by marking surface of coat with brush and trowel or by spattering it with small stones ("stucco") where plastering equipment and/or materials are used.

• The operation and control of all types of plastering machines, including power trowels and floats.

• All clean-up work.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01360, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01362 Playground and park equipment installers. For the intents and purposes of the Washington state public works law, chapter 39.12 RCW, the job description for playground and park equipment installers is as follows:

• Construction and placement of play equipment, benches and picnic tables in school grounds and parks.

• Responsible for all the cleanup required in connection with installation of playground and park equipment.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01362, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01364 Plumbers, pipefitters, and steamfitters. For the purpose of the Washington state public works law, chapter 39.12 RCW, plumbers, pipefitters and steamfitters assemble, install, and maintain piping systems, fixtures and equipment for the transportation of water, steam, gas, air, sewage, oil, fuels, liquids, gases, or similar substances.

The work includes, but is not limited to:

(1) Piping systems installed in structures (e.g., buildings, industrial plants, etc.).

(a) The handling and moving of any plumbing, pipefitting and steamfitting materials, supplies, and equipment on the job site.

(b) Cutting, threading, and bending pipe.

(c) Joining pipes by use of screws, bolts, fittings, solder, welding and caulking, or any other method of making joints in the pipefitting industry.

(d) Assembling, installing, and repairing valves, pipe fittings, and pumps.

(e) Testing the piping system.

(f) Installing and repairing plumbing fixtures, such as sinks, bathtubs, water heaters, and water softeners.

(g) Cutting holes in floors and walls for pipes:

• With point and hammer.

• Core-drilled.

(h) Responsible for all cleanup required in connection with plumbers, pipefitters and steamfitters work.

(2) Distribution lines (e.g., water mains, sewer mains, oil and gas lines, etc.).

(a) The handling and moving of any plumbing, pipefitting and steamfitting materials, supplies, and equipment on the job site.

(b) Steel pipe: Welding of pipe joints and joining pipes with screws, bolts, fittings, solder, caulking, or any other method for making joints in the industry.

(c) Ductile iron pipe: Joining pipes by using any method for making joints in the industry, when the pipe will be under pressure.

Assembling, installing, and repairing valves and pumps.

(d) Testing the piping system.

(e) Responsible for all cleanup required in connection with plumbers, pipefitters and steamfitters work.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01364, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01366 Ready mix truck drivers. For the purpose of the Washington state public works law, chapter 39.12 RCW, ready mix truck drivers drive transit mixer and volumetric type trucks used for the transportation of wet concrete products to, from, and on construction projects, consistent with the provisions in WAC 296-127-018.

The work includes, but is not limited to, the use of any transit mixer or volumetric type truck used to deliver wet concrete.

[Statutory Authority: Chapter 39.12 RCW. WSR 16-19-073, § 296-127-01366, filed 9/20/16, effective 11/1/16.]

WAC 296-127-01367 Refrigeration mechanic. For the purpose of Washington state public works law, chapter 39.12 RCW, refrigeration mechanics install industrial, commercial, residential, and marine refrigeration systems involved in cold storage, ice making, cooling, heating, air conditioning, humidifying, dehumidifying or dehydrating and charge (pump gas or fluid in the system), start, test, service, and repair the installed systems.

The work includes, but is not limited to:

• Lay out reference points for the installation of the structural and functional components, using tape, transit, plumb bob, level, and square.

• Lay out and drill holes and cut chases and channels, set and erect belts, inserts, stands, brackets, hangers, supports, sleeves, thimbles, conduits and hoses.

• Lay out, cut, thread, bend and connect pipe to functional components and water or power system of premises.

• Move, lift, and install all compressors, pumps, motors, controls, switches, gauges, valves, condensers, evaporators, and other fixtures and appurtenances included in such systems.

• Bolt, rivet, weld, braze and solder parts to structural and functional components.

• All clean-up work required in connection with refrigeration mechanics' work.

• Excluded is the installation of sheet metal duct work leading to and/or from units described above.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01367, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01369 Remote controlled cleaning, inspection and sealing of underground sewer and water systems. For the purpose of the Washington state public works law, chapter 39.12 RCW, this special method of repairing in-place, underground sewer and water pipes, includes the following work:

• Cleaning of interior pipe surface.

• Closed circuit television inspection.

• Electronic air testing of joints, cracks and breaks.

• Internal sealing of joints, cracks and breaks with chemical grout.

• All the above functions must be performed by remote control.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01369, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01370 Roofers. For the purpose of the Washington state public works law, chapter 39.12 RCW, roofers apply and install any and all types of roofing materials, other than sheet metal. The work of roofers includes, but is not limited to:

(1) The installation of slate and tile and all substitute materials taking the place of slate and tile, with necessary metal flashing to make water-tight.

All cementing in, on or around slate and tile roofs.

All laying of felt or paper beneath the slate and tile.

All dressing, punching and cutting of all roof slate or tile either by hand or machinery.

(2) The installation of all forms of plastic, slate, slag, gravel; asphalt and composition roofing; rock asphalt mastic when used for damp and waterproofing; prepared paper; compressed paper, and chemically prepared paper with or without coating.

The installation of all damp resisting preparations when applied on roofs with mop, three-knot brush, roller, swab or spray system.

(3) The installation of all forms of elastomeric and/or plastic (elasto-plastic) roofing systems, both sheet and liquid applied, whether single-ply or multi-ply.

All types of aggregates, blocks, bricks or stones used to ballast these elasto-plastic systems.

All types of aggregates used as a ballast for inverted roofing membrane assembly, or roof of similar construction where the insulation is laid over the roofing membrane.

All sealing and caulking of seams and joints on these elasto-plastic systems to insure water-tightness.

All liquid-type elasto-plastic preparation for roofing, damp or waterproofing when applied with a squeegee, trowel, roller or spray equipment.

All sheet-type elasto-plastic systems, whether single or multi-ply, for waterproofing.

All priming of surfaces to be roofed, damp or waterproofed, whether done by roller, mop, swab, three-knot brush, or spray systems.

All types of preformed panels used in waterproofing.

(4) The application of all types of spray-in-place foams such as urethane or polyurethane, and the coatings that are applied over them.

(5) The application of roof insulation, when the insulation material is applied as an integral part of the roofing system, whether the insulation material is applied as the first, last or any other layer in between.

(6) The handling, hoisting and storing of all roofing, damp and waterproofing materials.

(7) The tear-off and/or removal of any type of roofing, including roofing materials containing asbestos, all spudding, sweeping, vacuuming and/or cleanup of any and all areas of any type where a roof is to be relayed, and all other cleanup required in connection with roofing work.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01370, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01372 Sheet metal workers. For the purpose of the Washington state public works law, chapter 39.12 RCW, sheet metal workers perform the following work:

(1) The handling, conditioning, assembling, installing, servicing, repairing, altering and dismantling of the duct work for the heating, ventilation and air conditioning systems regardless of the materials used and the setting and the servicing of all equipment and all supports and reinforcements in connection therewith.

(2) The installation of expansion and discharge valves, air filters, and water filters in heating, ventilation and air conditioning systems.

(3) The testing and balancing of air-handling equipment and duct work.

(4) The handling, conditioning, assembling, installing, repairing and dismantling (except when a building is demolished) of cornices, gutters and down spouts.

(5) The installation of metal siding and metal roof decking, regardless of the fastening method, or what it is fastened to.

(6) The installation of furnaces and any and all sheet metal work in connection with or incidental to commercial kitchen equipment or refrigerating plants.

(7) The handling, moving, hoisting and storing of all sheet metal materials on the job site and all the cleanup required in connection with sheet metal work.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01372, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01374 Sign makers and sign installers. For the purpose of the Washington state public works law, chapter 39.12 RCW, sign makers and sign installers fabricate, install, repair, alter, maintain and dismantle commercial signs, bulletins and poster panels.

The work includes, but is not limited to:

(1) Electric and luminous tube signs.

• The manufacture of all luminous tubes, which includes the coating and processing of tubes and the bending, repairing and pumping for all tubes.

• The shop assembly and fabrication of signs and displays and the installation, alteration, repair and dismantling of all electric and neon sign displays.

• The wiring, assembly, service and electrical maintenance of all such displays.

• The installation and servicing of fluorescent lighting fixtures.

(2) Painted and photographed signs.

• The preparing of sign surfaces, patterns and layouts.

• Applying all decals.

• Preparing and pouncing of patterns and tracing all patterns.

• Designing, cutting out of all letters made of wood or like materials, such as plastic, masonite, wallboard, cardboard.

• Priming, finishing and gilding of letters.

• Use of stencil knife, perforating wheel and friskit cutting.

• Applying and/or hanging of all cut-out letters.

• All pictorial work on signs, screen process work in its entirety including photography and operation of projector and mimeograph.

• Erecting commercial signs, bulletins and poster panels.

• Repainting of all signs, including painting of capping on bulletins and poster panels, by spraying and use of rollers.

• All work on banners, cloth, plastic, paper and cardboard, walls, bulletins, windows, truck lettering and all lettering on any surface.

• The use of stencil knife on sandblasted signs.

• The layout and application of all vinyl letters.

(3) All the cleanup required in connection with sign making and installing.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01374, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01375 Sprinkler fitters. For the purpose of the Washington state public works law, chapter 39.12 RCW, sprinkler fitters perform the installation, adjustments and corrections, maintenance, repair and dismantling of all fire protection and fire control systems and the installation of all piping for tubing, appurtenances and equipment pertaining thereto.

The work includes, but is not limited to:

(1) Underground water mains, fire hydrants and hydrant mains, stand pipes and hose connections to sprinkler systems and overhead piping.

(2) Sprinkler tank heaters.

(3) Air lines and thermal systems used in connection with sprinkler and alarm systems and all tanks and pumps connected thereto.

(4) Co^2 and cardox systems, dry chemical systems, halon and foam systems and all other fire protection systems.

(5) Cutting holes in floors and walls for pipes:

• With point and hammer.

• Core-drilled.

(6) The unloading, handling and storing of all the above.

(7) All clean-up work.

Excluded are steam fire protection systems and stand pipes not connected to automatic sprinkler systems.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01375, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01376 Stone masons. For the purpose of the Washington state public works law, chapter 39.12 RCW, stone masons shape and set stone blocks to build stone structures, such as piers, walls and abutments, and lay walks, curbstones, or special types of masonry, such as alberene (acid-resistant soapstone) for vats, tanks, and floors, using mason's tools.

The work includes, but is not limited to:

• Shaping stone blocks preparatory to setting, using chisel, hammer, and other shaping tools.

• Spreading mortar over stone and foundation with trowel and setting stone in place by hand or with the aid of a crane.

• Aligning stone with plumbline and finishing joints between stone with a pointing trowel.

• Spreading mortar along mortar guides to insure joints of uniform thickness.

• Cleaning surface of finished structure and removing mortar, using muriatic acid and brush.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01376, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01377 Outside telephone line construction. For the purpose of the Washington state public works law, chapter 39.12 RCW, outside telephone line construction includes, but is not limited to, the following work:

(1) Head groundman. Operates light equipment and drives vehicles.

(2) Telephone equipment operator - light. Operates backhoes, trenching machines and small cable plows.

(3) Telephone equipment operator - heavy. Operates bulldozers, trenchers, backhoes, cable plows and plows pulling other equipment.

Note: This scope of work description does not apply to the compaction and resurfacing of trenches or ditches associated with asphalt and other road repair and replacement.

[Statutory Authority: Chapter 39.12 RCW. WSR 04-16-094, § 296-127-01377, filed 8/3/04, effective 9/15/04. Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01377, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01378 Telecommunication technicians. For the purpose of the Washington state public works law, chapter 39.12 RCW, telecommunications technicians install, inspect, maintain, repair and service telecommunication systems.

The work includes, but is not limited to:

(1) Main distribution frame (MDF). The distribution frame where the permanent outside lines entering a building terminate and the subscriber's line multiple cabling and truck multiple cabling originate. It is usually located on the ground floor of a building.

(2) Intermediate distribution frames (IDF). Distribution frames which provide flexibility in allocating the subscriber's number to the line or equipment in the office which is to be associated with the particular line. These frames are located on each floor of a building.

(3) Blocks. Subpanels. They are connecting devices where large feed cables terminate at the distribution frames.

(4) Common equipment or key service unit. Consists of a backboard assembly, an equipment mounting frame, for connecting external telephones and Pacific Northwest Bell lines.

(5) Instruments, terminals, sets. Communications equipment at either end of a circuit. Equipment at a subscriber's or user's terminal including such items as telephones.

(6) Ancillary equipment. Add-on equipment such as bells, buzzers, speakerphones, headsets, automatic dialers, recorders, etc.

(7) Telephone cable.

(a) Network channel service cable owned by the telephone companies.

(b) Riser cables between floors of a building.

(c) Distribution cables installed on each floor of a building in the floor or the ceiling.

(d) Inside wires between the telephone and the connection to the distribution cable.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01378, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01379 Terrazzo (artificial marble) workers. For the purpose of the Washington state public works law, chapter 39.12 RCW, terrazzo workers create durable and decorative surfaces on floors, walls and ceilings.

The work includes, but is not limited to:

(1) Spreading a one-half inch mixture of sand, cement, and water with trowel to form a base over walls, ceilings, and concrete floors where terrazzo is to be applied.

(2) The cutting and setting of metal or wooden strips into the terrazzo base so that the top edges form a design or pattern and define the level of the finished floor surface.

(3) Spreading a mixture of cement terrazzo, magnasite terrazzo, polyacrylate terrazzo, epoxy matrix terrazzo, exposed aggregate, rustic or rough washed for the interior or exterior of buildings, over a terrazzo base with float and trowel to form the finished surface.

(4) Spreading of any other kind of mixture of plastics composed of chips or granules of marble, granite, blue stone, enamel, mother-of-pearl, quartz, ceramic colored quartz and all other kinds of chips or granules when mixed with cement, rubber, neoprene, vinyl, magnesium, chloride or any other resinous or chemical substances used for seamless flooring systems, and all other binding materials when used on any part of the interior and exterior of buildings and on fountains, swimming pools, etc.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01379, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01382 Terrazzo workers' helpers, tile and marble setters' helpers (finishers). For the purpose of the Washington state public works law, chapter 39.12 RCW, the scope of work for terrazzo workers' helpers, tile and marble setters' helpers includes, but is not limited to:

- Handling, moving, hoisting, storing and distributing sand, mortar, cement, lime, terrazzo, tile, marble, stone, slate or any other materials that may be used by terrazzo workers, tile layers, marble setters and stone masons.
- Performing all rigging.
- Installing and dismantling of scaffolding or staging.
- Mixing mortar and grout.
- All preparation prior to installation, such as helping with the bedding and cutting, priming, and the installation of ties and wire lath.
- Grinding, cleaning, washing, rubbing and polishing of all tile and marble.
- Applying protective coverings, such as soap compounds, paper products, varnishes and lacquers and all types of tapes and polyethylene coverings.
- Cleanup of the job site.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01382, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01384 Tile setters. For the purpose of the Washington state public works law, chapter 39.12 RCW, tile setters apply tile to floors, walls, ceilings, stair treads, promenade roof decks, garden

walks, swimming pools, and all places where tiles may be used to form a finished surface for practical use, sanitary finish or decorative purpose.

The tile is defined as all burned clay products, as used in the tile industry, either glazed or unglazed, and all composition materials and all substitute materials in single units up to and including 15" x 20" x 2" (except quarry tiles larger than 9" x 1 1/4"), and all mixtures in the form of cement, plastics and metals that are used as a finished surface.

The work includes, but is not limited to:

• Measuring and cutting metal lath to size for walls and ceilings with tin snips. Tacking lath to wall and ceiling surfaces with staple gun or hammer. Spreading plaster base over lath with trowel and leveling plaster to specified thickness, using screed.

• Spreading concrete on subfloors with trowel and leveling it with screed.

• Spreading mastic or other adhesive base on roof deck, using serrated spreader to form base for promenade tile.

• Cutting and shaping tile with tile cutters and biters.

• Positioning tile and tapping it with trowel handle to affix tile to plaster or adhesive base.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01384, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01386 Traffic control stripers. For intents and purposes of the Washington state public works law, chapter 39.12 RCW, the scope of work for traffic control stripers is as follows:

(1) All painting, application and installing of lines, arrows, bumpers, curbs, etc., on parking lots, air fields, highways, game courts and other such surfaces.

(2) The handling, painting and installing of all car stops, stop signs and any other type sign installed for the purpose of regulating traffic on such surfaces.

(3) The installation of plastic, metal or composition button, or lines used instead of paint.

(4) Installation of parking gates, ticket spitters and other similar mechanical and automatic control devices.

(5) Seal coating, slurry coating and other surface protection.

(6) Line removal; chemical sand and hydro-blast, paint and button.

(7) Installation of guard rail and posts and similar protective devices.

(8) Manufacturing and installation of all car stops, per example: Metal, wood, concrete, plastic, etc., and all similar traffic regulators.

(9) Manufacturing, painting, stenciling, servicing, repairing, placing and removal of traffic safety and control devices (barricades).

(10) The preparation and maintenance of all surfaces as outlined above.

(11) Responsible for all the cleanup required in connection with traffic control stripers work.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01386, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01387 Power line clearance tree trimming. For the purpose of the Washington state public works law, chapter 39.12 RCW, the scope of work for power line clearance tree trimmers, chippermen and power line clearance tree trimmer apprentices is as follows:

(1) Power line clearance tree trimmer.

• Trims trees to clean right of way for electrical power lines to minimize storm and short-circuit hazards.

• Climbs trees to reach branches interfering with wires and transmission towers, using climbing equipment, or may work from bucket of extended truck boom to reach limbs.

• Prunes treetops, limbs and branches, using saws or pruning shears.

• Falls trees interfering with power service, using chainsaw.

• Repairs trees damaged by storms or lighting, by trimming jagged stumps and painting them to prevent bleeding of sap.

• Removes broken limbs from wires, using hooked extension pole.

(2) Chipperman.

• Assists tree trimmer in clearing trees, branches and brush interfering with electrical power lines. He performs all this work on the ground.

• Hoists tools and equipment to tree trimmers and lowers tree tops, limbs and branches with rope or block and tackle. Positions and steadies ladders. Operates the wood chipper (turns on and off). Saws and chops up tree trunks, tree tops, limbs, branches, and brush and leads them into the chipper. Drives the truck which tows the chipper.

• This classification is being phased out. To be used only for employees hired as "chippermen" prior to July 1, 1985.

(3) Power line clearance tree trimmer apprentice.

• Assist tree trimmer in clearing trees, branches and brush interfering with electrical power lines. He performs all his work on the ground.

• Hoists tools and equipment to tree trimmer and lowers tree tops, limbs and branches with rope of block and tackle. Positions and steadies ladders. Operates the wood chipper (turns it on and off). Saws and chips up tree trunks, tree tops, limbs, branches, and brush and feeds them into the chipper. Drives the truck which tows the chipper.

• Drags tree trunks, limbs, branches, and brush to the chipper, when the chipper is stationed a considerable distance from the location where the tree trimming is done.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01387, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01389 Utilities construction (underground sewers and water lines). For the purpose of the Washington state public works law, chapter 39.12 RCW, utilities construction is defined as follows:

The construction, alteration, repair or improvement of water mains, sanitary sewer mains, underground storm sewers and branch lines to buildings but not underneath buildings, within cities, towns, suburbs and subdivisions. The work includes, but is not limited to:

(1) Clearance of right of way preparatory to the excavation of trenches or ditches.

(2) Excavation and trimming of trenches or ditches (including establishing and maintaining grade).

(3) Shoring, building of manholes, catch basins, etc.

(4) Distribution of pipe and skids, placing of skids and pipe over the trench or ditch.

(5) The cleaning, sealing, doping and wrapping of the pipe after the joints have been welded and before lowering the pipe into the trench and alignment.

(6) Lowering of the pipe and the removal of the skids.

(7) Backfilling, compaction and resurfacing of trenches or ditches (e.g., asphalt work necessary to cover the trench or ditch, but all other asphalt work is excluded).

(8) Cleanup and restoration of right of way (e.g., restore landscaping).

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01389, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01391 Water well drillers, exploration drillers, water well pump installers, and equipment oilers. For the purpose of the Washington state public works law, chapter 39.12 RCW, the work of water well drillers, exploration drillers, water well pump installers, and equipment oilers includes, but is not limited to:

(1) Water well drillers. The drilling of wells for:

(a) Commercial water supplies.

(b) Irrigation water supplies.

(c) Water supplies for any other purpose.

(d) Dewatering, or similar purposes.

(2) Exploration drillers.

(a) Hole drilling for geologic or hydrologic information.

(b) Core drilling for geologic information.

(3) Water well pump installers. The installation of water well pumps for all purposes, except commercial water supplies.

(4) Equipment oilers. Assist the drillers and pump installers in the performance of the tasks described above.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01391, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01392 Stage rigging mechanics (nonstructural). For the purpose of the Washington state public works law, chapter 39.12 RCW, stage rigging mechanics perform nonpermanent mechanical and operational stage rigging work for theatrical performances and productions (regardless of the size of the production), and is work requiring the use of manual hydraulic systems, pneumatic systems, motor systems, electro-mechanic and stage rigging systems and methods for controlling and linking these.

The work includes, but is not limited to:

• Assembling, working with, or disassembling cables, pulleys, tackle, winches, automated scenery, or other gear associated with the lifting or supporting of objects above the floor.

• Installing, maintaining and dismantling the physical means of support for the overhead equipment related to the stage production. Set motor power and truss attachment gear.

• Maintaining suspended stage equipment.

Work performed under this scope does not include: Any work processes as described above which are necessary as part of a public works construction project for new construction, improvement, altera-

tion or repair to maintain structural integrity to an existing system or theatrical facility.

[Statutory Authority: Chapter 39.12 RCW and RCW 43.22.270. WSR 07-01-078, § 296-127-01392, filed 12/19/06, effective 2/1/07.]

WAC 296-127-01393 Street sweepers (nonconstruction). For the purpose of the Washington state public works law, chapter 39.12 RCW, street sweepers perform cleaning or sweeping work under a public works maintenance contract that requires the use of power brooms (sweepers), power vacuums, power blowers, or power washers. This work includes, but is not limited to:

• The cleaning or sweeping of streets, roads, fire lanes, parking lots, school grounds (campus streets), game courts and similar paved surfaces and other nonroadway surfaces or locations on or adjacent to schools, office complexes, parks, and similar publicly owned or maintained facilities or locations.

• Driving a street sweeping vehicle to clean streets, parking lots, and other similar surfaces of debris. Incidental hand sweeping or backpack air blowing may be required in tight areas where the sweeper brooms cannot reach. Fills vehicle water tanks and operates the controls to activate rotary brushes and water spray nozzles to facilitate debris collection, cleaning, and in order to control dust. Disposes of waste material. Performs minor vehicle maintenance of the sweeper by cleaning it, checking fluids and tire pressure.

The cleaning work covered by this scope is limited to a maintenance contract for the cleaning of streets or similar exterior surfaces.

Work performed under this scope does not include: Sweeping work necessary and in conjunction with a public works construction project to maintain and keep streets or similar surfaces clear of debris or the clean-up of streets or similar surfaces necessary during and after a public works construction project and prior to acceptance. Operation of street sweeping equipment during and after a public works construction project would fall under the classification of Operating engineers (equipment operators), WAC 296-127-01354, and operation of hand held or backpack air blowers or hand sweeping would fall under the classification of Laborers, WAC 296-127-01344.

Classifications:
Equipment operators (riding-type)
Power brooms
Power vacuums
Power blowers
Power washers

[Statutory Authority: Chapter 39.12 RCW and RCW 43.22.270. WSR 07-01-078, § 296-127-01393, filed 12/19/06, effective 2/1/07.]

WAC 296-127-01394 Tinting and coating installer. For the purpose of the Washington state public works law, chapter 39.12 RCW, tinting and coating installers apply film, tints, and coatings to transparent surfaces. The work includes, but is not limited to:

• The application of any film, tints, and coatings to the interior or exterior of existing windows, glazed doors, partitions, shop fronts, etc. This includes special dyes, UV absorbers and metal coat-

ings. This work also includes tints and coatings applied to reduce heat gain and glare, and low-emittance coatings to improve both heating and cooling performance.

[Statutory Authority: Chapter 39.12 RCW and RCW 43.22.270. WSR 07-01-078, § 296-127-01394, filed 12/19/06, effective 2/1/07.]

WAC 296-127-01396 Construction site surveyor. For the purpose of the Washington state public works law, chapter 39.12 RCW, construction site surveyors perform survey work which requires the use or utilization of transits, tripod mounted levels, lasers, electrotape and other electronic measuring devices or theodolites to establish a location, an elevation or grade, distances, and other measurements.

(1) The work of the construction site surveyor includes, but is not limited to:

• Survey work performed after the contract is awarded and during the actual construction in direct support of construction crews when the worker is in the employ of and working under the direction of a construction contractor to survey check points of location and grade on a construction site using a variety of measurement tools, instruments, and procedures.

(2) The construction site surveyor scope of work does not include surveying services not within the description in subsection (1) of this section that are required by specification or contract or state law to be performed under the direct supervision of individuals registered under chapter 18.43 RCW.

[Statutory Authority: Chapter 39.12 RCW and RCW 43.22.270. WSR 08-23-082, § 296-127-01396, filed 11/18/08, effective 1/1/09.]

WAC 296-127-01398 Truck drivers. For the purpose of the Washington state public works law, chapter 39.12 RCW, truck drivers drive various types of trucks, other than transit mixer and volumetric type trucks hauling concrete, used for the hauling of materials and equipment related to work covered under chapter 39.12 RCW.

The work of truck drivers includes, but is not limited to, truck driving to do the following:

(1) Delivery, discharge of materials, travel time, and other work according to the provisions of WAC 296-127-018;

(2) Delivery of project specific (nonstandard) items to the job site;

(3) Mobilization of contractors' equipment;

(4) Driving and operating various types of trucks at, on or for the project; and

(5) Removing any materials from a public works construction site pursuant to contract requirements or specifications (e.g., excavated materials, materials from demolished structures, clean-up materials, etc.).

[Statutory Authority: Chapter 39.12 RCW. WSR 16-19-074, § 296-127-01398, filed 9/20/16, effective 11/1/16.]

WAC 296-127-014 Usual benefits. (1) Employers are not required to establish "usual benefit" programs. If an employer chooses not to

provide such benefits, however, wages paid must be at the full prevailing wage rate as defined by RCW 39.12.010.

(2) To be deemed a "usual benefit," the following requirements must be satisfied:

(a) Employer payments for the usual benefit shall be made only in conformance with all applicable federal and state laws, including the requirements of the Employment Retirement Income Security Act of 1974, as amended, and of the Internal Revenue Service; and

(b) Employee payments toward the usual benefit, through self-contribution, payroll deduction, or otherwise, shall not constitute a credit to the employer for prevailing wage purposes.

(3) "Usual benefits" are limited to the following:

(a) Health and welfare payments. This is medical insurance, which may include dental, vision, and life insurance. Insurance programs providing protection against industrial accidents or occupational illnesses which are mandated by state or federal statutes, and all related mandatory forms of protection, shall not qualify as health and welfare insurance.

(b) Employer payments on behalf of a person employed for the purpose of providing retirement income.

(c) Vacation payments made either directly to the employees or into a vacation fund, provided these benefits are paid to the employees.

(d) Apprentice training fund. Payments made to training programs approved or recognized by the Washington state apprenticeship and training council.

(e) Paid holidays. Payments made to employees for specified holidays.

(4) Any fringe benefits required by other local, state, or federal laws do not qualify as "usual benefits."

[Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. WSR 92-01-104, § 296-127-014, filed 12/18/91, effective 1/31/92; WSR 88-22-046 (Order 88-22), § 296-127-014, filed 10/31/88.]

WAC 296-127-01410 Information concerning prevailing wage usual benefits. (1) Contractors and employers shall conform to all posting and employee notification requirements provided by applicable federal and state laws concerning usual benefits plans.

(2) Contractors and employers must have, and make available to the department upon request, copies of all documents concerning usual benefits, as identified in WAC 296-127-014, for which employer payments are made.

[Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. WSR 92-01-104, § 296-127-01410, filed 12/18/91, effective 1/31/92.]

WAC 296-127-015 Applicability of prevailing wages for supervisors. Determinations as to whether individuals are workers, laborers, or mechanics are based on the scope of work actually performed by the individuals, rather than the title of their occupations.

(1) Where additional supervisory duties are required of workers, laborers, or mechanics by statute or regulation, the industrial statistician shall establish a rate of pay for a work classification to

be called "journey level in charge." These rates shall be published in the semiannual prevailing wage publication.

(2) Supervisors (e.g., foremen, general foremen, superintendents, etc.,) are entitled to receive at least the journey level prevailing rate of wage for performing manual or physical labor:

(a) For each hour spent in the performance of manual or physical labor if it is for more than twenty percent but less than fifty percent of their hours worked on a public works project during any given week.

(b) For all hours worked in any given week if they perform manual or physical labor for fifty percent or more of their hours worked on a public works project during such week.

(3) If supervisors subject to the journey level prevailing wage rate are paid a salary, the compensation (salary divided by number of hours worked) must be equal to or greater than the prevailing wage rate for the type of work performed.

[Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. WSR 92-01-104, § 296-127-015, filed 12/18/91, effective 1/31/92; WSR 88-22-046 (Order 88-22), § 296-127-015, filed 10/31/88.]

WAC 296-127-017 Notice of wage determinations. Current prevailing wage data will be furnished by the office of the industrial statistician upon request.

[Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. WSR 92-01-104, § 296-127-017, filed 12/18/91, effective 1/31/92. Statutory Authority: RCW 39.12.015, 39.12.060 and HB 795, 1982 1st ex.s. c 38. WSR 82-18-041 (Order 82-28), § 296-127-017, filed 8/27/82.]

WAC 296-127-018 Coverage and exemptions of workers involved in the production and delivery of gravel, concrete, asphalt, or similar materials. (1) The materials covered under this section include but are not limited to: Sand, gravel, crushed rock, concrete, asphalt, or other similar materials.

(2) All workers, regardless of by whom employed, are subject to the provisions of chapter 39.12 RCW when they perform any or all of the following functions:

(a) They deliver or discharge any of the above-listed materials to a public works project site:

(i) At one or more point(s) directly upon the location where the material will be incorporated into the project; or

(ii) At multiple points at the project; or

(iii) Adjacent to the location and coordinated with the incorporation of those materials.

(b) They wait at or near a public works project site to perform any tasks subject to this section of the rule.

(c) They remove any materials from a public works construction site pursuant to contract requirements or specifications (e.g., excavated materials, materials from demolished structures, clean-up materials, etc.).

(d) They work in a materials production facility (e.g., batch plant, borrow pit, rock quarry, etc.,) which is established for a public works project for the specific, but not necessarily exclusive, purpose of supplying materials for the project.

(e) They deliver concrete to a public works site regardless of the method of incorporation.

(f) They assist or participate in the incorporation of any materials into the public works project.

(3) All travel time that relates to the work covered under subsection (2) of this section requires the payment of prevailing wages. Travel time includes time spent waiting to load, loading, transporting, waiting to unload, and delivering materials. Travel time would include all time spent in travel in support of a public works project whether the vehicle is empty or full. For example, travel time spent returning to a supply source to obtain another load of material for use on a public works site or returning to the public works site to obtain another load of excavated material is time spent in travel that is subject to prevailing wage. Travel to a supply source, including travel from a public works site, to obtain materials for use on a private project would not be travel subject to the prevailing wage.

(4) Workers are not subject to the provisions of chapter 39.12 RCW when they deliver materials to a stockpile.

(a) A "stockpile" is defined as materials delivered to a pile located away from the site of incorporation such that the stockpiled materials must be physically moved from the stockpile and transported to another location on the project site in order to be incorporated into the project.

(b) A stockpile does not include any of the functions described in subsection (2)(a) through (f) of this section; nor does a stockpile include materials delivered or distributed to multiple locations upon the project site; nor does a stockpile include materials dumped at the place of incorporation, or adjacent to the location and coordinated with the incorporation.

(5) The applicable prevailing wage rate shall be determined by the locality in which the work is performed. Workers subject to subsection (2)(d) of this section, who produce such materials at an offsite facility shall be paid the applicable prevailing wage rates for the county in which the offsite facility is located. Workers subject to subsection (2) of this section, who deliver such materials to a public works project site shall be paid the applicable prevailing wage rates for the county in which the public works project is located.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.051 and 43.22.270. WSR 08-24-101, § 296-127-018, filed 12/2/08, effective 1/2/09. Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. WSR 92-01-104 and 92-08-101, § 296-127-018, filed 12/18/91 and 4/1/92, effective 8/31/92.]

WAC 296-127-019 Survey methodology. (1) The industrial statistician shall establish prevailing wage rates by:

(a) Conducting wage and hour surveys for established trades and occupations;

(b) Adopting the wage and benefit adjustments established in collective bargaining agreements for those trades or occupations where the most recently established prevailing wage rates were derived from a collective bargaining agreement; and/or

(c) In instances when the procedures established in (a) and (b) of this subsection are not feasible, employing other methods deemed appropriate by the industrial statistician as set out in subsection (8) of this section.

(2) The department will determine the identity of employers to be surveyed for a specific trade or occupation by:

(a) Mailing trade and occupation questionnaires to all contractors whose registration under chapter 18.27 RCW or license under chapter 19.28 RCW is active;

(b) Mailing trade and occupation questionnaires to Washington state department of transportation prequalified contractors; and

(c) Compiling and maintaining lists of employers that are not required to be registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW, but that employ workers in building service maintenance, in shipbuilding or ship repair, in the fabrication and/or manufacture of nonstandard items produced specifically for a public works project, and/or in the production and delivery of materials as defined in WAC 296-127-018. Trades and occupations utilized by the shipbuilding and ship repair industries shall not have their survey data combined with their construction counterparts, for the purpose of establishing prevailing wage rates for that industry.

(3)(a) Wage survey forms will be mailed to:

(i) Those contractors and employers whose businesses currently are active and were active during the established survey period, and whose response to the trade and occupation questionnaire indicates that they employ one or more of the trades or occupations being surveyed; and

(ii) Labor unions representing workers in the trades or occupations being surveyed.

(b) The department annually shall mail to statewide trade associations and statewide labor organizations a proposed schedule of trades intended to be surveyed during the upcoming fiscal year. In addition, the department shall notify those statewide trade associations and labor organizations, reasonably known to be affected, of the mailing of wage surveys.

(4) Data reported on survey forms may be verified by the department, and will be used only when submitted on behalf of or by:

(a) Individual contractors identified by a contractor registration number that currently is valid, and was valid during the established survey period;

(b) Employers that are not required to be registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW, that directly employ and supervise workers as employees in building service maintenance, in shipbuilding or ship repair, in the manufacture of nonstandard items specifically produced for a public works project, or in the production and delivery of materials, as defined in WAC 296-127-018;

(c) Labor unions submitting wage and hour data on behalf of contractors and/or employers who are signatory to those unions' collective bargaining agreements covering the trade or occupation being surveyed; or

(d) Interested parties providing wage and hour data by trade and occupation from certified payroll records and/or from hours reported by trade and occupation on affidavits of wages paid, according to guidelines established by the department.

(5) The department shall use affidavit forms that include a requirement that contractors report the actual number of hours worked by each trade and occupation utilized on the public works project for which the affidavit is filed.

(6) Valid data reported on wage surveys shall be calculated, as follows:

(a) If the majority of hours reported for a trade or occupation in the largest city in a county is paid at the same wage rate, then that rate shall be established as the prevailing wage rate.

(b) If the same wage rate is not reported to have been paid for the majority of hours reported in the largest city in a county for a trade or occupation, then the average wage rate shall be established as the prevailing wage rate, based on a weighted average of the hours, wages, and benefits reported in the largest city.

(c) If a statistically significant number of hours fails to be reported for the largest city in a county, then the average wage rate for the county is established as the prevailing wage, based on a weighted average.

(7) Survey data will not be accepted if the data report the hours and wages of those who are exempt from the prevailing wage requirements of chapter 39.12 RCW, as defined in WAC 296-127-026.

(8)(a) The industrial statistician may utilize alternative methods to establish prevailing wage rates consistent with the terms of (b) of this subsection. These methods include, but are not limited to:

(i) The use of wage and hour data from the department of employment security;

(ii) The use of wage and hour data from the industrial insurance division of the department of labor and industries;

(iii) The use of data from surveys performed by the United States Department of Labor, wage and hour division; or

(iv) The use of wage and hour data reported to the department on affidavits of wages paid.

(b) These alternative methods will not be used for trades or occupations for which surveys had been completed as of the effective date of this section unless a subsequent survey produces insufficient data. In addition, these alternative methods may be used under circumstances that include, but are not limited to, the following:

(i) To establish prevailing wage rates for a new trade or occupation where a survey is not immediately feasible;

(ii) In response to an administrative or judicial determination of invalid wage rate or scope of work description;

(iii) In response to changes or additions in licensing, safety, or other requirements of other state agencies, departments or divisions; or

(iv) To establish rates for industries and trades and occupations generally not surveyed, in order to meet the requirement of having established wage rates for publication in contract or bid specifications as required by RCW 39.12.030.

(9) Any party that submits false information under this section shall, after a determination to that effect has been issued by the director after a hearing pursuant to chapter 34.05 RCW, forfeit as a civil penalty the sum of five hundred dollars.

[Statutory Authority: Chapter 39.12 RCW. WSR 19-15-119, § 296-127-019, filed 7/23/19, effective 8/23/19. Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. WSR 92-01-104, § 296-127-019, filed 12/18/91, effective 1/31/92; WSR 88-22-046 (Order 88-22), § 296-127-019, filed 10/31/88.]

WAC 296-127-020 Interpretation of phrases used in chapter 39.12 RCW. (1) The "acceptance date of the public works project" referred to in RCW 39.12.065 is the date that the contract awarding agency for-

mally accepts the completed public works project pursuant to state law.

(2) RCW 39.12.050 and 39.12.065 refer to "inadvertent filing or reporting error." The department defines an error as "inadvertent" if it is made by a contractor, as defined by WAC 296-127-010(5), or employer that shows that the error was made notwithstanding the use of due care by the contractor or employer. The burden of proving that an error is inadvertent rests with the contractor or employer charged with the error.

(3) The definition of "locality" in RCW 39.12.010(2) contains the phrase "wherein the physical work is being performed." The department interprets this phrase to mean the actual work site. For example, if nonstandard items specifically produced for public works projects are prefabricated in a county other than the county wherein the public works project is to be completed, the wage for the offsite prefabrication shall be the applicable prevailing wage for the county in which the actual prefabrication takes place. Workers who deliver such nonstandard items, as well as materials pursuant to the terms of WAC 296-127-018, shall be paid the applicable prevailing wage for the county in which the public works project is located.

(4) In the implementation and enforcement of RCW 39.12.050, 39.12.055, 39.12.065, and 39.12.130 the terms "contractor" and "subcontractor" include an entity, however organized, with substantially identical corporate and/or operational structure to an entity that has been found to violate RCW 39.12.050, 39.12.055, and 39.12.065. The factors used to determine substantial identity shall include an assessment of whether there is: Substantial continuity of the same business operation; use of the same machinery and/or equipment; similarity of jobs and types of working conditions; continuity of supervisors; and similarity of product or services. An entity with operational, corporate, and management structures distinct from an entity that has been found in violation under RCW 39.12.050, 39.12.055, or 39.12.065, or any associated rules, shall not be deemed a substantially identical entity.

[Statutory Authority: Chapter 39.12 RCW. WSR 25-09-126, s 296-127-020, filed 4/22/25, effective 1/1/26. Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. WSR 92-01-104, § 296-127-020, filed 12/18/91, effective 1/31/92. Statutory Authority: RCW 39.12.050, 39.12.065, 43.22.270 and 51.04.020. WSR 86-03-063 (Order 85-28), § 296-127-020, filed 1/17/86. Statutory Authority: RCW 39.12.015, 39.12.060 and HB 795, 1982 1st ex.s. c 38. WSR 82-18-041 (Order 82-28), § 296-127-020, filed 8/27/82.]

WAC 296-127-021 Apprentice worker. Any apprentice employed on public works projects for whom an apprentice agreement is registered and approved by the state apprenticeship council pursuant to chapter 49.04 RCW within sixty days of hiring may be considered an apprentice and paid the applicable prevailing hourly rate for an apprentice of that trade for all hours worked.

[Statutory Authority: RCW 39.12.015, 39.12.060 and House Bill 795, 1982 1st ex.s. c 38. WSR 82-18-041 (Order 82-28), § 296-127-021, filed 8/27/82.]

WAC 296-127-022 Overtime according to RCW 49.28.065. (1) Work performed on public works contracts will not require the payment of overtime rates for the first two hours worked in excess of eight hours per day when the employer and employee voluntarily enter into an agreement wherein the employee will work up to ten hours per day in a four-day week to accomplish forty hours of work.

(2) Recognizing that there may be days when a full ten hours of work is not available, the remainder of the forty hours may be made up on another work day or days within the same work week, except work performed on Saturdays, Sundays, and holidays is subject to the established prevailing overtime provisions for a given trade or occupation, as provided in chapter 39.12 RCW.

(3) For the purpose of this section an agreement must:

(a) Have been authorized by employees who bargained collectively with their employers through representatives of their own choosing; or

(b) Be obtained in writing, signed, and dated by both parties; and

(c) Be entered into individually with each employee; and

(d) Be entered into separately for each public works project, except that an employer, at its option, may obtain an annual authorization; and

(e) State the name of the public works project with specificity; and

(f) Be entered into voluntarily by the employer and employee.

(4) Each employer must retain copies of the individual employee authorization agreements required pursuant to subsection (3) of this section for three years from the date of acceptance of the public works project by the contract awarding agency. Absence of an authorization record for an employee shall be deemed per se evidence of lack of that employee's authorization. Such records are payroll records, subject to the requirements of WAC 296-127-320.

(5) It is prohibited to work more than ten hours in any calendar day on a public works project except in cases of extraordinary emergency, such as danger to life or property.

(6) Notwithstanding the above provisions, overtime rates must be paid for all hours worked in excess of forty hours per week.

(7) This section provides a minimum public works overtime standard, and does not supersede prevailing overtime wage rates established under the authority of chapter 39.12 RCW.

[Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. WSR 92-01-104, § 296-127-022, filed 12/18/91, effective 1/31/92. Statutory Authority: RCW 43.22.270. WSR 88-19-055 (Order 88-21), § 296-127-022, filed 9/15/88.]

WAC 296-127-023 Building service maintenance. The "public building service maintenance contracts" referred to in RCW 39.12.020 shall mean janitorial service contracts and cover only work performed by janitors, waxers, shampooers, and window cleaners.

For all building service maintenance contracts, the prevailing wage rates which are in effect on the date when the bids are required to be submitted to the contract awarding public agency are the minimum prevailing wage rates which must be paid for the first year of such contracts and thereafter. However, any building service maintenance contract of more than one year duration, must include wage increase language recognizing the potential for future variance in applicable

prevailing wage(s) and specifying that the wages which a contractor shall pay its employees must be altered annually to recognize and follow the most recently promulgated increases in prevailing wages each year after the first year of the contract period. The cost of the increases in the wages due employees shall be borne by the contract awarding agency.

[Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. WSR 88-22-046 (Order 88-22), § 296-127-023, filed 10/31/88.]

WAC 296-127-025 Applicability of joint federal-state standards. (1) When a public works project is subject to the provisions of the Washington state public works law, chapter 39.12 RCW, and the Federal Davis-Bacon and related acts, the contractor and every subcontractor on that project must pay at least the Washington state prevailing wage rates, if they are higher than the federal prevailing wage rates for the project unless specifically preempted by federal law.

(2) When the federal prevailing wage rates are higher than the Washington state prevailing wage rates, the contractor shall pay the federal rate as required by federal law.

[Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. WSR 92-01-104, § 296-127-025, filed 12/18/91, effective 1/31/92; WSR 88-22-046 (Order 88-22), § 296-127-025, filed 10/31/88.]

WAC 296-127-026 Exemptions for sole owners and their spouses, partnerships, corporations, and employees of public agencies. The prevailing wage requirements of chapter 39.12 RCW do not apply to:

(1) Sole owners and their spouses.

(2) Any partner who owns at least thirty percent of a partnership.

(3) The president, vice president and treasurer of a corporation if each one owns at least thirty percent of the corporation.

(4) Workers regularly employed by the state or any county, municipality, or political subdivision created by its laws.

[Statutory Authority: Chapter 39.12 RCW. WSR 19-15-119, § 296-127-026, filed 7/23/19, effective 8/23/19. Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. WSR 88-22-046 (Order 88-22), § 296-127-026, filed 10/31/88.]

WAC 296-127-030 Irrigation district exemption. Contracts awarded by irrigation districts for the reclamation or development of waste or undeveloped lands are not covered by the prevailing wage law, pursuant to RCW 39.04.010. Any work, construction alteration, repair or improvement that is not solely for the reclamation or development of waste or undeveloped land is covered by the prevailing wage laws and therefore subject to all the laws and regulations contained in and adopted pursuant to chapter 39.12 RCW.

[Statutory Authority: RCW 39.12.015, 39.12.060 and House Bill 795, 1982 1st ex.s. c 38. WSR 82-18-041 (Order 82-28), § 296-127-030, filed 8/27/82.]

WAC 296-127-040 Statement of intent to pay prevailing wages. (1) All statements of intent to pay prevailing wages submitted to the industrial statistician of the department shall be accompanied by a forty-dollar filing fee for each statement. Fees shall be made payable to the department of labor and industries.

(2) Any agency, division, or department of the state of Washington which through agreement with the department certifies statements of intent for its own contracts shall provide to the industrial statistician each month the number of statements of intent certified and quarterly shall send the fee set in RCW 39.12.070 for each statement of intent to pay prevailing wages it has certified. This fee shall be sent to the industrial statistician and be made payable to the department of labor and industries.

[Statutory Authority: 2019 c 193 § 1; RCW 39.12.070. WSR 21-20-044, § 296-127-040, filed 9/28/21, effective 10/29/21. Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270, and 2008 c 285. WSR 08-17-072, § 296-127-040, filed 8/19/08, effective 9/19/08. Statutory Authority: RCW 39.12.070. WSR 94-01-100, § 296-127-040, filed 12/16/93, effective 1/16/94. Statutory Authority: RCW 43.22.270. WSR 90-24-053, § 296-127-040, filed 12/3/90, effective 1/3/91. Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. WSR 88-22-046 (Order 88-22), § 296-127-040, filed 10/31/88. Statutory Authority: RCW 39.12.015, 39.12.060 and House Bill 795, 1982 1st ex.s. c 38. WSR 82-18-041 (Order 82-28), § 296-127-040, filed 8/27/82.]

WAC 296-127-045 Affidavit of wages paid. (1) All affidavits of wages paid submitted to the industrial statistician of the department shall be accompanied by a forty-dollar filing fee for each affidavit of wages paid. All fees shall be made payable to the department of labor and industries.

(2) Any agency, division, or department of the state of Washington which through agreement with the department certifies affidavits of wages paid for its own contracts shall provide to the industrial statistician each month the number of affidavit of wages paid it has certified and quarterly shall send the fee set in RCW 39.12.070 for each affidavit of wages paid it has certified. This fee shall be sent to the industrial statistician and be made payable to the department of labor and industries.

[Statutory Authority: 2019 c 193 § 1; RCW 39.12.070. WSR 21-20-044, § 296-127-045, filed 9/28/21, effective 10/29/21. Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270, and 2008 c 285. WSR 08-17-072, § 296-127-045, filed 8/19/08, effective 9/19/08. Statutory Authority: RCW 39.12.070. WSR 94-01-100, § 296-127-045, filed 12/16/93, effective 1/16/94. Statutory Authority: RCW 43.22.270. WSR 90-24-053, § 296-127-045, filed 12/3/90, effective 1/3/91. Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. WSR 88-22-046 (Order 88-22), § 296-127-045, filed 10/31/88. Statutory Authority: RCW 39.12.015, 39.12.060 and House Bill 795, 1982 1st ex.s. c 38. WSR 82-18-041 (Order 82-28), § 296-127-045, filed 8/27/82.]

WAC 296-127-050 Filing of statements of intent to pay prevailing wages and affidavits of wages paid per RCW 39.12.040(2). A contract awarding agency may, as part of a public works contract, enter into an

agreement with a contractor to approve statements of intent to pay prevailing wages and affidavits of wages paid on behalf of the department as provided in RCW 39.12.040(2), pursuant to the following terms:

(1) The agreement must be incorporated into the bid specifications and contract document;

(2) Statement of intent forms and affidavit of wages paid forms, provided by the department, must be filed with the contract awarding agency by the contractor prior to the disbursement of public funds;

(3) Contract awarding agencies must retain copies of all statements of intent to pay prevailing wages received pursuant to this section for a period of not less than three years;

(4) Contract awarding agencies must send to the department copies of all affidavits of wages paid received pursuant to this section within 30 days of receipt from the contractor;

(5) The contract awarding agency shall accept full responsibility and liability for payment of any valid wage claims directly to the claimant;

(6) The contract awarding agency may proceed against any contractor found to have violated the provisions of the statute, and may debar such contractor from consideration for future contracts for up to one year and will provide the department with the names and contractor registration or other employer identification numbers of any such debarred contractors within 30 days of the debarment; and

(7) Contract awarding agencies and contractors shall not enter into contracts or agreements to perform public work that subdivide or otherwise disaggregate any public works project of more than the dollar amount outlined in RCW 39.12.040 (2)(e), to enable such public works project to be awarded pursuant to this section.

[Statutory Authority: Chapter 39.12 RCW. WSR 23-24-085, § 296-127-050, filed 12/5/23, effective 7/1/24. Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. WSR 92-01-104, § 296-127-050, filed 12/18/91, effective 1/31/92.]

WAC 296-127-060 Director of department of labor and industries to arbitrate disputes—General provisions. (1) The contract executed between a public authority and the successful bidder or contractor and all of his or her subcontractors shall contain a provision that in case any dispute arises as to what are the prevailing rates of wages for a specific trade, craft or occupation and such dispute cannot be adjusted by the parties in interest, including labor and management representatives, the matter shall be referred for arbitration to the director, and his or her decision shall be final, conclusive, and binding on all parties involved in the dispute.

(2) In exercising his or her authority to hear and decide disputes the director shall consider among other things, timeliness, the nature of the relief sought, matters of undue hardship or injustice, or public interest. A "timely" request for arbitration is one received within thirty days after the contract has been awarded.

(3) Any party in interest who is seeking a modification or other change in a wage determination under RCW 39.12.015, and who has requested the industrial statistician to make such modification or other change and the request has been denied, after appropriate reconsideration by the assistant director shall have a right to petition for arbitration of the determination.

(a) For purpose of this section, the term "party in interest" is considered to include, without limitation:

(i) Any contractor, or an association representing a contractor, who is likely to seek or to work under a contract containing a particular wage determination, or any worker, laborer or mechanic, or any council of unions or any labor organization which represents a laborer or mechanic who is likely to be employed or to seek employment under a contract containing a particular wage determination, and

(ii) Any public agency concerned with the administration of a proposed contract or a contract containing a particular wage determination issued pursuant to chapter 39.12 RCW.

(b) For good cause shown, the director may permit any party in interest to intervene or otherwise participate in any proceeding held by the director. A petition to intervene or otherwise participate shall be in writing, and shall state with precision and particularity:

(i) The petitioner's relationship to the matters involved in the proceedings, and

(ii) The nature of the presentation which he or she would make. Copies of the petition shall be served on all parties or interested persons known to be participating in the proceeding, who may respond to the petition. Appropriate service shall be made of any response.

[Statutory Authority: Chapter 39.12 RCW. WSR 19-15-119, § 296-127-060, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 39.12.015, 39.12.060 and House Bill 795, 1982 1st ex.s. c 38. WSR 82-18-041 (Order 82-28), § 296-127-060, filed 8/27/82.]

WAC 296-127-061 Requests for arbitration. (1) The petition for arbitration (original and two copies) shall be filed with: Director, Department of Labor and Industries, 7273 Linderson Way Southwest, Tumwater, Washington, or by mail to: Post Office Box 44001, Olympia, WA 98504-4001. In addition, copies of the petition shall be served personally or by mail upon each of the following:

(a) The public agency or agencies involved;

(b) The industrial statistician; and

(c) Any other person (or the authorized representatives of such person) known to be interested in the subject matter of the petition.

(2) The director shall under no circumstances request any administering agency to postpone any contract performance because of the filing of a petition. This is a matter which must be resolved directly with the administering agency by the petitioner or other party in interest.

(3) A petition for arbitration of a wage determination shall:

(a) Be in writing and signed by the petitioner or his or her counsel (or other authorized representative); and

(b) Identify clearly the wage determination, location of project or projects in question, and the agency concerned; and

(c) State that the petitioner has requested reconsideration of the wage determination in question and describe briefly the action taken in response to the request; and

(d) Contain a short and plain statement of the grounds for review; and

(e) Be accompanied by supporting data, views, or arguments; and

(f) Be accompanied by a filing fee of seventy-five dollars. Fees shall be made payable to the department of labor and industries.

[Statutory Authority: Chapter 39.12 RCW. WSR 19-15-119, § 296-127-061, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 39.12.015, 39.12.060 and House Bill 795, 1982 1st ex.s. c 38. WSR 82-18-041 (Order 82-28), § 296-127-061, filed 8/27/82.]

WAC 296-127-062 Conduct of arbitration hearing. (1) Interested persons other than the petitioner shall have a reasonable opportunity as specified by the director in particular cases to submit to the director written data, views, or arguments relating to the petition. Such material (original and four copies) shall be filed with the: Director, Department of Labor and Industries, 7273 Linderson Way Southwest, Tumwater, Washington, or by mail to: Post Office Box 44001, Olympia, WA 98504-4001 and be accompanied by a filing fee of thirty-five dollars. Fees shall be made payable to the department of labor and industries. Copies of any such material shall be served on the petitioner and other interested persons.

(2) Each party in interest shall have the right to appear in person or by or with counsel or other qualified representatives in any proceeding before the director. If all parties agree, oral testimony may be waived and arguments submitted in writing.

(3) Upon his or her own initiative or upon motion of any interested person or party, the director may consolidate in any proceeding or concurrently consider two or more appeals which involve substantially the same persons or parties, or issues which are the same or closely related, if he or she finds that such consolidation or concurrent review will contribute to an efficient review and to the ends of justice, and it will not unduly delay consideration of any such appeals.

(4) The director shall prescribe the time and place for hearing. The director shall schedule the hearing within forty-five days of the request. For good cause shown, the director may allow a continuance at the request of a party in interest.

(a) With respect to any proceeding before the director, the director may upon his or her own initiative or upon the request of any interested person or party direct the interested persons or parties to appear before the director at a specified time and place in order to simplify the issues presented or to take up any other matters which may tend to expedite or otherwise facilitate the disposition of the proceeding.

(b) All papers submitted to the director under this section shall be filed with the: Department of Labor and Industries, 7273 Linderson Way Southwest, Tumwater, Washington, or by mail to: Post Office Box 44001, Olympia, WA 98504-4001. An original and two copies of all papers shall be submitted. Service under this part shall be by the filing party or interested person; service may be personal or may be by mail. Service by mail is complete on mailing.

(5) The final disposition shall be by the director.

(a) The director may decline review of any case whenever in his judgment a review would be inappropriate or because of the lack of timeliness, the nature of the relief sought, or other reasons.

(b) The director shall decide the case upon the basis of all relevant matter contained in the entire record before him or her but the director may utilize his or her experience, technical competence, and specialized knowledge in evaluating the evidence.

(c) Upon reasonable notice to the parties or interested persons, the director may vary the procedures specified in this part in particular cases.

(6) The director may allow all parties a period of ten days for filing post-hearing briefs prior to closing the record and concluding the hearing.

(7) The director shall issue a written decision within thirty days of the conclusion of the hearing. A copy shall be sent to each party in interest.

[Statutory Authority: Chapter 39.12 RCW. WSR 19-15-119, § 296-127-062, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 39.12.015, 39.12.060 and House Bill 795, 1982 1st ex.s. c 38. WSR 82-18-041 (Order 82-28), § 296-127-062, filed 8/27/82.]

WAC 296-127-130 Filing of complaint. Any interested party, as defined in RCW 39.12.010(4) may file with the department a complaint alleging a violation of the prevailing wage laws. The complaint must describe the alleged violation and identify the alleged violator. It would aid the department's investigation if the complaint also specifies:

(1) The name and address of the complainant;

(2) The address of the alleged violator;

(3) The name and address of the public agency that awarded the contract;

(4) The date the public agency accepted the completed public work (if applicable);

(5) The specific rates of wages paid by the violator and the rates that allegedly should be paid;

(6) The exact amount of prevailing wages that are alleged to remain unpaid; and

(7) The date the bids were due on the public works project.

[Statutory Authority: RCW 39.12.050, 39.12.065, 43.22.270 and 51.04.020. WSR 86-03-063 (Order 85-28), § 296-127-130, filed 1/17/86.]

WAC 296-127-140 Investigation of complaint. (1) The department shall investigate a complaint filed by an interested party unless the complaint was filed more than 60 days after the date the public agency accepted the public work that gave rise to the complaint. The department may, in its sole discretion, investigate a complaint filed more than 60 days after the acceptance date. However, the department may not charge a contractor with a violation of RCW 39.12.065 if the complaint is filed after the 60-day limit.

The department's investigation shall determine whether a violation of RCW 39.12.065 or 39.12.050, or both, or of any other provision of chapter 39.12 RCW, occurred.

(2) If the department's investigation substantiates a complaint that alleges that a contractor has violated RCW 39.12.065, the department is required to attempt to collect unpaid wages for the contractor's employees. During the investigation, the department should be able to identify the affected employees. The department shall direct to the affected employees the best notice practicable under the circumstances, including individual notice to all employees who can be identified through reasonable effort. The notice shall inform the em-

ployee that (a) the department's final order, whether favorable or not, will apply to all employees; (b) any employee may, if he or she desires, move to intervene as a party in any hearing held as a result of the investigation; and (c) that the employee may have a private right of action to collect unpaid prevailing wages.

[Statutory Authority: Chapter 39.12 RCW. WSR 24-21-088, s 296-127-140, filed 10/17/24, effective 11/17/24. Statutory Authority: RCW 39.12.050, 39.12.065, 43.22.270 and 51.04.020. WSR 86-03-063 (Order 85-28), § 296-127-140, filed 1/17/86.]

WAC 296-127-150 Notice of violation. (1) If the department determines after its investigation that there is reasonable cause to believe that the prevailing wage law has been violated, the department shall notify the violator of its determination. The notice of violation shall be served on the violator personally or by certified mail.

(2) The notice of violation shall:

(a) Describe concisely the violation;

(b) Specify which statute or statutes were violated;

(c) If known, identify the laborers, workers, and mechanics who are affected by the violation;

(d) If known, state the amount of unpaid prevailing wages the violator owes;

(e) State that an employee cannot by contract or agreement waive the right to receive the prevailing wage;

(f) State the penalty that the department will assess for a violation, if any, of RCW 39.12.065 and 39.12.050;

(g) State the date the complaint was filed with the department; and

(h) If applicable, state the substantially identical entity, however organized, with substantially identical operations, corporate, or management structure to an entity that has been found in violation under RCW 39.12.050, 39.12.055, or 39.12.065, or any associated rules.

(3) RCW 39.12.065 and 39.12.050 establish the penalty amounts.

(4) If the notice alleges a violation of RCW 39.12.065, the department shall serve a copy of the notice of violation on the violator's sureties under chapters 39.08, 18.27, 19.28, and 60.28 RCW.

(5) The notice of violation shall inform the violator and, if a violation of RCW 39.12.065 is alleged, its sureties that they may request a hearing on the violations, the amount of unpaid prevailing wages owed, or the penalties assessed. The notice shall specify that if no hearing is requested within 30 days of the date of the notice of violation, then it becomes final and binding, and not subject to further appeal.

(6) The director may issue a notice of violation under RCW 39.12.130 to extend the sanctions of a debarred or sanctioned entity imposed through a final and binding order or agreement to a substantially identical entity. A hearing must be held following a timely appeal of the notice of violation in accordance with chapter 34.05 RCW. The director shall issue a written determination including his or her findings after the hearing unless a notice of violation is not timely appealed. A notice of violation not timely appealed is final and binding, and is not subject to further appeal.

(7) For a notice of violation issued to a substantially identical entity pursuant to RCW 39.12.130, subsections (2)(a) through (g), and (4) of this section are not required if a notice of violation or other

applicable order under RCW 39.12.050, 39.12.055, or 39.12.065 is attached.

[Statutory Authority: Chapter 39.12 RCW. WSR 25-09-126, s 296-127-150, filed 4/22/25, effective 1/1/26. Statutory Authority: RCW 39.12.050, 39.12.065, 43.22.270 and 51.04.020. WSR 86-03-063 (Order 85-28), § 296-127-150, filed 1/17/86.]

WAC 296-127-160 Appeal of notice of violation. The violator or any of its sureties who are interested in the matter may request a hearing on a notice of violation. The request for hearing must be filed with the director within 30 days after the date the department issued the notice. The party requesting the hearing must also serve a copy of the notice on all interested sureties and, if the requestor is a surety, on the violator.

The request for hearing must be in writing and must specify:

(1) The name and address of the party requesting the hearing;

(2) The notice of violation that is being appealed;

(3) The items of the notice of violation that the requestor believes are erroneous; and

(4) The reasons the notice of violation is erroneous.

[Statutory Authority: Chapter 39.12 RCW. WSR 24-21-088, s 296-127-160, filed 10/17/24, effective 11/17/24. Statutory Authority: RCW 39.12.050, 39.12.065, 43.22.270 and 51.04.020. WSR 86-03-063 (Order 85-28), § 296-127-160, filed 1/17/86.]

WAC 296-127-170 Hearing on notice of violation. (1) The director may hear the appeal personally or may delegate the authority to hold the hearing and draft a proposed decision to an administrative law judge pursuant to chapter 34.12 RCW. The plaintiff in the hearing shall be the department, and the defendants shall be the violator and its interested sureties. The department shall have the burden of proving, by a preponderance of the evidence, that the violations occurred and that any wages were unpaid as stated in the notice.

(2) Any interested party may upon motion, be allowed to intervene as a plaintiff in the hearing. "Standing" shall be construed broadly to effectuate the remedial purposes of the prevailing wage law. An interested party, whether or not admitted as a plaintiff, may submit written arguments and affidavits. The parties shall be given an opportunity to respond to or rebut any arguments and affidavits before the person presiding over the hearing makes his or her decision.

(3) The hearing shall be conducted in accordance with chapter 34.05 RCW.

(4) If the director presides over the hearing, the director shall issue a final decision that includes findings of fact and conclusions of law, and if appropriate an order to pay unpaid prevailing wages, a penalty, or both.

(5) If an administrative law judge presides over the hearing, she or he shall issue a proposed decision that includes findings of fact, conclusions of law, and if appropriate an order to pay unpaid prevailing wages, a penalty, or both. The proposed decision shall be served by certified mail or personally on the violator, the interested sureties, the department, and any interested parties who have intervened as plaintiffs. Any of these parties, if aggrieved by the proposed deci-

sion, may appeal to the director within thirty days after the date of issuance of the proposed decision. If none of the parties appeals within thirty days, the proposed decision may not be appealed either to the director or the courts.

(6) An appellant must file with the director an original and two copies of its notice of appeal. The notice of appeal must specify which findings and conclusions are erroneous. The appellant must attach to the notice the written arguments supporting its appeal.

The appellant must serve a copy of the notice of appeal and the arguments on the other parties. The respondent parties must file with the director their written arguments within thirty days after the date the notice of appeal and the arguments were served upon them.

(7) The director shall review the proposed decision in accordance with the Administrative Procedure Act, chapter 34.05 RCW. The director may: Allow the parties to present oral arguments as well as the written arguments; require the parties to specify the portions of the record on which the parties rely; require the parties to submit additional information by affidavit or certificate; remand the matter to the administrative law judge for further proceedings; and require a departmental employee to prepare a summary of the record for the director to review. The director shall issue a final decision that can affirm, modify, or reverse the proposed decision.

(8) The director shall serve the final decision on all parties. Any aggrieved party may appeal the final decision to superior court pursuant to chapter 34.05 RCW unless the final decision affirms an unappealed proposed decision. If no party appeals within the period set by chapter 34.05 RCW, the director's decision is conclusive and binding on all parties.

[Statutory Authority: Chapter 39.12 RCW. WSR 19-15-119, § 296-127-170, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 39.12.050, 39.12.065, 43.22.270 and 51.04.020. WSR 86-03-063 (Order 85-28), § 296-127-170, filed 1/17/86.]

WAC 296-127-180 Effect of final decision finding a violation of RCW 39.12.065. If the director issues a final decision that includes a finding that a contractor violated RCW 39.12.065 and that the contractor owes unpaid prevailing wages, and the finding is not timely appealed or is affirmed by the courts, the findings and the decision are res judicata in any action by the department or by any interested party who was a plaintiff at the hearing, against the contractor and its sureties to recover the unpaid prevailing wages. The findings and decision are not res judicata in any action by an interested party who was not a plaintiff at the hearing.

[Statutory Authority: RCW 39.12.050, 39.12.065, 43.22.270 and 51.04.020. WSR 86-03-063 (Order 85-28), § 296-127-180, filed 1/17/86.]

WAC 296-127-190 Filing of lien against retainage or bonds. (1) Upon receipt of a timely complaint that a contractor has violated RCW 39.12.065, and that the contractor owes unpaid prevailing wages, the department may file a lien against the retainage or bond obtained by the contractor under RCW 60.28.011.

(2) Upon issuance by the director of a final decision that finds that a contractor has violated RCW 39.12.065 or 39.12.050, and that

sets a civil penalty for the violation, the department shall file liens for the penalty amount against the retainage and bonds the contractor obtained under RCW 39.12.065 (2)(c), 39.08.010, and 60.28.011.

[Statutory Authority: Chapter 39.12 RCW. WSR 19-15-119, § 296-127-190, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 39.12.050, 39.12.065, 43.22.270 and 51.04.020. WSR 86-03-063 (Order 85-28), § 296-127-190, filed 1/17/86.]

WAC 296-127-200 Surety bond payable to director. (1) RCW 39.12.065 (2)(c) authorizes the director to require a contractor to obtain a surety bond "running to the director in the amount of the violation found." The intent and wording indicates that the director may require such a bond only after issuing a final decision finding that the contractor has violated RCW 39.12.065.

(2) The director may demand that a violating contractor post the bond when:

(a) The director has issued a final decision that finds that the contractor owes unpaid prevailing wages or a penalty, whether or not the decision has been appealed to the courts; and

(b) The retainage or bonds provided under RCW 60.28.011, 18.27.040, and 19.28.041 are or may be insufficient to pay the amount of prevailing wages or the penalty owed.

(3) A contractor may at any time voluntarily obtain a bond running to the director to guarantee the payment of the prevailing wages and any penalty. The contractor may allow the director to satisfy any claim for unpaid wages or the penalty from this bond instead of from the retainage or bonds obtained under RCW 60.28.011, 18.27.040, 19.28.041, and 39.08.010.

[Statutory Authority: Chapter 39.12 RCW. WSR 19-15-119, § 296-127-200, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 39.12.050, 39.12.065, 43.22.270 and 51.04.020. WSR 86-03-063 (Order 85-28), § 296-127-200, filed 1/17/86.]

WAC 296-127-210 Suit against retainage and bonds. (1) If the director issues a final decision that includes a finding that the contractor has violated RCW 39.12.065 or 39.12.050, and the finding is not timely appealed or is affirmed by the courts, the department may file suit against the appropriate retainage and bonds to recover the amount of unpaid prevailing wages or the civil penalty.

(2) The department may, before issuance of a final decision, file suit against the appropriate retainage and bonds to recover unpaid prevailing wages if the filing of a suit is necessary to preserve the claim. The suit shall be held in abeyance pending the exhaustion of administrative remedies.

[Statutory Authority: RCW 39.12.050, 39.12.065, 43.22.270 and 51.04.020. WSR 86-03-063 (Order 85-28), § 296-127-210, filed 1/17/86.]

WAC 296-127-220 Distribution of recovery. (1) Upon making a recovery pursuant to RCW 39.12.065(2) against a contractor's retainage or bonds, the department shall distribute the proceeds and any award of attorneys' fees and costs as follows:

(a) The recovery shall be paid to the employees of the violator who did not receive the correct prevailing wage. The distribution among employees shall be based on the evidence of wage loss produced at the hearing on the violation.

(b) Next shall be paid the costs the department incurred in making the recovery. The department shall pay these costs from the attorney's fees and costs awarded by the courts.

(2) A contractor who is the subject of an investigation or who has received a notice of violation may choose not to contest the matter and may tender to the department the amount of unpaid prevailing wages the department determines is owed. The department, after identifying and notifying the affected employees pursuant to WAC 296-127-140, shall accept the tender if the contractor in writing acknowledges that the department, by accepting the tendered amount, does not absolve the contractor from liability to any employee for unpaid prevailing wages.

(3) If an employee for whom the department has recovered unpaid prevailing wages cannot be found, the department shall retain the wages for the one-year period required by RCW 63.29.150. After the statutory period has lapsed, the department shall pay the wages to the department of revenue in accordance with RCW 63.29.170.

[Statutory Authority: RCW 39.12.050, 39.12.065, 43.22.270 and 51.04.020. WSR 86-03-063 (Order 85-28), § 296-127-220, filed 1/17/86.]

WAC 296-127-300 Filing and service. All papers required to be filed with the director under this chapter or chapter 39.12 RCW shall be addressed to: Director, Department of Labor and Industries, 7273 Linderson Way Southwest, Tumwater, Washington, or by mail to: Post Office Box 44001, Olympia, WA 98504-4001.

Filing and service shall be in accordance with chapter 34.05 RCW.

[Statutory Authority: Chapter 39.12 RCW. WSR 19-15-119, § 296-127-300, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 39.12.050, 39.12.065, 43.22.270 and 51.04.020. WSR 86-03-063 (Order 85-28), § 296-127-300, filed 1/17/86.]

WAC 296-127-310 List of violators. The department shall maintain a list of all contractors who are forbidden to bid on a public works project, or to have a bid accepted, pursuant to RCW 39.12.065(3), 39.12.055, 39.12.050, and 39.12.130. To the extent required by RCW 39.12.065(3), 39.12.055, 39.12.050, and 39.12.130, the industrial statistician shall refuse to certify any statement of intent to pay the prevailing wage or affidavit of wages paid that he or she determines was submitted by a contractor on the list. Because the department receives a large number of requests for certification, the department shall not be liable to any person or entity for certifying a statement or an affidavit of a contractor on the list.

The industrial statistician shall make the list available electronically.

[Statutory Authority: Chapter 39.12 RCW. WSR 25-09-126, s 296-127-310, filed 4/22/25, effective 1/1/26; WSR 19-15-119, § 296-127-310, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 39.12.050,

39.12.065, 43.22.270 and 51.04.020. WSR 86-03-063 (Order 85-28), § 296-127-310, filed 1/17/86.]

WAC 296-127-320 Payroll. (1) Each contractor, subcontractor, or employer shall keep accurate payroll records for three years from the date of acceptance of the public works project by the contract awarding agency, showing the employee's full name, address, Social Security number, trade or occupation, classification, straight and overtime rates, hourly rate of usual benefits, and hours worked each day and week, including any employee authorizations executed pursuant to RCW 49.28.065, and the actual gross wages, itemized deductions, withholdings, and net wages paid, for each laborer, worker, and mechanic employed by the contractor for work performed on a public works project.

(2) A contractor, subcontractor, or employer shall file a copy of its certified payroll records using the department of labor and industries' online system at least once per month. If the department of labor and industries' online system is not used, a contractor, subcontractor, or employer shall file a copy of its certified payroll records directly with the department of labor and industries in a format approved by the department of labor and industries at least once per month.

(3) A contractor, subcontractor, or employer's noncompliance with this section shall constitute a violation of RCW 39.12.050.

[Statutory Authority: Chapter 39.12 RCW. WSR 24-21-088, s 296-127-320, filed 10/17/24, effective 11/17/24. Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. WSR 92-01-104, § 296-127-320, filed 12/18/91, effective 1/31/92. Statutory Authority: RCW 39.12.050, 39.12.065, 43.22.270 and 51.04.020. WSR 86-03-063 (Order 85-28), § 296-127-320, filed 1/17/86.]

WAC 296-127-990 Severability. If any provision of this chapter or its application to any persons or circumstances is held invalid by state or federal court, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. WSR 92-01-104, § 296-127-990, filed 12/18/91, effective 1/31/92.]