

ESB 5993 - H COMM AMD
By Committee on Labor

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 39.04.320 and 2009 c 197 s 1 are each amended to
4 read as follows:

5 (1)(a) Except as provided in (b) through (d) of this subsection,
6 from January 1, 2005, and thereafter, for all public works estimated
7 to cost one million dollars or more, all specifications shall require
8 that no less than fifteen percent of the labor hours be performed by
9 apprentices.

10 (b)(i) This section does not apply to contracts advertised for
11 bid before July 1, 2007, for any public works by the department of
12 transportation.

13 (ii) For contracts advertised for bid on or after July 1, 2007,
14 and before July 1, 2008, for all public works by the department of
15 transportation estimated to cost five million dollars or more, all
16 specifications shall require that no less than ten percent of the
17 labor hours be performed by apprentices.

18 (iii) For contracts advertised for bid on or after July 1, 2008,
19 and before July 1, 2009, for all public works by the department of
20 transportation estimated to cost three million dollars or more, all
21 specifications shall require that no less than twelve percent of the
22 labor hours be performed by apprentices.

23 (iv) For contracts advertised for bid on or after July 1,
24 ~~((2009))~~ 2015, and before July 1, 2020, for all public works by the
25 department of transportation estimated to cost ~~((two))~~ three million
26 dollars or more, all specifications shall require that no less than
27 fifteen percent of the labor hours be performed by apprentices.

28 (v) For contracts advertised for bid on or after July 1, 2020,
29 for all public works by the department of transportation estimated to
30 cost two million dollars or more, all specifications shall require
31 that no less than fifteen percent of the labor hours be performed by
32 apprentices.

33 (c)(i) This section does not apply to contracts advertised for
34 bid before January 1, 2008, for any public works by a school

1 district, or to any project funded in whole or in part by bond issues
2 approved before July 1, 2007.

3 (ii) For contracts advertised for bid on or after January 1,
4 2008, for all public works by a school district estimated to cost
5 three million dollars or more, all specifications shall require that
6 no less than ten percent of the labor hours be performed by
7 apprentices.

8 (iii) For contracts advertised for bid on or after January 1,
9 2009, for all public works by a school district estimated to cost two
10 million dollars or more, all specifications shall require that no
11 less than twelve percent of the labor hours be performed by
12 apprentices.

13 (iv) For contracts advertised for bid on or after January 1,
14 2010, for all public works by a school district estimated to cost one
15 million dollars or more, all specifications shall require that no
16 less than fifteen percent of the labor hours be performed by
17 apprentices.

18 (d)(i) For contracts advertised for bid on or after January 1,
19 2010, for all public works by a four-year institution of higher
20 education estimated to cost three million dollars or more, all
21 specifications must require that no less than ten percent of the
22 labor hours be performed by apprentices.

23 (ii) For contracts advertised for bid on or after January 1,
24 2011, for all public works by a four-year institution of higher
25 education estimated to cost two million dollars or more, all
26 specifications must require that no less than twelve percent of the
27 labor hours be performed by apprentices.

28 (iii) For contracts advertised for bid on or after January 1,
29 2012, for all public works by a four-year institution of higher
30 education estimated to cost one million dollars or more, all
31 specifications must require that no less than fifteen percent of the
32 labor hours be performed by apprentices.

33 (2) Awarding entities may adjust the requirements of this section
34 for a specific project for the following reasons:

35 (a) The demonstrated lack of availability of apprentices in
36 specific geographic areas;

37 (b) A disproportionately high ratio of material costs to labor
38 hours, which does not make feasible the required minimum levels of
39 apprentice participation;

1 (c) Participating contractors have demonstrated a good faith
2 effort to comply with the requirements of RCW 39.04.300 and 39.04.310
3 and this section; or

4 (d) Other criteria the awarding entity deems appropriate, which
5 are subject to review by the office of the governor.

6 (3) The secretary of the department of transportation shall
7 adjust the requirements of this section for a specific project for
8 the following reasons:

9 (a) The demonstrated lack of availability of apprentices in
10 specific geographic areas; or

11 (b) A disproportionately high ratio of material costs to labor
12 hours, which does not make feasible the required minimum levels of
13 apprentice participation.

14 (4) This section applies to public works contracts awarded by the
15 state, to public works contracts awarded by school districts, and to
16 public works contracts awarded by state four-year institutions of
17 higher education. However, this section does not apply to contracts
18 awarded by state agencies headed by a separately elected public
19 official.

20 (5)(a) The department of (~~general administration~~) enterprise
21 services must provide information and technical assistance to
22 affected agencies and collect the following data from affected
23 agencies for each project covered by this section:

24 (i) The name of each apprentice and apprentice registration
25 number;

26 (ii) The name of each project;

27 (iii) The dollar value of each project;

28 (iv) The date of the contractor's notice to proceed;

29 (v) The number of apprentices and labor hours worked by them,
30 categorized by trade or craft;

31 (vi) The number of journey level workers and labor hours worked
32 by them, categorized by trade or craft; and

33 (vii) The number, type, and rationale for the exceptions granted
34 under subsection (2) of this section.

35 (b) The department of labor and industries shall assist the
36 department of (~~general administration~~) enterprise services in
37 providing information and technical assistance.

38 (6) The secretary of transportation shall establish and maintain
39 an apprenticeship utilization advisory committee, which shall include
40 statewide geographic representation and consist of equal numbers of

1 representatives of contractors and labor. The committee must include
2 at least one member representing contractor businesses with less than
3 thirty-five employees. The advisory committee shall meet regularly
4 with the secretary of transportation to discuss implementation of
5 this section by the department of transportation, including
6 development of the process to be used to adjust the requirements of
7 this section for a specific project. (~~The committee shall provide a~~
8 ~~report to the legislature by January 1, 2008, on the effects of the~~
9 ~~apprentice labor requirement on transportation projects and on the~~
10 ~~availability of apprentice labor and programs statewide.))~~

11 (7) At the request of the senate labor, commerce, research and
12 development committee, the house of representatives commerce and
13 labor committee, or their successor committees, and the governor, the
14 department of (~~general administration~~) enterprise services and the
15 department of labor and industries shall compile and summarize the
16 agency data and provide a joint report to both committees. The report
17 shall include recommendations on modifications or improvements to the
18 apprentice utilization program and information on skill shortages in
19 each trade or craft.

20 **Sec. 2.** RCW 39.12.026 and 2003 c 363 s 206 are each amended to
21 read as follows:

22 (1) In establishing the prevailing rate of wage under RCW
23 39.12.010, 39.12.015, and 39.12.020, all data collected by the
24 department of labor and industries may be used only in the county for
25 which the work was performed.

26 (2) (~~This section applies only to prevailing wage surveys~~
27 ~~initiated on or after August 1, 2003.)) The department of labor and
28 industries must provide registered contractors with the option of
29 completing a wage survey electronically.~~

30 **Sec. 3.** RCW 39.12.015 and 1965 ex.s. c 133 s 2 are each amended
31 to read as follows:

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

35 (2) The industrial statistician shall establish the prevailing
36 rate of wage by adopting the hourly wage, usual benefits, and
37 overtime pay established in collective bargaining agreements for
38 those trades and occupations that have collective bargaining

1 agreements. For trades and occupations for which there are no
2 collective bargaining agreements, the industrial statistician shall
3 establish the prevailing rate of wage by conducting wage and hour
4 surveys. In instances when there are no collective bargaining
5 agreements and conducting wage and hour surveys is not feasible, the
6 industrial statistician may employ other appropriate methods to
7 establish the prevailing rate of wage.

8 NEW SECTION. Sec. 4. This act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of
10 the state government and its existing public institutions, and takes
11 effect July 1, 2015."

12 Correct the title.

EFFECT: Modifies the Engrossed Substitute Bill by: (1) Removing the provision creating a Helmets to Hardhats state coordinator in the Department of Transportation; and (2) adding a provision requiring the Department of Labor and Industries (L&I) to establish the prevailing rate of wage by adopting the hourly wage, usual benefits, and overtime pay established in collective bargaining agreements. For trades and occupations that do not have collective bargaining agreements, provides that the prevailing rate of wage is established by wage and hour surveys or other appropriate methods if wage and hour surveys are not feasible.

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