

Meeting Minutes
 Prevailing Wage Advisory Committee
 December 13, 2007

Attendees:

1. Prevailing Wage Advisory Committee Members: Allan Darr (Operating Engineers Local 302), Dave Johnson (Building & Construction Trades Council), Kathleen Garrity (Associated Builders & Contractors), Randy Dubigk (WSDOT), Bruce Chattin (Washington Aggregates & Concrete Association), and Chris Elwell (Seattle-King County Building Trades)
2. L&I Staff: Patrick Woods, Dave Soma, Ramona Christensen-Russell, Gustavo Aviles, Reasa Nottingham, Sally Elliot, Laura Herman, Trista Zugel
3. Other Present: Dave O'Meara, Paul Ingham, Miriam Israel Moses, Earl Smith, Laurie Pinard, Owen Lynch, Doug Henderson, Larry Body, Tom George

Agenda Item	Discussion	Action	Due Date
Opening Remarks Introductions	The meeting was opened by Dave Soma at 9:32 a.m., and all present introduced themselves.		
Review and approve minutes from last meeting	Dave Johnson made the motion and Kathleen Garrity seconded and all voted in favor of approving the minutes. Dave Johnson asked that a note be added to the minutes that he does not agree with an immediate start of the 3-year cycle on surveys. This should have been phased in or not at all.		
Legislative and Budget Update	Our package was approved by the governor to go before the legislature. Josh Swanson will start getting sponsors for the package. Allan Darr asked that Josh coordinate this effort so that we do not double team the legislature. Allan Darr also stated that the legislature will only take in 7-8 minutes of what we present. Should not have 3-pages of presentation. Need to have a team work on the presentation.	The department is going to put together a fact sheet of what the money will be used for.	
Personnel Update	Sean Anderson was hired as the Data Compiler 3 and started December 1, 2007. He has good analytical skills.		

<p>WAC 296-127-018 cont...</p>	<p>not involve PW requirements for the worker unless specifically involves incorporation into job. Silverstreak would not have been covered if it had been interpreted that way. Teamsters and contractors agreed to this. Contractors asked the department to clarify if covered or not.</p> <p>She also stated that we needed to be careful with the language - "similar material". This could be a law suit waiting to happen. Be clear on incorporation and what kind of incorporation.</p> <p>Owen Lynch stated that 018 was to cover wet cement. The department didn't challenge Holroyd. Holroyd was not published. The department undercut the prevailing wage statute. Cement was out because we didn't challenge. The department was wrong. He was infuriated that wet cement was taken off of the table. Now we are issuing another memo that still takes wet cement out.</p> <p>Kathleen Garrity said that there was no consensus with the 1992 memo on wet cement so this is what they got.</p> <p>Dave Johnson said he understands we need to go through rule making and get everyone's comments. Why a new memo to memorialize what happened. Is it only to update Silverstreak?</p> <p>Patrick Woods stated that the department wants all perspectives and will take them into consideration.</p> <p>Miriam Israel Moses thinks that we should move to rule making immediately. Silverstreak supersedes the 1992 memo.</p> <p>Patrick Woods said we needed to go ahead and move to rule making but in doing so needed to remember:</p>		
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	<p>1. 1992 memo was a different time. 2. 30% would not have been done. 3. Increase in wages would not have occurred.</p> <p>Dave Johnson gave the perspective of the Teamsters and Owen Lynch. They felt blind sided based on conversations they had with the department - they thought this was going somewhere else and it did not. They had different expectations.</p> <p>Dave Johnson asked that the issue be withdrawn and have offline discussions with other stakeholders.</p>		
Determinations	<p>There were no official determinations - only clarifications. Dave Soma wanted the input of the committee and whether they wanted these as well.</p> <p>Dave Johnson stated that these can be used. There is a lot of activity that goes on that the department does not know about and they can use these memos.</p>	We will email the clarification letters out to the committee.	
Surveys	<p>Gave handouts of the survey schedule and list of unions notified of the wage survey.</p> <p>Dave Johnson said we should contact the Columbia Pacific Building Trades. He does not want blame to fall to the committee though if they are unable to get us the information.</p> <p>Miriam Israel Moses publicly thanked Gustavo Aviles for the list - she really appreciated it.</p>	<p>The committee was asked to look over the union list and get back to us if we were missing any of them.</p> <p>The list of employers, sorted by trade that got the survey will be posted to the web by January.</p> <p>Gustavo will send the link to Kathleen by email.</p>	
Surveys cont...	<p>Kathleen Garrity asked about a tutorial on the web. Gustavo said that the power point used for training was there.</p> <p>We had 3 workshops for the union and 2 for contractors. The two for the contractors had</p>		

	<p>little or no participation. Dave Johnson said the workshops had value but if we were not getting attendance then don't waste the time getting to the survey training location.</p> <p>Allan Darr asked if Dave Johnson could send out notification and then let Gustavo know if he hears from anybody. Dave said he would work on this.</p> <p>Miriam Israel Moses said that in Portland the non union companies for the operating engineer or laborers were reporting hours under one classification whereas signatories were reporting by many classifications.</p> <p>Allan Darr said that they were working across lines. They would be reporting hours together - not breaking out. All hours get counted under the CBA - different wages to not affect the hours. He met with Bob Abbott about this and will meet with everyone else to work on this.</p> <p>There was some concern about what the union list was being used for. We are only using the union lists of signatories to match replies. We use hours at wage rate - union or non-union - does not matter.</p> <p>Dave Soma reiterated that the lists were used for:</p> <ol style="list-style-type: none"> 1. Making sure all contractors are contacted and no one missed. 2. The unions have a lot of categories. Need to know these categories so they don't get penalized and we count the hours correctly. 		
Other Business	<p>Dave Johnson made the motion and Kathleen Garrity seconded the motion that based on availability, to cancel the scopes subcommittee to next PWAC schedule and all voted in favor.</p> <p>Miriam Israel Moses brought up the Rubenstein's decision with the Board of</p>	Miriam would like a discussion from	

	<p>Industrial Insurance. In all 4 quarters of 2004 the workers were defined as employees and not independent contractors. What are we doing on this because prevailing wage was involved?</p> <p>Employment Security has a 6-part test but it is different from Labor & Industries 6-part test. We are working on this.</p> <p>Dave O’Meara asked that we get the Subcontractor on Affidavit Subcommittee back on track. Dave Soma said he would do this as soon as he could after the new year.</p> <p>Allan Darr asked if we operate with the funds we get from intents and affidavits only and was told yes - it was statutory. He did not think this was a good way to operate and would like further discussion at another time on how to handle because prevailing wage needed help because we were squeezed so tight for money.</p>	<p>us on how we are handling the issue.</p>	
<p>Dates and Locations for upcoming meetings</p>	<p>Next PWAC committee meeting scheduled at the department’s Tukwila office on June 19, 2008, in the Training Room #1, from 9:30 a.m. – 11:30 a.m.</p> <p>The Scope of Work subcommittee will meet in the same room from 1:00 p.m. to 3:00 p.m.</p>		