

Meeting Minutes
 Prevailing Wage Advisory Committee
 April 1, 2008

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), Rick Slunaker (Associated General Contractors of WA), Jim Justin (Assn. of WA Cities) and Chris Elwell (Seattle-King County Building Trades)
2. L&I Staff: Patrick Woods, Dave Soma, Ramona Christensen-Russell, Sean Anderson, Reasa Nottingham, Laura Herman
3. Other Present: Dave O'Meara, Miriam Israel Moses, Earl Smith, Jennie Kordenat, Bob McDonald, Dan Taylor, Rob Van Alostyne, Morris Mehrer, Eric Martinson, Earl Liss, Billy Wallace

Agenda Item	Discussion	Action	Due Date
Opening Remarks Introductions	The meeting was opened by Dave Soma at 9:05 a.m., and all present introduced themselves.		
Review and approve minutes from last meeting	Kathleen Garrity made the motion and Dave Johnson seconded and all voted in favor of approving the minutes.		
Legislative Update	<p>Dave handed out a summary on the legislative items. He thanked everyone for their great support this last session.</p> <p>Patrick also commented on the great support from all perspectives.</p>		
Budget Update	<p>The Intent and Affidavit form fee increase was approved by the legislature. Prevailing wage needs resources to perform its functions and work for compliance.</p> <p>Awarding agencies help is needed on compliance. Two parts to that issue: (1) The need to understand the requirements upfront and then (2) responsibility for those functions.</p> <p>Dave Johnson said we have pieces in place but no manpower for compliance now. We need to do these programs now with the new FTEs we will receive. Need to work on certified payroll and on-site visits.</p>		

	<p>Rick Slunaker emphasized an issue: Leveraging what we do and what to do with awarding agencies and getting them to do their responsibility.</p> <p>Also need further development of resources for frequently asked questions (FAQs) that could be posted for view so that we do not have to answer the same questions 5-times a day.</p> <p>Jim Justin said there was a general agreement of what to do with the money but now we need to plan to accomplish our proposal. He does not want or think we need a subcommittee for this.</p> <p>Kathleen Garrity said stop doing what awarding agencies or others should be helping with. Put the responsibility in the right place. Work on compliance and education. Make an implementation plan.</p> <p>Rick Slunaker stated that this forum should be used for policy guidance – this is the best use of time on both sides.</p> <p>Dave Soma reported increased revenue in the last month compared to the prior year.</p> <p>Rick Slunaker asked when the fee increase would be implemented. Dave Soma said that it would be July 1, 2008.</p>		
Utilityman	<p>Dick Mettler of the NW Wall and Ceiling Contractors Association would like to recommend to this committee that they accept a new scope of work to move to the subcommittee. In the interior/exterior construction industry this has been a pathway for apprentice program. He said there are currently 300 members of this classification that</p>		

	<p>cannot work on prevailing wage jobs because there is no classification. They currently use apprentices or high paid journeyman to do these jobs.</p> <p>Morris Mehrer of Mehrer drywall employees 180 carpenters. Utilitymen are important to his business. He has 15 utilitymen who are licensed on forklifts and trucks. He indicated that when he is doing prevailing wage jobs there are no scopes of work to use when filling out the intents and affidavits. Says they are paying them carpenters wages but lying because they are not carpenters. He feels they are discriminated against and their classification is in their union CBA.</p> <p>Rob Van Alostyne of the Carpenter's Local 1144 said that there are 3000 interior systems workers in Washington and Portland has 1500. The Utilityman position is a great pathway to apprenticeship. Retention is better for apprentices when they have been utilitymen first. Half of the apprentices in the program now were utilitymen at one time.</p> <p>The request was for a Utilityman scope of work to be carved out of Carpenter Tender scope.</p> <p>Dave Johnson noted the pathway for Utilityman to apprenticeship, but he has concerns with things that other trades do that are listed in the duties of this trade: insulation, warehouse stocking, miscellaneous equipment, and handling all material.</p> <p>Bob Abbott said Dave Soma's 2006 letter to Dick Robblee said this work was covered under other scopes of work. This committee should not even</p>		
--	---	--	--

	<p>look at this scope because it is too broad and they are paying these workers less money for work that is not exclusive to these contractors that others pay at the Laborer rate. There are scopes that cover some of this work already – Cleanup Laborer, Carpenter Tender and General Laborer. Need to look at this for violations.</p> <p>Morris Mehrer said that they have a trade recognized as a prevailing practice. They do not use laborers. They have to make up what to call them. Bob Abbott told him that laborers do this work but Morris Mehrer disagrees. CBA allows utilitymen to be paid at lesser scale.</p> <p>Teamsters agree that the Utilityman is too broad a scope with such duties as warehousing and transportation to job site.</p> <p>Rob Van Alstyne said that the material that was handled was for their industry and the scope states this.</p> <p>Eric Martinson agrees with Bob Abbott that this scope is already covered by other scopes of work. It would give the carpenter industry an unfair edge and opportunity in bidding projects. This should be a compliance issue.</p> <p>Kathleen Garrity said open shop contractors have to track different scopes for one project. Compliance and enforcement would be a challenge.</p> <p>Allan Darr is concerned with a CBA that writes everything into it. It is too open ended.</p> <p>Kathleen Garrity asked if private industry drives public or other way</p>		
--	--	--	--

	<p>around.</p> <p>Bob McDonald of the Teamsters feels that this scope & work is an attempt by the carpenters to grab other's work.</p> <p>Chris Elwell said this would be a new standard that would allow any contractor to come & say they want to carve certain parts out. This was a slippery slope.</p> <p>Dave Johnson says the scopes determine what happen in the industry – not the other way around. Any craft – pickup CBA – there are 4 pages of scopes and you cannot include all those scopes. There would be a problem with enforcing for prevailing wage.</p> <p>Miriam Israel Moses said that there is nothing that says industry practice has anything to do with the scopes. It is an area that may be considered if labor and management agree. They do not. Any survey of private work would not have any bearing on this. The Scopes subcommittee is to take job classifications that exist and that have wages and write new scopes for those titles. There is an order that we are working within and we need to do that before any new scopes comes to the table.</p> <p>Rick Slunaker wants more information first before deciding anything and thinks there needs to be further discussion. Industry practice should not come from one industry or contractor.</p> <p>Eric Martinson stated that Dave Soma has already made a determination concerning this and he gets the industries' input every time he does a determination for him.</p>		
--	---	--	--

	<p>Miriam Israel Moses said the Industrial Statistician makes a determination and then there is an administrative policy / procedure to follow when the person who requested the determination disagrees. They now need to appeal or dispute the decision. This committee is not the appropriate forum to dispute this determination.</p> <p>Rick Slunaker made the motion and Kathleen Garrity seconded the motion that the agency ask for more information and come back to the committee with the current practice and they would determine if it needs a new scope.</p> <p>Discussion.</p> <p>A vote was made on the motion – 3 were in favor and 3 were not – the motion failed.</p>		
WAC 296-127-018	<p>Patrick gave a recap of WAC 296-127-018. There have been issues (court decisions) brought before us for years on delivery of material. The draft would bring wet cement back in. We appreciate the input from all parties.</p>		
Scope of Work Update	<p>Ramona Christensen-Russell went over handout of where we are in writing the new scopes.</p>		
NOVs	<p>In 2007 there were nine NOVs issued. Seven of them were for failure to file certified payrolls and 2 were for unpaid wages and failure to file certified payroll and intents and affidavits.</p> <p>In 2008 we have had one NOV to-date for failure to file intents and affidavits and certified payrolls.</p>		
Legal Update	<p>Laura Herman went over the handout on current legal issues.</p>		
Determinations	<p>Rick Slunaker asked where we were</p>		

	<p>with categorizing and posting of determinations. Dave Soma said that we have had a shortage of staff to get this done. We have identified what we are going to do. Thirty to forty percent are done in categorizing by topic. We are going to start posting them on the Web site. I.S. is currently helping to get these to be searchable. We need more help to get this done.</p> <p>Rick Slunaker thinks we may have bit off more than we can handle. These go back for more than 25 years. Are we going to categorize them all? We should talk to the ATG about how far we need to go back. We need to get this done get the operative stuff today. If there are four determinations and only one is good then only post it and leave the other 3 off. This would narrow this down.</p> <p>Dave Johnson asked about YMCA/Monroe and CTED.</p> <p>Dave Johnson asked about the city of Bellevue determination. We covered scenarios but not project details.</p>	<p>The 2nd page of the YMCA Monroe letter didn't get copied. This will be emailed later.</p>	
<p>Surveys / Personnel Update</p>	<p>Dave Soma gave out handouts concerning the survey.</p> <p>Gustavo is now gone. We currently have four applicants, three of which have been interviewed, and two of those will go to a second interview. Dave Johnson and Rick Slunaker will participate in the second interviews.</p>		
<p>Other Business</p>	<p>Rick Slunaker wants the decision on Superior Asphalt when it finally is made.</p> <p>We are working on a listserv for awarding agencies. We are checking with other agencies to add to our</p>		

	<p>distribution. Jim Justin suggested checking with public works association.</p> <p>Dave O'Meara will call Dave Soma about the Subcontractor on Affidavit Subcommittee.</p>		
<p>Dates and Locations for upcoming meetings</p>	<p>Next PWAC committee meeting scheduled at the department's Tumwater office on July 22, 2008, in the S119, from 9:00 a.m. – 11:30 a.m.</p> <p>The Scope of Work subcommittee is scheduled to meet in the same room from 1:00 p.m. to 3:00 p.m.</p>		