



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor and Industries

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR <u>16-02-091</u> ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____ ; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information:  
WAC 296-127-01366, Ready Mix Truck Drivers

Hearing location(s):  
August 19, 2016 9 a.m.  
Department of Labor and Industries  
7273 Linderson Way SW  
Room S119  
Tumwater, WA 98501

Submit written comments to:  
Name: Beverly Clark  
Address: Post Office Box 44400  
Olympia, Washington 98504-4400  
e-mail [Beverly.Clark@Lni.wa.gov](mailto:Beverly.Clark@Lni.wa.gov)  
fax : (360)902-4988 by August 19, 2016  
Written comments submitted by fax must be 10 pages or less.

Date of intended adoption: September 20, 2016  
(Note: This is NOT the effective date)

Assistance for persons with disabilities:  
Contact: Beverly Clark by 5 p.m. on August 1, 2016, at [Beverly.Clark@Lni.wa.gov](mailto:Beverly.Clark@Lni.wa.gov) or 360-902-6272.

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposed rule will adopt a new rule as a prevailing wage scope of work description for Ready Mix Truck Drivers. This trade and occupation classification has not previously had any scope of work description but does have published prevailing rates of wage. This trade and occupation classification has not previously had any scope of work description but does have published prevailing rates of wage. Prior to 2000, the prevailing wage scope of work descriptions (if any) were promulgated by the Industrial Statistician on an as needed basis (and not adopted as administrative rule). No scope was promulgated for Ready Mix Truck Drivers.

**Reasons supporting proposal:** Although distinguishing who is driving a concrete mixer truck on a public works has not been overly difficult even absent a scope of work description, clearly identifying the extent of this trade and occupation will assist in better identifying the exact universe to survey in order to establish the prevailing rate of wage for this trade and occupation classification as well as having a defensible description of the trade for any wage compliance matters. The Prevailing Wage Program worked with the Prevailing Wage Advisory Committee (PWAC), representation from business, labor, public agencies, and participation from the public, as well as the Teamsters, and the Washington Aggregates and Concrete Association, regarding development of this draft scope of work description for Ready Mix Truck Drivers. Consensus was obtained to move this draft forward into rulemaking.

Statutory authority for adoption:  
Chapter 39.12 RCW

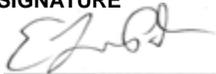
Statute being implemented:  
Chapter 39.12 RCW

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

DATE  
July 5, 2016  
NAME (type or print)  
Joel Sacks

SIGNATURE  
 for

TITLE  
Director

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: July 05, 2016

TIME: 11:55 AM

WSR 16-14-095

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** Department of Labor and Industries

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Jim Christensen	Tumwater, Washington	(360) 902-5330
Implementation....Elizabeth Smith	Tumwater, Washington	(360) 902-6320
Enforcement.....Elizabeth Smith	Tumwater, Washington	(360) 902-6320

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

The department's proposed rules are subject to the Regulatory Fairness Act, but they do not require a small business economic impact statement because the proposed changes are do not impose more than a minor cost [see RCW 19.85.025 030(1)(a)]. The changes in the proposed rule do not place any new obligations on employers and they do not require employers to incur additional costs.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( )

fax ( )

e-mail

No: Please explain: The changes in the proposed rule will not alter any current agency practice or interpretation of law. The changes in the proposed rule do not place any new obligations on employers and they do not require employers to incur additional costs.