



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

Prevailing Wage Policy Memorandum

Date: April 6, 2015
To: All interested parties
From: Jim Christensen, Industrial Statistician & Program Manager
Subject: Prevailing Wage Requirements for Portable Toilets

Policy Disclaimer

This policy is designed to provide general information in regard to the current opinions of the Department of Labor & Industries on the subject matter covered. This policy is intended as a guide in the interpretation and application of the relevant statutes, regulations, and policies, and may not be applicable to all situations. This policy does not replace applicable RCW or WAC standards. If additional clarification is required, the Program Manager for Prevailing Wage should be consulted.

This document is effective as of the date of print and supersedes all previous interpretations and guidelines. Changes may occur after the date of print due to subsequent legislation, administrative rule, or judicial proceedings. The user is encouraged to notify the Program Manager to provide or receive updated information. This document will remain in effect until rescinded, modified, or withdrawn by the Director or his or her designee.

Under RCW 39.12.030, state and local government contracts to perform “construction, reconstruction, maintenance or repair” (work upon a public work) must require prevailing wages. For purposes of Washington State prevailing wage regulations, chapter 39.12 RCW and chapter 296-127 WAC, some work is not directly related to the performance of the public works contract and will not have a prevailing wage requirement.

Portable Toilets for Community Events

Portable toilets for community events such as fairs, parades, or special events, have no connection to a public works contract and will not have a prevailing wage requirement under chapter 39.12 RCW.

Portable Toilets for Public Works Projects

Portable toilets serving a public works project are not equipment or materials used to actually perform a public works contract. A contract for rental of portable toilets is not a contract to perform any construction or reconstruction of a public work nor is it a contract to perform maintenance or repair of anything constructed as a public work. Supplying or servicing portable toilets for a public work is not subject to the requirements of chapter 39.12 RCW and will not require prevailing wages.