



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

Prevailing Wage
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October 31, 2016

Alan Paja, Representative
Pacific Northwest Regional Council of Carpenters
25120 Pacific Highway South, Suite 200
Kent, Washington 98032

RE: Determination – Construction of multi-story scaffold

Dear Mr. Paja,

Thank you for your letter of February 6, 2015 requesting a review of the April 17, 2012 determination addressed to Mr. Bob Abbott. Specifically, you ask for a more detailed analysis of the specific language of the Carpenter and Laborer scope of work descriptions related to the permissible use of those labor classifications for scaffold construction.

This is a determination of the Industrial Statistician regarding the appropriate scope of work under Washington's prevailing wage laws and is made pursuant to RCW 39.12.015. This determination supersedes all previous industrial statistician determinations on the subject of scaffold building, where there is any conflict. For more information about prevailing wage rate determinations, please see the enclosed document, "*Prevailing Wage Determination Request and Review Process*." Copies of pertinent Revised Code of Washington (RCW) and Washington Administrative Code (WAC) sections are also enclosed.

I must say I have appreciated both your skill in assembling the various materials and analyses to support your assertions and also your tenacity in urging the department to interpret its scope of work descriptions in a way that is faithful to the specific terms and phrases within those scopes and consistent with historical and current practices within the construction industry. Your efforts have indeed improved the department's understanding and interpretation of those scopes.

The analysis that follows, in my view, illustrates the importance of reading scope of work descriptions in the context of the contemporary trade and occupation conventions in the construction industry when the regulation was written, and with an eye toward the specific meanings of terms and phrases as used in that industry. The terms "build" and "erect" while having similar meanings, are not synonyms as used in the construction industry. Recognizing the differences in their specific meanings results in an interpretation of the Carpenter and Laborer scope descriptions that coincides with my understanding of which trades and occupations actually install scaffolds of differing types for various purposes.

SCOPE OF WORK DESCRIPTIONS

For the purpose of delineating and distinguishing between the applicable prevailing rates of wage for various trades and occupations for which prevailing wage rates have been established, the department uses scope of work descriptions which discuss the work of these various trades and occupations. These scope of work descriptions are adopted as rules within chapter 296-127 WAC.

Notably, the prevailing wage law does not regulate who may perform the work. It does regulate the wages that must be paid to workers depending upon the type, nature, and character of the work performed. References to a particular trade name associated with a scope of work description in this document provide guidance on the correct prevailing rate of wage but do not control who may perform the work.

Scope of work descriptions are read and interpreted according to their plain language terms and phrases, and also according to the terms and phrases, and their meanings, which are unique to the construction industry. The construction industry is replete with “terms of art.” These scopes are also interpreted in the context of, and consistent with, the history and evolution of industry classification practices and conventions.

The introductory paragraph of the scope sets the context for the language that follows and more specific language in one scope may be controlling over more general language in another.

The term “scaffold” appears in no less than six scope of work descriptions for prevailing wage purposes (chapter 296-127 WAC):

Painters (WAC 296-127-01356)

“Erecting of scaffolding or setting up of ladders to perform the work above ground level.”

Drywall Finishers (WAC 296-127-01318)

“Erecting, moving and dismantling of all scaffolding.”

Hod Carrier (WAC 296-127-01332)

“Building of scaffolds, trestles, boxes and swinging stage”

Terrazzo workers’ helpers, tile and marble setters’ helpers/finishers (WAC 296-127-01382)

“Installing and dismantling of scaffolding or staging.”

Laborers (WAC 296-127-01344)

“Erect scaffolding, shoring and braces.”

Carpenters (WAC 296-127-01310)

“Build rough wooden structures, such as concrete forms, scaffolds, wooden bridges, trestles, coffer dams, tunnel and sewer support; welding and burning.”

I researched some history of the Carpenters and Laborers scopes. The 1987 versions of these two scopes had these introductory paragraphs:

Carpenters

For the purpose of the Washington State Public Works Law, chapter 39.12 RCW, carpenters construct, erect, install and repair structures, structural members and fixtures made of wood, plywood, wallboard and materials that can be worked like wood, such as plastic and fiberglass, using carpenter hand tools and power tools. The work includes, but is not limited to:

Laborers

For the intents and purposes of the Washington State Public Works Law, laborers perform a variety of tasks such as:

The introductory paragraphs for the present scopes read nearly the same:

Carpenters (WAC 296-127-01310)

For the purpose of the Washington state public works law, chapter 39.12 RCW, carpenters construct, erect, install and repair structures, structural members and fixtures made of wood, plywood, wallboard and materials that take the place of wood, such as plastic, metals, composites, and fiberglass, using carpenter hand tools and power tools.

The work includes, but is not limited to:

Laborers (WAC 296-127-01344)

For the intents and purposes of the Washington state public works law, chapter 39.12 RCW, laborers perform a variety of tasks such as:

The 1987 Carpenters and Laborers scopes had exactly the same language as today's scopes on scaffolding:

Carpenters (WAC 296-127-01310)

“Build rough wooden structures, such as... scaffolds...”

Laborers (WAC 296-127-01344)

“Erect scaffolding...”

Notably, the Carpenter will “construct, erect, install and repair...” when they “build” scaffolds; while the Laborer performs a variety of tasks to “erect scaffolding...”

At your urging, I am examining the differences between these actions to “erect” and those to “construct” and “build”.

TERMS AND PHRASES

In the construction industry, some words and phrases have meanings that are different, or at least more specific and narrow, compared to how those words and phrases are used outside the industry. The words “erect” and “build” are used, in the context of scaffold construction, in prevailing wage scope of work descriptions for Laborers and Carpenters, respectively. These two terms, and particularly the term “erect,” have specific meanings in the construction industry. Definitions cited below are from Means Illustrated Construction Dictionary, Third Edition, Unabridged c200-, R.S. Means Company, Inc. (“Means”).

Erection - The positioning and/or installation of structural components or preassembled structural members of a building, often with the assistance of powered equipment such as a hoist or crane.

Erecting Bill - A list of structural building components prepared by the fabricator and indicating the tagging and location of each member.

Structural steel framework for buildings is said, in the industry, to be erected. Erections, in the construction industry, are instances in which the parts are prefabricated with proper and (hopefully also) precise shapes and sizes so as to fit together at the job site with a minimum of modifications. Erections are often a subset of a project “build.” In constructing large buildings, foundations, or pilings are first constructed, then steel framework is erected, then various floors, roofs, walls, electrical, mechanical and other activities follow in order to “build” a building.

The term “build” is not defined in Means. I suspect this is because of how very broadly that term is used in construction. Indeed, the terms “construct” and “build” may be synonyms. They are broader terms than “erect.”

HISTORIC PRACTICE

Prevailing wage laws (state and federal) both inside and outside Washington State place various bodies of work into one or more labor classifications for purposes of determining and applying proper required wages. These classification conventions have evolved over a long period of time.

When the Washington State prevailing wage law was first enacted in 1945, classifications of labor for prevailing wage purposes followed the classification conventions of the construction industry. The department continues to use those traditional trade and occupation classifications for prevailing wage purposes. In the unionized segment of the industry (which uses those same classification conventions), jurisdictional disputes are commonly resolved by The Plan For Resolution of Jurisdictional Disputes (aka “The Plan”). The Plan publishes a “Green Book” which lays out the procedures of The Plan and provides also a collection of agreements and decisions of record describing how classification disputes have been resolved. The decisions and agreements in the Green Book are respected and followed today by all labor unions within the Building Trades Department of the AFL-CIO.

The Plan decision in the Green Book which most squarely deals with the question of scaffold erection is the one dated April 28, 1920.¹ This decision clarifies that:

“Self-supporting scaffolds over fourteen feet in height or any special designed scaffolds or those built for special purposes shall be built by the Carpenters.”

My professional experience in the construction industry suggests the following:

- It is well known in the industry that composite crews of masons (such as bricklayers, marble setters, tile setters, etc.) and laborers work together to perform all facets of masonry construction. Besides the setting of stone or laying of bricks, mixing mortar, carrying mortar and bricks and washing of finished structures, these efforts also involve the building of scaffolds. Masonry scaffolds can be large or small, simply depending on the size of the masonry structure under construction. In any case, there seems to be little dispute that mason tenders and laborers build scaffolds for this (masonry) purpose. *See* WAC 296-127-01332.
- On building interiors, Painters and Drywall Finishers might use a variety of strategies for reaching ceilings and higher points on walls. Ladders are common, of course. A horse trestle may be used (boards laying across saw horses), ladder jack scaffolds (a device for attaching boards to straight ladders or extension ladders), or trestle ladder scaffolds (placing boards across various types of step ladders). These are modest in size and commonly placed into service by painters. *See* WAC 296-127-01356(7).
- Before the advent of fabricated frame (modular steel) scaffold systems, scaffolds were very commonly made of wood. Constructing things with wood has long been and is still recognized as carpentry. Wood-framed scaffolds are built by Carpenters according to industry practice. Indeed, this is a good example of the “materials that take the place of wood” phrase which appears within the Carpenters scope of work description (WAC 296-127-01310). Today, wood-framed scaffolds are the exception.
- In the construction industry, it is well known that Carpenters build large, non-steel² structures. The more complex and involved the (non-steel) structure, the more likely it will be built by Carpenters.
- Consistent with my understanding of industry practice in our area, Oregon Bureau of Labor and Industries (“BOLI”) applies the Carpenter prevailing wage to the building of scaffolds over 14 feet in height when those scaffolds will not be used exclusively for masonry purposes. BOLI generally applies a Laborer prevailing wage for scaffolds that are not greater than 14 feet in height.

¹ This decision may strike some readers as being antiquated because of its date more than 95 years ago. It was rendered at a time when some of the most basic of trade jurisdictional questions were considered and decided. The absence of a more modern decision suggests that this document is “current state.” In other words, its date makes it as much “fundamental” as “aged.”

² Structural steel erection, such as that used to frame large (taller than five stories) buildings, is performed by Iron Workers according to industry practice.

- This seems consistent with the April 28, 1920 Green Book decision mentioned above and also consistent with the Carpenter and Laborer scope descriptions in chapter 296-127 WAC.
- The administrative rules for scaffolds, chapter 296-874 WAC, are designed to ensure safety as well as sound scaffolding structures. A “competent” person is required. Some require engineering. Height standards activate requirements to prevent supported scaffolds from tipping (WAC 296-874-40004). This can require guying, tying, bracing, and other equivalent means. Taller scaffolds are designed, constructed, and built to meet these additional requirements.

PRESERVING WAGE STANDARDS

Scopes of work are interpreted to promote the remedial purposes of the Act and to benefit workers. The purpose of the Act is to protect employees of government contractors from substandard earnings and to preserve local wage standards. (Everett Concrete Products v. DLI 109 Wn.2d at 823)

When two scopes of work could be interpreted to overlap, the department interprets those scopes such that work is placed within the scope that most closely describes the work. Where more than one wage rate could be construed (according to the scope of work descriptions) to apply to a work activity, the local wage standard to be preserved may not be clearly obvious. In these instances, and to avoid the inadvertent erosion of a wage standard, we hesitate in applying the analysis favoring the lower paid classification.

When a scope has both a general term and a specific term, the specific term trumps the general term. Scopes of work are also read as a whole to ascertain their meaning. Related terms in a scope are given related meaning. In the current instance, the analysis is based on the nuances of the terms “erect” and “build.” We believe these terms have different meanings, and I conclude the term “erect” is a subset of the broader term “build.” I believe the use of these specific terms was deliberate and meaningful.

CONCLUSION

In my review of the materials you forwarded and the discussions I have had with various interested parties, I make the following observations and determination:

The department had, until now, believed that Laborer or Carpenter prevailing wage rates could be paid to workers performing the same scaffold work despite the use of different terms (“erect” versus “construct” and “build”) in those scopes. As a consequence, the department allowed the use of either the Laborer or the Carpenter prevailing wage rate to the building of scaffold of any type or size, when that scaffold would be used for purposes other than masonry. However, the authors of the Carpenters and Laborers scopes likely intended for the differing terms to have different meanings.

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After taking a closer look at the specific language of those two scope of work descriptions in the context of our knowledge of historic practices related to scaffold construction, I conclude the Laborer prevailing wage applies to the erection of self-supporting scaffolds up to two frames in height (approximately 14 feet) for use by multiple crafts. The Carpenter prevailing wage applies to the building of self-supporting scaffold systems of greater size and complexity for use by multiple crafts.

Construction of single-craft scaffolds up to two frames in height can be paid at other prevailing wage rates such as Painters. Loading, unloading, staging and movement of tools and materials to the point of installation is paid at the Laborer (Carpenter Tender) prevailing wage where Carpenter work is being performed. In the industry, Carpenters and Laborers work together on the taller scaffolds (over 14 feet), with the Carpenters performing the work to construct and build and the Laborer moving and handling materials used to build the scaffold, bringing those components to the point of installation. These longstanding and current wage standards are applied to these work activities, and are required to be paid on public works under chapter 39.12 RCW.

I hope this clarifies the distinct trades and corresponding prevailing rates of pay used to construct, build, and erect self-supporting scaffolds.

Sincerely,



Jim P. Christensen
Industrial Statistician/Program Manager
Prevailing Wage

cc: Elizabeth Smith, Assistant Director, FPLS
Dan Hutchins, PNR Council of Carpenters
Don Mcleod, WA & Northern Idaho District Council of Laborers
Robert Abbott, LiUNA

Enclosures

Painters.

For the intents and purposes of the Washington state public works law, chapter [39.12](#) RCW, the job description for painters is as follows:

- (1) Preparation of surfaces.
 - (a) Washing, cleaning and smoothing of surfaces, using sandpaper, brushes or steel wool.
 - (b) Removal of old paint or other coatings from surfaces, using paint remover, scraper, wire brush or by sandblasting.
 - (c) Filling of nail holes, cracks and joints with putty, plaster or other fillers.
- (2) Color matching and mixing.
- (3) Application of paint, varnish, stain, enamel, lacquer, vinyl, wallpaper and other materials of whatever kind or quality applied to walls or ceilings with paste or adhesive using brushes, spray gun or paint rollers.
- (4) Application of polyurethane elastomers, vinyl plastics, neoprene, resin, polyester and epoxy as waterproofing or protective coatings to any kind of surfaces (except roofs) when applied with brushes, spray guns or rollers.
- (5) Application of sprayed on fire retardant foam.
- (6) Texturing and decorating.
- (7) Erecting of scaffolding or setting up of ladders to perform the work above ground level.
- (8) Responsible for all the cleanup required in connection with painters work.

[Statutory Authority: Chapter [39.12](#) RCW, RCW [43.22.270](#) and 43.22.051. WSR 00-15-077, § 296-127-01356, filed 7/19/00, effective 7/19/00.]

Drywall finishers (tapers).

For the purpose of the Washington state public works law, chapter [39.12](#) RCW, drywall finishers perform all the preparatory work and finishing work involved in covering interior walls and ceilings with decorative or protective finish materials.

The work includes, but is not limited to:

- Handling of all materials after the initial unloading at the job site, including the distribution to the points of application.
- Erecting, moving and dismantling of all scaffolding.
- All preparatory work of taping, sealing, finishing and sanding of joints between plasterboard or other wallboard.
- Spotting, caulking, pointing and sealing of cracks and holes in walls and ceilings.
- Applying protective coverings prior to the application of the finish materials.
- Spackling of surfaces and application of texture finishes where adhesive materials are used.
- Applying all primers, sealers, decorative or protective finish materials, regardless of the method of application.
- Installing metal moulding at corners instead of sealant and tape.
- Removing all drywall material scraps and all cleaning work, including scraping of floors.

[Statutory Authority: Chapter [39.12](#) RCW, RCW [43.22.270](#) and 43.22.051. WSR 00-15-077, § 296-127-01318, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01332

No agency filings affecting this section since 2003

Hod carriers, mason tenders, and mortarmen.

For the purpose of the Washington state public works law, chapter [39.12](#) RCW, hod carriers, mason tenders and mortarmen assist bricklayers and masons.

The work includes, but is not limited to:

- The mixing, packing, wheeling and tempering of mortar and fire clay.
- The mixing, handling and conveying of all other materials used by bricklayers and masons (e.g., brick, tile, stone and cast stone), whether done by hand or any other process (e.g., operation of forklifts, hoisting equipment and pumping equipment).
 - Building of scaffolds, trestles, boxes and swinging staging.
 - Hanging of cables and placing of putlogs.
 - Carrying bricks and mortar in a hod.
 - Cleaning and clearing of all debris.

[Statutory Authority: Chapter [39.12](#) RCW, RCW [43.22.270](#) and 43.22.051. WSR 00-15-077, § 296-127-01332, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01382

No agency filings affecting this section since 2003

Terrazzo workers' helpers, tile and marble setters' helpers (finishers).

For the purpose of the Washington state public works law, chapter [39.12](#) RCW, the scope of work for terrazzo workers' helpers, tile and marble setters' helpers includes, but is not limited to:

- Handling, moving, hoisting, storing and distributing sand, mortar, cement, lime, terrazzo, tile, marble, stone, slate or any other materials that may be used by terrazzo workers, tile layers, marble setters and stone masons.

- Performing all rigging.
- Installing and dismantling of scaffolding or staging.
- Mixing mortar and grout.
- All preparation prior to installation, such as helping with the bedding and cutting, priming, and the installation of ties and wire lath.

- Grinding, cleaning, washing, rubbing and polishing of all tile and marble.
- Applying protective coverings, such as soap compounds, paper products, varnishes and lacquers and all types of tapes and polyethylene coverings.

- Cleanup of the job site.

[Statutory Authority: Chapter [39.12](#) RCW, RCW [43.22.270](#) and 43.22.051. WSR 00-15-077, § 296-127-01382, filed 7/19/00, effective 7/19/00.]

Laborers.

For the intents and purposes of the Washington state public works law, chapter [39.12](#) RCW, laborers perform a variety of tasks such as:

- Erect and repair guard rails, median rails, guide and reference posts, sign posts and right of way markers along highways.
- Mix, pour and spread asphalt, gravel and other materials, using hand tools, and mix, pour, spread and rod concrete.
- Lift, carry and hold building materials, tools and supplies.
- Measure distances from grade stakes, drive stakes and stretch tight line.
- Bolt, nail, align and block up under forms.
- Signal operators of construction equipment to facilitate alignment, movement and adjustment of machinery to conform to grade specifications.
- Level earth to fine grade specifications, using pick and shovel.
- Mix concrete, using portable mixer.
- Position, join, align, wrap and seal pipe sections.
- The placement and testing of plastic conduit for electrical cable, when the conduit is buried underground.
- Erect scaffolding, shoring and braces.
- Mop, or spread bituminous compounds over surfaces for protection (outside buildings).
- Spray material such as water, sand, steam, vinyl, or stucco through hoses to clean, coat or seal surfaces.
- Apply caulking compounds by hand or with caulking gun to seal crevices.
- The application of penetrating sealer and primer protective coatings to concrete floors and steps when safe to walk on.
- Installation of plastic panels on the inside of existing window frames for insulation (instead of storm windows). The panels are held in place magnetically (with metal brackets) and with self-taping screws.

The cleaning and grinding of concrete floors and walls by high pressure waterblasting or sandblasting preparatory to the application of waterproofing.

- The removing of rough or defective spots from concrete surfaces, using grinder or chisel and hammer and patching holes with fresh concrete or epoxy compound when not preparatory to sacking (finishing a large surface of patched holes).

- The setting of concrete curb, gutter and sidewalk forms as a composite crew with cement masons.

- The laying of concrete, granite and brick pavers in beds of sand.
- General cleanup required after damage caused by water or fire.

All clean-up work required in connection with the above work. Clean tools, equipment, materials and work areas:

(1) When the cleanup is performed for more than one trade (usually employed by general contractor).

(2) When assisting those trades for which laborers have been specifically designated as tenders, e.g., carpenter tender, cement finisher tender, etc.

[Statutory Authority: Chapter [39.12](#) RCW, RCW [43.22.270](#) and 43.22.051. WSR 00-15-077, § 296-127-01344, filed 7/19/00, effective 7/19/00.]

Carpenters.

For the purpose of the Washington state public works law, chapter [39.12](#) RCW, carpenters construct, erect, install and repair structures, structural members and fixtures made of wood, plywood, wallboard and materials that take the place of wood, such as plastic, metals, composites, and fiberglass, using carpenter hand tools and power tools.

The work includes, but is not limited to:

- Build rough wooden structures, such as concrete forms, scaffolds, wooden bridges, trestles, coffer dams, tunnel and sewer support; welding and burning.
- Install ladders, handrails, walkways, platforms and gangways.
- Install door and window bucks (rough frames in which finished frames are inserted) in building frame work and brace them with boards nailed to frame work.
- Install subflooring in buildings.
- Nail plaster grounds (wood or metal strips) to studding.
- Fit and nail sheathing on outer walls and roofs on buildings.
- Construct, erect, install and repair commercial, industrial and residential structures.
- Select specified type of lumber or other materials.
- Prepare layout, using rule, framing square and calipers.
- Mark cutting and assembling lines on materials, using pencil, chalk, and marking gauge.
- Shape materials to prescribed measurements, using saws, chisels and planes.
- Assemble, cut and shape materials and fasten them together with nails, dowel pins, or glue.
- Verify trueness of structure with plumb bob and carpenter's level.
- Apply decorative paneling to walls.
- Erect frame work for structures and lay subflooring.
- Cover subfloor with building paper to keep out moisture and lay hardwood, parquet and wood-strip-lock floors by nailing floors to subfloor or cementing them to mastic or asphalt base.
- Build stairs and layout and install partitions and cabinets.
- Install metal roof decking and metal siding, regardless of the fastening method, or what it is fastened to.
- Install all other types of siding, regardless of composition, fastening method, or what it is fastened to.
- Fit and install prefabricated wooden cabinets, window frames, door frames, doors, weather stripping, interior and exterior trim, and finish hardware, such as locks, letter drops and kick plates.
- Apply acoustical tile to ceilings and walls of buildings to reduce reflecting of sound and to decorate rooms.
- Cement tile to masonry surface.
- Nail channels or wood furring strips to surfaces to provide mounting for tile.
- Place building paper between tile and furring strip to keep out moisture.
- Nail, screw, or staple tile to wooden furring strips.
- Nail or screw moulding to walls to support and seal joint between ceiling tile and wall. Hang dry lines to wall mauling.
- Drive hanger inserts into reinforced concrete ceiling, suspend and bend hanger wires at points touching dry lines.
- Thread wires through holes in main runners and cut and attach cross supports to suspended runners and wall mauling.
- Cut tiles for fixtures and borders and insert tiles into supporting frame work.

[Statutory Authority: Chapter [39.12](#) RCW, RCW [43.22.270](#) and 43.22.051. WSR 00-15-077, § 296-127-01310, filed 7/19/00, effective 7/19/00.]

Prevailing Wage Determination Request and Review Process

RCW 39.12.015 is the basis for requesting a determination, since it provides:

All determinations of the prevailing rate of wage shall be made by the industrial statistician of the department of labor and industries.

If you disagree with a determination the industrial statistician provides, WAC 296-127-060(3) provides for a review process:

(3) Any party in interest who is seeking a modification or other change in a wage determination under RCW 39.12.015, and who has requested the industrial statistician to make such modification or other change and the request has been denied, after appropriate reconsideration by the assistant director shall have a right to petition for arbitration of the determination.

(a) For purpose of this section, the term "party in interest" is considered to include, without limitation:

(i) Any contractor, or an association representing a contractor, who is likely to seek or to work under a contract containing a particular wage determination, or any worker, laborer or mechanic, or any council of unions or any labor organization which represents a laborer or mechanic who is likely to be employed or to seek employment under a contract containing a particular wage determination, and

(ii) Any public agency concerned with the administration of a proposed contract or a contract containing a particular wage determination issued pursuant to chapter 39.12 RCW.

(b) For good cause shown, the director may permit any party in interest to intervene or otherwise participate in any proceeding held by the director. A petition to intervene or otherwise participate shall be in writing, and shall state with precision and particularity:

(i) The petitioner's relationship to the matters involved in the proceedings, and

(ii) The nature of the presentation which he would make. Copies of the petition shall be served on all parties or interested persons known to be participating in the proceeding, who may respond to the petition. Appropriate service shall be made of any response.

If you choose to utilize this review process, you must submit your request within 30 days of the date of the applicable industrial statistician's determination or response to your request for modification or other change. Include with your request any additional information you consider relevant to the review.

Direct requests for determinations, and for modification of determinations via email or letter to the prevailing wage industrial statistician:

Jim P. Christensen
Industrial Statistician/Program Manger
Department of Labor & Industries
Prevailing Wage
P O Box 44540
Olympia, WA 98504-4540
Jim.Christensen@Lni.wa.gov

Prevailing Wage Determination Request and Review Process

Direct requests via email or letter seeking reconsideration (redetermination) by the assistant director to:

Elizabeth Smith, Assistant Director
Department of Labor & Industries
Fraud Prevention and Labor Standards
P O Box 44278
Olympia, WA 98504-4278
Elizabeth.Smith@Lni.wa.gov

Direct petitions for arbitration to:
Joel Sacks, Director
Department of Labor & Industries
P O Box 44001
Olympia, WA 98504-4001

If you choose to utilize this arbitration process, you must submit your request within 30 days of the date of the applicable assistant director's decision on reconsideration (redetermination). Submit an original and two copies of your request for arbitration to the Director personally, or by mail. The physical address for the Director is 7273 Linderson Way, SW, Tumwater, WA 98501.

WAC 296-127-061 also contains the following provisions regarding petitions for arbitration:

In addition, copies of the petition shall be served personally or by mail upon each of the following:

- (a) The public agency or agencies involved,
 - (b) The industrial statistician, and
 - (c) Any other person (or the authorized representatives of such person) known to be interested in the subject matter of the petition.
- (2) The director shall under no circumstances request any administering agency to postpone any contract performance because of the filing of a petition. This is a matter which must be resolved directly with the administering agency by the petitioner or other party in interest.
- (3) A petition for arbitration of a wage determination shall:
- (a) Be in writing and signed by the petitioner or his counsel (or other authorized representative), and
 - (b) Identify clearly the wage determination, location of project or projects in question, and the agency concerned, and
 - (c) State that the petitioner has requested reconsideration of the wage determination in question and describe briefly the action taken in response to the request, and
 - (d) Contain a short and plain statement of the grounds for review, and
 - (e) Be accompanied by supporting data, views, or arguments, and
 - (f) Be accompanied by a filing fee of \$75.00. Fees shall be made payable to the department of labor and industries.