

Meeting Minutes  
 Prevailing Wage Advisory Committee (PWAC)  
 December 9, 2021  
 1:30 – 4:00pm  
 Zoom

Attendees (taken from meeting participant list):

Jim Christensen; Yvonne Nemes; Megan Kistler; Bonnie Dressel; Kyla Richards; Aaron Nelson; Allison Drake; Amy Taylor; Andrea Ornelas; Andrew Lyons; Angela Peterson; Anna Anderson; Artistic Treeworks2; Beth Simmons; Bill Fieber; Bob Dahl; bookkeeper; Brian D. Walter; Celeste Monahan; Charlie Barron; Christina Bayaniyan; Christine Brewer; Ramona Christensen-Russell; Chuck Ziegert; Colleen Stanton; csauls; Darah Katz; David Ciprut; Debbie Karlsson; deGiveM; Donn Falconer; Ellen Saline; Erin; Erin Fuller; Esmeralda Lemos; Fernando Arevalo; Harvey Means; iPhone – FFMG70M4PLJP; Ivan Meyen; Jack Knottingham; Jamie Blacksmith; Jason Boettcher; Jeanette Aranda; Jeff Douglas; Jeffrey Vest; Jesse Scott-Kandoll; Jim Kaltenbaugh; Jim Webster; Joan Simmons; JoAnn Elizabeth Hernandez; Joe Gaylor; Jolene Skinner; Josh Swanson; Julie Muller; Keith Weir; Kristina Hansen; Kyle Holt; Lisa Boyd; Maria Swinger-Inskeep; Mario Silva; Mark Riker; Marycela Bernardo; Matt Chapman; Matt Wilkes; Matthew; Me; Michelle Helmholz; Miriam Moses; Mona; Monty Anderson; munozccm; N. Smith; Nicole Barwick; Nicole Blackwood; Paulw 66; Reasa Pearson; Rebecca Gulino; Richard Geyer; Richard Newton; Ron’s iPhone; Rose Oliver; Scott Davis; Scott Middleton; Scott Widdicombe; Sean Anderson; Shari Reiter-Johnson; Shelli Edwards; Shelly Williams; Randy Littlefield; sonny; Sophia Steele; Tiffany Huff; Van Hurst; Victoria Lincoln; 1509\*\*\*\*640; 16 Matt Haines; LWileman.

<b>Agenda Item</b>	<b>Discussion</b>
Opening Remarks Introductions Safety Tip	Jim Christensen – L&I <ul style="list-style-type: none"> <li>• <b>Welcome:</b> Welcome to the December 9, 2021 PWAC meeting. This PWAC meeting is open to the public, but discussion will be between committee and LNI. If there is time remaining when the agenda is concluded the floor will be opened to the public.</li> <li>• Retirements – Miriam Moses has announced her retirement, publicly would like to thank her for her work. Wish her the very best. Laura Herman – thank you for your service. Many years in the PW program, no one knows more about the PW laws than her. She will be stepping down at the end of January. Wish her the best. Jim has also announced his retirement plans at the end of May. Between the three, nearly 100 years of experience walking out the door</li> <li>• <b>Safety Topic:</b> Emergency Preparedness.</li> </ul>

<p>PWAC Draft Meeting Minutes from September 1, 2021</p>	<p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"><li>• <b>Draft minutes</b> from September 1, 2021 – previously sent to committee members, do they accurately reflect what we went over? Motion to approve?</li></ul> <p>Jerry Vanderwood – AGC of WA</p> <ul style="list-style-type: none"><li>• Motion to approve minutes.</li></ul> <p>Scott Middleton – MCA of Western Washington</p> <ul style="list-style-type: none"><li>• Second</li></ul> <p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"><li>• Minutes are approved and will be on our website, <a href="http://lni.wa.gov">lni.wa.gov</a>, for everyone to view.</li></ul>
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<p>General Topics/Program updates</p> <ul style="list-style-type: none"> <li>• Strike and Debar</li> <li>• Enforcement Updates</li> <li>• Budget Request</li> <li>• Restructuring</li> <li>• IT Updates <ul style="list-style-type: none"> <li>○ Certified Payroll</li> <li>○ SB 5493</li> </ul> </li> <li>• Intent and Affidavit Fees</li> </ul>	<p><b>Strike and Debar:</b>  Reasa Pearson – L&amp;I</p> <ul style="list-style-type: none"> <li>• Debarments and Strikes for third quarter 2021 to date. Should start seeing some strikes coming up first of the year.</li> </ul> <p>Scott Middleton – MCA of Western Washington</p> <ul style="list-style-type: none"> <li>• I see number of strikes for contractor registration is high. Is that specific to certain type of registration.</li> </ul> <p>Reasa Pearson – L&amp;I</p> <ul style="list-style-type: none"> <li>• Don't know at this time. They are all under 18.27. Can't see what they are specifically tied too.</li> </ul> <p>Scott Middleton – MCA of Western Washington</p> <ul style="list-style-type: none"> <li>• Might still be lingering issues with filing monthly CPR. Has that issue worked itself out?</li> </ul> <p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"> <li>• I have some information about the CPR requirement later in the program.</li> </ul> <p>Scott Middleton – MCA of Western Washington</p> <ul style="list-style-type: none"> <li>• Perfect, thank you.</li> </ul> <p><b>Enforcement Updates:</b>  Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"> <li>• Thank you Reasa. Housekeeping announcement, revised rates recently updated. Congratulations to Labor and Management partners for hard fought round of negotiations that were successful. Thank you to Sean Anderson for getting this update done. Enforcement Updates, the program has had challenges lately, including turnover. Complaints received and complaints resolved are on the rise. Should rise further by end of year. We have had an increase in complaints received, sharp increase in October. Time taken to resolve cases by percentage. Focusing energy on older cases. Ongoing struggle but we are making progress. Vacancies in investigator positions is an issue as well. 5 vacancies in October. Caused by promotions</li> </ul>
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mostly. Only have 10 positions in total, so in October only had half-staff of investigators.

Hired 5 people to fill these positions since October. Now need to train these staff members in PW investigations. Cases per agent, today down to 17 from 26 in October. Ideal is 10. Closing older investigations so things are getting better.

Jerry Vanderwood – AGC of WA

- Amount of time to close out cases, this means retainage wouldn't be able to be released until these are resolved, correct?

Jim Christensen – L&I

- That is correct. Resources for PW and efficiency is important to everyone, contractors are affected by this due to liens on retained funds. I am not comfortable with cases over 1 year old.

Jerry Vanderwood – AGC of WA

- Good to hear you have hired new staff, once everyone is trained, do you think this will get back to normal or is something else needed?

Jim Christensen – L&I

- We should be able to get the drop on these older investigations. It can take a while for these new investigators to come up to speed. PW investigations are complex. What is needed is getting people trained up. We are currently doing this, but it will take some time.

Jerry Vanderwood – AGC of WA: Thanks.

**Budget Request**

Jim Christensen – L&I

- LNI recent budget request didn't get approved. Resources are needed for PW program. We appreciate Joel Sacks leadership in putting together supplemental budget request. Likely to get broad support on that.

**IT Updates**

Jolene Skinner – L&I

- Budget request includes 2 parts for IT enhancements that we have requested. Putting this budget request together to address these issues. Request will be in 2 phases. Redesign of public search tool. Same for wage look up tool. Looking at also creating a new apprenticeship utilization compliance tool. Need internal system to do this. We are also wanting to allow contractor and AA to download CPR reports from their portal. Also going to do various updates need in our own internal systems. Also asking for more FTE in this budget request package.

Jerry Vanderwood – AGC of WA

- Would you say it is easy to upload certified payroll? Is there anything we can do to make this easier?

Jolene Skinner – L&I

- There is an ability to upload CPR reports. It is daunting to initially set up. Contractors are having to seek out IT help to set this up. It is complicated because there is a lot of information needed to report on compliance. But once it is set up it is minimal effort to upload CPR reports. So the initial set up can be difficult.

Jerry Vanderwood – AGC of WA

- Is there an investment that LNI can make to make that initial set up easier?

Jolene Skinner – L&I

- Difficult to say. SO many different payroll systems out there makes it hard to say it would work for all those different systems. Continuing to explore though.

Jim Christensen – L&I

- Thank you Jolene. Payroll records, we still do not have broad compliance with this requirement. Still working on this. Need to get the word out to the contractor community about this CPR requirement. This list of non-compliant contractors does not just include small companies. Large companies and union companies as well. Not going to call the contractors out here.

**SB 5493 Update**

Jim Christensen – L&I

- Number of matters in various states of litigation, this being one of them. SB 5493 directed LNI to use CBA to set PW rates. LNI did that, and a lawsuit was filed. Most recent decision is div 2 court of appeals who ruled in favor of appellant. LNI has petitioned the supreme court for review, the Supreme Court are going to hear and consider that petition on January 4th. Following that, the court will decide whether it wants to grant review.

**Intents and Affidavits**

Jim Christensen – L&I

- L&I adopted a rule to set fees for forms back to 40 dollars per form. Fee had been reduced to 20 dollars. Fee needed to be increased because the fund needed to increase. History of form received in current calendar year. Steady rise in forms filed. This increase is larger than we usually see and larger than we expected. 140 – 150 thousands forms on pace to receive this year.

Jim Webster has questions on awarding agency portal. We are running into an issue in our office. We have vendors who are asking about payment status, and we have to tell them they need to file their forms. Their accounts receivable department doesn't seem to contact their office about this. Is there a certain unit in this organizations that we should be contacting?

Jolene Skinner – L&I

- We only get the contact information from who is filing that form. If they are not the ones you need to contact it can cause issues.

Reasa Pearson – L&I

- It can be a problem on our end as well. You can speak to our customer service to see if our side can do anything.

Jim Christensen – L&I

- We can set up a meeting to come up with some ideas.

Jim Webster: We have seen where a vendor has completed their filings, but it is not showing up in our portal. Do you know what could cause that?

Reasa Pearson – L&I

- We would need to look up that form for the specific reasons, but it could be that they picked a different department than yours. Duplicate awarding agencies.

Jim Webster: I appreciate your time in helping me out with these.

### **2022 Meeting Schedule**

Jim Christensen – L&I

- Yvonne will be reaching out to PWAC member to know more about their availability. We think that the Legislative session will be over in May.

**Wrap Up and Next Steps**, any comments before we close?

- If nothing more from PWAC members, I will adjourn this PWAC meeting.

**Meeting Adjourned**