

Meeting Minutes  
 Prevailing Wage Advisory Committee (PWAC)  
 May 24, 2021  
 9:00pm – 11:30  
 Zoom

Attendees (taken from meeting participant list):

Megan Kistler, Yvonne Nemes, Bonnie Dressel, Josh Swanson, Reasa Pearson, Aaron Nelson, Andrew Calkins, Anna Minor, Brian D. Walter #55, Cassie Langton, Charsin, Christina Bayaniyan LU 66, Chuck Ziegert, Darrin Boyce Local 66, David Ciprut, Earl Smith, Elena, Geneva Jarvis, Harvey Means, jba, Jenatte, Jeffrey Vest, Jennifer Wamboldt, JensenH, Jerry Vanderwood, Jesse Sanden BAC Local 1 WA/AK, Jim Christensen, Jody Robbins, Joe Gaylor, Joey Bolden, Jolene Skinner, Julie Muller, Justin Thayer, Laura Herman, Lee Willeman, Mark Riker WSBCTC, Melanee's iPhone, Miriam Moses, MONTY, Nicole Blackwood, Ramona Christensen-Russell, Robert Turner, Russ Hauss, Ryan Beredsen, Scott Middleton, Sean Anderson, Shelli Edwards, Shelly Williams she/her, Sophia Steele, Stephanie Richards, Stew Sorrell, Tiffany Huff NWLECET, Todd Mitchell, Todd Templeton, Wendy Novak, WSDOT Yolanda Brooks, 1206\*\*\*\*223, 1509\*\*\*\*070, BETH SIMMONS, Local 528 Neff.

<b>Agenda Item</b>	<b>Discussion</b>
Opening Remarks Introductions	Jim Christensen – L&I <ul style="list-style-type: none"> <li>• <b>Welcome:</b> we don't have a real busy agenda today. Should be able to adjourn early.</li> <li>• <b>Safety Topic:</b> 'Heat Exhaustion and Heat Stroke Safety'</li> </ul>
PWAC Draft Meeting Minutes from May 24, 2021	Jim Christensen – L&I <ul style="list-style-type: none"> <li>• <b>Draft minutes</b> from May 24, 2021 – previously sent to committee members, do they accurately reflect what we went over? Motion to approve.</li> </ul> Josh Swanson – IUOE 302 <ul style="list-style-type: none"> <li>• Seconds motion to approve minutes.</li> </ul> Jim Christensen – L&I <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>

General Topics:

- Program updates
- Enforcement
- IT updates
- Intent & Affidavit fees
- Classifications
- Next meeting date
- Wrap up & next steps
- Adjourn

**Program Updates:**

Jim Christensen – L&I

- Program is still doing well under COVID, considerably more efficient. PW1 email inbox has no backlog, phone lines are working. New version of law booklet is out. More information than usual. Booklet is on our website for people to view/download. Determinations – there has not been a determination issued since we met last.

**Enforcement:**

Reasa Pearson – L&I

- NOVs that we have issued for 2020 and first quarter of 2021. (goes over the amount of NOVs issued and NOVs appealed). Wages and Penalties Collected for 2020 and first quarter of 2021 (goes over wages and penalties collected). Goes over numbers for Reductions and Waivers made in 2020 and first quarter of 2021.

Jerry Vanderwood – AGC

- Could you explain to me what reduction and waiver means?

Reasa Pearson – L&I

- New penalties for unpaid wages, we also have discretionary authority to reduce or waive penalties. Wage appeals were likely due to scope of work.

Jim Christensen – L&I

- Enforcement focus. SB 5035 changes penalty structure. Applies to willful and repeat violators. Numbers Reasa went over show we are on pace to have more complaints than last year. LNI has good number of old cases, we are now focused on getting those cleared up. We have had vacancies in some positions. Big news is restructuring.

**IT Updates:**

Jolene Skinner – L&I

- Nothing big updated recently, mostly maintaining. Future IT enhancements coming up.

	<p>Mark Riker – WA Building Trades</p> <ul style="list-style-type: none"><li>○ Information that David is requesting is important to us. If we can get it before June it would be nice.</li></ul> <p>Jolene Skinner – L&amp;I</p> <ul style="list-style-type: none"><li>○ You should have it prior to end of June. Data for weekly reports filed each month since changes went into effect. Our system is being used on a daily basis, with heavy data loads.</li></ul> <p>Bonnie Dressel – L&amp;I</p> <ul style="list-style-type: none"><li>○ We have noticed a lot of certified payroll requests coming in. Received a dozen in a day, most I have seen.</li></ul> <p>Scott Middleton – MCA of Western Washington</p> <ul style="list-style-type: none"><li>○ Made aware of an issue with new requirement for CP to be filed electronically. Issue with at least one contractor, issues brought up when time to approve Affidavits.</li></ul> <p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"><li>○ Starting in Jan 2020 it is a requirement to file CP electronically. Graph shows an increase in this, but still have contractors not filing these reports. Not dropping the hammer on contractors yet, but moving that direction. LNI has been communicating with contractors who are failing to file these reports currently.</li></ul> <p>Miriam Moses – REBOUND</p> <ul style="list-style-type: none"><li>○ Interfaces on Intent/Affidavit system. Why does the department approve forms with no reg number? Can we build an interface to show if CP has been filed before Affidavit is approved.</li></ul> <p>Jolene Skinner – L&amp;I</p> <ul style="list-style-type: none"><li>○ We are exploring this. During 2020 we were being more educational. 2021 we are more about compliance.</li></ul> <p>Jim Christensen – L&amp;I</p> <p>There will always be a number of improvements we can make in our system, we are happy to talk about those. We are happy to set up trainings. (Jim answers questions regarding our systems).</p>
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Bruce Chattin - Washington Aggregates & Concrete Assn.

- Material supply. Small companies are having difficulty meeting weekly requirement. Not all drivers return to the project, and the system is still looking for their information.

Jim Christensen – L&I

- Timely complaint must come in within 60 days of acceptance. Contact us and we can organize some training.

**Intent & Affidavit fees**

Jim Christensen – L&I

- Members are well aware of what is going on with fees. Historically been 40.00 dollars, going in to account. Almost 2 years ago, the fees were reduced to 20.00 dollars. Goal was to spend account balance down. Account has been drawn down, still healthy. I think LNI is going to have to increase these fees. The question is when does it increase the fees and to what level? Have a plan to do emergency rulemaking.

Miriam Moses – REBOUND

- We are dedicated and in support to raising the fees back up to \$40. Do you need a separate allocation for IT or can it come from funds?

Jim Christensen – L&I

- Money for IT improvements comes from the fund.

Jerry Vanderwood – AGC

- As far as raising it to \$40, we support the fund being as big as it needs to be. The reason it was reduced to 20 in the first place is because the fund got way bigger than it needed to be.

Jim Christensen – L&I

- We were aware of supplemental budget request. Fees were cut to 20 dollars. Had request been approved... the account has been drawn down. LNI needs to raise fee above 20 dollars. Current spending outpaces account balance.

Mark Riker – WA Building Trades

- I support it going back to \$40, healthy functioning fund.

**Classifications:**

Jim Christensen – L&I

- Interest in scope of work classifications. Scope of work descriptions might be crystal clear, and they might be subject to interpretations. We wonder if trade practice and jurisdiction should align with prevailing wage. Concerns are being brought up.

Mark Riker – WA Building Trades

- Too important of a concern to bring up at PWAC.

Jim Christensen – L&I

- I agree.

**Next Meeting Date:**

Jim Christensen – L&I

- 2021 meeting schedule: No PWAC meetings on calendar as of yet. We will use same process for determining a good time for next meeting. Late August, early September. Next either December or November.

**Wrap up and next steps:**

Miriam Moses – REBOUND

- Doesn't think IRAs get paid enough. Turnover is high, need to work on raising pay.

Jim Christensen – L&I

- I'm confident they would agree with you. I agree with you. Would like to achieve that goal as well.

**Meeting Adjourned**