

Meeting Minutes  
 Prevailing Wage Advisory Committee (PWAC)  
 October 01, 2020  
 9:00pm – 11:30  
 Zoom

Attendees (taken from meeting participant list): Megan Kistler, Yvonne Nemes, Bonnie Dressel, Jamie Blacksmith, Jim Christensen, Laura Herman, Aaron Nelson, Amanda Butzke, Andrew Calkins, Angela Peterson, Bruce Chattin, Celeste Monahan, Chuck Ziegert, Cindy Ebeling, Claudia Slabu, Colleen Stanton, Dave Arbugh, Matthew Erlich, Harly Farey, Harvey Means, Ivan Meyen, japplec, jBaca, Jeanette Aranda, Jeff Douglas, Jena Richmond, Jennie Kordenat, Jerry VanderWood, Jesse Sanden, Jesse Scott, Jim Kaltenbaugh, Jolene Skinner, Josh Swanson, Kyle Holt, Lisa Bogardus, lwilleman, mariad, Mario Silva, Mark Riker, Mark Wells, Matt Chapman, Megan Bloch, Michael de Give, Miguel Beltran, Miriam Moses, Morgan Garrison, Nicole Blackwood, Nidia, Paul Trautman, Peita Smith, Reasa Pearson, Rovie Reiswig, Ryan Berendsen, Scott Middleton, Sean Anderson, Shyann Emmons, Stuart Sorrell, TeresaG, Todd Mitchell, Trevor Smith, Wendy Novak, zmesgane, 1360\*\*\*\*317

| <b>Agenda Item</b>                               | <b>Discussion</b>  |
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| Opening Remarks<br>Introductions                 | Jim Christensen – L&I <ul style="list-style-type: none"> <li>• <b>Welcome:</b> Appreciate the support from stakeholders. Ambitious agenda today, lots going on. More challenging with COVID.</li> <li>• <b>Safety Topic:</b> ‘Winter Workplace Safety Tips You Didn’t Know’</li> </ul>   |
| PWAC Draft Meeting<br>Minutes from June 29, 2020 | Jim Christensen – L&I <ul style="list-style-type: none"> <li>• <b>Draft minutes</b> from June 29, 2020, do they accurately reflect what we went over? Seems good to me.</li> </ul> Josh Swanson – IUOE 302 <ul style="list-style-type: none"> <li>• Looks good to me. Move to approve.</li> </ul> Jerry Vanderwood – AGC <ul style="list-style-type: none"> <li>• Second.</li> </ul> Jim Christensen – L&I <ul style="list-style-type: none"> <li>• All in favor? Adopting minutes as accurate.</li> </ul> |

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| <p>General Topics:</p> <ul style="list-style-type: none"> <li>- Intents and Affidavits/Fees</li> <li>- Strike and Debar</li> <li>- Enforcement</li> <li>- Prevailing Wage Data &amp; Information Updates</li> <li>- Residential Survey</li> <li>- Determinations</li> </ul> | <p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"> <li>• <b>Intent and Affidavits:</b> First report shows volume that we have received. No substantial difference from what we were receiving. Could see an increase, we will continue to monitor. Next report shows how long forms are waiting in que to get approved. The backlog has been cleared and timeline has improved.</li> <li>• <b>Fees:</b> we currently have a fee reduction in place. Usually \$40, currently \$20. This ends in June.</li> </ul> <p>Jerry Vanderwood – AGC</p> <ul style="list-style-type: none"> <li>• One of the reasons we lowered fees was because account became large. If it does not need to increase we should keep it where it is.</li> </ul> <p>Bruce Chattin – WA Aggregates &amp; Concrete</p> <ul style="list-style-type: none"> <li>• I agree with Jerry. I’d be interested in pursuing that.</li> </ul> <p>Mark Riker – WA Building Trades</p> <ul style="list-style-type: none"> <li>• There is no automatic switch back to \$40 is there?</li> </ul> <p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"> <li>• In essence yes, from my understanding there is not a rule that sets fees. Law is somewhat confusing on this. They can’t exceed \$40.</li> </ul> <p>Mark Riker – WA Building Trades</p> <ul style="list-style-type: none"> <li>• Can you explain the process of setting the fee by rule? How long does that take? Normal rule making process?</li> </ul> <p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"> <li>• The decision of whether to make rules is not my decision. Formal process can take time, and we might have other options.</li> </ul> <p>Mark Riker – WA Building Trade</p> <ul style="list-style-type: none"> <li>• Lets monitor the account.</li> </ul> <p>Josh Swanson – IUOE 302</p> <ul style="list-style-type: none"> <li>• Part of fee reduction was support for additional FTEs. You didn’t get those.</li> </ul> |
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|  | <p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"><li>• Thank you for your perspective.</li></ul> <p>Jerry Vanderwood – AGC</p> <ul style="list-style-type: none"><li>• To be clear, moving from \$20 to \$40 wouldn't make FTEs more available.</li></ul> <p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"><li>• <b>Strike and Debar</b></li></ul> <p>Reasa Pearson – L&amp;I</p> <ul style="list-style-type: none"><li>• FY2020 compared to FY 2021. Received 400 last year, 108 this year.</li></ul> <p>Jerry Vanderwood – AGC</p> <ul style="list-style-type: none"><li>• Where are we in current fiscal year?</li></ul> <p>Reasa Pearson – L&amp;I</p> <ul style="list-style-type: none"><li>• Fiscal year started in July.</li></ul> <p>Scott Middleton – MCAWW</p> <ul style="list-style-type: none"><li>• NOVs seem to be down. Is this because of COVID?</li></ul> <p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"><li>• Good question. On path to double paper NOVs. Some might not have been appealed yet.</li></ul> <p>Jerry Vanderwood – AGC</p> <ul style="list-style-type: none"><li>• Number of debarments seem to be up.</li></ul> <p>Reasa Pearson – L&amp;I</p> <ul style="list-style-type: none"><li>• Yes. We don't have to issue Directors order now, going to NOV quicker.</li></ul> <p>Miriam Moses – REBOUND</p> <ul style="list-style-type: none"><li>• Currently takes 2 months to receive payroll records. Is there a reason for this?</li></ul> <p>Bonnie Dressel – L&amp;I</p> <ul style="list-style-type: none"><li>• There has been a backlog because of COVID. We are giving contractors more time to respond.</li></ul> |
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|  | <p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"><li>• Thanks Bonnie. Contractors are finding things more challenging because of COVID. We are giving them more time.</li></ul> <p>Bruce Chattin – WA Aggregates &amp; Concrete</p> <ul style="list-style-type: none"><li>• Significant altered situation in debarments. Was this intended?</li></ul> <p>Reasa Pearson – L&amp;I</p> <ul style="list-style-type: none"><li>• Not due to 5035. Due to the way things line up. Has to do with industrial insurance debarments.</li></ul> <p>Bruce Chattin – WA Aggregates &amp; Concrete</p> <ul style="list-style-type: none"><li>• Is there an unintended consequence here worth looking into?</li></ul> <p>Josh Swanson – IUOE 302</p> <ul style="list-style-type: none"><li>• 5035 objective was to increase enforcement.</li></ul> <p>Nicole Blackwood</p> <ul style="list-style-type: none"><li>• How does 60 day lag effect 60 day filing time once project is completed?</li></ul> <p>Bonnie Dressel – L&amp;I</p> <ul style="list-style-type: none"><li>• Not sure at this moment. We are working hard on getting this caught up.</li></ul> <p>Scott Middleton - MCAWW</p> <ul style="list-style-type: none"><li>• Is it possible to at least footnote what this date is?</li></ul> <p>Reasa Pearson – L&amp;I</p> <ul style="list-style-type: none"><li>• I can do that.</li></ul> <p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"><li>• Thank you, Reasa and Bonnie.</li></ul> <p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"><li>• Next item on the agenda is <b>Enforcement</b>.</li></ul> |
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|  | <p>Laura Herman – L&amp;I</p> <ul style="list-style-type: none"><li>• 5035 changed a lot about how we do our compliance work. (explains new law’s requirements). RCW 39.12.170 makes payroll filings mandatory. Combining multiple complaints was a reasonable and fair approach.</li></ul> <p>Jolene Skinner – L&amp;I</p> <ul style="list-style-type: none"><li>• SB 5418 passed, some changes to law on procurement. We put in a funding request along with our bill analysis. Was not approved at that time. During last Legislative session we asked again for funding. We got 187,000.00 for that request. Data for forms that have been filed is available to anyone. Adding project ID number. Creating 2 new data sets. First is all about the project. Second is about apprenticeship utilization. Those updates will be coming by the end of the year.</li></ul> <p>Miriam Moses – REBOUND</p> <ul style="list-style-type: none"><li>• Will LNI be giving a project ID?</li></ul> <p>Jolene Skinner – L&amp;I</p> <ul style="list-style-type: none"><li>• This is done by LNI. We are in the process of using this data for focused enforcement. Currently working on the data queries.</li></ul> <p>Jerry Vanderwood – AGC</p> <ul style="list-style-type: none"><li>• Seems pretty good. You should be able to see if a contractor has issues right away?</li></ul> <p>Jolene Skinner – L&amp;I</p> <ul style="list-style-type: none"><li>• Customer service already does this during their review.</li></ul> <p>Jerry Vanderwood – AGC</p> <ul style="list-style-type: none"><li>• New data will allow for repeated problem areas to surface?</li></ul> <p>Jolene Skinner – L&amp;I</p> <ul style="list-style-type: none"><li>• Yes.</li></ul> <p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"><li>• We can use the data to see who the willful violators are.</li></ul> |
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|  | <p>Bruce Chattin – WA Aggregates &amp; Concrete</p> <ul style="list-style-type: none"><li>• Can we get a copy of this? It is not in our packet.</li></ul> <p>Jolene Skinner – L&amp;I</p> <ul style="list-style-type: none"><li>• We can get you that.</li></ul> <p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"><li>• Very excited to hear we are going to get data on apprentice utilization during the project, not when the project is over. The public will be able to see how they are doing while the project is ongoing.</li></ul> <p>Angela Peterson</p> <ul style="list-style-type: none"><li>• Payroll reports that meet both state and federal law. They still need to file the federal report.</li></ul> <p>Jolene Skinner – L&amp;I</p> <ul style="list-style-type: none"><li>• I've been working with the feds. We include the federal affirmation on the reports.</li></ul> <p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"><li>• Thank you, Jolene. Next up, <b>Residential Construction Survey</b>. Residential construction survey. Hoping to get these rates published in August. We are still working on calculations. Had meetings with housing association. Rates are now almost ready. King, Pierce, Clark, and Snohomish has most changes. (goes over details about residential surveys).</li></ul> <p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"><li>• <b>Determinations</b> – no new determinations issued since last meeting. We have had questions about using industry practice. Industry practice does not decide correct classification. Scope of work descriptions do. We are also seeing determination requests to settle jurisdictional disputes. We will likely decline these requests.</li></ul> <p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"><li>• Yet to be determined. Wondering if PWAC members can identify times they can attend. Then we can create a proposed schedule for 2021.</li></ul> |
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| <p>PWAC 2021 Meeting Schedule</p> | <p>Jerry Vanderwood – AGC</p> <ul style="list-style-type: none"> <li>• Can we survey PWAC members with different dates/times? Would that be more efficient?</li> </ul> <p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"> <li>• Okay, we can do that.</li> </ul> <p>Scott Middleton – MCAWW</p> <ul style="list-style-type: none"> <li>• I agree with Jerry. Should be less work for your team.</li> </ul> <p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"> <li>• I suppose people don't want to meet during session?</li> </ul> <p>Bruce Chattin –</p> <ul style="list-style-type: none"> <li>• A check in would be a good option, before or during session.</li> </ul> |
| <p>Wrap Up/Adjourn</p>            | <p>Jim Christensen – L&amp;I</p> <ul style="list-style-type: none"> <li>• That's the end of the agenda, any questions? Thank you all for joining today. It was a pleasure to 'see' everyone.</li> </ul>  |