



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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FILED

DATE: June 04, 2019

TIME: 11:11 AM

WSR 19-12-089

Agency: Department of Labor & Industries

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 19-01-099 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Amendments to the Prevailing Wage Rules, Chapter 296-127 WAC, Prevailing Wage

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
July 9, 2019	9:00 a.m.	Department of Labor & Industries Town Center 3 243 Israel Rd SE Bldg 3 Room 413 Tumwater, WA 98501	For directions: I-5 South - from Seattle or Tacoma I-5 North - from Centralia or Portland

Date of intended adoption: July 23, 2019 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Beverly Clark

Address: Department of Labor & Industries
Fraud Prevention and Labor Standards Division
Post Office Box 44400
Olympia, Washington 98504-4400

Email: Beverly.Clark@Lni.wa.gov

Fax: 360-902-4988

Other:

By (date) July 12, 2019

Assistance for persons with disabilities:

Contact Beverly Clark

Phone: 360-902-6272

Fax: 360-902-4988

TTY:

Email: Beverly.Clark@Lni.wa.gov

Other:

By (date) June 28, 2019

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Prevailing Wage Program reviewed the prevailing wage rules for housekeeping changes in order to further clarify the rules.

Proposed include:

- Update references to correct current statues and addresses;
- Change to gender neutral language; and

- Replace archaic terminology.

The Prevailing Wage Program notified interested parties by letter of its intention to proceed with a housekeeping rulemaking process and invited them to participate through the PWAC meetings or their independent communications with L&I. The program worked with the Prevailing Wage Advisory Committee (PWAC), and its representation from business, labor, public agencies, as well as participation from the public regarding development of this draft housekeeping rule changes. Consensus was obtained to move this draft forward into rulemaking.

Reasons supporting proposal: The Prevailing Wage Program reviewed the prevailing wage rules for housekeeping changes in order to further clarify the language without changing their effect of any rule except where necessary to align with statute or case law. No substantive changes are considered in this rule.

Statutory authority for adoption: Chapter 39.12 RCW

Statute being implemented: Chapter 39.12 RCW

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|----------------------------------------|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None.

Name of proponent: (person or organization) Department of Labor & Industries Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Jim Christensen	Tumwater, WA	360-902-5330
Implementation:	Jim Christensen	Tumwater, WA	360-092-5330
Enforcement:	Jim Christensen	Tumwater, WA	360-902-5330

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Is a cost-benefit analysis required under RCW 34.05.328?

- Yes: A preliminary cost-benefit analysis may be obtained by contacting:
 - Name:
 - Address:
 - Phone:

Fax:
TTY:
Email:
Other:

No: Please explain: This rulemaking is exempted under RCW 34.05.328(5)(b)(iv) from the requirement for a cost benefit analysis. The changes in the proposed rule will not alter any current agency practice or interpretation of law. The changes in the proposed rule do not place any new obligation on employers and they do not require employers to incur additional costs.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- | | |
|-------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: June 4, 2019

Name: Joel Sacks

Title: Director

Signature:

