

# HOUSE BILL REPORT

## SB 5763

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**As Reported by House Committee On:**  
Labor & Workplace Standards

**Title:** An act relating to eliminating subprevailing wage certificates for individuals with disabilities.

**Brief Description:** Eliminating subprevailing wage certificates for individuals with disabilities.

**Sponsors:** Senators Randall, Sheldon, Lovelett, Nguyen, Nobles, Saldaña, Wellman and Wilson, C..

**Brief History:**

**Committee Activity:**

Labor & Workplace Standards: 2/16/22, 2/18/22 [DP].

**Brief Summary of Bill**

- Repeals the statute allowing the Department of Labor and Industries to issue special certificates for the employment of individuals with disabilities at wages lower than the applicable prevailing wage rate.

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### HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

**Majority Report:** Do pass. Signed by 7 members: Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske, Harris and Ortiz-Self.

**Staff:** Trudes Tango (786-7384).

**Background:**

State law requires prevailing wages be paid to laborers, workers, and mechanics employed upon all public works and under all public building service maintenance contracts. The

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prevailing wage is the hourly wage, usual benefits, and overtime to the majority of workers, laborers, or mechanics in the same trade or occupation.

Under current law, the Director of the Department of Labor and Industries (L&I) is required, to the extent necessary to prevent curtailment of opportunities for employment, to provide for the employment of individuals with disabilities at wages lower than the applicable prevailing wage rate through the issuance of special certificates.

The L&I has implemented rules carrying out the statute, authorizing nonprofit vocational rehabilitation programs to apply for subprevailing wage certificates for workers with certain disabilities. Subprevailing wage certificates are valid for a maximum of one year and may be renewed.

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**Summary of Bill:**

The statute requiring the Director of L&I to provide for the employment of individuals with disabilities at wages lower than the applicable prevailing wage rate through the issuance of special certificates is repealed.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) There are no subprevailing wage certificates currently in use, but this bill eliminates any opportunity for people with disabilities to be undervalued for their work. Paying subprevailing wages is just as harmful as paying subminimum wages to persons with disabilities.

(Opposed) None.

**Persons Testifying:** Joe Kendo, Washington State Labor Council, American Federation of Labor and Congress of Industrial Organizations; and Sara Stewart, Community Employment Alliance.

**Persons Signed In To Testify But Not Testifying:** None.