



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: October 17, 2024

TIME: 8:40 AM

WSR 24-21-088

Agency: Department of Labor and Industries (L&I)

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: The rulemaking amends four rule sections in chapter 296-127 WAC for Prevailing Wage. Three rule sections were amended to align with changes to the related statutes and one rule change was made to align with current L&I practice. The changes reflect requirements in law and do not affect the purpose of the rule sections.

The following sections are amended:

- WAC 296-127-010 Definitions for chapter 296-127 WAC: Update the “residential construction” definition to align with the definition for “residential construction” in RCW 39.12.017 that was created with the passage of House Bill 1743.
- WAC 296-127-140 Investigation of complaint: Update language related to L&I’s acceptance timeline of a complaint concerning the nonpayment of the prevailing rate of wage. Change the acceptance date from 30 to 60 days for public works projects. This change aligns the section with RCW 39.12.065, which was amended with the passage of Senate Bill 5088.
- WAC 296-127-160 Appeal of notice of violation: Eliminate the need to submit four copies of the request for a hearing. This aligns with current L&I practice and reduces paperwork.
- WAC 296-127-320 Payroll: Align section with RCW 39.12.120, which requires weekly certified payroll records be filed at least once a month using L&I’s online system. RCW 39.12.120 was created with the passage of Engrossed Substitute Senate Bill 5035.

Citation of rules affected by this order:

New:
 Repealed:
 Amended: WAC 296-127-010, 296-127-140, 296-127-160, and 296-127-320
 Suspended:

Statutory authority for adoption: Chapter 39.12 RCW

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 24-14-113 on July 2, 2024 (date).
 Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
 Address:
 Phone:

Fax:
TTY:
Email:
Web site:
Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>3</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted on the agency's own initiative:

New	<u>0</u>	Amended	<u>4</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

Date Adopted: October 17, 2024

Name: Joel Sacks

Title: Director

Signature:

