



Dated: 1/4/2010

WALP Representatives Meet With L & I Representatives

On December 22, 2009, WALP Lobbyist Heather Hansen, WALP Member Ken Yorozu of T. Yorozu Gardening Co., WALP Executive Director Patty Anderson, and WSNLA Executive Director Jeanne McNeil met with Washington State Department of Labor and Industries (L & I) Prevailing Wage Specialist Laura Herman and Josh Swanson, L & I Legislative Liaison. **The purpose of the meeting was to discuss landscape contractors concerns about the change in interpretation of the WAC 296-127-01346 Landscape construction definition for determination of prevailing wage rates.** As suspected, L & I has increased scrutiny on landscape contractors. The emphasis according to L & I is in response to increased complaints.

The L & I representative made the following points:

- From L & I's viewpoint, the only thing that has changed is increased enforcement, not the definitions of landscaping. L & I's legislative authority makes it a complaint driven enforcement agency.
- Sources of complaints are unions, contractors, workers, or competitors.
- Complainers' names are public after the resolution of the claim.
- After a complaint is received, L & I makes a determination about whether a task is landscape or something else without an official definition of "beautification".
- The WAC mentioned above was drafted and adopted without input from the landscape and horticulture community.
- L & I has no intention of changing the current pattern of decision-making under the current head of the prevailing wage section
- The Industry may take several actions including industry education, arbitration of the issue with the Director of L & I, appeal to David Soma, initiate rulemaking to change the WAC, and/or initiate legislation to change the law. All of these options are current under review and consideration.

In the meantime, contractors **who are planning to bid prevailing wage jobs may call L & I's Laura Herman, (360) 902-5311 to ask her for a predetermination of categories within the job plans and specifications.** The contractor may also ask her and the issuing entity/owner to indicate the wage categories in the official documents. Ms. Herman's email is herq235@lni.wa.gov. Her fax number is (360) 902-5300.

Be Heard In Olympia – Attend WALP's 2010 Legislative Day!

Join your trade association in one **of the most important days of the year for landscaping professionals – WALP's 2010 Legislative Day – January 26th.**

In attending you will find out about any critical legislative coming up in the 2010 Legislative Session that could affect the Landscaping Industry and your business. You will also be provided with tips and tools that will help you communicate with your elected officials about the issues that matter, appointments will be scheduled with your state representatives so that you may let them

know what you think about the issues they are facing this year, and, most important, you will help demonstrate the unity and strength of the “Green Industry”.

Legislative Day is just a few weeks away, so send in your registration form (attached) today!

*Questions on any of the topics addressed in this “WALP Watch”?
Contact the WALP Office at info@walp.org or (425) 967-0729.*