

HOUSE BILL REPORT

HB 1059

As Reported by House Committee On:
Labor & Workforce Development

Title: An act relating to conforming with federal labor standards for apprenticeship programs.

Brief Description: Concerning the conforming of apprenticeship program standards to federal labor standards.

Sponsors: Representatives Hudgins, Reykdal, Appleton and Moeller; by request of Department of Labor & Industries.

Brief History:

Committee Activity:

Labor & Workforce Development: 1/14/11, 2/16/11 [DPS].

Brief Summary of Substitute Bill

- Changes state apprenticeship law to conform to federal apprenticeship regulations by transferring rule-making authority for apprenticeship from the Washington State Apprenticeship and Training Council to the Department of Labor and Industries.

HOUSE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Sells, Chair; Reykdal, Vice Chair; Green, Kenney, Miloscia, Moeller, Ormsby and Roberts.

Minority Report: Do not pass. Signed by 5 members: Representatives Condotta, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Fagan, Taylor and Warnick.

Staff: Alison Hellberg (786-7152).

Background:

The Washington State Apprenticeship and Training Council (Council) establishes apprenticeship program standards, approves apprenticeship training programs, and otherwise

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governs the programs. The Department of Labor and Industries (Department) encourages and promotes apprenticeship agreements, records apprenticeship agreements, and otherwise aids the Council in carrying out its functions.

The Secretary of the United States Department of Labor (Secretary) delegates to the state authority to certify apprenticeship programs for federal purposes. Employers of apprentices in certified programs may pay the apprentices less than journey-level wages on public works jobs. Apprentices that complete certified programs are recognized as qualified journey workers nationwide. The Secretary delegates authority only if state apprenticeship law conforms with federal apprenticeship regulations.

Changes in federal regulations in December 2008 require that a state apprenticeship agency, and not a state apprenticeship council, have responsibility and accountability for apprenticeship within the state. States were required to be in compliance with these changes by December 29, 2010.

Summary of Substitute Bill:

The Department is the agency with responsibility and accountability for apprenticeship within the state for federal purposes. The Director of the Department (Director), rather than the Council has rule-making authority for apprenticeship. The Director must consult with the Council and receive the Council's recommendations prior to adopting rules. Any decision of the Council affecting registration and oversight of apprenticeship programs and agreements may be appealed to the Director within 30 days of a Council decision.

Substitute Bill Compared to Original Bill:

The Department may only issue certificates of completion of apprenticeship when authorized by the Council. A language change is made.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill brings the state into conformity with new federal regulations. If Washington is not in conformity with federal regulations, state-approved apprenticeships will not be recognized by the federal government. Washington apprentices will not have portability if they want to move to other states. This was supposed to be done by December

2010, but the agency did not determine until after the end of last year's legislative session that statutory changes were needed. The federal Department of Labor has granted an extension.

(With concerns) Washington has one of the flagship apprenticeship programs in the country. The new federal regulations are from the Bush era and they drag down the apprenticeship program in Washington. This bill shifts authority from the Council to the Department. The Washington State Building and Construction Trades Council has asked Congress to grant an exemption for Washington and has been speaking to the Washington congressional delegation. There are ways of being in conformity without completely shifting the power. One person should not have this level of power in rule-making. An amendment could make this bill contingent on an exemption.

(Opposed) None.

Persons Testifying: (In support) Tamara Jones, Department of Labor and Industries.

(With concerns) Dave Johnson, Washington State Building and Construction Trades Council.

Persons Signed In To Testify But Not Testifying: None.