

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1234

57th Legislature
2001 Regular Legislative Session

Passed by the House March 14, 2001
Yeas 95 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate April 10, 2001
Yeas 48 Nays 0

President of the Senate

Approved

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1234** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1234

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Clements, Conway, Lisk, Wood, B. Chandler, Kessler, Kenney, Hurst, Keiser, Simpson, Ogden, Lovick, Morris, McIntire, D. Schmidt, Ruderman, O'Brien, Schual-Berke, Edwards, Kagi, Cody and Edmonds; by request of Washington State Apprenticeship and Training Council, State Board for Community and Technical Colleges and Department of Labor & Industries)

Read first time . Referred to Committee on .

1 AN ACT Relating to revising apprenticeship law to respond to a 1999
2 United States department of labor audit; and amending RCW 49.04.010,
3 49.04.030, 49.04.040, 49.04.050, 49.04.060, 49.04.080, 49.04.100, and
4 28B.50.880.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 49.04.010 and 1984 c 287 s 97 are each amended to read
7 as follows:

8 The director of labor and industries shall appoint an
9 apprenticeship council, composed of three representatives each from
10 employer and employee organizations, respectively. The terms of office
11 of the members of the apprenticeship council first appointed by the
12 director of labor and industries shall be as follows: One
13 representative each of employers and employees shall be appointed for
14 one year, two years, and three years, respectively. Thereafter, each
15 member shall be appointed for a term of three years. The governor
16 shall appoint a public member to the apprenticeship council for a
17 three-year term. The appointment of the public member is subject to
18 confirmation by the senate. Each member shall hold office until
19 ((his)) a successor is appointed and has qualified and any vacancy

1 shall be filled by appointment for the unexpired portion of the term.
2 (~~The state official who has been designated by the commission for~~
3 ~~vocational education as being in charge of trade and industrial~~
4 ~~education and the state official who has immediate charge of the state~~
5 ~~public employment service~~) A designated representative from each of
6 the following: The work force training and education coordinating
7 board, state board for community and technical colleges, employment
8 security department, and United States department of labor,
9 apprenticeship, training, employer, and labor services, shall be ex
10 officio ((be)) members of ((said)) the apprenticeship council((
11 without)). Ex officio members shall have no vote. Each member of the
12 council, not otherwise compensated by public moneys, shall be
13 reimbursed for travel expenses in accordance with RCW 43.03.050 and
14 43.03.060 and shall be compensated in accordance with RCW 43.03.240.
15 The apprenticeship council ((with the consent of employee and employer
16 groups shall: (1) Establish standards for apprenticeship agreements in
17 conformity with the provisions of this chapter; (2)) is authorized to
18 approve apprenticeship programs, and establish apprenticeship program
19 standards as rules, including requirements for apprentice-related and
20 supplemental instruction, coordination of instruction with job
21 experiences, and instructor qualifications. The council shall consider
22 recommendations from the state board for community and technical
23 colleges on matters of apprentice-related and supplemental instruction,
24 coordination of instruction with job experiences, and instructor
25 qualifications. The rules for apprenticeship instructor qualifications
26 shall either be by reference or reasonably similar to the applicable
27 requirements established by or pursuant to chapter 28B.50 RCW. The
28 council is further authorized to issue such rules ((and regulations))
29 as may be necessary to carry out the intent and purposes of this
30 chapter, including a procedure to resolve an impasse should a tie vote
31 of the council occur((; and (3))), and perform such other duties as are
32 hereinafter imposed.

33 Not less than once a year the apprenticeship council shall make a
34 report to the director of labor and industries of its activities and
35 findings which shall be available to the public.

36 **Sec. 2.** RCW 49.04.030 and 1979 ex.s. c 37 s 2 are each amended to
37 read as follows:

1 Subject to the confirmation of the state apprenticeship council by
2 a majority vote, the director of labor and industries shall appoint and
3 deputize an assistant director to be known as the supervisor of
4 apprenticeship. Under the supervision of the director of labor and
5 industries and with the advice and guidance of the apprenticeship
6 council, the supervisor shall: (1) Encourage and promote (~~the making~~
7 ~~of~~) apprenticeship (~~agreements~~) programs conforming to the standards
8 established (~~by or in accordance with~~) under this chapter, and in
9 harmony with the policies of the United States department of labor; (2)
10 act as secretary of the apprenticeship council and of state (~~joint~~)
11 apprenticeship committees; (3) when (~~so~~) authorized by the
12 apprenticeship council, register (~~such~~) apprenticeship agreements
13 (~~as~~) that are in the best interests of the apprentice and conform
14 (~~to the~~) with standards established (~~by or in accordance with~~)
15 under this chapter; (4) keep a record of apprenticeship agreements and
16 upon (~~performance thereof~~) successful completion issue certificates
17 of completion of apprenticeship; and (5) terminate or cancel any
18 apprenticeship agreements in accordance with the provisions of (~~such~~)
19 the agreements(~~; and who (6)~~)).

20 The supervisor may act to bring about the settlement of differences
21 arising out of the apprenticeship agreement where such differences
22 cannot be adjusted locally (~~or in accordance with the established~~
23 ~~trade procedure.~~

24 ~~Related and supplemental instruction for apprentices, coordination~~
25 ~~of instruction with job experiences, and the selection and training of~~
26 ~~teachers and coordinators for such instruction shall be the~~
27 ~~responsibility of the commission for vocational education and its local~~
28 ~~recognized agency for vocational education)).~~ The director of labor
29 and industries is authorized to appoint such other personnel as may be
30 necessary to aid the (~~apprenticeship council and the~~) supervisor of
31 apprenticeship in the execution of (~~their~~) the supervisor's functions
32 under this chapter.

33 **Sec. 3.** RCW 49.04.040 and 1941 c 231 s 3 are each amended to read
34 as follows:

35 (~~Local and state joint~~) Upon the effective date of this act, all
36 newly approved apprenticeship programs must be represented by either a
37 unilateral or joint apprenticeship committee. Apprenticeship
38 committees must conform to this chapter, the rules adopted by the

1 apprenticeship council, and 29 C.F.R. Part 29 and must be approved by
2 the apprenticeship council. Apprenticeship committees may be
3 approved(~~(, in any trade or group of trades, in cities or trade areas,~~
4 ~~by the apprenticeship council,)) whenever the apprentice training needs
5 ~~((of such trade or group of trades justifies))~~ justify such
6 establishment. Such ~~((local or state joint))~~ apprenticeship committees
7 shall be composed of an equal number of employer and employee
8 representatives who may be chosen:~~

9 (1) From names submitted by the respective local or state employer
10 and employee organizations ~~((in such trade or group of trades. In a~~
11 ~~trade or group of trades in which there is no bona fide employer or~~
12 ~~employee organization, the joint committee shall be composed of persons~~
13 ~~known to represent the interests of employer and of employees~~
14 ~~respectively, or a state joint apprenticeship committee may be approved~~
15 ~~as, or))~~ served by the apprenticeship committee; or

16 (2) In a manner which selects representatives of management and
17 nonmanagement served by the apprenticeship committee. The council may
18 act ~~((itself))~~ as the ~~((joint committee in such trade or group of~~
19 ~~trades))~~ apprentice representative when the council determines there is
20 no feasible method to choose nonmanagement representatives.

21 ~~((Subject to the review of the council and in accordance with the~~
22 ~~standards established by this chapter and by the council, such))~~
23 Apprenticeship committees shall devise standards for apprenticeship
24 programs and ~~((give such aid as may be necessary in~~
25 ~~their operation in their respective trades and localities))~~ operate
26 such programs in accordance with the standards established by this
27 chapter and by council-adopted rules. The council and supervisor may
28 provide aid and technical assistance to apprenticeship program sponsors
29 and applicants, or potential applicants.

30 **Sec. 4.** RCW 49.04.050 and 1979 ex.s. c 37 s 3 are each amended to
31 read as follows:

32 ~~((Standards of apprenticeship agreements are as follows:~~

33 (1) ~~A statement of the trade or craft to be taught and the required~~
34 ~~hours for completion of apprenticeship which shall be not less than two~~
35 ~~thousand hours of reasonably continuous employment.~~

36 (2) ~~A statement of the processes in the trade or craft divisions in~~
37 ~~which the apprentice is to be taught and the approximate amount of time~~
38 ~~to be spent at each process.~~

1 ~~(3) A statement of the number of hours to be spent by the~~
2 ~~apprentice in work and the number of hours to be spent in related and~~
3 ~~supplemental instruction which instruction shall be not less than one~~
4 ~~hundred forty four hours per year.~~

5 ~~(4) A statement of the age of the apprentice which may not be less~~
6 ~~than sixteen years of age.~~

7 ~~(5) A statement of the progressively increasing scale of wages to~~
8 ~~be paid the apprentice.~~

9 ~~(6) Provision for a period of probation during which the~~
10 ~~apprenticeship council or the supervisor of apprenticeship may~~
11 ~~terminate an apprenticeship agreement at the request in writing of any~~
12 ~~party thereto. After the probationary period the apprenticeship~~
13 ~~council, or the supervisor of apprenticeship, under the procedure~~
14 ~~approved by the council, shall be empowered to terminate the~~
15 ~~apprenticeship agreement in accordance with the provisions of such~~
16 ~~agreement.~~

17 ~~(7) Provision that the services of the supervisor and the~~
18 ~~apprenticeship council may be utilized for consultation regarding the~~
19 ~~settlement of differences arising out of the apprenticeship agreement~~
20 ~~where such differences cannot be adjusted locally or in accordance with~~
21 ~~the established trade procedure.~~

22 ~~(8) Provision that if an employer is unable to fulfill his~~
23 ~~obligation under the apprenticeship agreement he may transfer such~~
24 ~~obligation to another employer.~~

25 ~~(9) Such additional standards as may be prescribed in accordance~~
26 ~~with the provisions of this chapter.))~~

27 To be eligible for registration, apprenticeship program standards
28 must conform to the rules adopted by the apprenticeship council.

29 **Sec. 5.** RCW 49.04.060 and 1941 c 231 s 5 are each amended to read
30 as follows:

31 For the purposes of this chapter an apprenticeship agreement is((÷

32 ~~(1) An individual written agreement between an employer and~~
33 ~~apprentice, or (2) a written agreement between an employer, or an~~
34 ~~association of employers, and an organization of employees describing~~
35 ~~conditions of employment for apprentices, or (3) a written statement~~
36 ~~describing conditions of employment for apprentices in a plant where~~
37 ~~there is no bona fide employee organization.~~

1 All such agreements shall conform to the basic standards and other
2 provisions of this chapter)) a written agreement between an apprentice
3 and either the apprentice's employer or employers, or an apprenticeship
4 committee acting as agent for an employer or employers, containing the
5 terms and conditions of the employment and training of the apprentice.

6 **Sec. 6.** RCW 49.04.080 and 1963 c 172 s 1 are each amended to read
7 as follows:

8 Under the supervision of the director of labor and industries and
9 with the advice and guidance of the apprenticeship council, the
10 supervisor of apprenticeship shall encourage and promote the making of
11 such other types of on-the-job training agreements and projects, in
12 addition to apprenticeship agreements, as ((he in his discretion)) the
13 supervisor shall find meritorious.

14 **Sec. 7.** RCW 49.04.100 and 1995 c 67 s 7 are each amended to read
15 as follows:

16 ((Joint)) As provided by the rules adopted by the apprenticeship
17 council, apprenticeship programs entered into under authority of this
18 chapter ((49.04 RCW and which receive any state assistance in
19 instructional or other costs, shall include entrance of women and
20 racial minorities in such program, when available, in a ratio not less
21 than the percentage of the minority race and female (minority and
22 nonminority) labor force in the program sponsor's labor market area,
23 based on current census figures issued by the office of financial
24 management with the ultimate goal of obtaining the proportionate ratio
25 of representation in the total program membership. Where minimum
26 standards have been set for entering upon any such apprenticeship
27 program, this woman and racial minority representation shall be filled
28 when women and racial minority applicants have met such minimum
29 standards and irrespective of individual ranking among all applicants
30 seeking to enter the program: PROVIDED, That nothing in RCW 49.04.100
31 through 49.04.130 will affect the total number of entrants into the
32 apprenticeship program or modify the dates of entrance both as
33 established by the joint apprenticeship committee. Racial minority for
34 the purposes of RCW 49.04.130 shall include African Americans, Asian
35 Pacific Americans, Hispanic Americans, American Indians, Filipinos, and
36 all other racial minority groups)) with five or more apprentices shall
37 conform with 29 C.F.R. Part 30 to the extent required by federal law

1 while advancing the nondiscriminatory principles of the Washington
2 state civil rights act, RCW 49.60.400.

3 **Sec. 8.** RCW 28B.50.880 and 1991 c 238 s 111 are each amended to
4 read as follows:

5 (~~Related and supplemental instruction for apprentices,~~
6 ~~coordination of instruction with job experiences, and the selection and~~
7 ~~training of teachers and coordinators for such instruction shall be the~~
8 ~~responsibility of the state board for community and technical colleges~~
9 ~~and its local community and technical colleges.)) The state board for
10 community and technical colleges shall provide recommendations to the
11 apprenticeship council and apprenticeship programs, established under
12 chapter 49.04 RCW, on matters of related and supplemental instruction
13 for apprentices, coordination of instruction with job experiences, and
14 the qualification of teachers for such instruction.~~

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