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**SUBSTITUTE HOUSE BILL 1817**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** House Labor & Workplace Standards (originally sponsored by Representatives Sells, Chapman, Gregerson, Ormsby, and Morgan)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to ensuring for a skilled and trained workforce  
2 in high hazard facilities; adding a new chapter to Title 49 RCW;  
3 prescribing penalties; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires  
7 otherwise.

8 (1) "Apprenticeable occupation" means an occupation for which an  
9 apprenticeship program has been approved by the Washington state  
10 apprenticeship and training council pursuant to chapter 49.04 RCW.

11 (2) "Department" means the department of labor and industries.

12 (3) "On-site work" does not include catalyst handling and loading  
13 or chemical cleaning.

14 (4) "Prevailing hourly wage rate" has the meaning provided for  
15 "prevailing rate of wage" in RCW 39.12.010.

16 (5) "Registered apprentice" means an apprentice registered in an  
17 apprenticeship program approved by the Washington state  
18 apprenticeship and training council according to chapter 49.04 RCW.

19 (6) "Skilled and trained workforce" means a workforce that meets  
20 both of the following criteria:

1 (a) All the workers are either registered apprentices or skilled  
2 journeypersons; and

3 (b) The workforce meets the apprenticeship graduation and  
4 approved advanced safety training requirements established in section  
5 3 of this act.

6 (7) "Skilled journeyperson" means a worker who meets all of the  
7 following criteria:

8 (a) The worker either graduated from an apprenticeship program  
9 for the applicable occupation that was approved by the Washington  
10 state apprenticeship and training council according to chapter 49.04  
11 RCW, or has at least as many hours of on-the-job experience in the  
12 applicable occupation that would be required to graduate from an  
13 apprenticeship program approved by the Washington state  
14 apprenticeship and training council according to chapter 49.04 RCW;  
15 and

16 (b) The worker is being paid at least a rate consistent with the  
17 prevailing hourly wage rate for a journeyperson in the applicable  
18 occupation and geographic area.

19 NEW SECTION. **Sec. 2.** (1) An owner or operator of a stationary  
20 source that is engaged in activities described in code 324110 or  
21 325110 of the North American industry classification system, when  
22 contracting for the performance of construction, alteration,  
23 demolition, installation, repair, or maintenance work at the  
24 stationary source, shall require that its contractors and any  
25 subcontractors use a skilled and trained workforce to perform all  
26 onsite work within an apprenticeable occupation in the building and  
27 construction trades. This section shall not apply to oil and gas  
28 extraction operations.

29 (2)(a) The department in consultation with the Washington state  
30 apprenticeship and training council shall approve a curriculum of in-  
31 person classroom and laboratory instruction for approved advanced  
32 safety training for workers at high hazard facilities.

33 (b) The safety training must be provided by a training provider,  
34 which may include a registered apprenticeship program, approved by  
35 the department. The department must periodically review and revise  
36 the curriculum to reflect current best practices.

37 (c) Upon receipt of certification from the approved training  
38 provider, the department must issue a certificate to a worker who  
39 completes the approved curriculum.

1 (d) The department may accept a certificate or other  
2 documentation issued by another state if the department finds that  
3 the curriculum and documentation of the other state meets the  
4 requirements of this subsection.

5 (3) This section applies to work performed under contracts  
6 awarded, contract extensions, and contract renewals occurring on or  
7 after the effective date of this section. This section shall also  
8 apply to work performed under a contract awarded before the effective  
9 date of this section if the work is performed more than one year  
10 after the effective date of this section.

11 (4) This section does not apply to:

12 (a) The employees of the owner or operator of the stationary  
13 source, nor does it prevent the owner or operator of the stationary  
14 source from using its own employees to perform any work that has not  
15 been assigned to contractors while the employees of the contractor  
16 are present and working;

17 (b) A contractor who has requested qualified workers from the  
18 local hiring halls or apprenticeship programs that dispatch workers  
19 in the apprenticeable occupation and who, due to workforce shortages,  
20 is unable to obtain sufficient qualified workers within forty-eight  
21 hours of the request, Saturdays, Sundays, and holidays excepted; and

22 (c) Emergencies that make compliance impracticable because they  
23 require immediate action to prevent harm to public health or safety  
24 or to the environment. This section applies as soon as the emergency  
25 is over or it becomes practicable for contractors to obtain a  
26 qualified workforce.

27 (5) The requirements under subsection (1) of this section apply  
28 to each individual contractor's and subcontractor's on-site  
29 workforce.

30 (6) The requirements of this section do not make the work  
31 described in subsection (1) of this section a public work within the  
32 meaning of RCW 39.04.010.

33 NEW SECTION. **Sec. 3.** The following implementation schedule must  
34 be complied with to meet the requirements of section 2 of this act  
35 for a skilled and trained workforce to perform all on-site work  
36 within an apprenticeable occupation in the building and construction  
37 trades:

38 (1)(a) By January 1, 2020, at least twenty percent of the skilled  
39 journeypersons must be graduates of an apprenticeship program for the

1 applicable occupation approved by the Washington state apprenticeship  
2 and training council under chapter 49.04 RCW;

3 (b) By January 1, 2021, at least thirty-five percent of the  
4 skilled journeypersons must be graduates of an apprenticeship program  
5 for the applicable occupation approved by the Washington state  
6 apprenticeship and training council under chapter 49.04 RCW;

7 (c) By January 1, 2022, at least forty-five percent of the  
8 skilled journeypersons must be graduates of an apprenticeship program  
9 for the applicable occupation approved by the Washington state  
10 apprenticeship and training council according to chapter 49.04 RCW;  
11 and

12 (d) By January 1, 2023, at least sixty percent of the skilled  
13 journeypersons must be graduates of an apprenticeship program for the  
14 applicable occupation approved by the Washington state apprenticeship  
15 and training council according to chapter 49.04 RCW; and

16 (2) By January 1, 2022, all workers in the skilled and trained  
17 workforce must have completed within the past two calendar years at  
18 least twenty hours of approved advanced safety training for workers  
19 at high hazard facilities.

20 NEW SECTION. **Sec. 4.** (1) Failure to comply with the skilled and  
21 trained workforce requirements of this chapter, except the  
22 requirement that a worker be paid at least a rate consistent with the  
23 prevailing hourly wage rate, constitutes a violation of chapter 49.17  
24 RCW.

25 (2) The prevailing hourly wage rate requirement of this chapter  
26 constitutes a wage payment requirement as defined in RCW 49.48.082.

27 NEW SECTION. **Sec. 5.** The department may adopt rules necessary  
28 to implement this chapter.

29 NEW SECTION. **Sec. 6.** Sections 1 through 5 and 7 of this act  
30 constitute a new chapter in Title 49 RCW.

31 NEW SECTION. **Sec. 7.** This act takes effect January 1, 2020.

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