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ENGROSSED 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 ship and rail car support  
13 activities; environmental inspection and testing; security guard  
14 services; work which is performed by an original equipment  
15 manufacturer for warranty, repair, or maintenance on the vendor's  
16 equipment if required by the original equipment manufacturer's  
17 warranty agreement between the original equipment manufacturer and  
18 the owner; industrial cleaning not related to construction; safety  
19 services requiring professional safety certification; nonconstruction  
20 catalyst loading, regeneration, and removal; chemical purging and  
21 cleaning; refinery byproduct separation and recovery; inspection

1 services not related to construction; and work performed that is not  
2 in an apprenticeable occupation.

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

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

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

10 (a) All the workers are either registered apprentices or skilled  
11 journeypersons; and

12 (b) The workforce meets the apprenticeship graduation and  
13 approved advanced safety training requirements established in section  
14 3 of this act.

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

17 (a) The worker either graduated from an apprenticeship program  
18 for the applicable occupation that was approved by the Washington  
19 state apprenticeship and training council according to chapter 49.04  
20 RCW, or has at least as many hours of on-the-job experience in the  
21 applicable occupation that would be required to graduate from an  
22 apprenticeship program approved by the Washington state  
23 apprenticeship and training council according to chapter 49.04 RCW;  
24 and

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

28 NEW SECTION. **Sec. 2.** (1) An owner or operator of a stationary  
29 source that is engaged in activities described in code 324110 or  
30 325110 of the North American industry classification system, when  
31 contracting for the performance of construction, alteration,  
32 demolition, installation, repair, or maintenance work at the  
33 stationary source, shall require that its contractors and any  
34 subcontractors use a skilled and trained workforce to perform all  
35 onsite work within an apprenticeable occupation in the building and  
36 construction trades. This section shall not apply to oil and gas  
37 extraction operations.

38 (2)(a) The department in consultation with the Washington state  
39 apprenticeship and training council shall approve a curriculum of in-

1 person classroom and laboratory instruction for approved advanced  
2 safety training for workers at high hazard facilities.

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

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

10 (d) The department may accept a certificate or other  
11 documentation issued by another state if the department finds that  
12 the curriculum and documentation of the other state meets the  
13 requirements of this subsection.

14 (3) This section applies to work performed under contracts  
15 awarded, contract extensions, and contract renewals occurring on or  
16 after the effective date of this section. This section shall also  
17 apply to work performed under a contract awarded before the effective  
18 date of this section if the work is performed more than one year  
19 after the effective date of this section.

20 (4) This section does not apply to:

21 (a) The employees of the owner or operator of the stationary  
22 source, nor does it prevent the owner or operator of the stationary  
23 source from using its own employees to perform any work that has not  
24 been assigned to contractors while the employees of the contractor  
25 are present and working;

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

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

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

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

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

9 (1) (a) By January 1, 2021, at least twenty percent of the skilled  
10 journeypersons must be graduates of an apprenticeship program for the  
11 applicable occupation approved by the Washington state apprenticeship  
12 and training council under chapter 49.04 RCW;

13 (b) By January 1, 2022, at least thirty-five percent of the  
14 skilled journeypersons must be graduates of an apprenticeship program  
15 for the applicable occupation approved by the Washington state  
16 apprenticeship and training council under chapter 49.04 RCW;

17 (c) By January 1, 2023, at least forty-five percent of the  
18 skilled journeypersons must be graduates of an apprenticeship program  
19 for the applicable occupation approved by the Washington state  
20 apprenticeship and training council according to chapter 49.04 RCW;  
21 and

22 (d) By January 1, 2024, at least sixty percent of the skilled  
23 journeypersons must be graduates of an apprenticeship program for the  
24 applicable occupation approved by the Washington state apprenticeship  
25 and training council according to chapter 49.04 RCW; and

26 (2) By January 1, 2022, all workers in the skilled and trained  
27 workforce must have completed within the past three calendar years at  
28 least twenty hours of approved advanced safety training for workers  
29 at high hazard facilities.

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

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

1        NEW SECTION.    **Sec. 5.**    The department in consultation with the  
2 Washington state apprenticeship and training council shall prioritize  
3 consideration of new apprenticeship programs for workers in high  
4 hazard facilities.

5        NEW SECTION.    **Sec. 6.**    The department may adopt rules necessary  
6 to implement this chapter.

7        NEW SECTION.    **Sec. 7.**    Sections 1 through 6 and 8 of this act  
8 constitute a new chapter in Title 49 RCW.

9        NEW SECTION.    **Sec. 8.**    This act takes effect January 1, 2020.

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