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SENATE BILL 6565

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State of Washington 57th Legislature

2002 Regular Session

By Senators Costa, Winsley, Gardner, Thibaudeau, Kastama, Keiser and Franklin

Read first time 01/21/2002. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to apprenticeship utilization requirements; and  
2 adding new sections to chapter 39.04 RCW.

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

4 NEW SECTION. **Sec. 1.** A well-trained workforce is critical to the  
5 economic and social vitality of the state of Washington. Studies of  
6 the state's workforce highlight population trends that, without a  
7 concerted effort to offset them, will lead to an inadequate supply of  
8 skilled workers in the construction industry. Apprenticeship training  
9 programs are particularly effective in providing training and  
10 experience to individuals seeking to enter or advance in the work  
11 force. Public works contracts can provide training and experience as  
12 a means to increase the skills of the state's workforce and to help  
13 apprentices become journeyworkers.

14 NEW SECTION. **Sec. 2.** The definitions in this section apply  
15 throughout sections 1 through 3 of this act unless the context clearly  
16 requires otherwise.

17 (1) "Apprentice" means an apprentice enrolled in a state-approved  
18 apprenticeship training program.

1 (2) "Apprentice utilization requirement" means the requirement that  
2 the appropriate percentage of labor hours within each separate craft or  
3 trade be performed by apprentices of that craft or trade.

4 (3) "Labor hours" means the total hours of workers receiving an  
5 hourly wage who are directly employed on the site of the public works  
6 project. "Labor hours" includes hours performed by workers employed by  
7 the contractor and all subcontractors working on the project. "Labor  
8 hours" does not include hours worked by foremen, superintendents,  
9 owners, and workers who are not subject to prevailing wage  
10 requirements.

11 (4) "State-approved apprenticeship training program" means an  
12 apprenticeship training program approved by the Washington state  
13 apprenticeship council.

14 NEW SECTION. Sec. 3. (1) From July 1, 2002, through December 31,  
15 2002, all contracts for public works estimated to cost two million  
16 dollars or more shall require that no less than ten percent of the  
17 labor hours within each craft or trade be performed by apprentices of  
18 that craft or trade.

19 (2) From January 1, 2003, through December 31, 2003, all contracts  
20 for public works estimated to cost two million dollars or more shall  
21 require that no less than twelve percent of the labor hours within each  
22 craft or trade be performed by apprentices of that craft or trade.

23 (3) From January 1, 2004, and thereafter, all contracts for public  
24 works estimated to cost one million dollars or more shall require that  
25 no less than fifteen percent of the labor hours within each craft or  
26 trade be performed by apprentices of that craft or trade.

27 (4) Awarding agency directors may adjust the requirements of this  
28 section for a specific project for the following reasons:

29 (a) The demonstrated lack of availability of apprentices in  
30 specific geographic areas;

31 (b) A disproportionately high ratio of material costs to labor  
32 hours, which does not make feasible the required minimum levels of  
33 apprentice participation; or

34 (c) Other criteria the awarding agency director deems appropriate,  
35 which is subject to prior review by the apprenticeship program manager  
36 of the department of labor and industries.

37 (5) The failure by a contractor to comply with the apprentice  
38 utilization requirement shall be deemed a breach of contract for which

1 the state or the municipality is entitled to all remedies allowed by  
2 law and under the contract. Failure to comply with the apprentice  
3 utilization requirement may be considered evidence bearing on a  
4 contractor's qualification for award of future contracts.

5 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act are each  
6 added to chapter 39.04 RCW.

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