

WAC 296-05-405 Exceptions to the requirement for adopting an affirmative action plan and a selection procedure. (1) A sponsor is not required to adopt an affirmative action plan or a selection procedure if:

(a) It has fewer than five apprentices; or
(b) The program is determined by the WSATC to be in compliance with an approved equal employment opportunity program. An approved program is one which:

(i) Provides for selection of apprentices;
(ii) Provides for affirmative action in apprenticeship;
(iii) Includes goals and timetables for participation of minorities and women in the labor force in apprenticeship which meet or exceed the requirements of WAC 296-05-415; and

(iv) Meets the requirements of the following laws:
• Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000, et seq.);

• The regulations implementing 42 U.S.C. 2000, et seq.;
• Executive Order 11246 as amended; and
• The regulations (41 C.F.R. Part 60) implementing Executive Order 11246.

• Title I of the Americans with Disabilities Act (ADA);
• 42 U.S.C. 12112 and 12113, as amended;
• Regulation promulgated by the Equal Employment Opportunity Commission (EEOC) (29 C.F.R. Part 1630); and
• The Genetic Information Nondiscrimination Act (GINA), 29 U.S.C. 2000ff et seq.

(2) A program sponsor must submit satisfactory evidence of its qualification for the exception to the WSATC. If the program sponsor designed the apprenticeship program or the equal opportunity program to circumvent the requirements of these rules, the program will not qualify for an exception.

[Statutory Authority: Chapter 49.04 RCW. WSR 20-13-060, § 296-05-405, filed 6/15/20, effective 7/16/20. Statutory Authority: RCW 49.04.010, 2001 c 204, and chapter 49.04 RCW. WSR 01-22-055, § 296-05-405, filed 10/31/01, effective 1/17/02.]