
SUBSTITUTE HOUSE BILL 2439

State of Washington

58th Legislature

2004 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Hankins, Campbell, Cooper, Kenney, Wood, Simpson, D., Chase, Simpson, G., Moeller, Morrell, Hudgins and Dickerson; by request of Governor Locke and Washington State Apprenticeship and Training Council)

READ FIRST TIME 01/27/04.

1 AN ACT Relating to apprenticeship utilization requirements on
2 public works projects; and 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 construction trades work
5 force is critical to the ability of the state of Washington to
6 construct public works. Studies of the state's work force highlight
7 population trends that, without a concerted effort to offset them, will
8 lead to an inadequate supply of skilled workers in the construction
9 industry. State government regularly constructs public works. The
10 efficient and economical construction of public works projects will be
11 harmed if there is not an ample supply of trained construction workers.
12 Apprenticeship training programs are particularly effective in
13 providing training and experience to individuals seeking to enter or
14 advance in the work force. By providing for apprenticeship utilization
15 on public works projects, state government can create opportunities for
16 training and experience that will help assure that a trained work force
17 will be available in sufficient numbers in the future for the
18 construction of public works.

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

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

6 (2) "Apprentice utilization requirement" means the requirement that
7 the appropriate percentage of labor hours be performed by apprentices.

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

15 (4) "State-approved apprenticeship training program" means an
16 apprenticeship training program approved by the Washington state
17 apprenticeship council.

18 NEW SECTION. **Sec. 3.** (1) For all public works estimated to cost
19 one million dollars or more, all specifications shall require that no
20 less than fifteen percent of the labor hours be performed by
21 apprentices.

22 (2) Awarding agency directors may adjust the requirements of this
23 section for a specific project for the following reasons:

24 (a) The demonstrated lack of availability of apprentices in
25 specific geographic areas;

26 (b) A disproportionately high ratio of material costs to labor
27 hours, which does not make feasible the required minimum levels of
28 apprentice participation;

29 (c) Participating contractors have demonstrated a good faith effort
30 to comply with the requirements of this act; or

31 (d) Other criteria the awarding agency director deems appropriate,
32 which are subject to review by the office of the governor.

33 (3) This section applies only to public works contracts awarded by
34 the state. However, this section does not apply to contracts awarded
35 by state four-year institutions of higher education, state agencies
36 headed by a separately elected public official, or the department of
37 transportation.

1 (4)(a) The department of general administration must provide
2 information and technical assistance to affected agencies and collect
3 the following data from affected agencies for each project covered by
4 this section:

5 (i) The name of each apprentice and apprentice registration number;

6 (ii) The name of each project;

7 (iii) The dollar value of each project;

8 (iv) The date of the contractor's notice to proceed;

9 (v) The number of apprentices and labor hours worked by them,
10 categorized by trade or craft;

11 (vi) The number of journey level workers and labor hours worked by
12 them, categorized by trade or craft; and

13 (vii) The number, type, and rationale for the exceptions granted
14 under subsection (2) of this section.

15 (b) The department of labor and industries shall assist the
16 department of general administration in providing information and
17 technical assistance.

18 (5) At the request of the senate commerce and trade committee, the
19 house of representatives commerce and labor committee, or their
20 successor committees, or the governor, the department of general
21 administration and the department of labor and industries shall
22 compile and summarize the agency data and provide a joint report. The
23 report shall include recommendations on modifications or improvements
24 to the apprentice utilization program and information on skill
25 shortages in each trade or craft.

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

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