

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1817**

66th Legislature  
2019 Regular Session

Passed by the House April 18, 2019  
Yeas 58 Nays 36

---

**Speaker of the House of Representatives**

Passed by the Senate April 10, 2019  
Yeas 29 Nays 16

---

**President of the Senate**

Approved

---

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1817** as passed by the House of Representatives and the Senate on the dates hereon set forth.

---

**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

---

**ENGROSSED SUBSTITUTE HOUSE BILL 1817**

---

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

**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; providing an effective date; and providing an  
4 expiration date.

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

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

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

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

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

1 cleaning; refinery byproduct separation and recovery; inspection  
2 services not related to construction; and work performed that is not  
3 in an apprenticeable occupation.

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

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

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

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

13 (b) The workforce meets the apprenticeship graduation and  
14 approved advanced safety training requirements established in section  
15 3 of this act.

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

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

26 (b) The worker is being paid at least a rate commensurate with  
27 the wages typically paid for the occupation in the applicable  
28 geographic area, subject to the following provisions:

29 (i) The prevailing wage rate paid for a worker in the applicable  
30 occupation and geographic area on public works projects may be used  
31 to determine the appropriate rate of pay, however, this subsection  
32 (7)(b) does not require a contractor to pay prevailing wage rates;  
33 and

34 (ii) In no case may the worker be paid at a rate less than an  
35 hourly rate consistent with the seventy-fifth percentile in the  
36 applicable occupation and geographic area in the most recent  
37 occupational employment statistics published by the employment  
38 security department.



1 is unable to obtain sufficient qualified workers within forty-eight  
2 hours of the request, Saturdays, Sundays, and holidays excepted; and

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

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

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

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

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

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

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

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

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

1        NEW SECTION.    **Sec. 4.**    (1) Failure to comply with the skilled and  
2 trained workforce requirements of this chapter, except the  
3 requirement that a worker be paid at a rate commensurate with wages  
4 typically paid for the occupation, constitutes a violation of chapter  
5 49.17 RCW.

6        (2) The wage rate requirement of section 1(7)(b) of this act  
7 constitutes a wage payment requirement as defined in RCW 49.48.082.

8        NEW SECTION.    **Sec. 5.**    (1) The department in consultation with  
9 the Washington state apprenticeship and training council shall  
10 prioritize consideration of new apprenticeship programs for workers  
11 in high hazard facilities. The Washington state apprenticeship and  
12 training council shall issue a decision within six months of the  
13 acceptance of a completed application for consideration of a new  
14 state registered apprenticeship program for workers in high hazard  
15 facilities.

16        (2) This section expires December 31, 2023.

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

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

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

--- END ---