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**HOUSE BILL 2087**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Schmidt, Leavitt, Connors, Christian, Walen, Chambers, Ybarra, Jacobsen, Graham, Tharinger, Schmick, and Couture

AN ACT Relating to establishing procedures for submitting and reviewing objections regarding the formation and revision of apprenticeship programs and standards; adding a new section to chapter 49.04 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that Engrossed Second Substitute Senate Bill No. 5600 (chapter 156, Laws of 2022) was signed into law with the stated intent that apprenticeship programs seeking state registration receive prompt consideration with minimum delay for more apprenticeship opportunities to be available for workers and employers. The legislature also recognizes that the state supreme court has recognized the right of competitors to object to the approval of apprenticeship programs. However, the current process for reviewing and ruling on those objections has become bogged down by unnecessary delays in spite of the considerable efforts and expertise of the department of labor and industries. Therefore, the legislature intends to establish consistent and efficient standards for adjudicating competitor objections, acknowledging the due process rights of competitors, while also discouraging frivolous claims designed to delay or discourage businesses and labor organizations from developing apprenticeship programs. Further, these new standards properly rely upon the department of labor and industries to provide guidance and expertise to the Washington state apprenticeship and training council in assessing objections. The legislature intends for these changes to support workers, labor organizations, and businesses throughout the state.

NEW SECTION. **Sec.**  A new section is added to chapter 49.04 RCW to read as follows:

(1) A competitor may object to the approval of a new apprenticeship committee, proposed standards, or proposed revisions to existing program standards, if the committee or standards do not conform to the rules adopted pursuant to this chapter.

(2) For the apprenticeship council to consider an objection made under this section, the competitor must have standing based on standards established by the department, and must file the objection in writing and in a form accepted by the department at least 20 calendar days prior to the meeting where the committee or standards are scheduled to be reviewed by the apprenticeship council. The written objection must include details regarding which specific aspects of the application do not conform to the rules adopted pursuant to this chapter. The department shall notify the program sponsor and the apprenticeship council within two business days of receiving the objection.

(3) At the meeting, the apprenticeship council shall determine whether the competitor has standing to object to the application, based on standards established by the department. If the council determines that the competitor has standing, the council may:

(a) Provide the applicant, competitor, and the department an opportunity to explain their views on the objection and application, and then the council may rule on the application and the objection; or

(b) Grant the program sponsor 30 calendar days after the meeting to submit a written rebuttal to the objection, and hold a special meeting of the council prior to its next regularly scheduled meeting.

(4)(a) If the apprenticeship council deferred action to allow for a rebuttal by the program sponsor under subsection (3)(b) of this section, the department shall investigate and evaluate the objection and rebuttal and provide a report to the apprenticeship council prior to the special meeting. The report must include a recommendation to the apprenticeship council on how it should rule on the objection based on the rules adopted pursuant to this chapter.

(b) At the special meeting, the apprenticeship council shall provide the applicant, competitor, and the department an opportunity to explain their views on the objection and application. The council shall rule on the objection.

(c) At the discretion of the council, the special meeting may be conducted virtually. If requested by the applicant, the council may grant additional time to the applicant to file a rebuttal and delay the date of the special meeting.

(5) At the next regularly scheduled meeting following the special meeting held under subsection (3)(b) of this section, the apprenticeship council shall take action on the application and provide a specific written explanation of its decision.

(6) The apprenticeship council may require a competitor to pay the applicant's reasonable attorneys' fees and costs for the rebuttal and special meeting under subsection (3)(b) of this section if the council finds that the competitor's objection was not substantially justified.

(7) The adjudicative process under this section is not subject to chapter 34.05 RCW.

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