
HOUSE BILL 2087

State of Washington

68th Legislature

2024 Regular Session

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

Prefiled 01/02/24. Read first time 01/08/24. Referred to Committee on Labor & Workplace Standards.

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

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

6 NEW SECTION. **Sec. 1.** The legislature finds that Engrossed
7 Second Substitute Senate Bill No. 5600 (chapter 156, Laws of 2022)
8 was signed into law with the stated intent that apprenticeship
9 programs seeking state registration receive prompt consideration with
10 minimum delay for more apprenticeship opportunities to be available
11 for workers and employers. The legislature also recognizes that the
12 state supreme court has recognized the right of competitors to object
13 to the approval of apprenticeship programs. However, the current
14 process for reviewing and ruling on those objections has become
15 bogged down by unnecessary delays in spite of the considerable
16 efforts and expertise of the department of labor and industries.
17 Therefore, the legislature intends to establish consistent and
18 efficient standards for adjudicating competitor objections,
19 acknowledging the due process rights of competitors, while also
20 discouraging frivolous claims designed to delay or discourage
21 businesses and labor organizations from developing apprenticeship

1 programs. Further, these new standards properly rely upon the
2 department of labor and industries to provide guidance and expertise
3 to the Washington state apprenticeship and training council in
4 assessing objections. The legislature intends for these changes to
5 support workers, labor organizations, and businesses throughout the
6 state.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.04
8 RCW to read as follows:

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

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

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

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

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

35 (4) (a) If the apprenticeship council deferred action to allow for
36 a rebuttal by the program sponsor under subsection (3) (b) of this
37 section, the department shall investigate and evaluate the objection
38 and rebuttal and provide a report to the apprenticeship council prior
39 to the special meeting. The report must include a recommendation to

1 the apprenticeship council on how it should rule on the objection
2 based on the rules adopted pursuant to this chapter.

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

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

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

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

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

--- END ---