

HOUSE BILL REPORT

HB 1533

As Reported by House Committee On:
Labor & Workplace Standards

Title: An act relating to allowing a specialty electrician to continue working under a valid specialty certificate of competency while enrolled in a journey level apprenticeship program.

Brief Description: Allowing a specialty electrician to continue working under a valid specialty certificate of competency while enrolled in a journey level apprenticeship program.

Sponsors: Representatives Schmidt, Ramel and Reed.

Brief History:

Committee Activity:

Labor & Workplace Standards: 2/4/25, 2/19/25 [DPS].

Brief Summary of Substitute Bill

- Allows a qualifying employer operating a general journey level electrical apprenticeship program to hire an apprentice to perform specialty electrical work outside the program without having to change the apprentice's status in the program, subject to certain conditions.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Berry, Chair; Fosse, Vice Chair; Scott, Vice Chair; Schmidt, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Bronoske, McEntire, Obras and Ortiz-Self.

Staff: Kelly Leonard (786-7147).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

An electrical contractor license is required to engage in the business of installing or maintaining wires or equipment to convey electric current, or equipment to be operated by electric current. A person must have a general journey level or specialty electrician certificate of competency in order to work as an electrician. The Department of Labor and Industries (L&I) issues licenses and certificates of competency and otherwise administers the regulation of electricians and electrical work.

A general journey level electrician, referred to as a (01), may perform all types of electrical and telecommunications installations, whereas a specialty electrician is authorized to perform a limited scope of electrical work. There are 14 specialty categories, including residential (02), pump and irrigation (03), domestic well (3A), signs (04), limited energy system (06), HVAC/refrigeration system (06A), HVAC/refrigeration—restricted (6B), nonresidential maintenance (07), nonresidential lighting maintenance and lighting retrofit (7A), residential maintenance (7B), restricted nonresidential maintenance (7C), appliance repair (7D), equipment repair (7E), and door, gate, and similar systems (10).

To obtain a general journey level certificate of competency (01), a person must typically complete an approved apprenticeship program with at least 8,000 hours of work experience, of which 4,000 hours must be for performing new industrial or commercial electrical installations. To obtain a specialty certificate of competency (02 through 10), a person must complete either 2,000 or 4,000 hours of trainee work experience, depending on the category. Both categories require completion of classroom instruction and passing an examination. An apprentice with a certain current specialty certificate of competency, including a (02), (03), (04), (06), (06A), or (07), may receive 4,000 hours of credit for the required hours in a general journey level apprenticeship program (01), but is still required to complete all 4,000 hours of new industrial or commercial electrical installations.

General journey level electrical apprenticeship programs (01) are approved by the Washington State Apprenticeship and Training Council (WSATC). A program must have a committee sponsor, which can be an employer, labor union, or employer association. Sponsors oversee every aspect of a registered apprenticeship program, from development to actual administration. The standards of an apprenticeship program agreement, including the responsibilities of the employer and apprentice, are reviewed by L&I and approved by the WSATC. The standards must require the employer to provide the apprentice with reasonably continuous employment to allow for the apprentice to complete the program without unnecessary delays. As applied to general journey level electrician apprenticeship programs (01), the standards typically necessitate the employer to suspend the apprentice from the program in order for the employer to hire the apprentice to perform specialty work (02 through 10) outside the program.

Summary of Substitute Bill:

For any general journey level electrician apprenticeship program (01) that is operated by an

apprenticeship committee representing a single employer, the employer may use an apprentice registered in the program to perform work under the apprentice's valid specialty electrician certificate of competency (02 through 10) while participating in the program and without the employer having to change the apprentice's status in the program if the employer:

- submits to L&I a detailed attestation of the apprentice's hours worked under the apprentice's valid specialty electrician certificate of competency on a quarterly basis; and
- provides annual notice to the apprentice of the employer's intent to use the apprentice for performing specialty work, which must describe the requirements of the bill, and the wage the apprentice will be paid for performing the specialty work, and inform the apprentice that performing such work for the employer may delay the apprentice's next wage progression in the apprenticeship program based on low hour accumulation.

The specialty work does not count toward the hours of work experience required to complete the apprenticeship program. The employer is exempt from the apprenticeship program's standard requiring reasonably continuous employment, so long as the employer provides the apprentice at least 800 working hours each year that count toward the hours of work experience required to complete the program.

L&I must suspend the employer from using an apprentice to perform specialty work under the bill if it finds that the employer has willfully or repeatedly:

- submitted incorrect or incomplete information in the attestation or when reporting the hours for the apprenticeship program; or
- failed to timely submit the attestation.

Substitute Bill Compared to Original Bill:

The substitute bill applies the authorization to the employer, rather than to the apprentice with the specialty certificate of competency, effectively aligning the bill with the current laws governing specialty certificates of competency and the policies and practices governing programs. To that end, the substitute bill specifies that, for any general journey level electrician apprenticeship program that is operated by an apprenticeship committee representing a single employer, the employer may use an apprentice registered in the program to perform work under the apprentice's valid specialty electrician certificate of competency while participating in the program and without the employer having to change the apprentice's status in the program, subject to the conditions in the bill, including submitting the attestation of hours and certain notices.

The substitute bill makes the following additional changes:

- requires the employer to provide annual notice to the apprentice of the employer's intent to use the apprentice for performing specialty work under the bill, which must describe applicable requirements, the wage the apprentice will be paid for performing

- the specialty work, and inform the apprentice that performing such work for the employer may delay their next wage progression based on low hour accumulation;
- provides that the hours spent doing specialty work do not count toward the required hours for an apprenticeship program;
 - specifies that an employer using an apprentice to perform specialty work is exempt from the program standard requiring reasonably continuous employment, so long as the employer provides the apprentice at least 800 working hours each year that count toward the hours of work experience required to complete the program;
 - directs L&I to suspend the employer from the authorization and exemption in the bill if it finds that the employer has willfully or repeatedly: (1) submitted incorrect or incomplete information in the required attestation or when reporting hours for the apprenticeship program; or (2) failed to timely submit the required attestation;
 - authorizes L&I to adopt rules to implement the underlying bill, rather than requiring L&I to adopt rules; and
 - shifts the provisions of the underlying bill from chapter 19.28 RCW (pertaining to electricians) to chapter 49.04 (pertaining to apprenticeships).
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Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) In 2019 the state consolidated the pathways for becoming a general commercial electrician (01) by requiring the completion of an apprenticeship program. This has created unique challenges for small employers, particularly in rural areas. These employers do not have access to the same level of commercial electrical work as other employees. This bill allows an apprentice that has already been certified as a specialty electrician, typically for residential work (02), to perform work under that certification for the employer while also participating in the apprenticeship program for becoming a commercial electrician. This eases administrative burdens since current practice requires employers to suspend apprentices from the program in order for them to do this type of work. The proposed substitute has guardrails to prevent employers from abusing the program, while also allowing these workers to earn higher wages for specialty work. These programs need both flexibility and accountability. The bill should be modified to ensure that the employer still provides sufficient commercial hours for them to advance in the program. The Legislature should consider amending the bill to include group and dispatch programs, not just single employer programs.

(Opposed) The bill should not be advanced in its current form. The bill is limited to

apprenticeship programs operated by single employers, but this is far too restrictive. Employers participating in dispatch and other group programs should be able to access the same flexibility. Apprentices should not be treated differently based on the size of the program. Small and rural employers use these other types of programs. The bill should be amended to include other employers. Notably, the bill should not be necessary. The restrictions are coming from agency practices that are not rooted in any law, rule, or policy. There is no reason that a program should have to suspend an apprentice from a program in order for them to conduct work in their specialty. This has proved to be impractical and unnecessary. Employers and apprentices should be given clear standards and treated fairly across all types of programs.

(Other) Electricians need to be able to work in their specialty while enrolled and active in a general electrician apprenticeship (01). Currently, apprentices must be suspended from their apprenticeship in order to use their specialty certificate, but this can derail their apprenticeship. The bill addresses this problem for only a small group of apprentices. It should broadly apply to all general commercial programs (01), not just those run by a single employer. Without including all programs, the bill will have adverse impact on apprentices. This is absolutely necessary for the economic welfare of apprentices.

Persons Testifying: (In support) Representative Suzanne Schmidt, prime sponsor; Paul Briganti, ABC of Western Washington; and Matthew Hepner, IBEW and ceww.

(Opposed) Hans Frederickson, Frederickson Electric; and Nathan Turner, Washington State Electrical Contractors Association.

(Other) Christopher Scherer, North Wave Electric LLC.

Persons Signed In To Testify But Not Testifying: None.