

WSR 21-03-077
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed January 19, 2021, 3:00 p.m.]

Subject of Possible Rule Making: Chapter 296-05 WAC, Apprenticeship rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.04 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) with approval of the Washington state apprenticeship and training council (WSATC) is considering allowing the use of special meetings to consider records and enter final orders following adjudication processes. ESHB 1817 (2019) requires owners of petroleum refining or petrochemical manufacturing facilities to use a skilled and trained workforce when contracting for construction, alteration, demolition, installation, repair, or maintenance work. A skilled and trained workforce means a workforce where all the workers are either registered apprentices in a WSATC approved apprenticeship program or skilled journeypersons as defined by the statute. WSATC is currently limited to adjudicating and issuing final orders at four regularly scheduled meetings. Not only does this delay the decision for programs and make it more difficult to comply with the law, but also the WSATC may not have enough time at the regularly scheduled meeting to conduct all needed business and address these adjudicated matters. There is an emergency rule in place to address issues raised while implementing ESHB 1817 because of delays caused by adjudication of denied programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United State Department of Labor, Office of Apprenticeship, Employer and Labor Services, which has federal apprenticeship oversight responsibility, will be provided a copy of the proposed rules.

Process for Developing New Rule: The department will develop the rule language with input from WSATC and other interested parties. Interested parties may participate in the decision to adopt the amended rules and formulation of the rules before publication by contacting the individual below. The public may also participate, after amendments are proposed by providing written comments and/or testimony during the public hearing and comment period.

For more information on this rule making, visit L&I's rule-making activity website at <https://www.lni.wa.gov/rulemaking-activity/> or contact the individual below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Beverly Clark, L&I, Fraud Prevention and Labor Standards Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6272, fax 360-902-5292, email Beverly.Clark@Lni.wa.gov, website <https://www.lni.wa.gov/rulemaking-activity/>.

January 19, 2021
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Director