

HOUSE BILL REPORT

SHB 1234

As Passed Legislature

Title: An act relating to revising apprenticeship law to respond to a 1999 United States department of labor audit.

Brief Description: Revising apprenticeship law to respond to a 1999 United States department of labor audit.

Sponsors: By House Committee on Commerce & Labor (originally sponsored by Representatives Clements, Conway, Lisk, Wood, B. Chandler, Kessler, Kenney, Hurst, Keiser, Simpson, Ogden, Lovick, Morris, McIntire, D. Schmidt, Ruderman, O'Brien, Schual-Berke, Edwards, Kagi, Cody and Edmonds; by request of Washington State Apprenticeship and Training Council, State Board for Community and Technical Colleges and Department of Labor & Industries).

Brief History:

Committee Activity:

Commerce & Labor: 1/30/01, 2/23/01 [DPS].

Floor Activity:

Passed House: 3/14/01, 95-0.

Passed Senate: 4/10/01, 48-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Amends state apprenticeship law to conform with federal apprenticeship regulations, and respond to federal recommendations.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt, Kenney, Lisk and McMorris.

Staff: Jill Reinmuth (786-7134).

Background:

The Washington State Apprenticeship and Training Council establishes apprenticeship program standards, approves apprenticeship training programs, and otherwise governs the programs. The state Department of Labor and Industries encourages and promotes apprenticeship agreements, registers apprenticeship agreements, and otherwise aids the council in carrying out its functions. State law makes the Commission for Vocational Education, which was terminated under the Sunset Act in 1986, responsible for apprentice-related and supplemental instruction.

The secretary of the United States Department of Labor delegates to the Washington State Apprenticeship and Training Council authority to certify apprenticeship programs for federal purposes. Employers of apprentices in certified programs may pay the apprentices less than journey-level wages on public works jobs. Apprentices that complete certified programs are recognized as qualified journey workers nationwide. The secretary delegates authority only if state apprenticeship law conforms with federal apprenticeship regulations.

In 1999 the United States Department of Labor Bureau of Apprenticeship and Training reviewed state apprenticeship law, and related rules and policies. The bureau identified a number of conflicts between state law and federal regulations, and notified the council that changes were needed to make state law conform with federal regulations. Among the conflicts are the following:

- The council, according to the decision of the state Court of Appeals in *Construction Industry Training Council of Washington v. Washington State Apprenticeship and Training Council*, may require sponsors of apprenticeship training programs to select apprenticeship committee members from a bona fide labor organization. Federal regulations require that state law allow for approval of an open shop committee.
- Joint apprenticeship training programs that receive any state assistance must include entrance of women and minorities into the programs in a ratio not less than their respective representation in the labor force in the program sponsor's labor market area. Federal regulations require that this ratio apply to all programs with five or more apprentices.
- The council must obtain consent from employer and employee groups to establish apprenticeship program standards, adopt rules, and perform other duties. Federal regulations require only the Department of Labor and Industries to seek consent of employer and employee groups, and then, only in limited circumstances.

The bureau also identified a number of other concerns, including a concern that standards for apprenticeship program standards are enacted in state law, and adopted in related rules and policies. The bureau recommended that the standards be identified in either state law or rule.

Summary of Bill:

State apprenticeship law is amended to conform with federal apprenticeship regulations and to respond to other federal recommendations. Among the revisions are the following:

- New apprenticeship programs may be represented by either a joint labor/management apprenticeship committee or a unilateral apprenticeship committee. The committees must be composed of an equal number of employer and employee representatives chosen either from names submitted by employer and labor organizations, or in a manner which selects representatives of management and nonmanagement. If there is no feasible method to choose a nonmanagement representative, the Washington State Apprenticeship and Training Council may act as the apprentice representative.
- Apprenticeship programs with five or more apprentices must conform with the federal regulations on equal employment opportunity in apprenticeship while advancing the principles of the state law prohibiting discrimination on the basis of race, sex, color, ethnicity, or national origin in public employment, public education, or public contracting.
- The requirement is deleted for the council to obtain consent from employer and employee groups to perform its duties.
- Apprenticeship program standards in state law are deleted. A requirement that standards conform to rules adopted by the council is added.

Other revisions include the following:

- The council is responsible for apprentice-related and supplemental instruction. The council must consider recommendations from the State Board for Community and Technical Colleges on matters related to instruction. Obsolete references to the Commission on Vocational Education are deleted.
- The council's membership is expanded to include four ex-officio members representing the Work Force Training and Education Coordinating Board, the State Board for Community and Technical Colleges, the Employment Security Department, and the United States Department of Labor.
- Technical corrections are made.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Business, labor, and government support this bill. It brings state law in alignment with federal regulations. It clarifies the roles of the Department of Labor and Industries, the Apprenticeship Council, and the State Board for Community and Technical Colleges. It does not need further amendments and should go forward without changes. After the Legislature amends state law, the state Department of Labor and Industries can make related changes to state rules.

Nontraditional apprenticeship programs in telecommunications, information technology, child care, and other areas will be more easily developed. A broader cross-section of the community will be able to participate in apprenticeship programs. The Apprenticeship Council will be able to be more responsive to the needs of apprenticeship programs and apprentices.

Testimony Against: None.

Testified: Anne Wetmore, United States Department of Labor; Patrick Woods, Washington State Department of Labor and Industries; Al Link, Chair and Employee Representative to the Washington State Apprenticeship and Training Council; LaFrank Newell, Vice Chair and Employer Representative to the Washington State Apprenticeship and Training Council; Jim Crabbe, Washington State Board for Community and Technical Colleges; Rick Slunaker, Associated General Contractors; Dan Sexton, Washington State Association of Plumbers and Steamfitters; and Larry Archer, International Union of Operating Engineers.