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HOUSE BILL 1065

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State of Washington

58th Legislature

2003 Regular Session

By Representatives Conway, Kenney, Wood, Hudgins, McCoy, Sullivan and Simpson

Read first time 01/15/2003. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to apprenticeship utilization requirements on  
2 public works projects; and adding new sections to chapter 39.04 RCW.

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

4 NEW SECTION. **Sec. 1.** A well-trained construction trades work  
5 force is critical to the ability of the state of Washington and its  
6 political subdivisions to construct public works. Studies of the  
7 state's work force highlight population trends that, without a  
8 concerted effort to offset them, will lead to an inadequate supply of  
9 skilled workers in the construction industry. State and local  
10 governments regularly construct public works. The efficient and  
11 economical construction of public works projects will be harmed if  
12 there is not an ample supply of trained construction workers.  
13 Apprenticeship training programs are particularly effective in  
14 providing training and experience to individuals seeking to enter or  
15 advance in the work force. By providing for apprenticeship utilization  
16 on public works projects, state and local government can provide  
17 training and experience that will help assure that a trained work force  
18 will be available in sufficient numbers in the future for the  
19 construction of public works.

1        NEW SECTION.    **Sec. 2.**    The definitions in this section apply  
2 throughout sections 1 through 3 of this act unless the context clearly  
3 requires otherwise.

4        (1) "Apprentice" means an apprentice enrolled in a state-approved  
5 apprenticeship training program.

6        (2) "Apprentice utilization requirement" means the requirement that  
7 the appropriate percentage of labor hours within each separate craft or  
8 trade be performed by apprentices of that craft or trade.

9        (3) "Labor hours" means the total hours of workers receiving an  
10 hourly wage who are directly employed on the site of the public works  
11 project. "Labor hours" includes hours performed by workers employed by  
12 the contractor and all subcontractors working on the project. "Labor  
13 hours" does not include hours worked by foremen, superintendents,  
14 owners, and workers who are not subject to prevailing wage  
15 requirements.

16        (4) "Public works" includes those projects encompassed by RCW  
17 39.04.010 and 39.04.260.

18        (5) "State-approved apprenticeship training program" means an  
19 apprenticeship training program approved by the Washington state  
20 apprenticeship council.

21        NEW SECTION.    **Sec. 3.**    (1) From July 1, 2003, through December 31,  
22 2003, for all public works estimated to cost two million dollars or  
23 more, all specifications shall require that no less than ten percent of  
24 the labor hours within each trade be performed by apprentices of that  
25 trade.

26        (2) From January 1, 2004, through December 31, 2004, for all public  
27 works estimated to cost two million dollars or more, all specifications  
28 shall require that no less than twelve percent of the labor hours  
29 within each trade be performed by apprentices of that trade.

30        (3) From January 1, 2005, and thereafter, for all public works  
31 estimated to cost one million dollars or more, all specifications shall  
32 require that no less than fifteen percent of the labor hours within  
33 each trade be performed by apprentices of that trade.

34        (4) Work shall not be divided among contractors or subcontractors  
35 in order to evade the requirements of this section. Where two or more  
36 contractors or subcontractors perform work within a trade, all such

1 contractors or subcontractors shall comply with the requirements of  
2 this section.

3 (5) All contractors and subcontractors subject to this section  
4 shall provide payroll reports on at least a monthly basis to the  
5 awarding agency or political subdivision awarding the work, certifying  
6 the names of all workers performing labor hours, their trade, hours  
7 worked, and designation as journey level worker or apprentice.

8 (6) The awarding agency or political subdivision may adjust the  
9 requirements of this section for a specific project for the following  
10 reasons:

11 (a) The demonstrated lack of availability of apprentices in  
12 specific geographic areas;

13 (b) A disproportionately high ratio of material costs to labor  
14 hours, which does not make feasible the required minimum levels of  
15 apprentice participation; or

16 (c) Other criteria the awarding agency director deems appropriate,  
17 which is subject to prior review and approval by the apprenticeship  
18 program manager of the department of labor and industries.

19 (7) The failure by a contractor to comply with the apprentice  
20 utilization requirement shall be deemed a breach of contract for which  
21 the state or the municipality is entitled to all remedies allowed by  
22 law and under the contract. Failure to comply with the apprentice  
23 utilization requirement may be considered evidence bearing on a  
24 contractor's qualification for award of future contracts.

25 (8) This section does not apply to agencies and political  
26 subdivisions that adopt requirements for apprenticeship utilization on  
27 public works projects that equal or exceed those set forth in this  
28 section.

29 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act are each  
30 added to chapter 39.04 RCW.

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