

ESHB 1817 - S COMM AMD

By Committee on Labor & Commerce

ADOPTED AS AMENDED 04/10/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires
5 otherwise.

6 (1) "Apprenticeable occupation" means an occupation for which an
7 apprenticeship program has been approved by the Washington state
8 apprenticeship and training council pursuant to chapter 49.04 RCW.

9 (2) "Department" means the department of labor and industries.

10 (3) "On-site work" does not include ship and rail car support
11 activities; environmental inspection and testing; security guard
12 services; work which is performed by an original equipment
13 manufacturer for warranty, repair, or maintenance on the vendor's
14 equipment if required by the original equipment manufacturer's
15 warranty agreement between the original equipment manufacturer and
16 the owner; industrial cleaning not related to construction; safety
17 services requiring professional safety certification; nonconstruction
18 catalyst loading, regeneration, and removal; chemical purging and
19 cleaning; refinery byproduct separation and recovery; inspection
20 services not related to construction; and work performed that is not
21 in an apprenticeable occupation.

22 (4) "Prevailing hourly wage rate" has the meaning provided for
23 "prevailing rate of wage" in RCW 39.12.010.

24 (5) "Registered apprentice" means an apprentice registered in an
25 apprenticeship program approved by the Washington state
26 apprenticeship and training council according to chapter 49.04 RCW.

27 (6) "Skilled and trained workforce" means a workforce that meets
28 both of the following criteria:

29 (a) All the workers are either registered apprentices or skilled
30 journeypersons; and

1 (b) The workforce meets the apprenticeship graduation and
2 approved advanced safety training requirements established in section
3 3 of this act.

4 (7) "Skilled journeyperson" means a worker who meets all of the
5 following criteria:

6 (a) The worker either graduated from an apprenticeship program
7 for the applicable occupation that was approved by the Washington
8 state apprenticeship and training council according to chapter 49.04
9 RCW, or has at least as many hours of on-the-job experience in the
10 applicable occupation that would be required to graduate from an
11 apprenticeship program approved by the Washington state
12 apprenticeship and training council according to chapter 49.04 RCW;
13 and

14 (b) The worker is being paid at least a rate consistent with the
15 prevailing hourly wage rate for a journeyperson in the applicable
16 occupation and geographic area.

17 NEW SECTION. **Sec. 2.** (1) An owner or operator of a stationary
18 source that is engaged in activities described in code 324110 or
19 325110 of the North American industry classification system, when
20 contracting for the performance of construction, alteration,
21 demolition, installation, repair, or maintenance work at the
22 stationary source, shall require that its contractors and any
23 subcontractors use a skilled and trained workforce to perform all
24 onsite work within an apprenticeable occupation in the building and
25 construction trades. This section shall not apply to oil and gas
26 extraction operations.

27 (2)(a) The department in consultation with the Washington state
28 apprenticeship and training council shall approve a curriculum of in-
29 person classroom and laboratory instruction for approved advanced
30 safety training for workers at high hazard facilities.

31 (b) The safety training must be provided by a training provider,
32 which may include a registered apprenticeship program, approved by
33 the department. The department must periodically review and revise
34 the curriculum to reflect current best practices.

35 (c) Upon receipt of certification from the approved training
36 provider, the department must issue a certificate to a worker who
37 completes the approved curriculum.

38 (d) The department may accept a certificate or other
39 documentation issued by another state if the department finds that

1 the curriculum and documentation of the other state meets the
2 requirements of this subsection.

3 (3) This section applies to work performed under contracts
4 awarded, contract extensions, and contract renewals occurring on or
5 after the effective date of this section. This section shall also
6 apply to work performed under a contract awarded before the effective
7 date of this section if the work is performed more than one year
8 after the effective date of this section.

9 (4) This section does not apply to:

10 (a) The employees of the owner or operator of the stationary
11 source, nor does it prevent the owner or operator of the stationary
12 source from using its own employees to perform any work that has not
13 been assigned to contractors while the employees of the contractor
14 are present and working;

15 (b) A contractor who has requested qualified workers from the
16 local hiring halls or apprenticeship programs that dispatch workers
17 in the apprenticeable occupation and who, due to workforce shortages,
18 is unable to obtain sufficient qualified workers within forty-eight
19 hours of the request, Saturdays, Sundays, and holidays excepted; and

20 (c) Emergencies that make compliance impracticable because they
21 require immediate action to prevent harm to public health or safety
22 or to the environment. This section applies as soon as the emergency
23 is over or it becomes practicable for contractors to obtain a
24 qualified workforce.

25 (5) The requirements under subsection (1) of this section apply
26 to each individual contractor's and subcontractor's on-site
27 workforce.

28 (6) The requirements of this section do not make the work
29 described in subsection (1) of this section a public work within the
30 meaning of RCW 39.04.010.

31 NEW SECTION. **Sec. 3.** The following implementation schedule must
32 be complied with to meet the requirements of section 2 of this act
33 for a skilled and trained workforce to perform all on-site work
34 within an apprenticeable occupation in the building and construction
35 trades:

36 (1)(a) By January 1, 2021, at least twenty percent of the skilled
37 journeypersons must be graduates of an apprenticeship program for the
38 applicable occupation approved by the Washington state apprenticeship
39 and training council under chapter 49.04 RCW;

1 (b) By January 1, 2022, at least thirty-five percent of the
2 skilled journeypersons must be graduates of an apprenticeship program
3 for the applicable occupation approved by the Washington state
4 apprenticeship and training council under chapter 49.04 RCW;

5 (c) By January 1, 2023, at least forty-five percent of the
6 skilled journeypersons must be graduates of an apprenticeship program
7 for the applicable occupation approved by the Washington state
8 apprenticeship and training council according to chapter 49.04 RCW;
9 and

10 (d) By January 1, 2024, at least sixty percent of the skilled
11 journeypersons must be graduates of an apprenticeship program for the
12 applicable occupation approved by the Washington state apprenticeship
13 and training council according to chapter 49.04 RCW; and

14 (2) By January 1, 2022, all workers in the skilled and trained
15 workforce must have completed within the past three calendar years at
16 least twenty hours of approved advanced safety training for workers
17 at high hazard facilities.

18 NEW SECTION. **Sec. 4.** (1) Failure to comply with the skilled and
19 trained workforce requirements of this chapter, except the
20 requirement that a worker be paid at least a rate consistent with the
21 prevailing hourly wage rate, constitutes a violation of chapter 49.17
22 RCW.

23 (2) The prevailing hourly wage rate requirement of this chapter
24 constitutes a wage payment requirement as defined in RCW 49.48.082.

25 NEW SECTION. **Sec. 5.** (1) The department in consultation with
26 the Washington state apprenticeship and training council shall
27 prioritize consideration of new apprenticeship programs for workers
28 in high hazard facilities. The Washington state apprenticeship and
29 training council shall issue a decision within six months of the
30 acceptance of a completed application for consideration of a new
31 state registered apprenticeship program for workers in high hazard
32 facilities.

33 (2) This section expires December 31, 2023.

34 NEW SECTION. **Sec. 6.** The department may adopt rules necessary
35 to implement this chapter.

1 NEW SECTION. **Sec. 7.** Sections 1 through 6 and 8 of this act
2 constitute a new chapter in Title 49 RCW.

3 NEW SECTION. **Sec. 8.** This act takes effect January 1, 2020."

ESHB 1817 - S COMM AMD
By Committee on Labor & Commerce

ADOPTED AS AMENDED 04/10/2019

4 On page 1, line 2 of the title, after "facilities;" strike the
5 remainder of the title and insert "adding a new chapter to Title 49
6 RCW; prescribing penalties; providing an effective date; and
7 providing an expiration date."

EFFECT: Requires the Washington state apprenticeship and training council to make a determination within six months on applications for new state registered apprenticeship programs. Adds an expiration date for the section.

--- END ---