

HOUSE BILL REPORT

ESB 5997

As Passed House:
February 27, 2024

Title: An act relating to making technical corrections to plumbing supervision and trainee hours reporting.

Brief Description: Making technical corrections to plumbing supervision and trainee hours reporting.

Sponsors: Senators King, Keiser, Frame, Saldaña, Valdez and Wagoner.

Brief History:

Committee Activity:

Labor & Workplace Standards: 2/16/24, 2/20/24 [DP].

Floor Activity:

Passed House: 2/27/24, 95-0.

Brief Summary of Engrossed Bill

- Removes the penalty and the requirement that the Department of Labor and Industries not renew a plumber trainee's certificate for failure to report hours worked.
- Removes a provision requiring plumber trainees to be on the same jobsite as the supervising plumber and allows trainees performing residential service plumbing to be at separate jobsites while working under one supervising plumber.
- Extends the expiration date for the trainee-to-supervisor ratios from December 31, 2025, to December 31, 2028.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 9 members: Representatives Berry, Chair; Fosse,

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Vice Chair; Schmidt, Ranking Minority Member; Bronoske, Doglio, Ormsby, Ortiz-Self, Rude and Ybarra.

Staff: Trudes Tango (786-7384).

Background:

The Department of Labor and Industries (Department) administers the plumber certification program. A person learning the plumbing construction trade must obtain a plumbing training certificate from the Department that authorizes the trainee to learn the trade while under the direct supervision of a journey level plumber or a specialty plumber. The training certificate must be renewed annually.

At the time of renewal, the trainee must provide the Department with a list of the trainee's employers in the previous year and the number of hours worked for each employer. Trainees report their supervised work hours by filing affidavits of experience with the Department. Failure to provide the hours worked is a violation of the plumbing statutes, subject to an infraction and resulting in nonrenewal of the trainee certificate.

Trainee supervision requires the trainee to be on the same jobsite and under the control of a journey level plumber, residential service plumber, or an appropriate specialty plumber (supervising plumber). The supervising plumber must be on the same jobsite as the trainee for at least 75 percent of each working day unless otherwise provided by the statutes. Remote supervision is allowed when the trainee has more than 2,000 hours of training, the supervising plumber is not more than 40 miles from the jobsite, and the scope of work on the trainee's jobsite is service plumbing in a residential structure. The supervising plumber must be available by mobile phone or similar device that allows both audio and visual direction to the trainee.

In 2020 the Legislature temporarily changed the trainee-to-supervisor ratios. Until December 31, 2025, the ratio of trainees to supervising plumber working on a jobsite must be not more than:

- three trainees working on any one residential structure jobsite for every certified specialty plumber or journey level plumber working as a specialty plumber;
- one trainee working on any one jobsite for every certified journey level plumber working as a journey level plumber; and
- one trainee working on any one jobsite for every certified residential service plumber.

After December 31, 2025, the ratio is not more than two trainees on any residential structure jobsite for every certified specialty plumber or journey level plumber working as a specialty plumber.

The Advisory Board of Plumbers (Board), which meets every quarter, is a nine-member Board that conducts hearings on revocations and suspensions of certificates and advises the

Department on matters related to the plumbing program. Beginning after the 2023 legislative session, and after the completion of the 2024 session and every three years after that, the Board must convene a work group to evaluate the effects the trainee ratio changes have had on the industry, including public safety and industry response to public demand for services. The work group must submit a report to the Legislature each year the work group convenes.

Summary of Bill:

The provision making the failure to report the number of training hours a violation and subject to an infraction and nonrenewal of a training certificate is removed.

A provision requiring a trainee to be on the same jobsite as the supervising plumber is removed. For purposes of remote supervision, it is specified that the scope of work on the trainee's jobsite is limited to the scope of the residential service plumber.

The ratio requirement of not more than three trainees working on any one residential structure jobsite for every certified specialty plumber or journey level plumber working as a specialty plumber is changed to allow three trainees each working on a separate residential structure jobsite performing residential service plumbing only in a like-in-kind manner. The required ratio for trainees working on a residential structure jobsite performing plumbing installation is not more than three trainees for every certified specialty plumber or journey level plumber working as a specialty plumber.

The expiration date for the changes to the trainee-to-supervisor ratio is extended from December 31, 2025, to December 31, 2028.

The term "service plumbing" is changed to "residential service plumbing" and its definition modified to specify that existing fixtures, fittings, and piping are outside the interior walls or above the floor.

The Board must convene a work group to evaluate the effects of the trainee ratios after the 2027 session, rather than after the 2024 session.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The intent of the plumber bill that was passed in 2020 was to allow up to three

trainees on separate residential jobs to be supervised by one supervising plumber. The Department has not been interpreting the statute the way it was intended, and this bill will fix the language. The intention was to allow remote supervision on separate jobsites. These are just technical fixes to the 2020 bill language. Technology makes remote supervision possible.

(Opposed) None.

(Other) There is a distinction between water quality treatment systems and plumbing, and water treatment professionals should not be included in the plumbing statutes. There were unintended impacts on the water quality and treatment industry.

Persons Testifying: (In support) Senator Curtis King, prime sponsor; Todd Allred, Plumbing Heating Cooling Contractors; Kathy Thaut, At Your Service Plumbing; Dusty Hoerler, Craftsman Plumbing; and Darin Richards, Tri-Cities Water Store.

(Other) Jordan Kari, Water Quality Association; and Matthew Mahany.

Persons Signed In To Testify But Not Testifying: None.