
HOUSE BILL 1308

State of Washington

67th Legislature

2021 Regular Session

By Representative Riccelli

1 AN ACT Relating to expanding apprenticeship utilization
2 requirements; amending RCW 39.04.320; and providing an effective
3 date.

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

5 **Sec. 1.** RCW 39.04.320 and 2018 c 244 s 1 are each amended to
6 read as follows:

7 (1)(a)(i) Except as provided in (b) through (d) of this
8 subsection, from January 1, 2005, and thereafter, for all public
9 works estimated to cost one million dollars or more, all
10 specifications shall require that no less than fifteen percent of the
11 labor hours be performed by apprentices.

12 (ii) As of the effective date of this section, for all public
13 works contracts awarded by a municipality estimated to cost
14 \$1,000,000 or more, all specifications shall require that no less
15 than 15 percent of the labor hours be performed by apprentices.

16 (iii) As of the effective date of this section, for all public
17 works estimated to cost \$200,000 or more for subcontractors, all
18 specifications shall require that no less than 15 percent of the
19 labor hours be performed by apprentices.

1 (b) (i) This section does not apply to contracts advertised for
2 bid before July 1, 2007, for any public works by the department of
3 transportation.

4 (ii) For contracts advertised for bid on or after July 1, 2007,
5 and before July 1, 2008, for all public works by the department of
6 transportation estimated to cost five million dollars or more, all
7 specifications shall require that no less than ten percent of the
8 labor hours be performed by apprentices.

9 (iii) For contracts advertised for bid on or after July 1, 2008,
10 and before July 1, 2009, for all public works by the department of
11 transportation estimated to cost three million dollars or more, all
12 specifications shall require that no less than twelve percent of the
13 labor hours be performed by apprentices.

14 (iv) For contracts advertised for bid on or after July 1, 2015,
15 and before July 1, 2020, for all public works by the department of
16 transportation estimated to cost three million dollars or more, all
17 specifications shall require that no less than fifteen percent of the
18 labor hours be performed by apprentices.

19 (v) For contracts advertised for bid on or after July 1, 2020,
20 for all public works by the department of transportation estimated to
21 cost two million dollars or more, all specifications shall require
22 that no less than fifteen percent of the labor hours be performed by
23 apprentices. As of the effective date of this section, for all public
24 works by the department of transportation estimated to cost \$200,000
25 or more for subcontractors, all specifications shall require that no
26 less than 15 percent of the labor hours be performed by apprentices.

27 (c) (i) This section does not apply to contracts advertised for
28 bid before January 1, 2008, for any public works by a school
29 district, or to any project funded in whole or in part by bond issues
30 approved before July 1, 2007.

31 (ii) For contracts advertised for bid on or after January 1,
32 2008, for all public works by a school district estimated to cost
33 three million dollars or more, all specifications shall require that
34 no less than ten percent of the labor hours be performed by
35 apprentices.

36 (iii) For contracts advertised for bid on or after January 1,
37 2009, for all public works by a school district estimated to cost two
38 million dollars or more, all specifications shall require that no
39 less than twelve percent of the labor hours be performed by
40 apprentices.

1 (iv) For contracts advertised for bid on or after January 1,
2 2010, for all public works by a school district estimated to cost one
3 million dollars or more, all specifications shall require that no
4 less than fifteen percent of the labor hours be performed by
5 apprentices. For contracts advertised for bid on or after the
6 effective date of this section, for all public works by a school
7 district estimated to cost \$200,000 or more for subcontractors, all
8 specifications shall require that no less than 15 percent of the
9 labor hours be performed by apprentices.

10 (d) (i) For contracts advertised for bid on or after January 1,
11 2010, for all public works by a four-year institution of higher
12 education estimated to cost three million dollars or more, all
13 specifications must require that no less than ten percent of the
14 labor hours be performed by apprentices.

15 (ii) For contracts advertised for bid on or after January 1,
16 2011, for all public works by a four-year institution of higher
17 education estimated to cost two million dollars or more, all
18 specifications must require that no less than twelve percent of the
19 labor hours be performed by apprentices.

20 (iii) For contracts advertised for bid on or after January 1,
21 2012, for all public works by a four-year institution of higher
22 education estimated to cost one million dollars or more, all
23 specifications must require that no less than fifteen percent of the
24 labor hours be performed by apprentices. For contracts advertised for
25 bid on or after the effective date of this section, for all public
26 works by a four-year institution of higher education estimated to
27 cost \$200,000 or more for subcontractors, all specifications must
28 require that no less than 15 percent of the labor hours be performed
29 by apprentices.

30 (2) Awarding entities may adjust the requirements of this section
31 for a specific project for the following reasons:

32 (a) The demonstrated lack of availability of apprentices in
33 specific geographic areas;

34 (b) A disproportionately high ratio of material costs to labor
35 hours, which does not make feasible the required minimum levels of
36 apprentice participation;

37 (c) Participating contractors have demonstrated a good faith
38 effort to comply with the requirements of RCW 39.04.300 and 39.04.310
39 and this section; or

1 (d) Other criteria the awarding entity deems appropriate, which
2 are subject to review by the office of the governor.

3 (3) The secretary of the department of transportation shall
4 adjust the requirements of this section for a specific project for
5 the following reasons:

6 (a) The demonstrated lack of availability of apprentices in
7 specific geographic areas; or

8 (b) A disproportionately high ratio of material costs to labor
9 hours, which does not make feasible the required minimum levels of
10 apprentice participation.

11 (4)(a) This section applies to public works contracts awarded by
12 the state, to public works contracts awarded by school districts,
13 (~~and~~) to public works contracts awarded by state four-year
14 institutions of higher education, and to public works contracts
15 awarded by a municipality. However, this section does not apply to
16 contracts awarded by state agencies headed by a separately elected
17 public official.

18 (b) Within existing resources, awarding agencies and
19 municipalities are responsible for monitoring apprenticeship
20 utilization hours by contractor. There must be a specific line item
21 in the contract specifying that apprenticeship utilization goals
22 should be met, monetary incentives for meeting the goals, monetary
23 penalties for not meeting the goals, and an expected cost value to be
24 included in the bid associated with meeting the goals. The awarding
25 agency and municipality must report the apprenticeship utilization by
26 contractor and subcontractor to the supervisor of apprenticeship at
27 the department of labor and industries by final project acceptance.
28 The electronic reporting system that is being developed by the
29 department of labor and industries may be used for either or both
30 monitoring and reporting apprenticeship utilization hours.

31 (c) In lieu of the monetary penalty and incentive requirements
32 specified in (b) of this subsection, the Washington state department
33 of transportation may use its three strike system for ensuring
34 compliance including the allowance for a good faith effort.

35 (5)(a) The department of enterprise services must provide
36 information and technical assistance to affected agencies and
37 municipalities, and collect the following data from affected agencies
38 and municipalities for each project covered by this section:

39 (i) The name of each apprentice and apprentice registration
40 number;

- 1 (ii) The name of each project;
- 2 (iii) The dollar value of each project;
- 3 (iv) The date of the contractor's notice to proceed;
- 4 (v) The number of apprentices and labor hours worked by them,
- 5 categorized by trade or craft;
- 6 (vi) The number of journey level workers and labor hours worked
- 7 by them, categorized by trade or craft; and
- 8 (vii) The number, type, and rationale for the exceptions granted
- 9 under subsection (2) of this section.

10 (b) The department of labor and industries shall assist the

11 department of enterprise services in providing information and

12 technical assistance.

13 (6) The secretary of transportation shall establish an

14 apprenticeship utilization advisory committee, which shall include

15 statewide geographic representation and consist of equal numbers of

16 representatives of contractors and labor. The committee must include

17 at least one member representing contractor businesses with less than

18 thirty-five employees. The advisory committee shall meet regularly

19 with the secretary of transportation to discuss implementation of

20 this section by the department of transportation, including

21 development of the process to be used to adjust the requirements of

22 this section for a specific project.

23 (7) At the request of the senate labor, commerce, research and

24 development committee, the house of representatives commerce and

25 labor committee, or their successor committees, and the governor, the

26 department of enterprise services and the department of labor and

27 industries shall compile and summarize the agency and municipality

28 data and provide a joint report to both committees. The report shall

29 include recommendations on modifications or improvements to the

30 apprentice utilization program and information on skill shortages in

31 each trade or craft.

32 (8) All contracts subject to this section must include

33 specifications that a contractor or subcontractor may not be required

34 to exceed the apprenticeship utilization requirements of this

35 section.

36 (9) This section establishes the minimum apprenticeship

37 utilization requirements on public works contracts awarded by a

38 municipality. Any standards or requirements relating to

39 apprenticeship utilization established by any applicable local law or

40 ordinance that are more favorable to apprentices than the minimum

1 requirements under this section, shall not be affected by this
2 section and those more favorable laws shall be in full force and
3 effect and may be enforced as provided by law.

4 NEW SECTION. **Sec. 2.** Section 1 of this act takes effect July 1,
5 2022.

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