STATE OF WASHINGTON

DEPARTMENT OF LABOR AND INDUSTRIES

PO Box 44000 • Olympia Washington 98504-4000

September 14, 2015

Bruce Cross, Attorney
I.E.C. of Washington Apprenticeship and Training Committee
Perkins Coie LLP
1201 Third Ave., Suite 4900
Seattle, WA 98101-3099

Kristina Detwiler, Attorney
LU 112-NECA Electrical Apprenticeship Committee
Robblee Detwiler & Black
2101 Fourth Ave., Ste. 1000
Seattle, WA 98121

Scott Douglas, Assistant Attorney General
Office of the Attorney General
PO Box 40121
Olympia, WA 98504-0121

Scott Middleton, Assistant Attorney General
Washington State Apprenticeship and Training Council
Office of the Attorney General
800 Fifth Ave., Suite 2000
Seattle, WA 98104

Re: I.E.C. of Washington Apprenticeship and Training Committee
Washington State Department of Labor and Industries Case No. 2013-02

Dear Parties:

Please find enclosed the Order Remanding Case, which is served on the date of mailing. The administrative record will be provided to the Washington State Apprenticeship and Training Council under separate cover letter.

Sincerely,

Joel Sacks
Director

Enclosure

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DIRECTOR OF THE DEPARTMENT OF LABOR AND INDUSTRIES
STATE OF WASHINGTON

In re: I.E.C. OF WASHINGTON APPRENTICESHIP AND TRAINING COMMITTEE Case No. 2013-2	ORDER REMANDING CASE RCW 49.04.065(2); RCW 34.05 APPRENTICESHIP PROGRAM

Joel Sacks, Director of the Washington State Department of Labor and Industries, has considered the Washington State Apprenticeship and Training Council (Council) order issued on January 28, 2015, and the appeal to that order submitted by Independent Electrical Contractors of Washington (I.E.C.).

The Council's order withdrew I.E.C.'s apprenticeship program registration. WAC 296-05-449 establishes two criteria for the Council to consider before it withdraws an apprenticeship program registration:

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> The WSATC's final decision to withdraw a program's registration must be based on the compliance review file and other evidence presented at the hearing. The WSATC may allow the sponsor a reasonable time to achieve voluntary corrective action. If the WSATC decides that the apprenticeship program is not in compliance and that voluntary corrective action is not an option, the program's registration may be withdrawn.

First, the apprenticeship program must fail to comply with applicable apprenticeship standards, rules, and statutes. The Council's order makes non-compliance findings and provides the basis for those findings.

Second, the rule requires that to withstand review on appeal to the Director, or to any other agency or court, the Council's order must also address how it considered and under what basis reached the conclusion that voluntary corrective action was not an option.

Only after reaching both conclusions does WAC 296-05-449 provide the Council with the authority to withdraw an apprenticeship program's registration. Because the Council's order

is silent on the second requirement under WAC 296-05-449, remand to the Council is necessary for the Council to consider the issue.

I REMAND the January 28, 2015 order to the Council to consider whether voluntary corrective action is an option in lieu of withdrawal of the apprenticeship program registration and if it is found to not be an option, to state how it considered and under what basis it reached the conclusion that voluntary corrective action was not an option.

DATED this 14 day of September, 2015 at Tumwater, Washington.

JOEL SACKS
Director

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SERVICE

This Order was served on you the day it was deposited in the United States mail. RCW 34.05.010(19).

APPEAL RIGHTS

Reconsideration. Any party may file a petition for reconsideration. RCW 34.05.470. Any petition for reconsideration must be filed within 10 days of service of this Order and must state the specific grounds on which relief is requested. No matter will be reconsidered unless it clearly appears from the petition for reconsideration that (a) there is material clerical error in the order **or** (b) there is specific material error of fact or law. A petition for reconsideration, together with any argument in support thereof, should be filed by mailing or delivering it directly to Joel Sacks, Director of the Department of Labor and Industries, P. O. Box 44001 Olympia, Washington 98504-4001, with a copy to all other parties of record. Filing means actual receipt of the document at the Director's Office. RCW 34.05.010(6).

Judicial review. This is not a final order subject to judicial review under RCW 34.05. I.E.C. may raise its challenges to the findings of facts and conclusions of law of the Council again if there is a further appeal from the Council's order on remand.

DECLARATION OF MAILING

I, Lisa Rodriguez, hereby declare under penalty of perjury under the laws of the State of Washington that the Director's order was mailed via U.S. Mail, postage pre-paid, on the 14 day of September 2015 to the following:

I.E.C. of Washington Apprenticeship and Training Committee
c/o Bruce Cross, Attorney
Perkins Coie LLP
1201 Third Ave., Suite 4900
Seattle, WA 98101-3099

LU 112-NECA Electrical Apprenticeship Committee
c/o Kristina Detwiler, Attorney
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