

ADMINISTRATIVE POLICY

WASHINGTON STATE APPRENTICESHIP AND TRAINING COUNCIL

TITLE: Apprenticeship Utilization on Renewable Energy Projects
NUMBER: 10-01
ISSUED: 01/22/2010
CHAPTER: [RCW Chapter 19.285.040](#) and [WAC Chapter 194-37-110 & 120](#)

ADMINISTRATIVE POLICY DISCLAIMER

This policy is designed to provide general information in regard to the current interpretation of the Department of Labor & Industries on the subject matter covered. This policy is intended as a guide in the interpretation and application of the relevant statutes, regulations, and policies, and may not be applicable to all situations. This policy does not replace applicable RCW or WAC standards. If additional clarification is required, the Program Manager for Apprenticeship should be consulted.

This document is effective as of the date of print and supersedes all previous interpretations and guidelines. Changes may occur after the date of print due to subsequent legislation, administrative rule, or judicial proceedings. The user is encouraged to notify the Program Manager to provide or receive updated information. This document will remain in effect until rescinded, modified, or withdrawn by the Washington State Apprenticeship and Training Council.

The Washington State Apprenticeship & Training Council would like to encourage the use of registered apprentices on Renewable Energy projects. The following guidelines are designed to provide developers of renewable energy projects with sufficient information to be successful when presenting documentation and evidence to support verification of the apprentice labor standard on such projects.

Interim Policy for Approving Apprentice Utilization Levels on Renewable Energy Projects:

Initiative 937, approved by the voters in November 2006, established that a qualifying utility, who acquires a renewable energy resource, where the developer of the facility (projects that commence operation after December 31, 2005) used apprenticeship programs approved by the WSATC during facility construction, may count that acquisition at one and two-tenths times its base value. The initiative provides that the WSATC shall establish the minimum level of apprentice labor hours to qualify for the renewable energy credit and provide upon sufficient evidence presented, a letter stating the renewable energy project met the apprentice labor standard. The following policy outlines information and required elements in the approval process pending outcome of rules under consideration by the WSATC.

15 Percent WSATC Approved Apprentice Labor Standard

- Established by WSATC action January 2007 and written to rule [WAC 194-37-120(1)].
- “WSATC Approved” extends to reciprocally recognized programs.
- Apprentice registration number must be provided in the tracking documentation.

What Defines “Labor Hours” on Qualifying Renewable Energy Projects?

- The WSATC adopts the definition of “labor hours” as presented in RCW 39.04.310(3) and the states prevailing wage statute in general (Chapter 39.04 & 39.12 RCW and Chapter 296-127 WAC) as it relates to guiding the definition of what constitutes “work” on a site with the noted *clarification* below.
- RCW 39.04.310(3): "Labor hours" means the total hours of workers receiving an hourly wage who are directly employed on the site. "Labor hours" includes hours performed by workers employed by the contractor and all subcontractors working on the project. "Labor hours" does not include hours worked by foremen, superintendents, owners, and workers who are not subject to prevailing wage requirements.
- **Clarification:** Hours worked by foremen, superintendents, owners, and workers who are not subject to prevailing wage requirements must be reported and included in the total labor hours if such individual is counted in satisfying the required Apprentice to Journey Ratio.

Letter of Intent to Request Certified Apprentice Labor Standard

Developers with renewable energy projects are encouraged to let the WSATC know in advance of work on site that they’re planning to ask for approval. Please send letter of intent to:

Washington State Apprenticeship & Training Council
Attn: Program Manager, Apprenticeship Section
PO Box 44530
Olympia, WA 98504-4530

Include the following information:

- Name and location of the Renewable Energy Project.
- Provide a brief description of the scope of the project and estimated total labor hours.
- Provide planned start and completion dates.
- Provide anticipated date for final records to be submitted to the department.
- Briefly describe the plan to record apprentice and journey labor hours for the project.

Records and Documentation Expectations

- The burden of proof will be on the owner/developer of the renewable energy project. Owner/developer must affirmatively prove and state to the WSATC that they achieved a 15 percent cumulative level of apprenticeship labor for the project in question.
- Document the total labor hours going into the project, including at a minimum:
 - Monthly tracking of apprentice and journey labor hours by occupation (Sample forms available online through the Department of Transportation: <http://www.wsdot.wa.gov/biz/construction/Apprenticeship.cfm#appspecc> or use a customized comparable format)
 - Apprentice registration number for each registered apprentice.
- It is recommended to have backup documentation in the form of certified payroll records.
- It is recommended to have third-party certification to prove that utilization level was 15 percent.

Washington State Apprenticeship & Training Council Process for Certification of the 15 Percent Apprentice Labor Standard on Renewable Energy Projects

1. A letter of intent to request certified 15 percent apprentice labor standard on file with the department is preferred but not required.
2. Submit a request for consideration with back up documentation (see Records and Documentation Expectations) to the WSATC 45 days prior to the next scheduled quarterly meeting.
3. The department will review the request and supportive records to make an administrative recommendation to the WSATC for consideration.
4. Pending affirmative WSATC action regarding favorable department recommendation, the WSATC will provide a letter to the requesting party affirming that the facility/project met the apprentice labor standard of 15 percent of the total labor hours used in its' construction.

The Washington Department of Labor & Industries, Apprenticeship Section will maintain a list of renewable energy projects that achieve 15 percent cumulative level of apprenticeship labor.