



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Labor and Industries

Permanent Rule Only

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) July 25, 2011 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: On December 29, 2008, the U.S. Department of Labor for the Apprenticeship Programs, Labor Standards for Registration, published the final rules to 29 CFR Part 29. The department is required to adopt changes to the Washington State rules to be in compliance with the new federal rules. The department worked with the subcommittee appointed by Washington State Apprenticeship and Training Council, which included representation from business and labor and other interested parties, to draft amendments to the Apprenticeship rules.

In addition, the rulemaking reviewed Initiative 937, which established an incentive to utilize state registered apprentices when entities construct/build renewable energy projects. The Washington State Apprenticeship & Training Council, under I-937, is tasked with setting the level of apprentice utilization for such projects and verifying that such levels are achieved through a review process. With the growing emphasis on renewable energy resources, the rules are being amended to outline the processes and procedures through which entities can obtain certification of apprentice utilization.

Citation of existing rules affected by this order:

- Repealed:
- Amended: See attachment 1.
- Suspended:

Statutory authority for adoption: Chapter 49.04 RCW and RCW 19.285.040

Other authority : None.

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 11-01-082 on December 13, 2010.
Describe any changes other than editing from proposed to adopted version: See attachment 2.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: Not Applicable

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

Date adopted: May 4, 2011

NAME (TYPE OR PRINT)
Dave D'Hondt

SIGNATURE

TITLE
Chair of the Washington State Apprenticeship and Training Council

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 04, 2011
TIME: 1:43 PM
WSR 11-11-002

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	<u>2</u>	Amended	<u>10</u>	Repealed	_____
Recently enacted state statutes:	New	<u>1</u>	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

	New	<u>3</u>	Amended	<u>39</u>	Repealed	_____
--	-----	----------	---------	-----------	----------	-------

The number of sections adopted in the agency's own initiative:

	New	_____	Amended	_____	Repealed	_____
--	-----	-------	---------	-------	----------	-------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>1</u>	Amended	<u>33</u>	Repealed	_____
--	-----	----------	---------	-----------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>3</u>	Amended	<u>39</u>	Repealed	_____

AMENDED SECTIONS:

- WAC 296-05-001, Purpose, scope, and authority
- WAC 296-05-003, Definitions
- WAC 296-05-005, Rule development
- WAC 296-05-007, Rules of procedure
- WAC 296-05-008, Process for objections to apprenticeship program standards
- WAC 296-05-009, Complaint review procedures
- WAC 296-05-013, Sanctions for noncompliance
- WAC 296-05-200, Regular meetings
- WAC 296-05-203, Special meetings
- WAC 296-05-205, Petitions, requests, and correspondence submitted to the WSATC
- WAC 296-05-207, Other regulations that apply to council meeting conduct
- WAC 296-05-209, Voting
- WAC 296-05-300, Apprenticeship and training programs—Approval
- WAC 296-05-302, Apprenticeship committee/program approval process
- WAC 296-05-303, Apprenticeship committees--Duties and responsibilities
- WAC 296-05-305, Apprenticeable occupations
- WAC 296-05-309, Apprenticeship programs approved by the WSATC
- WAC 296-05-313, Apprenticeship committees—Composition
- WAC 296-05-315, Nonjoint and waiver committees—Additional requirements
- WAC 296-05-316, Apprenticeship agreements--Standards requirements
- WAC 296-05-317, Related/supplemental instruction
- WAC 296-05-318, Records required by the WSATC
- WAC 296-05-321, Apprenticeship agreement—Cancellation
- WAC 296-05-323, Certificate of completion
- WAC 296-05-325, Union waiver
- WAC 296-05-327, Reciprocity
- WAC 296-05-400, Equal employment opportunity plan--Purpose, scope and authority
- WAC 296-05-407, Apprenticeship program sponsor's obligations
- WAC 296-05-413, Outreach and recruitment requirements—Specific
- WAC 296-05-415, Affirmative action goals and timetables
- WAC 296-05-417, Selection of apprentices for approved apprenticeship programs
- WAC 296-05-419, Qualification standards
- WAC 296-05-429, Existing lists of eligibles and public notice
- WAC 296-05-431, Affirmative action records of the WSATC retained by the department
- WAC 296-05-433, Enrollment deficiency analysis
- WAC 296-05-443, Complaint filing
- WAC 296-05-447, Processing of complaints
- WAC 296-05-449, Program registration cancellation procedures
- WAC 296-05-453, Adoption of consistent state plans

The following amendments were made to the proposed rules:

- WAC 296-05-003, definition of probation. Added “from the date of registration” in response to public comments.
- WAC 296-05-316(6), added “shall be” before “defined in the standards per” for editing.
- WAC 296-05-316(22), added “The initial probationary period cannot exceed twenty percent of the term of the program, or one year from the date of registration, whichever is shorter,” in response to public comments.
- WAC 296-05-327(1)(c), for correct grammar, changed “Occupations must be recognized as apprenticeable” to “Recognition of occupations as apprenticeable.”
- WAC 296-05-400, deleted “through affirmative action” at end of clause, “Requiring equal employment opportunities in apprenticeship programs,” to avoid redundancy and for consistent use of terminology.
- WAC 296-05-400, WAC 296-05-407, WAC 296-05-413, WAC 296-05-415, WAC 296-05-417, WAC 296-05-419, WAC 296-05-431, and WAC 296-05-443, replaced “affirmative action” with “equal employment opportunity” for consistent use of terminology.