



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Department of Labor and Industries

Subject of possible rule making: Chapter 296-05 WAC, Apprenticeship Rules

Statutes authorizing the agency to adopt rules on this subject: Chapter 49.04 RCW, RCW 19.285.040, and Chapter 197, Laws of 2009 (Engrossed Substitute Senate Bill 5873)

Reasons why rules on this subject may be needed and what they might accomplish: Engrossed Substitute Senate Bill (ESSB) 5873 was enacted into law during the 2009 Legislative session. The department will work with the Washington State Apprenticeship and Training Council (WSATC) and interested stakeholders to draft amendments needed to reflect the changes from ESSB 5873. The legislation amends RCW 39.04.320 and phases in Apprentice Utilization Requirements (AURs) for four-year institutions of higher education for contracts advertised for bid on or after January 1, 2010. It also establishes penalties for contractors found to be working apprentices out of ratio, with inappropriate supervision, or outside their work process scope of the approved apprenticeship program. Contractors who are found out of compliance in any of these areas by the WSATC may have their responsible bidder status revoked for the first violation and be barred from bidding on any public works contract for five years upon the second violation. Rules are necessary to implement the legislation and provide due process protections for all parties.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The United States Department of Labor, Office of Apprenticeship, Training, Employer and Labor Services, which had federal apprenticeship oversight responsibility, along with General Administration, Washington State Department of Transportation, and the Office of Superintendent of Public Instruction will be provided a copy of the proposed rules.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

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DATE June 1, 2010
NAME (TYPE OR PRINT) Dave D'Hondt
SIGNATURE
TITLE Chair of the Washington State Apprenticeship and Training Council

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