



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Labor and Industries

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 10-12-088 ; or | <input checked="" type="checkbox"/> Original Notice       |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or           | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).                                  | <input type="checkbox"/> Continuance of WSR _____         |

**Title of rule and other identifying information:** Chapter 296-05 WAC, Apprenticeship Rules

**Hearing location(s):** See Attachment 1.

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**Submit written comments to:**

Name: Sally Elliott  
Address: Post Office Box 44400  
Olympia, Washington 98504-4400  
e-mail: yous235@lni.wa.gov  
fax: (360) 902-5292 by September 15, 2011

**Assistance for persons with disabilities:** Contact Sally Elliott by August 31, 2011 at yous235@lni.wa.gov or (360) 902-6411

**Date of intended adoption:** November 1, 2011  
(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Engrossed Substitute Senate Bill 5873, which passed the 2009 Legislature, requires the Apprenticeship Program to adopt rules regarding 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 standards. Contractors who are found out of compliance in any of these areas by the Washington State Apprenticeship and Training Council 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.

This rulemaking meets the exemption in Executive Order 10-06 that allows rules that are required by federal or state law or required to maintain federally delegated or authorized programs.

**Reasons supporting proposal:** N/A

**Statutory authority for adoption:** Chapter 49.04 RCW, RCW 19.285.040, and Chapter 197, Laws of 2009 (Engrossed Substitute Senate Bill 5873)

**Statute being implemented:** Chapter 49.04 RCW, RCW 19.285.040, and Chapter 197, Laws of 2009 (Engrossed Substitute Senate Bill 5873)

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: August 02, 2011**

**TIME: 8:35 AM**

**WSR 11-16-084**

**DATE**  
August 2, 2011

**NAME** (type or print)  
Judy Schurke

**SIGNATURE**

**TITLE**  
Director

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

N/A

**Name of proponent:** (person or organization) Department of Labor and Industries

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Jose Rodriquez	Olympia, Washington	(360) 902-6348
Implementation.... Jose Rodriquez	Olympia, Washington	(360) 902-6348
Enforcement..... Jose Rodriquez	Olympia, Washington	(360) 902-6348

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

The department did not prepare a small business economic impact statement since the rules do not impose new costs to the affected small businesses.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain:

The department did not prepare a cost-benefit analysis since the rules do not impose new costs to the affected businesses.

## **Attachment 1 – Apprenticeship Public Hearings**

Date: September 13, 2011  
Time: 9:00 a.m.  
Location: Department of Labor and Industries, Tukwila Service Location  
12806 Gateway Drive  
Tukwila, Washington 98168

Date: September 15, 2011  
Time: 9:00 a.m.  
Location: Department of Labor and Industries, Spokane Service Location  
901 N. Monroe Street, Suite 100  
Spokane, Washington 99201