

AMENDATORY SECTION (Amending WSR 11-11-002, filed 5/4/11, effective 7/25/11)

WAC 296-05-001 Purpose, scope, and authority. (1) The Washington State Apprenticeship and Training Act (chapter 49.04 RCW) establishes the Washington state apprenticeship and training council (WSATC) as regulatory and designates as its administrative arm the apprenticeship section of the department of labor and industries. The WSATC, acting in compliance with chapter 49.04 RCW and in harmony with 29 C.F.R. Part 29 and 29 C.F.R. Part 30, has adopted these rules to:

- (a) Establish operating procedures for the WSATC;
- (b) Establish standards for apprenticeship programs;
- (c) Implement the intent and purpose of the Washington State Apprenticeship and Training Act;
- (d) Perform other duties directed by the statute;
- (e) Promote labor standards and the registration of approved programs to protect the welfare of the apprentice; and
- (f) Encourage the establishment of apprenticeship programs and ~~((committees))~~ agreements.

(2) These rules are necessary to:

- (a) Strengthen apprenticeship and training in the state of Washington;
- (b) Facilitate approval and registration of apprenticeship and training programs;
- (c) Explain factors related to apprenticeship and training in Washington state and federal laws;
- (d) Establish procedures for presenting matters to the WSATC;
- (e) Govern the WSATC's operation and ability to carry out its statutory obligations;
- (f) Establish a specific procedure to resolve an impasse if a tie vote occurs on the WSATC; and
- (g) Regulate registered apprenticeship and training programs.

AMENDATORY SECTION (Amending WSR 11-11-002, filed 5/4/11, effective 7/25/11)

WAC 296-05-005 Rule development. (1) In developing and adopting rules, the ~~((WSATC))~~ director of labor and industries:

- (a) Seeks the cooperation and assistance of all interested persons, organizations, and agencies affected by its rules.
- (b) Promotes the operation of apprenticeship programs to satisfy the needs of employers and employees for high quality

training.

(c) Recognizes that rapid economic and technological changes require that workers must be trained to meet the demands of a changing marketplace.

(d) Recognizes employers will benefit if graduates of state approved apprenticeship programs are skilled workers trained to industry wide standards rather than the exclusive standards of an individual employer or group of employers.

(e) Acknowledges that approved apprenticeship programs should be organized and administered to assure the maximum protection of apprentices' rights.

(f) Recognizes that the number of apprentices in an occupation or group of occupations in any geographic area must be sufficient to meet the needs of all employers.

(g) Promotes comprehensive training and a variety of work experiences relevant to the occupations and seeks to assure that during the approval process all apprenticeship standards are open to employers on an equal and nondiscriminatory basis.

(h) Recognizes that quality training, equal treatment of apprentices, and efficient delivery of apprenticeship training are best provided by registered apprenticeship programs.

(2) All amendments to this chapter must be developed and adopted according to the provisions of chapter 49.04 RCW, Apprenticeship Act; chapter 34.05 RCW, Administrative Procedure Act; and Executive Order 97-02. All proposed amendments to these rules must be approved by a two-thirds majority vote of regular WSATC members before they are published for public hearing. All WSATC members, the apprenticeship supervisor, committees and any other interested parties must be promptly notified, in writing, of any proposed rule amendments, public hearings on proposed rule amendments and new rule adoptions.

(3) The specific procedure(s) and form(s) for petitions requesting the making, amendment, or repeal of a rule are in chapter 34.05 RCW, as are the specific procedure and form for requesting declaratory rulings.

(4) Such petitions and requests must be addressed to:

The Washington State Apprenticeship and Training Council
Attention: Supervisor of Apprenticeship and Training
Department of Labor and Industries
Post Office Box 44530
Olympia, Washington 98504-4530
Or e-mail address: apprentice@LNI.wa.gov

AMENDATORY SECTION (Amending WSR 11-11-002, filed 5/4/11, effective 7/25/11)

WAC 296-05-007 Rules of procedure. All hearings and adjudication, under chapter 49.04 RCW and these rules, shall be

conducted according to chapter 34.05 RCW, the Administrative Procedure Act and chapter 10-08 WAC, Model Rules of Procedure. The chair (or designee) is the presiding officer for adjudicative proceedings, held before the WSATC. The WSATC may either adjudicate matter(s) itself, or refer matter(s) to the office of administrative hearings for initial adjudication.

If the initial adjudication is before the WSATC, the WSATC will enter a final order. If the initial adjudication has been held at the office of administrative hearings, the administrative hearings judge shall issue an initial order. The WSATC, upon review of the initial order shall enter the final order. An initial order shall become final without further WSATC action five business days after the next regular quarterly meeting unless:

(1) The WSATC upon its own motion determines that the initial order should be reviewed; or

(2) A party to the proceedings files a petition for review of the initial order.

The WSATC, upon review of the initial order shall enter the final order. The WSATC may appoint a person to review the initial order and prepare and enter the final WSATC order.

(3) Final WSATC orders or decisions affecting registration and oversight of apprenticeship programs and agreements for federal purposes may be appealed within thirty calendar days to the director of the department pursuant to the following:

(a) An appellant must file with the director an original and four copies of the notice of appeal.

(i) The notice of appeal must specify findings and conclusions at issue in the appeal.

(ii) The director or designee shall serve notice of receipt of the appeal, including copies of the appeal on all parties within five business days from date of receipt.

(iii) The respondent parties may file with the director or designee written arguments within thirty calendar days after the date the notice of receipt of appeal was served upon them.

(b) The director or designee shall review the record in accordance with the Administrative Procedure Act, chapter 34.05 RCW. The director or designee shall issue a final decision affirming, modifying, or reversing the WSATC final order or decision or may remand the matter to the WSATC for further proceedings.

(c) Any aggrieved party may appeal the final decision to superior court pursuant to chapter 34.05 RCW. If no party appeals within the period set by RCW 34.05.542, the director's decision is final and binding on all parties.

AMENDATORY SECTION (Amending WSR 01-22-055, filed 10/31/01, effective 1/17/02)

WAC 296-05-100 WSATC composition. (1) The director of the department appoints three voting representatives each from employer and employee organizations, respectively. Each member shall be appointed for a three-year term.

(2) ~~The ((governor shall appoint, subject to confirmation by the senate, a voting))~~ director of labor and industries shall also appoint a public member to the apprenticeship council for a three-year term.

(3) The WSATC may also include ex officio members. These members have the right to participate in the discussion of any matter before the council but they may not vote.

(4) An appointed member shall remain on the council until replaced by a qualified successor. When a vacancy does occur, it shall be filled for the remaining portion of the vacated term.

AMENDATORY SECTION (Amending WSR 01-22-055, filed 10/31/01, effective 1/17/02)

WAC 296-05-107 Additional duties for the supervisor-administrator of WSATC. (1) In addition to being the council secretary, the apprenticeship supervisor (supervisor) is the WSATC administrator. As WSATC administrator, the supervisor must:

(a) Perform the duties listed in RCW 49.04.030;

(b) Register all apprenticeship agreements that comply with the rules in this chapter;

(c) Review apprenticeship programs and recommend cancellation of any committee program, or plant program previously registered which is not operated in conformity with its apprenticeship standards; and

(d) Receive all documents concerning apprenticeship or training agreements (including revisions to) or any other matters affecting apprenticeship or training.

All written correspondence to the supervisor should be addressed to:

Supervisor of Apprenticeship and Training
Department of Labor and Industries
Apprenticeship Section
P.O. Box 44530
Olympia, Washington 98504-4530

(2) The supervisor and the supervisor's staff:

(a) May be consulted on any matters concerning apprenticeship and training and will provide on request, any information concerning apprenticeship and training available to them.

(b) Will conduct systematic reviews of the operation of all

programs and investigate any discrepancies between the actual and required operations of any program. The supervisor will notify the noncompliant (~~(committee)~~) program sponsor of any violation.

(c) May recommend sanctions including cancellation of a program not in compliance with its approved program standards.

(d) Assists in the resolution of any complaints against committees or other organizations administering apprenticeship agreements, (~~(which have been)~~) filed with the WSATC by apprentice(s) who have completed his/her initial probationary period.

(e) Must investigate any discrepancies of all complaints as specified in WAC 296-05-009.

(f) Conducts compliance reviews as specified in WAC 296-05-011.

AMENDATORY SECTION (Amending WSR 11-11-002, filed 5/4/11, effective 7/25/11)

WAC 296-05-209 Voting. (1) A quorum is two-thirds of the WSATC members entitled to vote.

(2) All council members appointed by (~~(either)~~) the director (~~(or the governor)~~) are voting members of the council. Ex officio members may not vote on any issue.

(3) To resolve tie votes, the chair shall establish a standing tie-breaker committee. The committee shall be comprised of an employer representative, an employee representative, and the public member on the WSATC. In case of a tie vote on any proposed standards brought before the WSATC, the tie-breaker committee shall meet or confer, review the record, and render a decision within thirty calendar days. The supervisor or a designee of the supervisor shall act as secretary to the committee and furnish all information necessary for a decision.