



STATE OF WASHINGTON  
DEPARTMENT OF LABOR AND INDUSTRIES

Prevailing Wage  
PO Box 44540 • Olympia, Washington 98504-4540  
360/902-5335 Fax 360/902-5300

October 26, 2023

Mario Silva, Compliance Administrator  
Cement Masons and Plasterers of the Northwest  
6362 6th Avenue South  
Seattle, WA 98108

RE: Determination regarding the application of thin set, multi-layer, seamless composition flooring systems with aggregate materials (e.g., quartz, sand . . .) added to the epoxy compound.

Dear Mr. Silva:

I am writing to address your interested party prevailing wage complaint regarding the “Preparation and installation of MasterTop 1853 SRS CQ – a methyl-methacrylate-based (MMA) flooring system with a decorative quartz broadcast to resurface the pool deck.” You allege there was a misclassification of workers and that Leewens workers were not paid the correct Cement Masons prevailing wage rate for the installation of MMA resinous epoxy flooring with broadcast sand to resurface the pool deck. You also note prior determinations of November 10, 2014 and December 21, 2016, Tukwila Pool Floor and Wall Installation and the November 2, 2018 redetermination by the Deputy Director of the Department of Labor & Industries (L&I) that affirmed the 11/10/2014 determination: “the installation of Seamless Composition Floor is that of Cement Masons.”

The program appreciates your dedication to prevailing wage compliance. Here, because L&I rescinded Notice of Violation (NOV) 200501 on October 1, 2022 concerning similar work described here and because L&I has not provided clear guidance in the last few years about the applicability of our prior determinations, we decline to investigate and seek prevailing wages in this matter. However, in order to provide clarity, I am issuing this determination to reaffirm the required scope of work to perform the installation of thin set, epoxy seamless composition flooring systems that incorporate aggregate following the initial surface preparation.

The installation work, after preparatory work, is properly compensated at the prevailing rate of wage for Cement Masons ([WAC 296-127-01315](#)) when performed on public works projects. I am reaffirming the determination dated November 10, 2014 and the redetermination dated November 2, 2018. This determination affirms the department’s previous position for the prevailing rate of wage for built-up floor systems with a thin set epoxy with aggregate product to resurface or install a floor

system. Moving forward from the date of this determination, the department will be reviewing intents filed for such work bid after the date of this determination to ensure the Cement Mason trade is contemplated in the crew composition.

### Work Performed & Scopes reviewed

This project, along with the previous one resulting in the original determinations, involves layered, epoxy (MMA) with aggregate (e.g., quartz, sand) broadcast, which is a built-up flooring product. Its installation is a multi-step process. Associated with this installation process is some preparatory taping and masking, shot blasting, grinding, and patching work. For built-up resinous floor systems, the epoxy compound is applied with squeegee trowels and the aggregate product is spread between layers of the epoxy compound.

I reviewed the following Scopes of Work:

- Cement Masons ([WAC 296-127-01315](#))
- Painters ([WAC 296-127-01356](#))
- Laborers ([WAC 296-127-01344](#))

The first step in the analysis is to consider the plain language of each scope of work.

First, I'll turn to the Painters scope of work. For the facts in this case, the relevant phrases within the Painters' scope include: "Application of...epoxy as waterproofing or protective coatings with brushes, spray guns or rollers." However, as the November 2, 2018 redetermination correctly pointed out, the Painters scope of work is interpreted narrowly because of the specific nature of the language, "the job description for painters is as follows:". This is exclusive language and there is no language extending the scope beyond the enumerated tasks such as "The work includes, but not limited to:" which appears in other scopes of work.

The language of the Painters scope has the effect of making the task beyond the Painter's scope of work if the product is not applied with brushes, spray guns or rollers. Trowels, which are the typical tool used to meter the spread of epoxy flooring solution, are utilized during the installation of built-up, thin set, resinous floors. While the Painters scope allows for applying epoxy as waterproofing or to provide a protective coating, it does not address the application of such products using trowels or for other purposes such as creating a built up floor system. The purpose of built up, thin set, resinous epoxy flooring is broader than "waterproof or protective coating," it is also intended to create a safe floor surface for walking. While the painter's scope of work description may be applicable to horizontal surfaces in some instances, installation of thin set, built-up floor systems with aggregate material incorporated by use of trowels is not supported by [WAC 296-127-01356](#).

Next, I look to the Laborers scope of work ([WAC 296-127-01344](#)). Unlike the Painters scope, the Laborers scope of work provides non-exclusive language ("laborers perform a variety of tasks such as:"). While the scope is non-exclusive, it contains no provisions for installation of built up resinous

floors other than in a support capacity. As a result, it might be suitable for the Laborers to work in preparation of the surface and in support of the Cement Masons in the application and clean-up process. The Laborers scope contains no language for the application/installation of built-up resinous floor systems with aggregate materials added. The Laborers scope specifically calls out support or preparatory work like:

- Apply caulking compounds by hand or with caulking gun to seal crevices.
- The application of penetrating sealer and primer protective coatings to concrete floors and steps when safe to walk on.
- The cleaning and grinding of concrete floors and walls by high pressure waterblasting or sandblasting *preparatory to the application of waterproofing*.
- The removing of rough or defective spots from concrete surfaces, using grinder or chisel and hammer and patching holes with fresh concrete or epoxy compound *when not preparatory to sacking (finishing a large surface of patched holes)*.
- *All clean-up work* required in connection with the above work. Clean tools, equipment, materials and work areas:
  - (2) *When assisting those trades for which laborers have been specifically designated as tenders, e.g., carpenter tender, cement finisher tender, etc.*

The Laborers have a long tradition of assisting other crafts in the execution of their work. This case is no exception. The Laborers' work is in support of the installation or application of a finished floor system and the clean-up. As previously discussed in the November 10, 2014 determination supported by the scope, the language in [WAC 296-127-01344](#) allows for preparatory work to include taping and masking of areas for protection, shot blasting with the use of sandpaper, steel wool, wire brushes or wire wheel grinder, and *patching work* with epoxy performed when not preparatory to sacking (finishing a large surface of patched holes).

Finally, I turn to the Cement Masons scope of work ([WAC 296-127-01315](#)). It is interpreted broadly due to the language "includes, but is not limited to:". For the facts surrounding the installation of thin set, built-up resinous floors with aggregate materials added after surface preparation, the relevant phrases within this scope include: "....all work where finishing tools are used.... The installation of seamless composition floors and the installation and finishing of epoxy based coatings to all surfaces, when....applied by spraying or troweling." The purposes of the tools described in the installation of built-up resinous floors are both an applicator and a finishing tool.

The Cement Masons scope of work is the most appropriate scope for this type of work for two reasons: First, the Cement Masons scope is the only classification that includes the use of finishing tools and specifically lists trowels in its description. For built-up resinous floor systems, the epoxy compound is applied with squeegee trowels to gauge the amount of compound applied. Second, the Cement Masons scope also mentions specifically "The installation of seamless composition floors....". This phrase best describes the work of building up and creating a flooring system by applying

successive layers of epoxy and solids to achieve a new floor that is of a prescribed thickness. While the Laborers scope and Cement Masons scope both have non-exclusive language, the Cement Masons scope is the only one that specifically addresses the work. For these reasons, I believe that the plain language of the scopes of work, when read together, resolve the question here.

Authoritative Sources ([WAC 296-127-013](#))

If there is any ambiguity about what scope applies, the Department may also look to industry sources to aide it in making determinations of prevailed rates, including Washington State Apprenticeship and Training Council (WSATC) approved apprenticeship standards. In this case, the application of the Cement Masons' scope is supported by the WSATC standards of apprenticeship for the three trades. Below are excerpts from section VIII. Work Processes of the approved standards of apprenticeship for the three trades involved here:

**Washington Cement Masons Apprenticeship Committee**

VIII. WORK PROCESSES:	Approximate Hours
2. Building.....	1400
c. <i>Finishing</i>	
(3) <i>Troweling</i>	
(4) <i>Edging</i>	
(5) <i>Top application of color stone, dry shake and stain etc.</i>	
(6) <i>Water and chemical curing, and application of densifying materials and chemical solutions.</i>	
3. Machine operation cement masons jurisdiction.....	2700
e. <i>Magnesite, mastic, plastic, epoxy, cementitious, synthetic, toppings, traffic coating, overlayment and underlaying and seamless composition floors</i>	
(1) <i>Wiring, setting screeds, joints, strips</i>	
(2) <i>Darbying</i>	
(3) <i>Cutting, filling, rodding, screeding by hand or walk behind equipment, traditionally done by Cement Masons, and compacting (Troweling Machine – as pertains to polishable overlayments)</i>	
(4) <i>Ragging</i>	
(5) <i>Priming and moisture mitigation systems</i>	
(6) <i>Troweling, squeeing and gauge rakes</i>	
(7) <i>Cove and step work</i>	
(8) <i>Wainscoting</i>	
(9) <i>Sealers</i>	
(10) <i>Broadcast/Distribution of manufactured and natural aggregates by hand or walk behind equipment, traditionally done by Cement Masons</i>	
(11) <i>Smoothing, grinding, honing and polishing</i>	

**Western Washington Painting Apprenticeship**

VIII. WORK PROCESSES:	Approximate Hours
D. Painter-Decorator:	
Industrial Coating Application, Non-Spray, Floor Coatings .....	200

**Northwest Laborers Apprenticeship Committee**

VIII. WORK PROCESSES:	Approximate Hours
2. Areas of Concentration .....	2000
f. <i>Masonry</i>	
<i>Mason tending.</i>	
<i>Plaster tending.</i>	
<i>Refractory tending.</i>	
<i>Tarping and cleanup</i>	
<i>Pump operation, maintenance and cleanup.</i>	
<i>Erect scaffolding, shoring and braces.</i>	
<i>Forklift operation and safety.</i>	

*(emphasis added).*

Under these standards, the Cement Masons apprenticeship program work processes are the only trade that specifically discusses training apprentices to install seamless composition floors using the applicable tools (see italicized text above).

The Department may also look to recognized labor and management industry practice if there is ambiguity. Industry practice suggests that this installation work is being assigned to multiple crafts (National Labor Relations Board Case 19-CD-211263). Industry practice is not helpful here. There does not seem to be a consistent application of industry practice for the work.

**Determination**

This is a determination of the Industrial Statistician regarding coverage of the referenced work under Washington's prevailing wage laws and is made under [RCW 39.12.015](#). Both the plain language of the scopes of work, type and nature of the work, and the apprenticeship standards affirm the correct rate of wage for the installation of thin set, epoxy seamless composition flooring systems that incorporate aggregate following the initial surface preparation is that of Cement Masons. I am issuing this determination to reaffirm the required scope of work to perform the installation of seamless composition flooring systems that incorporate aggregate following the initial surface preparation. Such described installation work is properly compensated at the prevailing rate of wage for Cement Masons ([WAC 296-127-01315](#)) when performed on public works projects. I am reaffirming the determinations dated November 10, 2014, and December 21, 2016, made by the former Industrial Statistician, along with the redetermination dated November 2, 2018, by the Deputy Director.

Mario Silva, Compliance Administrator  
Cement Masons and Plasterers of the Northwest  
October 26, 2023  
Page 6 of 6

As you know, Washington State prevailing wage information, including the statutes, rules, policies, and determinations, are available on the Department's website: [L&I Prevailing Wage Program](#).

Enclosed is a copy of the Prevailing Wage Determination Request and Review Process Policy. According to WAC 296-127-060(3), any party in interest may now request that the Industrial Statistician modify his or her determination. The policy applies a 30-day period during which such a request must be submitted, and advises that any additional relevant information should accompany that request.

Sincerely,



Jody Robbins  
Industrial Statistician/Program Manager  
Prevailing Wage Program  
[Jody.Robbins@LNI.wa.gov](mailto:Jody.Robbins@LNI.wa.gov)

Enclosures:

- National Labor Relations Board Case 19-CD-211263
- Apprenticeship Standards linked here
  - NW Laborers Apprenticeship Committee
  - W. WA Painting Apprenticeship
  - WA Cement Mason's Apprenticeship Committee
- November 10, 2014 Determination
- December 21, 2016 Determination
- November 2, 2018 Redetermination
- Prevailing Wage Determination Request and Review Process Policy

cc: Celeste Monahan, Assistant Director, Fraud Prevention and Labor Standards



STATE OF WASHINGTON  
DEPARTMENT OF LABOR AND INDUSTRIES

Prevailing Wage  
PO Box 44540 • Olympia, Washington 98504-4540  
360/902-5335 Fax 360/902-5300

December 21, 2016

Judd H. Lees  
Sebris Busto James  
14205 SE 36<sup>th</sup> Street, Suite 325  
Bellevue, Washington 98006

Dear Mr. Lees:

Thank you for your December 10, 2014 letter requesting modification of the determination dated November 10, 2014 regarding the proper classifications of labor under the prevailing wage law, chapter 39.12 RCW, for work performed on the Tukwila Pool Project.

The Industrial Statistician determines the prevailing rate of wage. RCW 39.12.015.

In this case I have been asked to review whether the determination dated November 10, 2014 “finding the work preparatory to the floor painting was within the Laborer’s scope of work and whether the floor painting work was within the Cement Mason’s scope of work” is correct.

I affirm the prior decision on both issues. A further analysis of why the “floor painting work” is within the Cement Mason’s scope of work follows.

Copies of the applicable scopes of work, administrative code sections, and statutes, as well as an explanation of appeal rights, are enclosed with this decision.

**Work Performed at the Tukwila Pool**

1. Pool Deck Seamless Composition Floor

I rely on the description of the work in your June 17, 2014 letter. A concrete floor with exposed aggregate was present before the seamless composition floor was installed. I also obtained a copy of a photograph from the pool deck from 2010 and believe the deck was in substantially similar condition when Armorclad began to work under the contract in 2013.

Before installing the pool deck seamless composition flooring system, the workers taped and masked the areas around the pool, shot blasted the existing floor, and smoothed the exposed aggregate with sandpaper, steel wool, wire brushes, and 4" standard wheel grinders attached to a drill. Nail holes, cracks, and joints were filled with putty, plaster, or other fillers. Thereafter, Tnemec<sup>1</sup> was applied to the floor using long handled squeegees<sup>2</sup> and traditional paint rollers.

The installation process for the seamless composition floor surrounding the pool deck was as follows. A resin/converter mixture was first spread onto the floor using squeegees, backrolled with paint rollers and additionally smoothed using paint brushes. Next, sand was broadcast into the resin/converter mixture before the mix set. Broadcast was done to refusal, and then the excess was vacuumed. The resin/converter/broadcast process was then repeated and sand was again broadcast to refusal. Thereafter, excess sand was vacuumed and a finish was applied to the broadcast layer. The finish was applied with squeegees, rollers and brushes. According to manufacturer specifications, the finished thickness of this flooring system is not less than 1/8" (125 mils).

You explained in response to our follow up questions in an e-mail dated May 31, 2016 that for the pool deck, Armorclad used Tnemec series 280, the same product it used for the locker room walls. Also, inexpensive sand was used rather than colored decorative bagged aggregate, for the broadcast layer around the pool deck.

## 2. Locker Room and Bathroom Floors

I understand the work in the locker rooms and bathrooms was different than the process outlined above because the existing floors in the locker rooms and bathrooms were ceramic, not concrete. The existing ceramic tile floors were prepared to receive coatings in a similar fashion, but the coatings were of different types and were applied differently.

I rely on the explanations in Mr. Lees' June 17, 2014 letter and Mr. Lees' e-mail of May 31, 2016 in response to our follow up questions.

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<sup>1</sup> Tnemec makes a series of products to install seamless composition floors. Such floors, in general, are installed by combining different materials in several layered and repeated steps. As each material is added, materials combine to create a floor from the bottom up.

<sup>2</sup> We consistently use the term "squeegee" in this document without argument about whether or not they can be used as a finishing tool. We agree that squeegees were used to apply and spread epoxy on this project. In this use, the squeegee serves the spreading function of a trowel. "Squeegee trowel" is a term used by manufacturers and retailers.

Smoothing the floor tiles in the locker room and bathrooms was done with both grinders and wire brushes. You point out in your letter of June 17, 2014 that only the glossy surface of the tile was removed. Epoxy putty and mortar using broad knives, putty knives, and trowels were used to correctly place patches in line with existing tile. Once dry the patched areas were ground and sanded.

You said the Tnemec Series 222 system consists of a layer of clear epoxy that is poured onto the floor from a bucket and spread out with a squeegee and paint brushes, then backrolled with a paint roller and allowed to level. After the layer had leveled, colored sand was broadcast to provide a decorative color and texture. Once dry, the excess sand was swept up and the surface vacuumed. The process was repeated again to provide additional color coverage, texture consistency, and build as required. Thereupon, a final coat of epoxy was applied. According to the manufacturer, the finished thickness of this flooring system is not less than 1/8" (125 mils).

I visited the Tukwila Pool to examine the floors and to take pictures.

### **General Principles of Interpretation for Scopes of Work**

Scopes of work are interpreted to promote the remedial purposes of the Act and to benefit workers. Thus, when two scopes of work could be interpreted to overlap, the department interprets those scopes such that work is placed within the scope that most closely describes the work. When a scope has both a general term and a specific term, the specific term trumps the general term. Scopes of work are also read as a whole to ascertain their meaning. Related terms in a scope are given related meaning.

Where more than one wage rate could be construed (according to the scope of work descriptions) to apply to a work activity, the local wage standard to be preserved may not be clearly obvious. In these instances, and to avoid the inadvertent erosion of a wage standard, I hesitate in applying the analysis favoring the lower paid classification.

Armorclad asserts, and we agree, the purpose and nature of the work outstrips incidental facts such as the specific tools used. *Lockheed Shipbuilding Co. v. Dep't of Labor & Industries*, 56 Wn. App. 421 (1989). We review here both the tools used, which are relevant, and the nature of the work, which is paramount.

1. When a scope of work contains the phrase "includes, but is not limited to", the scope is broadly interpreted.

The scope of work for cement masons states as follows:

"For the purpose of the Washington state public works law, chapter 39.12 RCW, cement masons perform all work where finishing tools are used.

The work includes, but is not limited to:

- The installation of seamless composition floors and the installation and finishing of epoxy based coatings or polyester based linings to all surfaces, when the coatings or linings are applied by spraying or troweling.”

When a scope of work uses the phrase “includes, but is not limited to”, an expansive reading of the rule is appropriate.

2. When a scope of work contains the phrase “is as follows”, the scope is narrowly interpreted.

The scope of work for painters states “the job description for painters is as follows”, and goes on to state that work is classified under “Painter” when the work is:

- washing, cleaning, and smoothing of surfaces, using sandpaper, brushes or steel wool.
- removal of old paint or other coatings from surfaces, using paint remover, scraper, wire brush, or by sandblasting.
- application of polyurethane elastomers, vinyl plastics, neoprene, resin, polyester and epoxy as waterproofing or protective coatings to any kind of surfaces (except roofs) when applied with brushes, spray guns, or rollers.

#### **Application of the Scopes of Work & Analysis:**

Your various letters to my office on this topic, and their substantive contents, were considered before issuing my November 10, 2014 determination letter and they continue to be respected and considered here.

I continue to regard the thickness of the flooring system on this project as relevant, though not dispositive. The Painter scope discusses waterproofing and protective coatings. Paint coatings rarely exceed a few mils in thickness. In sharp contrast, the Tukwila pool and locker room floors are roughly 125 mils thick (1/8”).

Considerably more dispositive is the language of the scopes themselves, and the nature of the work performed. As discussed above, the Painter scope is written to be interpreted more narrowly than the Cement Mason scope.

Further, the Cement Mason scope appears to describe the work more specifically with the phrase:

“The installation of seamless composition floors and the installation and finishing of epoxy based coatings or polyester based linings to all surfaces, when the coatings are linings are applied by spraying or troweling.”

By contrast, the Painter scope includes:

“Application of ... epoxy as waterproofing or protective coatings to any kind of surfaces (except roofs) when applied with brushes, spray guns or rollers.”

While I notice that epoxy was spread and backrolled using squeegees and rollers respectively, the tools used are less important than the purpose and nature of the work. The purpose of the work was to create a seamless composition floor. Successive pouring and spreading in order to build up an epoxy and sand floor that is a minimum of 1/8” finished thickness is not, in my view, the application of epoxy as waterproofing or protective coating. The thickness, in and of itself, similar to the tool that is used (trowel or paint roller), is not dispositive. Thickness is relevant, however. These floors were not protected or waterproofed so much as they were rebuilt or resurfaced.

The sand used in this flooring system is not merely a texturing strategy. The sand, as in other combinations of cement and aggregate, adds both volume and strength. The sand is distributed throughout the epoxy mixture such that only a minor portion of the sand is near enough to the surface to add texture to that surface.

Concrete, perhaps the most common of all nonresidential building materials, is made from Portland Cement and water which is combined with sand and/or other aggregate materials. The materials and processes used to make the floor on the Tukwila pool project are similar. On that project, as with projects using standard concrete, cement (epoxy is a type of cement) is mixed with aggregate (sand) and the resulting material is spread or formed or used to fill. I determine the work on the floors at the Tukwila Pool extended beyond “floor painting” or “Application of ... coatings” but was instead the installation of a seamless composition flooring system, made of a combination of cement (epoxy) and aggregate (sand). The proper prevailing wage for this work is therefore that of Cement Mason.

It has been suggested that this work may fall within the Terrazzo (artificial marble) Workers scope (WAC 296-127-01379). I disagree. As you know, in determining which prevailing wage applies to a body of work, we place that body of work into the scope description that best describes that work. Scope descriptions (generally) do not overlap, as outlined earlier in this letter. The Terrazzo scope describes the creation of a terrazzo floor. There are some differences between the Tukwila Pool floor and a terrazzo floor. Terrazzo floors are thicker. Terrazzo floors contain much larger aggregate compared to the sand used at the Tukwila Pool. Last but not least, terrazzo floor materials are mixed first, then put into place. The aggregate chips or granules are mixed into the cement (often epoxy) first, then put into place using a float and/or trowel. Finally, terrazzo floors are then ground and polished to create a unique, attractive and durable artificial marble floor surface. WAC 296-127-01379 describes this process in some detail. The methods used to create the Tukwila Pool floors are different, and are not described in WAC 296-127-01379.

I decline to apply the narrowly tailored scope of work for painters to a single part of the installation of a seamless composition floor simply because some component of the floor is installed using brushes and rollers. We agree it may not be entirely unreasonable to apply the scope of work for painters to certain parts of the installation of the seamless composition floor, because parts of the installation are done with brushes and rollers, which are used by painters. However, keeping in mind the realities of the worksite, our preference to avoid placing work in two scopes, and the need to avoid strained and absurd results, we decline to do so here.

Instead, we construe the more broadly written scope of work for cement masons to determine that the installation and finishing of the seamless composition flooring system adjacent to the swimming pool done with grinders, trowels, squeegees, brushes, or rollers is within the scope of work for cement masons.

### **Conclusion**

I affirm the determination dated November 10, 2014. Installation of the seamless composition flooring systems at the Tukwila Pool is properly within the scope of work for cement masons and is paid at the prevailing wage for cement masons, WAC 296-127-01315.

I appreciate your interest in prevailing wage compliance and the opportunity to address your concerns. If you have further questions, please let me know.

Sincerely,



Jim P. Christensen  
Industrial Statistician/Program Manager  
Prevailing Wage

cc: Elizabeth Smith, Assistant Director, Labor and Industries  
Eric Coffelt, Business Manager, OPCMIA Local 528  
Miriam Moses, Executive Director, REBOUND

Enclosures

**RCW 39.12.015**

**Industrial statistician to make determinations of prevailing rate.**

All determinations of the prevailing rate of wage shall be made by the industrial statistician of the department of labor and industries.

[ 1965 ex.s. c 133 § 2.]

**Cement masons.**

For the purpose of the Washington state public works law, chapter 39.12 RCW, cement masons perform all work where finishing tools are used.

The work includes, but is not limited to:

- The setting of screeds, the rodding (buildings), shaping, smoothing and finishing of the surfaces of freshly poured concrete floors, walls, sidewalks, curbs, steps and stairways, the finishing of extruded barrier rails, or any other concrete surface requiring finishing, using hand tools or power tools, including floats, trowels, screeds and straightedge.
- The removing of rough or defective spots from concrete surfaces, using grinder or chisel and hammer and patching holes with fresh concrete or epoxy compound preparatory to sacking. (The finishing of a large surface of patched holes.)
- The moulding of expansion joints and edges, using edging tools, jointers and straightedge.
- The application of penetrating sealer and primer protective coatings to concrete floors and steps for the first twenty-four hours after pouring, when part of the finishing process.
- The installation of seamless composition floors and the installation and finishing of epoxy based coatings or polyester based linings to all surfaces, when the coatings or linings are applied by spraying or troweling.
  - Sandblasting or waterblasting for architectural finish or preparatory to patching.
  - The setting of all forms one board high.
  - The cutting of joints with concrete saw for the control of cracks in buildings and contiguous to buildings.
- The setting of concrete curb, gutter and sidewalk forms as a composite crew with laborers.
- All cleanup work required in connection with the above work.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01315, filed 7/19/00, effective 7/19/00.]

## **Painters.**

For the intents and purposes of the Washington state public works law, chapter 39.12 RCW, the job description for painters is as follows:

- (1) Preparation of surfaces.
  - (a) Washing, cleaning and smoothing of surfaces, using sandpaper, brushes or steel wool.
  - (b) Removal of old paint or other coatings from surfaces, using paint remover, scraper, wire brush or by sandblasting.
  - (c) Filling of nail holes, cracks and joints with putty, plaster or other fillers.
- (2) Color matching and mixing.
- (3) Application of paint, varnish, stain, enamel, lacquer, vinyl, wallpaper and other materials of whatever kind or quality applied to walls or ceilings with paste or adhesive using brushes, spray gun or paint rollers.
- (4) Application of polyurethane elastomers, vinyl plastics, neoprene, resin, polyester and epoxy as waterproofing or protective coatings to any kind of surfaces (except roofs) when applied with brushes, spray guns or rollers.
- (5) Application of sprayed on fire retardant foam.
- (6) Texturing and decorating.
- (7) Erecting of scaffolding or setting up of ladders to perform the work above ground level.
- (8) Responsible for all the cleanup required in connection with painters work.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01356, filed 7/19/00, effective 7/19/00.]

**WAC 296-127-01379****Terrazzo (artificial marble) workers.**

For the purpose of the Washington state public works law, chapter 39.12 RCW, terrazzo workers create durable and decorative surfaces on floors, walls and ceilings.

The work includes, but is not limited to:

- (1) Spreading a one-half inch mixture of sand, cement, and water with trowel to form a base over walls, ceilings, and concrete floors where terrazzo is to be applied.
- (2) The cutting and setting of metal or wooden strips into the terrazzo base so that the top edges form a design or pattern and define the level of the finished floor surface.
- (3) Spreading a mixture of cement terrazzo, magnasite terrazzo, polyacrylate terrazzo, epoxy matrix terrazzo, exposed aggregate, rustic or rough washed for the interior or exterior of buildings, over a terrazzo base with float and trowel to form the finished surface.
- (4) Spreading of any other kind of mixture of plastics composed of chips or granules of marble, granite, blue stone, enamel, mother-of-pearl, quartz, ceramic colored quartz and all other kinds of chips or granules when mixed with cement, rubber, neoprene, vinyl, magnesium, chloride or any other resinous or chemical substances used for seamless flooring systems, and all other binding materials when used on any part of the interior and exterior of buildings and on fountains, swimming pools, etc.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. WSR 00-15-077, § 296-127-01379, filed 7/19/00, effective 7/19/00.]

## Prevailing Wage Determination Request and Review Process

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RCW 39.12.015 is the basis for requesting a determination, since it provides:

All determinations of the prevailing rate of wage shall be made by the industrial statistician of the department of labor and industries.

If you disagree with a determination the industrial statistician provides, WAC 296-127-060(3) provides for a review process:

(3) Any party in interest who is seeking a modification or other change in a wage determination under RCW 39.12.015, and who has requested the industrial statistician to make such modification or other change and the request has been denied, after appropriate reconsideration by the assistant director shall have a right to petition for arbitration of the determination.

(a) For purpose of this section, the term "party in interest" is considered to include, without limitation:

(i) Any contractor, or an association representing a contractor, who is likely to seek or to work under a contract containing a particular wage determination, or any worker, laborer or mechanic, or any council of unions or any labor organization which represents a laborer or mechanic who is likely to be employed or to seek employment under a contract containing a particular wage determination, and

(ii) Any public agency concerned with the administration of a proposed contract or a contract containing a particular wage determination issued pursuant to chapter 39.12 RCW.

(b) For good cause shown, the director may permit any party in interest to intervene or otherwise participate in any proceeding held by the director. A petition to intervene or otherwise participate shall be in writing, and shall state with precision and particularity:

(i) The petitioner's relationship to the matters involved in the proceedings, and

(ii) The nature of the presentation which he would make. Copies of the petition shall be served on all parties or interested persons known to be participating in the proceeding, who may respond to the petition. Appropriate service shall be made of any response.

If you choose to utilize this review process, you must submit your request within 30 days of the date of the applicable industrial statistician's determination or response to your request for modification or other change. Include with your request any additional information you consider relevant to the review.

Direct requests for determinations, and for modification of determinations via email or letter to the prevailing wage industrial statistician:

Jim P. Christensen  
Industrial Statistician/Program Manger  
Department of Labor & Industries  
Prevailing Wage  
P O Box 44540  
Olympia, WA 98504-4540  
[Jim.Christensen@Lni.wa.gov](mailto:Jim.Christensen@Lni.wa.gov)

## Prevailing Wage Determination Request and Review Process

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Direct requests via email or letter seeking reconsideration (redetermination) by the assistant director to:

Elizabeth Smith, Assistant Director  
Department of Labor & Industries  
Fraud Prevention and Labor Standards  
P O Box 44278  
Olympia, WA 98504-4278  
[Elizabeth.Smith@Lni.wa.gov](mailto:Elizabeth.Smith@Lni.wa.gov)

Direct petitions for arbitration to:

Joel Sacks, Director  
Department of Labor & Industries  
P O Box 44001  
Olympia, WA 98504-4001

If you choose to utilize this arbitration process, you must submit your request within 30 days of the date of the applicable assistant director's decision on reconsideration (redetermination). Submit an original and two copies of your request for arbitration to the Director personally, or by mail. The physical address for the Director is 7273 Linderson Way, SW, Tumwater, WA 98501.

WAC 296-127-061 also contains the following provisions regarding petitions for arbitration:

In addition, copies of the petition shall be served personally or by mail upon each of the following:

- (a) The public agency or agencies involved,
  - (b) The industrial statistician, and
  - (c) Any other person (or the authorized representatives of such person) known to be interested in the subject matter of the petition.
- (2) The director shall under no circumstances request any administering agency to postpone any contract performance because of the filing of a petition. This is a matter which must be resolved directly with the administering agency by the petitioner or other party in interest.
- (3) A petition for arbitration of a wage determination shall:
- (a) Be in writing and signed by the petitioner or his counsel (or other authorized representative), and
  - (b) Identify clearly the wage determination, location of project or projects in question, and the agency concerned, and
  - (c) State that the petitioner has requested reconsideration of the wage determination in question and describe briefly the action taken in response to the request, and
  - (d) Contain a short and plain statement of the grounds for review, and
  - (e) Be accompanied by supporting data, views, or arguments, and
  - (f) Be accompanied by a filing fee of \$75.00. Fees shall be made payable to the department of labor and industries.



STATE OF WASHINGTON  
DEPARTMENT OF LABOR AND INDUSTRIES

Prevailing Wage  
PO Box 44540 • Olympia, Washington 98504-4540  
360/902-5335 Fax 360/902-5300

November 10, 2014

Judd H. Lees  
Williams, Kastner & Gibbs PLLC  
Two Union Squart  
601 Union Street, Suite 4100  
Seattle, WA 98101

Dear Judd;

Thank you for your letter dated June 17, 2014 addressing prevailing wage rates that are applicable to work performed by Armorclad on the projects known as Tukwila Pool Ph. 1 for the Department of Enterprise Services, and John's Prairie Operations Center for Mason County Public Utility District No. 3. This determination originates from an investigation and audit performed by Mario Silva, Industrial Relations Agent, pursuant to a worker complaint that was filed with the Department of Labor and Industries (L&I.) Thank you for your patience as this matter has been under review.

In preparing this determination, I reviewed a number of materials including but not limited to your prior correspondence to the program dated June 26, 2013, September 23, 2013 and June 17, 2014, along with correspondence submitted by Rebound dated September 10, 2013. As you know, an Industrial Relations Agent and Industrial Relations Specialist from our program conducted a visit to Armorclad's facility on May 31, 2013 and observed a demonstration of the installation process for the floor product.

This is a determination of the Industrial Statistician regarding coverage of the referenced work under Washington's prevailing wage laws and is made pursuant to RCW 39.12.015. It is based on the facts presented. If the facts change, the answer could be different. See the enclosed document, "Prevailing Wage Determination Request and Review Process."

Process Reviewed

Based on the information that I have been able to review, both projects involve a similar layered, epoxy and sand, built-up flooring product, and its installation in a multi-step process. Associated with this installation process is some preparatory taping and masking, shot blasting, grinding, and patching work, as well as the shaping of some coves. Additionally, the Tukwila Pool project involved the grinding down and resurfacing of tile walls. I will review the work on floors and the work on walls separately.

### *Flooring*

The flooring installation process at issue involves multiple steps and multiple layers following the initial preparation. For the John's Prairie Operations Center I understand that five total layers of epoxy and sand were used, whereas for the Tukwila Pool project there were three layers of epoxy and sand (in each the bottom and top layer are epoxy). First is a preparatory process that involves taping and masking of areas for protection; shot blasting with the use of sandpaper, steel wool, wire brushes or a 4" standard wire wheel grinder; and patching work with an epoxy performed with hand-held trowels and squeegees. On the Tukwila pool project you refer to 4" and 7" inch grinders.

Following this preparatory work, the flooring product is applied in layers. An initial layer of the epoxy is applied using a long-handled squeegee trowel, and then "back-rolled" using traditional paint rollers. Following this, a layer of sand is broadcast evenly across the surface by hand to the point of refusal. The surface is allowed to dry and the remaining loose sand is then vacuumed or swept off of the surface. As described in your June 23, 2013 letter, for the work on the John's Prairie Operations center, second layers of epoxy and sand were then applied in similar manner, followed by sweeping and vacuuming. With or without these second layers of epoxy and sand, a final "top coat" of epoxy is applied with long-handled squeegees and then back-rolled using paint rollers to create the finished surface. The result is a textured, non-skid surface that includes either three layers of epoxy and two layers of sand, or two layers of epoxy and one layer of sand. A sample tile provided by Armormat at the May 31 meeting shows a product that is approximately 2 mm thick.

### *Coves*

Around the bottom of the wall, the product is applied by trowels to create a seamless cove. I understand that this process involves a pre-mix of sand and epoxy. In your June 23, 2013 letter you describe a worker using a trowel "to take the liquid material from the floor up to the wall to form a several inch cove."

### *Walls*

For the Tukwila Pool project, Armormat performed work to grind and resurface tile walls, in addition to the work on the floors. You describe the grinding work in your June 17, 2014 letter to include the use of paint remover, scrapers, and wire brushes. I understand that small grinders were also used. Following this preparation a layer of epoxy was applied by trowel and, to this, the workers applied a fiberglass mesh cloth using a brush. Finally a roller is used to achieve a finished surface where necessary.

### Scopes of Work

After reviewing the correspondence noted above and based on the above descriptions of the relevant processes, I have reviewed our scope of work descriptions found under WAC 296-127-013. I understand that in your view, the work on the floors and walls can mainly be performed under the classification for Painters, [WAC 296-127-01356](#). The scope of work description for Cement Masons is broadly worded using the phrase "...work includes, but is not limited to:...". The scope of work description for Painters however is written with limiting language which

states that the “job description for painters is as follows...” Based on my review, the scopes that are applicable to certain aspects of the described work are those for Cement Masons, [WAC 296-127-01315](#), Laborers, [WAC 296-127-01344](#), and Painters, [WAC 296-127-01356](#). The tasks and their respective classifications are outlined below.

*Cement Masons, WAC 296-127-01315*

The scope of work for Cement Masons describes a variety of tasks including “all work where finishing tools are used.” The scope of work also specifies “[t]he installation of seamless composition floors and the installation and finishing of epoxy based coatings...when...applied by spraying or troweling.” The scope of work does not limit itself to work in which the use of a traditional cement finishing tool is the last step in the process. The flooring product at issue here constitutes a “seamless composition floor.” Here, the use of the term “installation” is important. That term is inclusive of the multiple steps necessary to create such a floor, having a broader meaning than a term like “application” or “coating.” This flooring system, while not made with traditional concrete, incorporates aggregate (sand) which would suggest a Cement Mason material. The Cement Mason prevailing wage is applied to the installation of this seamless composition floor including the distribution of the epoxy using a squeegee trowel, the smoothing of the epoxy coating using a roller and the broadcasting of sand.

The sample tile provided to me shows that it is approximately 2 mm thick and provides independent structure. Therefore the installation of this seamless composition (epoxy) floor, including the distribution of epoxy using a squeegee trowel, the smoothing of the epoxy coating using a roller and the broadcasting of sand is properly categorized under the classification for Cement Masons. The troweling work necessary to form the coves is also included in this classification.

*Laborers, WAC 296-127-01344*

The scope of work for Laborers includes “[t]he removing of rough or defective spots from concrete surfaces, using grinder or chisel and hammer and patching holes with fresh concrete or epoxy compound when not preparatory to sacking (finishing a large surface of patched holes).” This language is applicable to the preparatory work described above to include taping and masking of areas for protection; shot blasting with the use of sandpaper, steel wool, wire brushes or a 4” standard wire wheel grinder; and patching work with epoxy performed with hand-held trowels and squeegees.

*Painters, WAC 296-127-01356*

The scope of work for Painters is not applicable to the installation of a multi-layer floor product including sand and epoxy. However, the scope includes “[a]pplication of... wallpaper and other materials of whatever kind or quality applied to walls or ceilings with paste or adhesive using brushes, spray gun or paint rollers.” Application of epoxy and fiberglass mesh to walls using epoxy as an adhesive, followed by rolling with paint rollers, falls within this Painters scope of work description.

Additionally, the scope of work for Painters includes preparation of surfaces and specifically “[w]ashing, cleaning and smoothing of surfaces, using sandpaper, brushes or steel wool,” along with “[r]emoval of old paint or other coatings from surfaces, using paint remover, scraper, wire brush or by sandblasting.” This language covers the preparatory work that you described to include the use of paint remover, scrapers, wire brushes, and a small handheld grinder. Accordingly, the work on the walls on the Tukwila Pool project is properly categorized under the Painters classification.

To summarize, the preparatory work involving shot blasting, grinding, etc., is properly paid at no less than the prevailing wage for Laborers (WAC 296-127-01344). The installation of the composition floor system involving epoxy and sand is properly paid at no less than the prevailing wage for Cement Masons (WAC 296-127-01315). The Cement Mason wage also applies to the coves. The wall coating system involving epoxy and fiberglass is properly paid at no less than the prevailing wage for Painters (WAC 296-127-01356).

I appreciate the opportunity to provide this somewhat challenging determination and, as mentioned above, I have appreciated your patience. Please do not hesitate to contact me by phone or email if you have further questions, or for any other reason.

Washington State prevailing wage information, including the WACs, are available on the Department’s web site: <http://www.lni.wa.gov/TradesLicensing/PrevWage/default.asp>

Sincerely,



Jim Christensen  
Program Manger  
Industrial Statistician

cc: Eric Coffelt  
Miriam Moses

Enclosures

# Prevailing Wage Determination Request and Review Process

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RCW 39.12.015 is the basis for requesting a determination, since it provides:

All determinations of the prevailing rate of wage shall be made by the industrial statistician of the department of labor and industries.

If you disagree with a determination the industrial statistician provides, WAC 296-127-060(3) provides for a review process:

(3) Any party in interest who is seeking a modification or other change in a wage determination under RCW 39.12.015, and who has requested the industrial statistician to make such modification or other change and the request has been denied, after appropriate reconsideration by the assistant director shall have a right to petition for arbitration of the determination.

(a) For purpose of this section, the term "party in interest" is considered to include, without limitation:

(i) Any contractor, or an association representing a contractor, who is likely to seek or to work under a contract containing a particular wage determination, or any worker, laborer or mechanic, or any council of unions or any labor organization which represents a laborer or mechanic who is likely to be employed or to seek employment under a contract containing a particular wage determination, and

(ii) Any public agency concerned with the administration of a proposed contract or a contract containing a particular wage determination issued pursuant to chapter 39.12 RCW.

(b) For good cause shown, the director may permit any party in interest to intervene or otherwise participate in any proceeding held by the director. A petition to intervene or otherwise participate shall be in writing, and shall state with precision and particularity:

(i) The petitioner's relationship to the matters involved in the proceedings, and

(ii) The nature of the presentation which he would make. Copies of the petition shall be served on all parties or interested persons known to be participating in the proceeding, who may respond to the petition. Appropriate service shall be made of any response.

If you choose to utilize this review process, you must submit your request within 30 days of the date of the applicable industrial statistician's determination or response to your request for modification or other change. Include with your request any additional information you consider relevant to the review.

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Industrial Statistician/Program Manger  
Department of Labor & Industries  
Prevailing Wage  
P O Box 44540  
Olympia, WA 98504-4540  
[Jim.Christensen@Lni.wa.gov](mailto:Jim.Christensen@Lni.wa.gov)

## Prevailing Wage Determination Request and Review Process

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Direct requests via email or letter seeking reconsideration (redetermination) by the assistant director to:

Elizabeth Smith, Assistant Director  
Department of Labor & Industries  
Fraud Prevention and Labor Standards  
P O Box 44278  
Olympia, WA 98504-4278  
[Elizabeth.Smith@Lni.wa.gov](mailto:Elizabeth.Smith@Lni.wa.gov)

Direct petitions for arbitration to:  
Joel Sacks, Director  
Department of Labor & Industries  
P O Box 44001  
Olympia, WA 98504-4001

If you choose to utilize this arbitration process, you must submit your request within 30 days of the date of the applicable assistant director's decision on reconsideration (redetermination). Submit an original and two copies of your request for arbitration to the Director personally, or by mail. The physical address for the Director is 7273 Linderson Way, SW, Tumwater, WA 98501.

WAC 296-127-061 also contains the following provisions regarding petitions for arbitration:

In addition, copies of the petition shall be served personally or by mail upon each of the following:

- (a) The public agency or agencies involved,
  - (b) The industrial statistician, and
  - (c) Any other person (or the authorized representatives of such person) known to be interested in the subject matter of the petition.
- (2) The director shall under no circumstances request any administering agency to postpone any contract performance because of the filing of a petition. This is a matter which must be resolved directly with the administering agency by the petitioner or other party in interest.
- (3) A petition for arbitration of a wage determination shall:
- (a) Be in writing and signed by the petitioner or his counsel (or other authorized representative), and
  - (b) Identify clearly the wage determination, location of project or projects in question, and the agency concerned, and
  - (c) State that the petitioner has requested reconsideration of the wage determination in question and describe briefly the action taken in response to the request, and
  - (d) Contain a short and plain statement of the grounds for review, and
  - (e) Be accompanied by supporting data, views, or arguments, and
  - (f) Be accompanied by a filing fee of \$75.00. Fees shall be made payable to the department of labor and industries.

WAC 296-127-01315

Cement masons.

For the purpose of the Washington state public works law, chapter 39.12 RCW, cement masons perform all work where finishing tools are used.

The work includes, but is not limited to:

The setting of screeds, the rodding (buildings), shaping, smoothing and finishing of the surfaces of freshly poured concrete floors, walls, sidewalks, curbs, steps and stairways, the finishing of extruded barrier rails, or any other concrete surface requiring finishing, using hand tools or power tools, including floats, trowels, screeds and straightedge.

The removing of rough or defective spots from concrete surfaces, using grinder or chisel and hammer and patching holes with fresh concrete or epoxy compound preparatory to sacking. (The finishing of a large surface of patched holes.)

The moulding of expansion joints and edges, using edging tools, jointers and straightedge.

The application of penetrating sealer and primer protective coatings to concrete floors and steps for the first twenty-four hours after pouring, when part of the finishing process.

The installation of seamless composition floors and the installation and finishing of epoxy based coatings or polyester based linings to all surfaces, when the coatings or linings are applied by spraying or troweling.

Sandblasting or waterblasting for architectural finish or preparatory to patching.

The setting of all forms one board high.

The cutting of joints with concrete saw for the control of cracks in buildings and contiguous to buildings.

The setting of concrete curb, gutter and sidewalk forms as a composite crew with laborers.

All cleanup work required in connection with the above work.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051, 00-15-077, § 296-127-01315, filed 7/19/00, effective 7/19/00.]

## WAC 296-127-01344

## Laborers.

For the intents and purposes of the Washington state public works law, chapter 39.12 RCW, laborers perform a variety of tasks such as:

- Erect and repair guard rails, median rails, guide and reference posts, sign posts and right of way markers along highways.
- Mix, pour and spread asphalt, gravel and other materials, using hand tools, and mix, pour, spread and rod concrete.
- Lift, carry and hold building materials, tools and supplies.
- Measure distances from grade stakes, drive stakes and stretch tight line.
- Bolt, nail, align and block up under forms.
- Signal operators of construction equipment to facilitate alignment, movement and adjustment of machinery to conform to grade specifications.
- Level earth to fine grade specifications, using pick and shovel.
- Mix concrete, using portable mixer.
- Position, join, align, wrap and seal pipe sections.
- The placement and testing of plastic conduit for electrical cable, when the conduit is buried underground.
- X • Erect scaffolding, shoring and braces.
- Mop, or spread bituminous compounds over surfaces for protection (outside buildings).
- Spray material such as water, sand, steam, vinyl, or stucco through hoses to clean, coat or seal surfaces.
- Apply caulking compounds by hand or with caulking gun to seal crevices.
- The application of penetrating sealer and primer protective coatings to concrete floors and steps when safe to walk on.
- Installation of plastic panels on the inside of existing window frames for insulation (instead of storm windows). The panels are held in place magnetically (with metal brackets) and with self-taping screws.

The cleaning and grinding of concrete floors and walls by high pressure waterblasting or sandblasting preparatory to the application of waterproofing.

- The removing of rough or defective spots from concrete surfaces, using grinder or chisel and hammer and patching holes with fresh concrete or epoxy compound when not preparatory to sacking (finishing a large surface of patched holes).
- The setting of concrete curb, gutter and sidewalk forms as a composite crew with cement masons.
- The laying of concrete, granite and brick pavers in beds of sand.
- General cleanup required after damage caused by water or fire.

All clean-up work required in connection with the above work. Clean tools, equipment, materials and work areas:

(1) When the cleanup is performed for more than one trade (usually employed by general contractor).

(2) When assisting those trades for which laborers have been specifically designated as tenders, e.g., carpenter tender, cement finisher tender, etc.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. 00-15-077, § 296-127-01344, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01356

Painters.

For the intents and purposes of the Washington state public works law, chapter 39.12 RCW, the job description for painters is as follows:

(1) Preparation of surfaces.

(a) Washing, cleaning and smoothing of surfaces, using sandpaper, brushes or steel wool.

(b) Removal of old paint or other coatings from surfaces, using paint remover, scraper, wire brush or by sandblasting.

(c) Filling of nail holes, cracks and joints with putty, plaster or other fillers.

(2) Color matching and mixing.

(3) Application of paint, varnish, stain, enamel, lacquer, vinyl, wallpaper and other materials of whatever kind or quality applied to walls or ceilings with paste or adhesive using brushes, spray gun or paint rollers.

(4) Application of polyurethane elastomers, vinyl plastics, neoprene, resin, polyester and epoxy as waterproofing or protective coatings to any kind of surfaces (except roofs) when applied with brushes, spray guns or rollers.

(5) Application of sprayed on fire retardant foam.

(6) Texturing and decorating.

(7) Erecting of scaffolding or setting up of ladders to perform the work above ground level.

(8) Responsible for all the cleanup required in connection with painters work.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051, 00-15-077, § 296-127-01356, filed 7/19/00, effective 7/19/00.]

June 26, 2013

27777.0101

Marcus Ehrlander  
 Industrial Relations Specialist-Prevailing Wage  
 WA Department of Labor & Industries  
 7273 Linderson Way SW  
 Tumwater, Wash. 98501-5414

Re: Work Classifications Applicable to Armorclad Floor Applications

Dear Marcus:

Thanks for your willingness to accompany Mario Silva to Armorclad's headquarters and warehouse to view the broadcast application process involved in painting floors. Based on your email of April 30, 2013, the Department is currently of the opinion that the prep work belongs to the Laborers classification and that all other work except for the final coating belongs to the Terrazzo workers and/or the Cement Masons. The final coating (and I assume other coating work involving a paint roller) belongs to the Painters. It is Armorclad's position that its past and current practice of treating the entire broadcast application process as Painters' work is correct. Based on the demonstration you witnessed, here is the basis for that claim.

**Step 1: Prep**

In this step, the worker uses a diamond grinder on the floor surface to clean up small debris but primarily to ensure a good bond for the paint by removing any finishes to the floor surface. This is similar to the sanding process when painting wood which has been previously painted. On larger projects, Armorclad employees use shotblasters.

*Applicable Classification:*

The Painters' scope of work, WAC 296-127-01356, includes the "preparation of surfaces" and, in particular, the "removal of old paint or *other coatings* from surfaces using paint remover, scraper, wire brush or by sandblasting." Employees involved in marine painting use all sorts of heavy equipment to remove rust or finishes from ships in preparation for painting. A grinder is one of those devices, although not listed in this WAC.

While the Laborers scope of work, WAC 296-127-01344, does list the "cleaning and grinding of concrete floors" this is limited to "high pressure waterblasting or sandblasting preparatory to the *application of waterproofing*" which is not the case here. The use of a "grinder" is mentioned elsewhere but only for "removing of rough or defective spots from concrete surfaces."<sup>1</sup> As you saw in the pictures you viewed on Mark Hoefer's computer, a grinder was used on a beautifully finished concrete floor in order to create a bondable surface for the paint. While it can smooth

<sup>1</sup> Similarly, the mention of "grinders" in the Cement Masons scope of work, WAC 296-127-01315, Williams, Kastner & Gibbs PLLC limits its use to "removing of rough or defective spots from concrete surfaces."  
 Two Union Square

rough spots, the grinder is primarily used by Armorclad employees to prepare the surface to receive paint.

**Step 2: Vacuum**

Since this involves cleanup of the surface residue (similar to wiping a sanded surface prior to painting), this step is part and parcel of the “surface preparation” expressly covered by the Painters’ scope of work.

**Step 3: Mixing of Paint**

This clearly is Painters’ work.

**Step 4: Spread of Epoxy Paint with Squeegee**

Since the epoxy mix cures quickly, it is imperative on a large surface for the employee to get a layer of epoxy spread on the floor as quickly as possible. While application largely involves a paint roller (see below), the favored method to get the paint in place for the roller is to spread it out using a squeegee.

*Applicable Classification*

While the Painters’ classification expressly covers application of paints utilizing “brushes, spray guns or rollers,” it does not rule out the use of squeegees to get the paint in place for rolling. Indeed “squeegees” are not mentioned in any other classification. For instance the Terrazzo Worker classification, WAC 296-127-01379 is limited to the spreading of “sand, cement and water with trowel” to form a base for Terrazzo. Similarly, the Cement Mason scope of work is limited to the “installation of seamless composition floors and the installation and finishing of epoxy based coatings or polyester based linings to all surfaces, when the coatings or linings are applied by spraying or troweling.” A trowel is not used by the Armorclad employee in this phase.<sup>2</sup> Indeed, a trowel is an unusable tool to apply to quickly thickening paint.

**Step 5: Spread of Epoxy Paint with Paint Roller**

The Department has conceded that this work falls within the Painters’ scope of work.

**Step 6: Broadcast of Sand to “Refusal”**

In this step the Armorclad employee throws sand-like material on the wet surface of the paint for thickening, texturing and decorative purposes. The sand is thrown by hand until it is all absorbed by the liquid. It is then “cured” for 24 hours.

*Applicable Classification*

The Painters’ classification references “texturing and decorating.” The variety and color of quartz, paint chips or other granules is chosen by the owner depending on whether they are

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<sup>2</sup> As discussed at the 5/31/13 meeting, Armorclad employees do occasionally use a trowel to patch walls or floors but this work is limited and the trowel is used like a putty knife to place the filler where it is required to go. Similarly, the use of grinders on walls does not convert this work to Laborers or Cement Masons work since the application under both is expressly tied to concrete surfaces.

seeking only texture or also decoration. While, as you've pointed out, the sand becomes part of the floor covering, the epoxy which is painted on, is the primary floor covering.

Moreover, no other classifications expressly describe the throwing of sand onto a wet paint surface. While the scope for Terrazzo workers does include the "spreading of any other kind of mixture of ...quartz,...and all other kinds of chips or granules," this is expressly limited to premixed materials—not the coating of a wet application with sand.

#### **Step 7: Sweeping and Vacuuming of Unabsorbed Sand**

After the coating has cured for 24 hours, the employee returns to remove the unabsorbed granular material. This involves first sweeping, then vacuuming the surface.

#### *Applicable Classification*

Under the Painters' scope of work, the employee is "responsible for all the cleanup required in connection with painters' work." This step falls within that scope of work.

#### **Step 8: Repeat Same Steps for Second Coat**

The same processes of mixing the paint, squeegee then rolling the liquid material on the surface, then the broadcast of sand, 24-hour cure, then removal of excess sand is repeated. As discussed above, the Painters' classification applies to all of these steps.

#### **Step 9: Finish with Top Coat**

Once the second layer has dried, the final steps are to sweep and vacuum the excess sand and apply a final coat via the mixing, squeegee and rolling process engaged in previously. Again, for the reasons set forth previously, this is Painters' work.

#### **Step 10: Cove at Base of Wall**

One of the processes you asked about involved the application of the paint material to the bottom of the wall to create a cove. Typically, the painter uses a trowel to take the liquid material from the floor up the wall to form a several inch cove. Again, the Painter's use of a trowel does not convert creation of this cove to another classification's work. The Painter could, just as easily, use a paint brush or other device to move the paint to its location for finishing. As a result, it remains Painters' work.

#### **Terrazzo Work**

As explained at the 5/31 meeting, Armorclad employees also apply terrazzo and are paid the prevailing wage rate as Terrazzo workers when this work is performed. As a result, the Company is familiar with this work and how it differs from Painters' work. The primary difference is the premixing of resinous material with granite aggregate to provide a single thick layer which, after it dries, is then polished to a fine sheen.

#### **Industry Practice**

It is Armorclad's position that other companies—both union and non-union—utilize Painters for the entire process described above. Indeed the IUPAT web page (attached) lists "floor covering"

Marcus Ehrlander

June 26, 2013

Page 4

as one of the Painters' principal activities, and has "floor covering" local unions who specialize in this activity. Cement Masons, on the other hand, are limited to placement of *concrete* floors utilizing cement.<sup>3</sup>

With regard to the applicable scopes of work, it is important to note that, under WAC 296-127-013, these scopes of work are authored "using authoritative sources available to the department." These include collective bargaining agreements, dictionaries of occupational titles, and "recognized labor and management industry practice." This guidance should also be used in construing the resulting scopes of work.

A review of the relevant classifications reveals the presence of overlapping tools, work processes and materials. It is the overall process which should guide the Department's interpretation of the scopes. A review of all the scopes reveals that they typically cover everything involved in a given process, from preparing surfaces, to application, to clean-up. The scopes do not appear to contemplate a hop-scotching of classifications by the same employee based on the use of certain tools (i.e. only Cement Masons use grinders or trowels) since this is not reflected in the governing industry practice.

Again, I appreciate your careful consideration of this information since it affects a large number of employers and, typically, involves smaller businesses. If you have any questions or require any additional information, please contact me.

Very truly yours,



Judd H. Lees  
(206) 233-2893  
jlees@williamskastner.com

JHL:jh

cc: Bryan Oakes

---

<sup>3</sup> The web site describing Cement Masons' work (attached) states that "[c]ement masons, concrete finishers, and terrazzo workers all work with concrete, one of the most common and durable materials used in construction. Once set, concrete—a mixture of Portland cement, sand, gravel, and water—becomes the foundation for everything from decorative patios and floors to huge dams or miles of roadways."

ES/PW RCVB 07 03 '12 PM 12:49

September 23, 2013

27777.0101

L. Ann Selover  
Industrial Statistician  
State of Washington  
Department of Labor & Industries  
Prevailing Wage  
P.O. Box 44540  
Olympia, WA 98504-4540

Re: Work Classifications Applicable to Armorclad Floor Painting

Dear Ann:

I appreciate the opportunity to review Rebound's view on the work classifications applicable to the Tukwila Pool and John's Prairie work performed by Armorclad employees. It may come as a surprise to the Department but we agree with Miriam Moses' position that the broadcast step of the work at issue does not constitute Terrazzo work since Terrazzo work, by definition, involves application of pre-mixed aggregate compound rather than the broadcast application at issue. As you may be aware, Armorclad employees perform Terrazzo work and when they do so, they are paid the Terrazzo wages and fringe benefits, so Armorclad is familiar with this work.

However, we strongly disagree with Rebound's ultimate position that the correct wage rate for the grinding, broadcast, and spreading portion of the Tukwila Pool and John's Prairie Operations Center constitutes Cement Masons work. It is first important to note that the photos of the Tukwila Pool project are limited to the pool deck work. This work differed from the Armorclad work performed in the locker room since the existing surfaces were quite different. The pool deck involved an existing exposed aggregate of concrete with pea gravel with existing control joints and drains; the locker room involved an existing ceramic tile floor. As a result, much of the thickness and the texture seen in the photos were already in place before Armorclad employees applied a protective coating to seal the existing concrete. The preparation work involved the use of a common painting tool – a shotblast machine – coupled with wire brushes for the exposed edges. The application of the epoxy with various aggregates by the Armorclad employees did involve a broadcast, but the large bumpy texture and tooled joints you see in the pictures were already in the pool deck.

By contrast, the work in the locker room involved a protective coating/decorative coating over ceramic tile. As a result, there was no grinding of concrete, but merely the grinding of the surface to break the glaze on the ceramic tile similar to sanding a wood surface in order to ensure paint adherence. This preparation, far from smoothing the surface like the fine grinding and polishing involved in Cement

Mason work, uses a lower grit to remove contamination and roughen the surface of a floor to ensure that the protective coating adheres to the floor. The floor painting application for the locker room involved the decorative quartz broadcast as described in Mr. Ehrlander's letter. Similarly, the John's Prairie prep work was limited to shotblasting a polished concrete floor to remove the chemical hardener and roughen the surface to ensure proper adhesion of the decorative epoxy system.

The following is a more specific rebuttal to some of the points raised by Rebound. First, preparatory work aimed at preparing paint surfaces is covered by the Painters scope of work, whether a wall or a floor. WAC 296-127-01356. The written scope expressly includes the use of sand paper, brushes, steel wool, scrapers, wire brushes and sand blasting. Although grinders are not expressly mentioned, they are clearly subsumed under the "sanding" umbrella. Moreover, in the case at issue, the prep on the Tukwila pool deck and John's Prairie involved a shotblaster – a device common to surface preparation by painters in the industrial and marine setting. By contrast, the Cement Masons classification does mention "grinders" but this is limited to the removal of "rough or defective spots from concrete surfaces." WAC 296-127-01315. In the case of the work at issue, the preparatory work was aimed at breaking the glaze or seal and creating roughness to the entire surface, rather than removing any rough or defective spots and later polishing the floor. Moreover, the locker room of the Tukwila Pool did not involve a concrete surface – it was all ceramic tile. As I indicated in an earlier letter to Mr. Ehrlander, grinders are used by Armorclad employees on perfectly smooth and finished surfaces with no "rough or defective spots" in order to prepare for painting. Again, the easiest illustration is the sanding of wood before painting. There are typically no defective spots but, if the wood has a finish or any other contamination on it, the paint will not stick.

With regard to the Armorclad employees' use of a squeegee to quickly spread the liquid compound out prior to the rolling of the paint on the floor, the Painters scope of work description clearly covers the application of this protective coating "when applied with brushes, spray guns or rollers". Squeegees are the same as rollers. The Department has voiced a concern that a "squeegee" is not expressly mentioned as a tool for the Painters classification. However, nowhere does the Cement Mason scope of work mention "squeegees." The Cement Masons' scope of work is limited to "spraying or troweling".

The Department has indicated that it may consider a squeegee a "trowel." However, the dictionary definition of a "squeegee" is "an implement edged with rubber or the like, for removing water from windows after washing or sweeping water from wet decks." Indeed, Armorclad purchases its squeegees from a window washing company. By contrast the dictionary definition of "trowel" is a "small hand tool with a short handle and a flat, usually pointed blade used for spreading, shaping, and smoothing plaster, cement, or mortar." These are clearly two different tools. I'm obviously aware of the determination in your June 19, 2013 letter regarding Beynon Sports' use of a squeegee, but note in that case that "[t]he use of the squeegee involves the use of a finishing tool to produce a smooth,

L. Ann Selover  
September 23, 2013  
Page 3

finished surface." In this case the squeegee is used as a quick spreading tool to distribute the paint before it hardens so that it can be applied evenly and finished using a paint roller. It is not being used as a "long handled trowel." In addition, many classifications such as carpet layers, brick layers, Terrazzo workers and tile setters use trowels without being considered "Cement Masons." Finally, the work at issue is limited to fluid-applied protective coating—an application for which a trowel is totally unusable. As a result, this step constitutes Painters work.

Rebound also mentions in several locations in their e-mail that Armorclad employees were not applying a "protective coating". However, it is clear that the paint application provides a cover for the surface and is designed to mitigate wear and tear on structural substrate.

Finally, with regard to the broadcast step, the Rebound letter is largely silent since neither the Painters' scope of work nor the Cement Masons scope of work expressly discusses "broadcast". However, the Painters scope, unlike the Cement Masons, does expressly include "texturing and decorating." WAC 296-127-01356(6). Moreover, the use of broadcasting is common in painting work, for example on deck coatings, to provide texture and, as a result, it has always been a part of the painting process. Potential Departmental concern regarding the resulting thickness of the paint due to the addition of sand is misplaced. There is nothing in any of the scope of work descriptions regarding thickness of protective coatings which would remove the work from one scope and place it in another. The application process, the skill level required, and the equipment are all the same. In addition to texture, the broadcast quartz materials may be selected by an owner based on its decorative qualities.

For these reasons and for the common sense reason that the entire process is performed by one employee from prep to finish, we would ask that the Department determine that the Painters' scope of work applies. Thank you again for the opportunity to provide data to you regarding this issue.

Very truly yours,



Judd H. Lees  
(206) 233-2893  
jlees@williamskastner.com

JHL:klm  
cc: Bryan Oakes

ES/PW R00D 09 25 '13 AM 09:05

*NOTICE: This opinion is subject to formal revision before publication in the bound volumes of NLRB decisions. Readers are requested to notify the Executive Secretary, National Labor Relations Board, Washington, D.C. 20570, of any typographical or other formal errors so that corrections can be included in the bound volumes.*

**Washington and Northern Idaho District Council of Laborers and Skanska USA Building, Inc.<sup>1</sup> and Operative Plasterers and Cement Masons International Association, Local 528.** Case 19–CD–211263

August 16, 2018

DECISION AND DETERMINATION OF DISPUTE

BY CHAIRMAN RING AND MEMBERS PEARCE  
AND KAPLAN

This is a jurisdictional dispute proceeding under Section 10(k) of the National Labor Relations Act (the Act). Employer Skanska USA Building, Inc. (the Employer) filed an unfair labor practice charge on December 8, 2017,<sup>2</sup> alleging that the Respondent, Washington and Northern Idaho District Council of Laborers (Laborers), violated Section 8(b)(4)(D) of the Act by threatening to engage in proscribed activity with an object of forcing the Employer to assign certain work to employees it represents rather than to employees represented by Operative Plasterers and Cement Masons International Association, Local 528 (Cement Masons). A hearing was held on March 21, 2018, before Hearing Officer John Fawley. Thereafter, the Employer, Laborers, and Cement Masons filed posthearing briefs.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.<sup>3</sup>

The Board affirms the hearing officer's rulings, finding them free from prejudicial error. On the entire record, the Board makes the following findings.

I. JURISDICTION

The parties stipulated that the Employer is a Delaware corporation engaged as a general contractor in the building and construction industry with a place of business located in Seattle, Washington. During the past year, the Employer provided services in excess of \$50,000 directly to entities located outside the State of Washington. The parties further stipulated, and we find, that the Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the Act. We further find that Laborers and Cement Masons are labor organizations within the meaning of Section 2(5) of the Act.

<sup>1</sup> The name of the Employer appears in the caption as amended at the hearing.

<sup>2</sup> All dates are in 2017 unless otherwise indicated.

<sup>3</sup> Member Emanuel is recused and took no part in the consideration of this case.

II. THE DISPUTE

A. Background and Facts of the Dispute

The Employer is a general contractor in the building and construction industry and is signatory to collective-bargaining agreements with five unions, including Laborers and Cement Masons. As the general contractor on a construction project at the Life Sciences Building at the University of Washington, the Employer needed to perform several jobs, including installing resinous flooring (the disputed work) in the lab. Because the University of Washington is a public entity, State law requires that a subcontract bid package shall be awarded to the lowest qualified bidder. The lowest responsive bid for the resinous flooring work was submitted by the Leewens Corporation (Leewens), and it was therefore awarded the work. The Leewens employees who began performing the disputed work on approximately September 27, 2016, were represented by Laborers. Leewens and the Employer have entered into a number of project agreements during the last 10 years whereby epoxy and resinous flooring work has been performed by employees represented by Laborers.

On July 17, a telephone conversation occurred between Cement Masons' business agent, Justin Palachuk, and the vice president of Leewens, Patrick Leewens. The substance of the conversation is in dispute. According to Patrick Leewens, Palachuk claimed the disputed work for Cement Masons based on a ruling from the state Department of Labor and Industries (L&I)<sup>4</sup> and the fact that Cement Masons uses the equipment required to perform the disputed work. Patrick Leewens informed Palachuk that Leewens had performed this type of work for years using employees represented by Laborers and that he would continue employing Laborers for the Life Sciences project. Afterwards, Patrick Leewens sent an email to the Employer recounting his recollection of the phone conversation with Palachuk. Palachuk testified that he never claimed the disputed work for Cement Masons but, rather, that he had asked Patrick Leewens about the scope of the work and what tools were being used.

Cement Masons subsequently filed a grievance alleging that the Employer had breached the subcontracting clause in its collective-bargaining agreement with Cement Masons by subcontracting the disputed work to Leewens. Upon learning of the grievance, Laborers notified the Employer that it was prepared to use all means necessary, including picketing and economic action, to

<sup>4</sup> On April 27, Cement Masons sent the Employer a letter generally claiming various classes of work, including "floor coating," based on certain prevailing wage determinations made by L&I.

ensure that the Employer continued to assign the disputed work to employees represented by Laborers.

The work is approximately 95 percent complete. In a letter to Leewens just prior to the originally scheduled 10(k) hearing date,<sup>5</sup> Cement Masons disclaimed the disputed work, but it did not withdraw its grievance, which is scheduled for arbitration.

#### B. Work in Dispute

The parties stipulated that the disputed work is correctly identified in the notice of hearing as “[t]he installation of the resinous flooring in the lab areas at the Life Sciences Building at the University of Washington.”

#### C. Contentions of the Parties

The Employer and Laborers contend that there are competing claims for the work in dispute. They also assert that there is reasonable cause to believe that Section 8(b)(4)(D) of the Act has been violated in light of the threat by Laborers to take adverse action against the Employer, including picketing and economic action, concerning the assignment of the resinous flooring work at the Life Sciences Building. They further contend that the work in dispute should be awarded to the employees represented by Laborers based on the factors of employer preference and past practice, relative skills and training, area and industry practice, and economy and efficiency of operations.

Cement Masons contends that it has not made a claim for the resinous flooring work. Relying on *Laborers (Capitol Drilling Supplies)*, 318 NLRB 809 (1995), it argues that it has merely pursued a contractual grievance against the Employer for failing to honor the subcontracting clause in the collective-bargaining agreement. Cement Masons further argues that this dispute involves a representational issue, not a jurisdictional issue. Additionally, Cement Masons contends that the notice of hearing should be quashed because the threats to picket were not authentic but rather were made by Laborers, in collusion with the Employer, in order to fabricate a jurisdictional dispute. Finally, Cement Masons argues that even if it made a claim for work, it properly and effectively disclaimed interest in the disputed work.

#### D. Applicability of the Statute

The Board may proceed with a determination of a dispute under Section 10(k) of the Act only if there is reasonable cause to believe that Section 8(b)(4)(D) has been violated. This standard requires finding that there is reasonable cause to believe that there are competing claims to the disputed work and that a party has used proscribed

means to enforce its claim to the work in dispute. Additionally, there must be a finding that the parties have not agreed on a method of voluntary adjustment of the dispute. *Operating Engineers Local 150 (R&D Thiel)*, 345 NLRB 1137, 1139 (2005). We find that these requirements have been met.

#### 1. Competing claims for work

We find reasonable cause to believe that both Unions have claimed the work in dispute for the employees they respectively represent. Laborers has claimed the work by its letters from its business manager, Jermaine Smiley, to the Employer objecting to any assignment of the resinous flooring work to Cement Masons–represented employees. In addition, “[its] performance of the work indicates that [it claims] the work in dispute.” *Sheet Metal Workers Local 54 (Goodyear Tire & Rubber Co.)*, 203 NLRB 74, 76 (1973); see also *Operating Engineers Local 513 (Thomas Industrial Coatings)*, 345 NLRB 990, 992 fn. 6 (2005) (citing *Laborers Local 79 (DNA Contracting)*, 338 NLRB 997, 998 fn. 6 (2003)).

We also find, despite its claims to the contrary, that Cement Masons has claimed the disputed work. We find no merit in the contention that, under *Capitol Drilling*, it made no claim to the disputed work because it merely filed a subcontracting grievance against the Employer, the general contractor. In *Capitol Drilling*, supra, 318 NLRB at 811–812, the Board found that a jurisdictional dispute arises when a union seeking enforcement of a contractual claim both pursues its contractual remedies against the general contractor with which it has an agreement and makes a claim for the work directly to the subcontractor that has assigned the work. *Id.* at 809. There is reasonable cause to believe that Cement Masons did precisely that here.

Cement Masons made a claim for the resinous flooring work directly with the subcontractor, Leewens, as well as with the general contractor, the Employer. During a phone conversation, Palachuk informed Patrick Leewens that L&I had assigned the work to Cement Masons and that Cement Masons claimed all work requiring the tools used in the disputed work, specifically rollers, squeegees, cover trowels and other trowels. The subsequent email from Patrick Leewens to the Employer, stating that Palachuk informed him that L&I had assigned the disputed work to Cement Masons, corroborated his testimony that Palachuk claimed the work. Although Cement Masons disputes this testimony, we find that it is sufficient to establish reasonable cause to believe that Cement Masons made a claim for the disputed work directly with Leewens. *Electrical Workers Local 71 (US Utility Contractor Co.)*, 355 NLRB 344, 346 (2010) (citing *J.P. Patti Co.*, 332 NLRB 830, 832 (2000)) (finding that in

<sup>5</sup> The hearing, originally noticed for January 25, was held on March 21.

10(k) proceedings, a conflict in testimony does not prevent the Board from finding reasonable cause and proceeding with a determination of the dispute).

We also find no merit in the assertion that no claim for work occurred because this involved a representational issue, not a jurisdictional issue. Cement Masons has failed to provide any evidence that it sought to represent the Leewens employees at issue. Therefore, this is not a dispute about which of two competing unions will represent a single group of workers currently performing work and instead involves an attempt by one group of employees to take a work assignment away from another group of employees. For that reason, this dispute is jurisdictional, not representational. *DNA Contracting*, supra, 338 NLRB at 999; cf. *Carpenters Local 275 (Lymo Construction Co.)*, 334 NLRB 422, 424 (2001) (unlike situation here, dispute found to be representational because composite crew from both unions was used by the employer until the completion of the job).

Finally, we find no merit in the contention that Cement Masons has sufficiently disclaimed interest in the disputed work. On January 18, 2018, the eve of the original 10(k) hearing date, Cement Masons wrote Leewens saying that it was not seeking the disputed work. Cement Masons, however, has continued to pursue its grievance against the Employer. We find that the continuance of the grievance is inconsistent with any assertion of a disclaimed interest in the work and that Cement Masons' attempted disclaimer is ineffective as it is not a true renunciation of interest in the work. *Plumbers District Council 116 (L&M Plumbing)*, 301 NLRB 1203, 1204 (1991).

## 2. Use of proscribed means

We find reasonable cause to believe that Laborers used means proscribed by Section 8(b)(4)(D) to enforce its claims to the work in dispute. As set forth above, Business Manager Smiley wrote the Employer stating that Laborers would use all means necessary, including picketing and economic action, to ensure that the Employer continued to assign the resinous flooring work to members of Laborers. These statements constitute threats concerning the assignment of the resinous flooring work, and the Board has long considered such threats to be a proscribed means of enforcing claims to disputed work. See, e.g., *Operating Engineers, Local 150 (Patten Industries)*, 348 NLRB 672, 674 (2006).

Further, we find no merit in the assertion that the Employer has colluded with Laborers to create a sham jurisdictional dispute. The Board has consistently rejected this argument absent "affirmative evidence that a threat to take proscribed action was a sham or was the product of collusion." *Operating Engineers Local 150 (R&D*

*Thiel)*, supra, 345 NLRB at 1140. There is no evidence on this record that the written threats to strike or picket over the assignment of the disputed work were the result of collusion with the Employer or were otherwise not genuine.

## 3. No voluntary method for adjustment of dispute

The parties stipulated, and we find, that there is no agreed-upon method for voluntary adjustment of the dispute to which all parties are bound.

Based on the foregoing, we find that there is reasonable cause to believe that Section 8(b)(4)(D) has been violated, and there is no agreed-upon method for the voluntary adjustment of the dispute. Accordingly, we find that the dispute is properly before the Board for determination.

## E. Merits of the Dispute

Section 10(k) requires the Board to make an affirmative award of disputed work after considering various factors. *NLRB v. Electrical Workers IBEW Local 1212 (Columbia Broadcasting)*, 364 U.S. 573, 577–579 (1961). The Board has held that its determination in a jurisdictional dispute is "an act of judgment based on common sense and experience," reached by balancing the factors involved in a particular case. *Machinists Lodge 1743 (J.A. Jones Construction)*, 135 NLRB 1402, 1410–1411 (1962).

The following factors are relevant in making the determination of this dispute.<sup>6</sup>

1. Board certifications and collective-bargaining agreements

The work in dispute is not covered by any Board orders or certifications.

As noted above, the Employer is signatory to collective-bargaining agreements with both Laborers and Cement Masons. Both agreements contain a craft classification that incorporates epoxy work.<sup>7</sup> We find that the language in each of these contracts covers the work in dispute. Leewens does not have a collective-bargaining agreement with either Laborers or Cement Masons.

Accordingly, the factor of board certifications and collective-bargaining agreements does not favor an award to either group of employees.

<sup>6</sup> Cement Masons argues that there is no jurisdictional dispute warranting a Board determination. It does not alternatively argue that, if the Board disagrees, employees it represented should be awarded the work under the Board's multifactor test, nor did it introduce evidence relevant to those factors.

<sup>7</sup> Both the Employer and Laborers confirmed at the hearing that Laborers' "Epoxy Technician" classification pertains to the resinous flooring coating work on the Life Sciences project.

2. Employer preference, current assignment, and past practice

The Employer assigned the disputed work, via Leewens, to employees represented by Laborers, and both the Employer and Leewens prefer that the work in dispute continue to be performed by employees represented by Laborers. In addition, the Employer testified that assignment of this work to Laborers-represented employees is consistent with its past practice. Between 2010 and 2017, 42 out of 47 resinous flooring projects were awarded by the Employer to Laborers-affiliated subcontractors, and since 2014, 30 out of 31 of the Employer's resinous flooring projects have utilized Laborers. Furthermore, Leewens almost exclusively uses Laborers-represented employees for epoxy floor coating work.

We find, therefore, that the factor of employer preference, current assignment, and past practice favors an award of the work in dispute to employees represented by Laborers.

3. Industry and area practice

The Employer and Laborers argue that industry and area practice supports an award of the disputed work to employees represented by Laborers. Dale Cannon, business agent for Laborers Local 242, testified that area competitors use Laborers-represented employees to perform resinous flooring work. Foreman Larry Vance, of Leewens, also testified that he was not aware of Seattle-area floor coating companies using any craft but Laborers.

We find that on this record this factor favors an award of the work in dispute to employees represented by Laborers.

4. Relative skills

The evidence presented at the hearing demonstrates that the employees represented by Laborers possess the required skills and training to perform the disputed work and have performed this type of project in the past. Vance testified that Laborers available to perform the disputed work have been trained in the general aspects of floor coating and in installing methyl methacrylate (MMA) in particular, which is the resinous coating being used on the Life Sciences project. MMA requires certification training on proper installation and safety hazards. No evidence was presented concerning the skills of the employees represented by Cement Masons. Accordingly, we find that on this record this factor favors awarding the disputed work to employees represented by Laborers.

5. Economy and efficiency of operations

Representatives of the Employer testified that it is more efficient and economical to assign the disputed

work to employees represented by Laborers because the installation is 95 percent completed. One of the Employer's project executives, Lewis Guerrette, testified that replacing Laborers with Cement Masons would disrupt the project schedule because Cement Masons would be required, pursuant to specification requirements, to produce a mockup of the resinous coating they would install, which would need to be approved by the architect and University of Washington representatives.

We therefore find this factor favors an award of the disputed work to employees represented by Laborers.

Conclusion

After considering all of the relevant factors, we conclude that employees represented by Laborers are entitled to perform the work in dispute. We reach this conclusion relying on the factors of employer preference, current assignment, and past practice; industry and area practice; relative skills; and economy and efficiency of operations. In making this determination, we award the work to employees represented by Laborers, not to that labor organization or its members.

DETERMINATION OF DISPUTE

The National Labor Relations Board makes the following Determination of Dispute.

Employees of Leewens Corporation, represented by Washington and Northern Idaho District Council of Laborers, are entitled to perform the installation of the resinous flooring in the lab areas at the Life Sciences Building at the University of Washington in Seattle, Washington.

Dated, Washington, D.C. August 16, 2018

\_\_\_\_\_  
John F. Ring, Chairman

\_\_\_\_\_  
Mark Gaston Pearce, Member

\_\_\_\_\_  
Marvin E. Kaplan, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD



**APPRENTICESHIP PROGRAM STANDARDS  
adopted by**

**NORTHWEST LABORERS APPRENTICESHIP COMMITTEE**

(sponsor name)

<u>Occupational Objective(s):</u>	<u>SOC#</u>	<u>Term [WAC 296-05-015]</u>
<b>LABORER</b>	<b>47-2061.00</b>	<b>6000 HOURS</b>
<b>LABORER (CITY OF SEATTLE)</b>	<b>47-2061.00</b>	<b>4000 HOURS</b>
<b>LABORER (SHIPYARD WORKER)</b>	<b>47-2061.00</b>	<b>4000 HOURS</b>



**APPROVED BY**  
**Washington State Apprenticeship and Training Council**  
**REGISTERED WITH**  
**Apprenticeship Section of Fraud Prevention and Labor Standards**  
Washington State Department Labor and Industries  
Post Office Box 44530  
Olympia, Washington 98504-4530

**APPROVAL:**

N/A  
Provisional Registration

JULY 21, 2022  
Standards Last Amended

JULY 21, 1983  
Permanent Registration

By: ED KOMMERS  
Chair of Council

By: CELESTE MONAHAN  
Secretary of Council

## NORTHWEST LABORERS APPRENTICESHIP COMMITTEE

### INTRODUCTION

This document is an apprenticeship program standard. Apprenticeship program standards govern how an apprenticeship works and have specific requirements. This document will explain the requirements.

The director of the Department of Labor and Industries (L&I) appoints the Washington State Apprenticeship and Training Council (WSATC) to regulate apprenticeship program standards. The director appoints and deputizes an assistant director to be known as the supervisor of apprenticeship who oversees administrative functions through the apprenticeship section at the department.

The WSATC is the sole regulatory body for apprenticeship standards in Washington. It approves, administers, and enforces apprenticeship standards, and recognizes apprentices when either registered with L&I's apprenticeship section, or under the terms and conditions of a reciprocal agreement. WSATC also must approve any changes to apprenticeship program standards.

Apprenticeship programs have sponsors. A sponsor operates an apprenticeship program and declares their purpose and policy herein to establish an organized system of registered apprenticeship education and training. The sponsor recognizes WSATC authority to regulate and will submit a revision request to the WSATC when making changes to an apprenticeship program standard.

Apprenticeships are governed by federal law (29 U.S.C 50), federal regulations (29 CFR Part 29 & 30), state law (49.04 RCW) and administrative rules (WAC 296-05). These standards conform to all of the above and are read together with federal and state laws and rules

Standards are changed with WSATC approval. Changes are binding on apprentices, sponsors, training agents, and anyone else working under an agreement governed by the standards. Sponsors may have to maintain additional information as supplemental to these standards. When a standard is changed, sponsors are required to notify apprentices and training agents. If changes in federal or state law make any part of these standards illegal, the remaining parts are still valid and remain in force. Only the part made illegal by changes in law is invalid. L&I and the WSATC may cooperate to make corrections to the standards if necessary to administer the standards.

Sections of these standards identified as bold "insert text" fields are specific to the individual program standards and may be modified by a sponsor submitting a revised standard for approval by the WSATC. All other sections of these standards are boilerplate and may only be modified by the WSATC. See WAC 296-05-003 for the definitions necessary for use with these Standards.

Sponsor Introductory Statement (Required):

**These standards have been developed by representatives of the Washington and Northern Idaho District Council of Laborers, the Seattle, Tacoma Chapter of the A.G.C., Inland**

**NORTHWEST LABORERS APPRENTICESHIP COMMITTEE**

**Northwest Chapter of the A.G.C.; the Oregon Columbia Chapters of the A.G.C.; and the City of Seattle, in conjunction with the Public Service & Industrial Employees Local 1239 of the Laborers International Union - AFL-CIO; and the Puget Sound Metal Trades Council; the Puget Sound Shipbuilders and Ship Repair Employers; and, assisted by the Washington State Department of Labor and Industries, Apprenticeship Section.**

**Definitions**

**MANAGEMENT shall mean any employer having contractual relationship with the Local Union which subscribes to terms and conditions of these Apprenticeship standards and which has facilities and equipment to properly train an apprentice.**

**LABOR shall mean the Washington and Northern Idaho District Council of Laborers and its Affiliated Locals.**

**I. GEOGRAPHIC AREA COVERED:**

The sponsor must train inside the area covered by these standards. If the sponsor wants to train outside the area covered by these standards, the sponsor must enter a portability agreement with a sponsor outside the area, and provide evidence of such an agreement for compliance purposes. Portability agreements permit training agents to use apprentices outside the area covered by the standards. Portability agreements are governed by WAC 296-05-009.

**A. Laborers and Laborers (Shipyards Workers)**

**All of the State of Washington, Idaho, and Utah.**

**Applicants and apprentices please note that while the State of Washington has no responsibility or authority in the states of Idaho or Utah, the JATC will apply the same standards and guidelines to apprentices registered in the program while working in the states of Idaho and Utah.**

**B. Laborers (City of Seattle)**

**The area covered by these standards shall be all departments of the City of Seattle, Washington.**

**II. MINIMUM QUALIFICATIONS:**

Minimum qualifications must be clearly stated and applied in a nondiscriminatory manner [WAC 296-05-015(17)].

**NORTHWEST LABORERS APPRENTICESHIP COMMITTEE**

**A. General**

- Age: **At least 18 years of age.**
- Education: **Tenth grade education or equivalent.**
- Physical: **Must be able to meet the requirements of the trade, with or without a reasonable accommodation.**
- Testing: **None**
- Other: **All applicants must have a current valid driver's license. All applicants shall submit to the Apprenticeship Office and/or Committee a copy of their current valid driver's license, documentation validating 10th grade education or the equivalent.**

**B. Specific**

**Laborers (City of Seattle)**  
**Per rules and regulations Administered by City of Seattle Personnel Department.**

**III. CONDUCT OF PROGRAM UNDER WASHINGTON EQUAL EMPLOYMENT OPPORTUNITY PLAN:**

Sponsors with five (5) or more apprentices must adopt an Equal Employment Opportunity (EEO) Plan and Selection Procedure (chapter 296-05 WAC and 29 CFR Part 30).

The recruitment, selection, employment and training of apprentices during their apprenticeship shall be without discrimination because of race, sex (including pregnancy and gender identity), sexual orientation, color, religion, national origin, age, genetic information, disability or as otherwise specified by law. The sponsor shall take positive action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required by the rules of the Washington State Apprenticeship and Training Council and Title 29, Part 30 of the Code of Federal Regulations.

**A. Selection Procedures**

**All individuals will take and pass a drug test with negative findings prior to registration as a registered apprentice (includes direct entry).**

## NORTHWEST LABORERS APPRENTICESHIP COMMITTEE

### 1. Laborers and Laborers (Shipyard Workers)

- a. The Apprenticeship Committee or their designee shall determine at their meeting, the number of new apprentices to be accepted after examining the projected work picture and available work force.
- b. All applications are obtained and filled out at the specified Orientation session or at other locations as authorized by the Apprenticeship Committee. Interested applicants must obtain applications in person. Locations or Local Unions can be found on the programs' web site: <http://www.nwlaborers.org/>
- c. All applicants shall submit to the Apprenticeship Committee, or the designated representative, a copy of the documents requested on the application. (minimum is copy of current valid drivers license and proof of completion of 10th grade education or equivalent)
- d. Upon submission of application and required document and completion of orientation assessment, the applicant will be placed on eligible-for-interview list. Applicants will be placed on the list according to their scores. Applicant must stay active on the list by checking in by email or mail monthly. Those applications evaluated that have been on the list for two (2) years without being reached will be removed from the list.
- e. If applicant does not contact the program within 3 months, they may be removed from the "eligible for interview list" without notice.
- f. After six (6) months the applicant may submit additional work history documentation certifying employment and/or proof of training. The applicant will be re-evaluated after submission of the documents for additional points.
- g. Interviews will be conducted on an "As Needed" basis. Once an applicant is interview, they will be placed on the "Eligible for Pre-Construction Training (PCT) Course. Applicants will be placed on the list according to their total scores from the orientation assessment and interview.
- h. When the program offers a Pre-Construction Training Course, the applicants with the highest number of accrued points will be given the first opportunity for training. (See Exceptions)
- i. Upon satisfactory completion of the Pre-Construction Course, applicants will be ranked and placed on a Ready-For-Dispatch List at the appropriate local union.

**NORTHWEST LABORERS APPRENTICESHIP COMMITTEE**

- j. When the Apprenticeship Committee needs to place one or more applicants on a job, the applicant with the highest ranking will be referred first if there are no apprentices, on the appropriate local union Out-of-Work List (OOWL.) Exception: If there are apprentices on the OOWL but they cannot be contacted, applicants may be referred from the Ready-For-Dispatch List. Thereafter, the apprentices will register on the appropriate local union Out-Of-Work List.**
- k. It shall be the responsibility of the applicant to keep the Apprenticeship Committee advised of a current phone number and address where they can be reached upon short notice. Failure of the applicant to comply will void the application.**
- l. EXCEPTIONS:**
  - (1) The order of scores may be superseded to meet JATC affirmative action goals in conformance with the Washington State Apprenticeship and Training Council rules.**
  - (2) Individuals, who become members of a local union solely through an organizational effort and are lacking journey worker skills, may receive direct entry into the apprenticeship registration provided they meet the minimum qualifications (see Minimum Qualifications).**
  - (3) Graduates of committee approved programs such as Job Corps, Helmet-to-Hardhats, Department of Corrections, or other apprenticeship preparation programs as approved by the JATC may receive direct entry into the apprenticeship registration provided they meet the minimum qualifications (see Minimum Qualifications).**
  - (4) Apprentices relocating from other states or DOL Office of Apprenticeship approved Apprenticeship Programs may receive direct entry into the apprenticeship provided the construction craft laborer meets the minimum qualifications (see Minimum Qualifications).**
  - (5) Employers who have not signed a collective bargaining agreement and wish to have their employees trained may receive direct entry into apprenticeship registration provided:
    - (a) They meet the minimum qualifications. And**
    - (b) The employer signs a Contribution Agreement with the Laborers-Employers Training Trust Fund of Washington. And**
    - (c) All employers requesting “approved training agent” status shall sign an agreement agreeing to comply with federal or state****

**NORTHWEST LABORERS APPRENTICESHIP COMMITTEE**

- apprenticeship rules and the appropriate apprenticeship standards. And**  
**(d) Are within ratio as determined by the JATC committee.**

**2. Laborers (only)**

**EXCEPTIONS**

**Native Americans referred from a local Tribal Employment Rights Office (TERO) located in Washington State and Northern Idaho may receive direct entry into the apprenticeship program as a construction craft laborer for work on Federally recognized Reservations provided that:**

- a. Applicants meet the "TERO Minimum Qualifications" for selection as an apprentice Construction Craft Laborer, which are:**

- Age: At least 18 years of age.**  
**Education: Currently have or are working towards achieving a tenth grade education or equivalent.**  
**Physical: Must be able to meet the requirements of the trade.**  
**Testing: Must take and pass a drug test with a negative finding.**  
**Other: Should have dependable transportation to all assigned job sites.**  
**Currently have or are working towards achieving a valid drivers license.**

- b. Agree to meet all of the "Minimum Qualifications" (see Minimum Qualifications) of the apprenticeship standard prior to working off the reservation while working towards a positive career path as a Construction Craft Laborer.**

- c. Employer (Training Agent requirements)**

**(1) All employers working on federal/state recognized reservations requesting "approved training agent" status shall sign an agreement to comply with all federal or state apprenticeship rules and the appropriate apprenticeship standards. And**

**(2) Are within journey-level to apprentice ratio as determined by the JATC committee.**

**3. Laborers (City of Seattle only)**

**All apprentices will be selected through the Civil Service practices of the City of Seattle.**

## NORTHWEST LABORERS APPRENTICESHIP COMMITTEE

### B. Equal Employment Opportunity Plan:

1. **To encourage establishment and use of preparatory trade training and to provide that those who engage in such programs are given full and equal opportunity for admission into the apprenticeship program.**
2. **Grant credit for previous trade experience or trade-related courses for all applicants equally.**
3. **Engage in other such actions as stated above to insure that recruitment, selection, employment and training of apprentices during apprenticeship shall be without discrimination because of race, color, religion, national origin or sex.**
4. **Selection from lists of qualified applicants for apprenticeship in other than order of ranking so as to reach women (minority and non-minority) and minorities**

### C. Discrimination Complaints:

Any apprentice or applicant for apprenticeship who believes they have been discriminated against may file a complaint with the supervisor of apprenticeship (WAC 296-05-443).

## IV. TERM OF APPRENTICESHIP:

The term of apprenticeship for an individual apprentice may be measured through the completion of the industry standard for on-the-job learning (at least two thousand hours) (time-based approach), the attainment of competency (competency-based approach), or a blend of the time-based and competency-based approaches (hybrid approach) [WAC 296-05-015].

### A. Laborer (City of Seattle) and Laborer (Shipyard Worker)

**The term of apprenticeship shall not be less than 2 years/4,000 hours of continuous employment**

### B. Laborer

**The term of apprenticeship shall not be less than 6,000 hours of reasonably continuous employment.**

## NORTHWEST LABORERS APPRENTICESHIP COMMITTEE

### V. INITIAL PROBATIONARY PERIOD:

An initial probationary period applies to all apprentices, unless the apprentice has transferred from another program. During an initial probationary period, an apprentice can be discharged without appeal rights. An initial probationary period is stated in hours or competency steps of employment. The initial probationary period is not reduced by advanced credit or standing. During an initial probationary period, apprentices receive full credit for hours and competency steps toward completion of their apprenticeship. Transferred apprentices are not subject to additional initial probationary periods [WAC 296-05-003].

The initial probationary period is [WAC 296-05-015(22)]:

- A. The period following the apprentice's registration into the program. An initial probationary period must not be longer than twenty percent of the term of the entire apprenticeship, or longer than a year from the date the apprenticeship is registered. The WSATC can grant exemptions for longer initial probationary periods if required by law.
- B. The period in which the WSATC or the supervisor of apprenticeship may terminate an apprenticeship agreement at the written request by any affected party. The sponsor or the apprentice may terminate the agreement without a hearing or stated cause. An appeal process is not available to apprentices during their initial probationary period.
- C. Laborers

**All apprentices employed in accordance with these standards shall be subject to a probationary period of the first 1200 hours of employment.**

#### Laborers (Shipyard Workers)

**All apprentices employed in accordance with these standards shall be subject to a probationary period of the first 800 hours of employment.**

#### Laborers (City of Seattle)

**All apprentices employed in accordance with these standards shall be subject to the city charter's and the Laborer agreement's probationary period of 12 months and during such probationary period to all the terms of the apprenticeship agreement.**

**VI. RATIO OF APPRENTICES TO JOURNEY LEVEL WORKERS:**

Supervision is the necessary education, assistance, and control provided by a journey-level employee on the same job site at least seventy-five percent of each working day, unless otherwise approved by the WSATC. Sponsors ensure apprentices are supervised by competent, qualified journey-level employees. Journey level-employees are responsible for the work apprentices perform, in order to promote the safety, health, and education of the apprentice.

- A. The journey-level employee must be of the same apprenticeable occupation as the apprentice they are supervising unless otherwise allowed by the Revised Code of Washington (RCW) or the Washington Administrative Code (WAC) and approved by the WSATC.
- B. The numeric ratio of apprentices to journey-level employees may not exceed one apprentice per journey-level worker [WAC 296-05-015(5)].
- C. Apprentices will work the same hours as journey-level workers, except when such hours may interfere with related/supplemental instruction.
- D. Any variance to the rules and/or policies stated in this section must be approved by the WSATC.
- E. The ratio must be described in a specific and clear manner, as to the application in terms of job site, work group, department or plant:
  - 1. **In the Housing Industry apprentices may be employed at the ratio of one for each journey-level laborer. For the purpose of this section, housing shall be defined as not to exceed four story walk-up type apartments.**
  - 2. **The apprentice to journey-level worker shall never exceed a one to one (1:1) ratio.**
  - 3. **The ratio's established under Section VI. A are subject to the availability of current apprentices.**

**Laborer (Shipyard Workers)**

- 1. **An employer employing one or more journey-level laborers may employ one (1) apprentice for each three (3) journey-level laborers.**
- 2. **On special project agreements, the contractors may employ apprentices at the ratio of one (1) apprentice for each journey-level laborer in compliance with the project agreement.**

**NORTHWEST LABORERS APPRENTICESHIP COMMITTEE**

- 3. The proper ratio of journey-level laborers to apprentices will be maintained when reducing the work force and when transferring employees from project to project. When performing overtime or emergency work, journey-level laborers will be given preference. The above ratio will be followed as closely as possible.**
- 4. The above ratio is subject to the availability of apprentices.**

**Laborer (City of Seattle)**

- 1. An employer employing one or more journey-level laborers may employ an apprentice for each four (4) laborers.**
- 2. The above ratio is subject to the availability of apprentices.**

**VII. APPRENTICE WAGES AND WAGE PROGRESSION:**

- A. Apprentices must be paid at least Washington’s minimum wage, unless a local ordinance or a collective bargaining agreement require a higher wage. Apprentices must be paid according to a progressively increasing wage scale. The wage scale for apprentices is based on the specified journey-level wage for their occupation. Wage increases are based on hours worked or competencies attained. The sponsor determines wage increases. Sponsors must submit the journey-level wage at least annually or whenever changed to the department as an addendum to these standards. Journey-level wage reports may be submitted on a form provided by the department. Apprentices and others should contact the sponsor or the Department for the most recent Journey-level wage rate.
- B. Sponsors can grant advanced standing, and grant a wage increase, when apprentices demonstrate abilities and mastery of their occupation. When advanced standing is granted, the sponsor notifies the employer/training agent of the wage increase the apprenticeship program standard requires.
- C. Wage Progression Schedules

**Laborer**

Step	Hour Range or competency step	Percentage of journey-level wage rate*	Other
<b>1</b>	<b>0000 - 1000 hours</b>	<b>60%</b>	<b>80 total hours of required related training</b>
<b>2</b>	<b>1001 - 2000 hours</b>	<b>70%</b>	<b>160 total hours of required related training</b>
<b>3</b>	<b>2001 - 3000 hours</b>	<b>80%</b>	<b>240 total hours of required related training</b>

**NORTHWEST LABORERS APPRENTICESHIP COMMITTEE**

<b>4</b>	<b>3001 - 4000 hours</b>	<b>85%</b>	<b>320 total hours of required related training</b>
<b>5</b>	<b>4001 - 5000 hours</b>	<b>90%</b>	<b>400 total hours of required related training</b>
<b>6</b>	<b>5001 - 6000 hours</b>	<b>95%</b>	<b>480 total hours of required related training</b>

**Laborer (Shipyard Workers)**

Step	Hour Range or competency step	Percentage of journey-level wage rate*	Other
<b>1</b>	<b>0000 - 1000 hours</b>	<b>60%</b>	<b>80 total hours of required related training</b>
<b>2</b>	<b>1001 - 2000 hours</b>	<b>70%</b>	<b>160 total hours of required related training</b>
<b>3</b>	<b>2001 - 3000 hours</b>	<b>80%</b>	<b>240 total hours of required related training</b>
<b>4</b>	<b>3001 - 4000 hours</b>	<b>90%</b>	<b>320 total hours of required related training</b>

**The records of the Northwest Laborers Training Trust shall determine the pay scale of all apprentices. Pre-construction training (PCT) does not apply - some related training taken prior to registration may apply if approved by the Training Director. Related training hours should be completed as near as possible to each pay raise (i.e. 80 hours of required related training for each 1000 hours of on-the-job training). Classes will be scheduled through the Northwest Laborers Training Program.**

**Laborer (City of Seattle)**

Step	Hour Range or competency step	Percentage of journey-level wage rate*	Other
<b>1</b>	<b>0000 - 1000 hours</b>	<b>85%</b>	<b>80 total hours of required related training</b>
<b>2</b>	<b>1001 - 2000 hours</b>	<b>87%</b>	<b>160 total hours of required related training</b>
<b>3</b>	<b>2001 - 3000 hours</b>	<b>91%</b>	<b>240 total hours of required related training</b>
<b>4</b>	<b>3001 - 4000 hours</b>	<b>94%</b>	<b>320 total hours of required related training</b>

NORTHWEST LABORERS APPRENTICESHIP COMMITTEE

The records of the Northwest Laborers Training Trust and the City of Seattle payroll records shall determine the pay scale of all apprentices.

Related Training hours should be completed as near as possible to each pay raise (i.e. 90 hours of related for each 1000 hours of on-the-job training). Classes will be scheduled through the Northwest Laborers Training Program.

VIII. WORK PROCESSES:

The apprentice shall receive on the job instruction and work experience as is necessary to become a qualified journey-level worker versed in the theory and practice of the occupation covered by these standards. The following is a condensed schedule of work experience, which every apprentice shall follow as closely as conditions will permit. The following work process descriptions pertain to the occupation being defined.

A. Laborer Approximate Hours

1. Core Competencies ..... 4000

a. Site/Project Preparation and Maintenance

- Clearing, bucking, and falling.
- Transportation, dismantling, and stockpiling of scaffolding and work platforms.
- Grading and compaction (work traditionally performed by construction craft laborers).
- Install, maintain erosion control systems.
- Layout and staking protocols.
- Hoisting, rigging and signaling for work traditionally performed by construction craft laborers.
- Site preparation, clean-up, and security.

b. Tools, Equipment and Materials

- Tools equipment, and material recognition and preparation.
- Hand, electric, gas, pneumatic, and power tool/equipment (i.e. mortar mixer, walk-behind saw, sand blast pot, power driven wheelbarrow, aerial lift, etc....) use and maintenance.
- Tool, equipment, and material storage and security.

c. Safety

- Confined space safety.
- Fire Watch.

NORTHWEST LABORERS APPRENTICESHIP COMMITTEE

- Traffic control/flagging, signing, and traffic safety awareness.
- Hazard material recognition.
- Trenching and site excavation.

2. Areas of Concentration ..... 2000

Apprentices are to gain experience in one or more of the following areas of concentration or work groups.

a. Environmental Remediation

- Asbestos Abatement
- Hazardous Waste Abatement
- Lead Abatement
- Petro-Chemical Abatement
- Radiation Remediation
- Weatherization

b. Building Construction

- Concrete (mixing, placement, vibration of concrete, removal)
- Erect scaffolding, shoring and braces.
- Concrete sawing, cutting (to exclude concrete finishing processes), and coring.
- Material handling, stocking, cleaning, and storage.
- Dewatering systems installation by hand, hand carried pump installation, operation and maintenance.

c. Heavy/Highway and Utility Construction

- Asphalt (work traditionally performed by construction craft laborers).
- Drilling, Highscaling and Blasting
- Grade Checking
- Pipe Laying (work traditionally performed by construction craft laborers)
- Install and maintain erosion control systems.
- Dewatering systems installation by hand, hand carried pump installation, operation and maintenance.

d. Tunneling

- Safety - TBM and conventional
- Install tunnel supports (steel ribs, lagging, mesh, segments, rings, hand drilling, rock bolts).
- Install services (track laying, conveyors, vents, water, compressed air pipes etc.).

**NORTHWEST LABORERS APPRENTICESHIP COMMITTEE**

**Concrete placement, small portable pump operation and maintenance.**

**Shaft and tunnel grouting.**

**Dewatering systems installation by hand, hand carried pump installation, operation and maintenance.**

**Shotcrete/gunite application and cleanup.**

**e. Pipeline**

**Trenching and excavation by hand.**

**Grade setting/checking (Excluding the pipe, hanger systems, and ditch grade).**

**Clearing and maintaining the right of way (ROW) by hand, ROW mediation.**

**Build and dismantle fences.**

**Install and maintain erosion control systems.**

**Locating utilities.**

**Load, unload and place skids by hand (Excluding the fabrication area).**

**Hooking and unhooking of pipe, and work in connection with the distribution of pipe.**

**Pipe preparation, sandblasting, coating, and cleanup (Not done in connection with the preparation or completion of the welding process).**

**"Dressing the Pig".**

**f. Masonry**

**Mason tending.**

**Plaster tending.**

**Refractory tending.**

**Tarpping and cleanup**

**Pump operation, maintenance and cleanup.**

**Erect scaffolding, shoring and braces.**

**Forklift operation and safety.**

**g. Landscaping**

**Layout, planting and staking.**

**Spreading, grading and compaction with hand tools or walk behind equipment.**

**Falling, trimming, and pruning hedges, trees and shrubs.**

**h. Demolition/Deconstruction**

**Cutting and burning (work traditionally performed by construction craft laborers).**

**Fire watch.**

**Aerial lift operation.**

**Concrete sawing, cutting, breaching and breaking.**

NORTHWEST LABORERS APPRENTICESHIP COMMITTEE

Demolition debris handling and management (recycling, reused, disposal).

Total Hours: 6000

**B. Laborer (Shipyard Worker)**

**Approximate Hours**

- 1. General Laborer..... 1000  
Sort, salvage and dispose of scrap materials, Firewatch, Carpenter Helpers, clean docks and yards, shops washrooms and toilets, miscellaneous labor in shipyards, loading and unloading carloads of material and related tasks.
- 2. Shipyard Laborer..... 1000  
Cleaning bilges and sumps, boilers, uptakes, stacks, chain and storage lockers, steam cleaning, removal of preservatives on ships, ventilation systems (including fan-rooms and ducts) and related tasks.
- 3. Dock Labor..... 1000  
Lower docks, set keel and bilge blocks, center and tie up ships, erection of portable staging, removal of barnacles and moss by wire brush, spuds or sand blast, wash down docks or haul in railways, hydroblasting, shot blasting and related tasks.
- 4. Specialty Labor ..... 1000  
Jackhammer work, facility maintenance including paving, concrete placement, form stripping, cement and cleaning of fresh water tanks, blueprint reading, spill containment booms, lead paint abatement, asbestos abatement, forklift and bobcat operation, power and hand tools (including needle guns, grinders, pneumatic gas and electric pumps) and related tasks.

Total Hours: 4000

**C. Laborer (City of Seattle)**

**Approximate Hours**

- 1. General Skills, Site/Project Preparation & Maintenance..... 1200  
Clearing, bucking, and filling. Transportation, dismantling & stockpiling of scaffolding and work platforms. Grading and Compaction. Layout and staking protocols. Rigging and signaling for work traditionally performed by construction craft laborers. Site preparation, clean up and security.
- 2. Tools, Equipment and Materials ..... 800  
Tools, equipment, and material recognition & preparation. Hand electric, gas, pneumatic, and power tools/equipment, & material storage & security.

NORTHWEST LABORERS APPRENTICESHIP COMMITTEE

- 3. Safety ..... 500  
Confined space safety. Flagging, signing, & traffic safety awareness. Hazard material recognition. Trenching and site excavation.
- 4. Environmental Remediation..... 300  
Hazardous Waste Abatement (such as Lead Abatement, Asbestos Removal and other hazardous waste).
- 5. Building Construction..... 1200  
Concrete (tending, placement, removal), Landscaping, Asphalt, Pipe Laying (work traditionally performed by construction craft laborers)

Total Hours: 4000

**IX. RELATED/SUPPLEMENTAL INSTRUCTION:**

The apprentice must attend related/supplemental instruction (RSI). Time spent in RSI shall not be considered as hours of work and the apprentice is not required to be paid.

RSI must be provided in safe and healthy conditions as required by the Washington Industrial Safety and Health Act and applicable federal and state regulations.

Hours spent in RSI are reported to L&I each quarter. Reports must show which hours are unpaid and supervised by a competent instructor versus all other hours (paid and/or unsupervised) for industrial insurance purposes.

For purposes of coverage under the Industrial Insurance Act, the WSATC is an employer and the apprentice is an employee when an unpaid, supervised apprentice is injured while under the direction of a competent instructor and participating in RSI activities.

If apprentices do not attend required RSI, they may be subject to disciplinary action by the sponsor.

A. The methods of related/supplemental training must be indicated below (check those that apply):

Supervised field trips

Sponsor approved training seminars (specify)

Sponsor approved online or distance learning courses (specify)

State Community/Technical college

**NORTHWEST LABORERS APPRENTICESHIP COMMITTEE**

- Private Technical/Vocational college
- Sponsor Provided (lab/classroom)
- Other (specify):  
**Courses and facilities as approved by the JATC.**

B. Minimum RSI hours per year defined per the following [see WAC 296-05-015(6)]:

**Laborers and Laborers (Shipyard Workers)**

**160** Minimum RSI hours per year, [see WAC 296-05-015(6)]:

**Laborers (City of Seattle)**

**180** Minimum RSI hours per year, [see WAC 296-05-015(6)]:

- Twelve-month period from date of registration.\*
- Defined twelve-month school year: **(insert month)** through **(insert month)**.
- Two-thousand hours of on the job training.

*\*If no selection is indicated above, the WSATC will define RSI hours per twelve-month period from date of registration.*

C. Additional Information:

**None**

**X. ADMINISTRATIVE/DISCIPLINARY PROCEDURES:**

A. Administrative Procedures:

The sponsor may include in this section a summary and explanation of administrative actions performed at the request or on the behalf of the apprentice. Such actions may include but are not limited to:

1. Voluntary Suspension: A temporary interruption in progress of an individual's apprenticeship agreement at the request of the apprentice and granted by the sponsor. The program sponsor shall review apprentices in suspended status at least once each year to determine if the suspension is still appropriate.

## NORTHWEST LABORERS APPRENTICESHIP COMMITTEE

2. Advanced Standing or Credit: The sponsor may provide advanced standing or credit for demonstrated competency, acquired experience, training or education in or related to the occupation. All sponsors need to ensure a fair and equitable process is applied to all apprentices seeking advanced standing or credit per WAC 296-05-015(11).
3. Sponsor Procedures:

### Laborer and Laborer (Shipyard Worker)

#### Apprentices will be required to take drug tests.

**The results of all employer administered substance abuse tests shall be furnished to the training program. Failure of a substance abuse test will result in disciplinary action and/or termination from the apprenticeship program.**

#### Disciplinary Action:

**First offense: 30 days of non-eligibility for out-of-work-list registration.**

**Second offense: Termination from the Apprenticeship Program.**

### Laborer (City of Seattle)

**As determined and set forth by the Sub-Committee or under the collective bargaining agreement.**

### Local Apprenticeship Committee Policies

1. **Must accept all job referrals within the 60-70 mile radius of their normal dispatch.**

**Exception: An apprentice has the right to refuse work prior to dispatch under the Memorandum of Understanding for Private Residential/Mixed Use Building Work. An apprentice may not quit a job under this agreement once dispatched.**

2. **Must place themselves on the out-of-work list (OOWL) when not working for an authorized training agent.**
3. **Apprentices must have dependable transportation to all job sites.**
4. **Must send in work process hours as required by the Northwest Laborers JATC (once per week when working and once per month when not working).**

## NORTHWEST LABORERS APPRENTICESHIP COMMITTEE

5. An apprentice may turn down work in the classification of traffic control after 400 hours of on-the-job training have been completed prior to dispatch, but the apprentice may not quit in the middle of a job or if already dispatched.
6. Refusal or inability to take a drug test shall be considered a failure.
7. Policy for unexcused absences for apprentices.
  - a. **First unexcused absence:** A letter of warning from the apprenticeship program will be sent by regular mail to the apprentice explaining the consequences of failing to participate in mandatory training requirements. The Coordinator will make every effort to contact the apprentice by phone or in person to explain the consequences of additional unexcused absences. The Coordinator will make every effort to contact the contractor to determine the reason for the apprentice's failure to attend mandatory related training. The Coordinator will assign a replacement class date at this time.
  - b. **Second unexcused absence:** The Coordinator and Business Manager (or his designee) will meet with the apprentice at a designated location and notify the apprentice of their requirement to attend a local Joint Entrant Training Committee (JETC) meeting and explain or account for their actions. The Coordinator will assign a replacement class date at this time. The JETC will hear the apprentice's argument and explain the consequences for any additional unexcused absences from mandatory related training. The JETC will notify the apprentice that a third unexcused absence may result in termination from the apprenticeship program. The apprentice will also be required to sign a document that they understand the consequences of another unexcused absence.
  - c. **Third unexcused absence:** The apprentice may be suspended from work and school until meeting with JETC. The apprentices will be sent a 20-day notification letter notifying them of the requirement to attend and next JETC meeting and why. Failure to attend the JETC meeting could result in immediate termination of apprenticeship agreement.
8. The Northwest Laborers Apprenticeship Committee may delegate day to day operations that may include administration/disciplinary responsibilities to its local subcommittee with assurance that the Northwest Laborers Apprenticeship Committee will review all actions that are required by the Washington State Apprenticeship and Training Council to be reported to the Department of Labor and Industries. Sub-

## NORTHWEST LABORERS APPRENTICESHIP COMMITTEE

**Committees and their members herein defined will hold meetings under the quorum of approved sub-committee members. Northwest Laborers Apprenticeship Committee interpretation of quorum for sub-committee members is one employer and one employee member present during sub-committee meetings.**

### B. Disciplinary Procedures

1. The obligations of the sponsor when taking disciplinary action are as follows:
  - a. The sponsor shall be responsible for enacting reasonable policies and procedures and applying them consistently. The sponsor will inform all apprentices of their rights and responsibilities per these standards.
  - b. The sponsor shall notify the apprentice of intent to take disciplinary action and reasons therefore 20 calendar days prior to taking such action. The reason(s) supporting the sponsor's proposed action(s) must be sent in writing to the apprentice.
  - c. The sponsor must clearly identify the potential outcomes of disciplinary action, which may include but are not limited to discipline, suspension or cancellation of the apprenticeship agreement.
  - d. The decision/action of the sponsor will become effective immediately.
2. The sponsor may include in this section requirements and expectations of the apprentices and an explanation of disciplinary actions imposed for noncompliance. The sponsor has the following disciplinary procedures to adopt:
  - a. Disciplinary Probation: A time assessed when the apprentice's progress is not satisfactory. During this time the sponsor may withhold periodic wage advancements, suspend or cancel the apprenticeship agreement, or take further disciplinary action. A disciplinary probation may only be assessed after the initial probation is complete.
  - b. Disciplinary Suspension: A temporary interruption in the progress of an individual's apprenticeship agreement. Conditions will include not being allowed to participate in On-the-Job Training (OJT), go to Related Supplemental Instruction (RSI) classes or take part in any activity related to the Apprenticeship Program until such time as the sponsor takes further action. The program sponsor shall review apprentices in such status at least once each year.
  - c. Cancellation: Refers to the termination of an apprenticeship agreement at the request of the apprentice, supervisor, or sponsor. [WAC 296-05-003].
3. Sponsor Disciplinary Procedures:

## NORTHWEST LABORERS APPRENTICESHIP COMMITTEE

None

### C. Apprentice Complaint Procedures:

1. The apprentice must complete his/her initial probationary period in order to be eligible to file a complaint (WAC 296-05-105).
2. Complaints involving matters covered by a collective bargaining agreement are not subject to the complaint procedures in this section.
3. Complaints regarding non-disciplinary matters must be filed with the program sponsor within 30 calendar days from the date of the last occurrence. Complaints must be in writing.
4. If the apprentice disagrees with the resolution of the complaint or wishes to contest the outcome of a disciplinary action by the program sponsor, the apprentice must file a written request for reconsideration with the program sponsor within 30 calendar days from the date the apprentice received written notice of action by the program sponsor.
5. The program sponsor must reply, in writing, to the request for reconsideration within 30 calendar days from the date the program sponsor receives the request. The program sponsor must send a copy of the written reply to the apprentice within the 30 calendar days.
6. If the apprentice disagrees with the program sponsor's decision, the apprentice may file an appeal with the Apprenticeship Program, (WAC 296-05-105). If the apprentice does not timely file an appeal, the decision of the program sponsor is final after 30 calendar days from the date the program sponsor mails the decision to the apprentice. See section "D" below.

### D. Apprentice Complaint Review/Appeals Procedures:

1. If the apprentice disagrees with the program sponsor's decision, the apprentice must submit a written appeal to L&I's apprenticeship section within 30 calendar days from the date the decision is mailed by the program sponsor. Appeals must describe the subject matter in detail and include a copy of the program sponsor's decision.
2. The L&I apprenticeship section will complete its investigation within 30 business days from the date the appeal is received and attempt to resolve the matter.

## NORTHWEST LABORERS APPRENTICESHIP COMMITTEE

3. If the Apprenticeship section is unable to resolve the matter within 30 business days, the Apprenticeship section issues a written decision resolving the appeal.
4. If the apprentice or sponsor is dissatisfied with L&I's decision, either party may request the WSATC review the decision. Requests for review to the WSATC must be in writing. Requests for review must be filed within 30 calendar days from the date the decision is mailed to the parties.
5. The WSATC will conduct an informal hearing to consider the request for review.
6. The WSATC will issue a written decision resolving the request for review. All parties will receive a copy of the WSATC's written decision.

### **XI. SPONSOR – RESPONSIBILITIES AND GOVERNING STRUCTURE**

The following is an overview of the requirements associated with administering an apprenticeship program. These provisions are to be used with the corresponding RCW and/or WAC. The sponsor is the policymaking and administrative body responsible for the operation and success of this apprenticeship program. The sponsor may assign an administrator or a committee to be responsible for day-to-day operations of the apprenticeship program. Administrators and/or committee members must be knowledgeable in the process of apprenticeship and/or the application of chapter 49.04 RCW and chapter 296-05 WAC and these standards. If applicable, Sponsors must develop procedures for:

#### **A. Committee Operations (WAC 296-05-009): (Not applicable for Plant Programs)**

Apprenticeship committees must be composed of an equal number of management and non-management representatives from a minimum of four to a maximum of twelve members. Committees must convene meetings at least three times per year attended by a quorum of committee members as defined in these approved standards.

#### **B. Program Operations:**

The sponsor will record and maintain records pertaining to the administration of the apprenticeship program and make them available to the WSATC or Department upon request. Records required by WAC 296-05-100 will be maintained for five (5) years; all other records will be maintained for three (3) years. Apprenticeship sponsors will submit required forms/reports to the Department of Labor and Industries through one of the two prescribed methods below:

Sponsors shall submit required forms/reports through assigned state apprenticeship consultant. Forms may be obtained through the programs assigned apprenticeship consultant.

## NORTHWEST LABORERS APPRENTICESHIP COMMITTEE

Sponsors shall submit required reports through the Apprentice Registration and Tracking System (ARTS).

1. The following is a listing of forms/reports for the administration of apprenticeship programs and the time-frames in which they must be submitted:
  - a. Apprenticeship Agreements – within first 30 days of employment
  - b. Authorization of Signature forms - as necessary
  - c. Approved Training Agent Agreements– within 30 days of sponsor action
  - d. Minutes of Apprenticeship Committee Meetings – within 30 days of sponsor approval (not required for Plant program)
  - e. Request for Change of Status - Apprenticeship/Training Agreement and Training Agents forms – within 30 days of action by sponsor.
  - f. Journey Level Wage Rate – annually, or whenever changed as an addendum to section VII. Apprentice Wages and Wage Progression.
  - g. Related Supplemental Instruction (RSI) Hours Reports (Quarterly):
    - 1st quarter: January through March, due by April 10
    - 2nd quarter: April through June, due by July 10
    - 3rd quarter: July through September, due by October 10
    - 4th quarter: October through December, due by January 10
  - h. On-the-Job Work Hours Reports (bi-annual)
    - 1st half: January through June, by July 30
    - 2nd half: July through December, by January 31
2. The program sponsor will adopt, as necessary, local program rules or policies to administer the apprenticeship program in compliance with these standards. Requests for revision to these standards of apprenticeship must be submitted 45 calendar days prior to a quarterly WSATC meeting. The Department of Labor and Industries, Apprenticeship Section’s manager may administratively approve requests for revisions in the following areas of the standards:
  - a. Program name
  - b. Sponsor’s introductory statement
  - c. Section III: Conduct of Program Under Washington Equal Employment Opportunity Plan
  - d. Section VII: Apprentice Wages and Wage Progression
  - e. Section IX: Related/Supplemental Instruction
  - f. Section XI: Sponsor – Responsibilities and Governing Structure
  - g. Section XII: Subcommittees
  - h. Section XIII: Training Director/Coordinator
3. The sponsor will utilize competent instructors as defined in WAC 296-05-003 for RSI. Furthermore, the sponsor will ensure each instructor has training in teaching techniques and adult learning styles, which may occur before or within one year after the apprenticeship instructor has started to provide instruction.

## NORTHWEST LABORERS APPRENTICESHIP COMMITTEE

### C. Management of Apprentices:

1. Each apprentice (and, if under 18 years of age, the parent or guardian) will sign an apprenticeship agreement with the sponsor, who will then register the agreement with the Department before the apprentice attends RSI classes, or within the first 30 days of employment as an apprentice. For the purposes of industrial insurance coverage and prevailing wage exemption under RCW 39.12.021, the effective date of registration will be the date the agreement is received by the Department.
2. The sponsor must notify the Department within 30 days of all requests for disposition or modification to apprentice agreements, which may include:
  - a) Certificate of completion
  - b) Additional credit
  - c) Suspension (i.e. military service or other)
  - d) Reinstatement
  - e) Cancellation
  - f) Corrections
  - g) Step Upgrades
  - h) Probation Completion date
  - i) Other (i.e., name changes, address)
  - j) Training Agent Cancellation
3. The sponsor commits to rotate apprentices in the various processes of the skilled occupation to ensure the apprentice is trained to be a competent journey-level worker.
4. The sponsor shall periodically review and evaluate apprentices before advancement to the apprentice's next wage progression period. The evidence of such advancement will be the record of the apprentice's progress on the job and during related/supplemental instruction.
5. The sponsor has the obligation and responsibility to provide, insofar as possible, reasonably continuous employment for all apprentices in the program. The sponsor may arrange to transfer an apprentice from one training agent to another or to another program when the sponsor is unable to provide reasonably continuous employment, or they are unable to provide apprentices the diversity of experience necessary for training and experience in the various work processes as stated in these standards. The new training agent will assume all the terms and conditions of these standards. If, for any reason, a layoff of an apprentice occurs, the apprenticeship agreement will remain in effect unless canceled by the sponsor.
6. An apprentice who is unable to perform the on-the-job portion of apprenticeship training may, if the apprentice so requests and the sponsor approves, participate

## NORTHWEST LABORERS APPRENTICESHIP COMMITTEE

in related/supplemental instruction, subject to the apprentice obtaining and providing to the sponsor any requested documentation for such participation. However, time spent will not be applied toward the on-the-job portion of apprenticeship training.

7. The sponsor shall hear and decide all complaints of violations of apprenticeship agreements.
8. Upon successful completion of apprenticeship, as provided in these standards, and passing the examination that the sponsor may require, the sponsor will recommend the WSATC award a Certificate of Completion of Apprenticeship. The Sponsor will make an official presentation to the apprentice who has successfully completed his/her term of apprenticeship.

### D. Training Agent Management:

1. The sponsor shall offer training opportunities for apprentices by ensuring reasonable and equal working and training conditions are applied uniformly to all apprentices. The sponsor shall provide training at an equivalent cost to that paid by other employers and apprentices participating in the program. The sponsor shall not require an employer to sign a collective bargaining agreement as a condition of participation.
2. The sponsor must determine whether an employer can adequately furnish proper on the job training to an apprentice in accordance with these standards. The sponsor must also require any employer requesting approved training status to complete an approved training agent agreement and to comply with all federal and state apprenticeship laws, and these standards.
3. The sponsor will submit training agent agreements to the Department with a copy of the agreement and/or the list of approved training agents within thirty calendar days from the effective date. Additionally, the sponsor must submit rescinded training agent agreements to the Department within thirty calendar days of said action.

### E. Committee governance (if applicable): (see WAC 296-05-009)

1. Apprenticeship committees shall elect a chairperson and a secretary who shall be from opposite interest groups, i.e., chairperson-employers; secretary-employees, or vice versa. If the committee does not indicate its definition of quorum, the interpretation will be “50% plus 1” of the approved committee members. The sponsor must also provide the following information:
  - a. **Quorum: At least one member from Labor and one member from Management constitutes a quorum.**
  - b. **Program type administered by the committee: Group Joint**

**NORTHWEST LABORERS APPRENTICESHIP COMMITTEE**

c. The employer representatives shall be:

**Brandon Dully, Secretary  
8049 Jones Ave NW  
Seattle, WA 98117**

**Andrew Ledbetter  
AGC of Washington  
1200 Westlake Ave N, Suite 301  
Seattle, WA 98109-3528**

**Roderick S. Majors  
1525 E Marine View Drive  
Everett, WA 98258**

d. The employee representatives shall be:

**Stacy Martin, Chair  
12101 Tukwila International Blvd.  
#300  
Seattle, WA 98168**

**Dale Cannon  
Business Manager  
Laborers Local 242  
22323 Pacific Hwy. So.  
Des Moines, WA 98198**

**David Hawkins  
12101 Tukwila International Blvd.  
#300  
Seattle, WA 98168**

F. Plant programs

For plant programs the WSATC or the Department designee will act as the apprentice representative. Plant programs shall designate an administrator(s) knowledgeable in the process of apprenticeship and/or the application of chapter 49.04 RCW and chapter 296-05 WAC and these standards.

The designated administrator(s) for this program is/are as follows:

**None**

**NORTHWEST LABORERS APPRENTICESHIP COMMITTEE**

**XII. SUBCOMMITTEE:**

Subcommittee(s) approved by the Department, represented equally from management and non-management, may also be established under these standards, and are subject to the main committee. All actions of the subcommittee(s) must be reviewed by the main committee. Subcommittees authorized to upgrade apprentices and/or conduct disciplinary actions must be structured according to the same requirements for main committees.

**Laborers Local 238**

**The employer representatives shall be:**

**Joslyn James, Chair  
Acme Concrete  
4124 E. Broadway  
Spokane, WA 99202**

**Marissa Bill  
Lydig Construction  
11001 E. Montgomery Dr.  
Spokane Valley, WA 99206**

**The employee representatives shall be:**

**Scott Holstom, Secretary  
Laborers Local 238  
1330 N. Calispel St.  
Spokane, WA 99201**

**Jack Tortorici  
Laborers Local 238  
1330 N. Calispel St.  
Spokane, WA 99201**

**Laborers Local 292**

**The employer representatives shall be:**

**Natalie Marshbank, Secretary  
Marshbank Construction  
PO Box 97  
Lake Stevens, WA 98258**

**Rod Majors  
Granite Construction  
1525 E. Marine View Dr.  
Everett, WA 98201**

**The employee representatives shall be:**

**Adam Lambe, Chair  
Laborers Local 292  
2911 Bond St. #109  
Everett, WA 98201**

**Larry Montgomery  
Laborers Local 292  
2911 Bond St. #109  
Everett, WA 98201**

**NORTHWEST LABORERS APPRENTICESHIP COMMITTEE**

**Laborers Local 252**

**The employer representatives shall be:**

**Jessica Pace, Secretary  
Roglin's Inc.  
321 West State St.  
Aberdeen, WA 98520**

**Darren Pease  
Pease & Sons Inc.  
PO Box 44100  
Tacoma, WA 98448**

**Eric Wright  
NW Cascade  
PO Box 73399  
Puyallup, WA 98373**

**The employee representatives shall be:**

**John Adams, Chair  
4803 South M St.  
Tacoma, WA 98408**

**Anthony Johnson  
4803 South M St.  
Tacoma, WA 98408**

**Naomi Pavlicek  
4803 South M St.  
Tacoma, WA 98408**

**Laborers Local 335**

**The employer representatives shall be:**

**Katie Wangler, Secretary  
Advanced Excavating Specialists,  
LLC.  
1200 Hazel St.  
Kelso, WA 98626**

**Andy Moore  
McDonald Excavating Inc.  
4120 S. Lincoln St.  
Washougal, WA 98671**

**Tim Warren  
Brand Safway  
2409 Talley Way  
Kelso, WA 98626**

**The employee representatives shall be:**

**Shannon Stull, Chair  
2212 NE Andresen  
Vancouver, WA 98661**

**Justin Sellers  
2212 NE Andresen  
Vancouver, WA 98661**

**NORTHWEST LABORERS APPRENTICESHIP COMMITTEE**

**Jennifer Decent  
2212 NE Andresen  
Vancouver, WA 98661**

**Laborers Local 348**

**The employer representatives shall be:**

**Dick Richter, Chair  
George A. Grant Inc.  
P.O. Box 789  
Richland, WA 99352**

**Luis Ojeda  
Ojeda Business Ventures  
5790 West Van Giesen St.  
Richland, WA 99353**

**The employee representatives shall be:**

**Francisco Elguezabel, Secretary  
2505 Duportail St.  
Richland, WA 99352**

**Dave Gresser  
2505 Duportail St.  
Richland, WA 99352**

**XIII. TRAINING DIRECTOR/COORDINATOR:**

The sponsor may employ a person(s) as a full or part-time training coordinator(s)/ training director(s). This person(s) will assume responsibilities and authority for the operation of the program as are delegated by the sponsor.

**Brandon Jordan, Executive Director  
27055 Ohio Ave.  
Kingston, WA 98346**

**Mark Ware, Assistant Training Director  
27055 Ohio Ave.  
Kingston, WA 98346**



STATE OF WASHINGTON

**DEPARTMENT OF LABOR AND INDUSTRIES**

PO Box 44000 • Olympia Washington 98504-4000

November 2, 2018

Armorclad Floors  
Judd H. Lees, Attorney at Law  
Sebris Busto James  
14205 S.E. 36th St Suite 325  
Bellevue, WA 98006

Assignment No. 15-117-R  
UBI No. 601764878 Account number 928,939-00

Re: Request for Redetermination of the December 21, 2016 determination by the Industrial Statistician for the Tukwila Pool Project.

Dear Mr. Lees:

Thank you for your January 19, 2017 reconsideration request of the December 21, 2016 determination by the Industrial Statistician Jim Christensen. Mr. Christensen determined the correct rate of wage for the workers on the Tukwila Pool project was Laborers for the preparatory work and Cement Mason for the “floor painting work”. You contend that the correct prevailing rate of wage for the “preparation of the Tukwila Pool Project floor as well as a subsequent application of a resin/converter mixture” is that of Painter.

**Issue:**

Is the Cement Mason rate of wage correct for the “Application of a resin/converter mixture;” for the Tukwila Pool Project?

I affirm the determination of December 21, 2016.

In reaching my decision, I reviewed the materials submitted to the department for the original determination and request for modification and the materials you provided during the redetermination process as well as the information provided the interested parties. I want to take this opportunity to thank the parties for their time in preparing the materials submitted and for attending the meetings. Your participation was essential.



**Facts:**

1. Existing floor was damaged/worn. Grinding was necessary as preparation
2. Floor was created to build up, repair the floor, and provide a new non-slip surface
3. Method:
  - a. Layer of epoxy, spread with a squeegee trowel
  - b. Back rolled and smoothed with rollers
  - c. Hand-broadcast solids
  - d. Vacuum/sweep
  - e. Steps a, b, c and d were repeated
  - f. Layer of epoxy, spread with a squeegee trowel
  - g. Back rolled and smoothed with rollers
4. Thick (manufacturer specified 1/8")
5. Non-slip
6. The material used is an epoxy-based product

**Rules:**

The relevant Scope of work descriptions for Painters (WAC 296-127-01356), Laborers (WAC 296-127-01344) and Cement Masons (WAC 296-127-01315) are attached for your reference.

**Analysis:**

The Painter scope of work is interpreted narrowly because of the specific nature of the language, "the job description for painters is as follows". The effect of the language of the Painter scope is that if the material is not applied with brushes, spray guns or rollers, then the work falls outside the Painter scope of work. For the facts in this case, the relevant phrases within this scope include

"Application of.....epoxy as waterproofing or protective coatings....with brushes, spray guns or rollers."

The Cement Mason scope of work (WAC 296-127-01315) is interpreted more broadly due to the language "includes, but is not limited to:" For the facts in this case, the relevant phrases within this scope include:

"...all work where finishing tools are used....trowels.....The installation of seamless composition floors and the installation and finishing of epoxy based coatings....to all surfaces, when....applied by spraying or troweling."

The purposes of the tools described in this installation are both an applicator and a finishing tool.

The Cement Mason scope of work is decidedly the most appropriate scope for this type of work for two reasons: First, the Cement Mason scope is the only classification that includes

the use of finishing tools and specifically lists trowels in its description. The epoxy was applied with squeegee trowels. Second, the Cement Mason scope also mentions specific methods used in this circumstance, such as, "The installation of seamless composition floors." This phrase best describes the work of building up and creating a new, smooth floor by applying successive layers of epoxy and solids to achieve a new floor that is 1/8" thick. The brief explanation in the December 21, 2016 letter is persuasive:

"...the work on the floors at the Tukwila Pool extended beyond "floor painting" or "Application of ... coatings" but was instead the installation of a seamless composition flooring system, made of a combination of cement (epoxy) and aggregate (sand)." (emphasis in original)

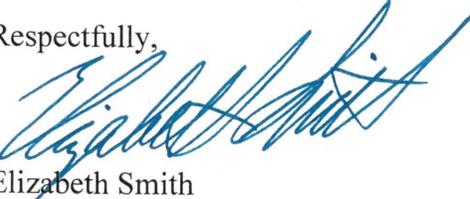
For these reasons, the correct rate of wage for the installation of the Tukwila Pool Deck Seamless Composition Floor is that of Cement Mason.

Although my current position is agency Deputy Director, you submitted, and I gathered information and testimony relating to this request while serving as the Assistant Director. I am issuing this redetermination regarding the application of Washington's prevailing wage requirements of this specific question and is made pursuant to RCW 39.12.015. See the attached documents, "Prevailing Wage Determination Request and Review Process."

If any party in interest disputes this redetermination, you must file a petition for arbitration of the redetermination pursuant to WAC 296-127-060 and -061 within 30 days to the director of the Department of Labor and Industries at the above address.

If you have further questions or concerns, please do not hesitate to contact me.

Respectfully,



Elizabeth Smith  
Deputy Director

cc: Eric Coffelt, Business Manager OPCMIA Local 528  
David Ciprut, Rebound  
Edward C. Smith, FCA International  
Miriam Israel Moses, Rebound  
Denis Sullivan, Painter District Council 5  
Mike Cassidy  
Phillip Lindquist, Painter District Council 5  
Chris Bowe, Assistant Director  
Fraud Prevention and Labor Standards  
Jim Christensen, Program Manager, Prevailing Wage  
Jerold Billings, Litigation Specialist

**Painters.**

For the intents and purposes of the Washington state public works law, chapter 39.12 RCW, the job description for painters is as follows:

- (1) Preparation of surfaces.
  - (a) Washing, cleaning and smoothing of surfaces, using sandpaper, brushes or steel wool.
  - (b) Removal of old paint or other coatings from surfaces, using paint remover, scraper, wire brush or by sandblasting.
  - (c) Filling of nail holes, cracks and joints with putty, plaster or other fillers.
- (2) Color matching and mixing.
- (3) Application of paint, varnish, stain, enamel, lacquer, vinyl, wallpaper and other materials of whatever kind or quality applied to walls or ceilings with paste or adhesive using brushes, spray gun or paint rollers.
- (4) Application of polyurethane elastomers, vinyl plastics, neoprene, resin, polyester and epoxy as waterproofing or protective coatings to any kind of surfaces (except roofs) when applied with brushes, spray guns or rollers.
- (5) Application of sprayed on fire retardant foam.
- (6) Texturing and decorating.
- (7) Erecting of scaffolding or setting up of ladders to perform the work above ground level.
- (8) Responsible for all the cleanup required in connection with painters work.

## **Cement masons.**

For the purpose of the Washington state public works law, chapter 39.12 RCW, cement masons perform all work where finishing tools are used.

The work includes, but is not limited to:

- The setting of screeds, the rodding (buildings), shaping, smoothing and finishing of the surfaces of freshly poured concrete floors, walls, sidewalks, curbs, steps and stairways, the finishing of extruded barrier rails, or any other concrete surface requiring finishing, using hand tools or power tools, including floats, trowels, screeds and straightedge.
- The removing of rough or defective spots from concrete surfaces, using grinder or chisel and hammer and patching holes with fresh concrete or epoxy compound preparatory to sacking. (The finishing of a large surface of patched holes.)
- The moulding of expansion joints and edges, using edging tools, jointers and straightedge.
- The application of penetrating sealer and primer protective coatings to concrete floors and steps for the first twenty-four hours after pouring, when part of the finishing process.
- The installation of seamless composition floors and the installation and finishing of epoxy based coatings or polyester based linings to all surfaces, when the coatings or linings are applied by spraying or troweling.
- Sandblasting or waterblasting for architectural finish or preparatory to patching.
- The setting of all forms one board high.
- The cutting of joints with concrete saw for the control of cracks in buildings and contiguous to buildings.
- The setting of concrete curb, gutter and sidewalk forms as a composite crew with laborers.
- All cleanup work required in connection with the above work.



**APPRENTICESHIP PROGRAM STANDARDS**  
**adopted by**

**WESTERN WASHINGTON PAINTING APPRENTICESHIP**

(sponsor name)

<u>Occupational Objective(s):</u>	<u>SOC#</u>	<u>Term [WAC 296-05-015]</u>
<b>ENVIRONMENTAL CONTROL PAINTER</b>	<b>47-2141.00</b>	<b>4000 HOURS</b>
<b>EQUIPMENT PAINTER</b>	<b>47-2141.00</b>	<b>6000 HOURS</b>
<b>MARINE/INDUSTRIAL/COATING AND LINING SPECIALIST PAINTER</b>	<b>47-2141.00</b>	<b>6000 HOURS</b>
<b>PAINTER-DECORATOR</b>	<b>47-2141.00</b>	<b>6000 HOURS</b>
<b>TRAFFIC CONTROL PAINTER</b>	<b>47-2141.00</b>	<b>7000 HOURS</b>



**APPROVED BY**  
**Washington State Apprenticeship and Training Council**  
**REGISTERED WITH**  
**Apprenticeship Section of Fraud Prevention and Labor Standards**  
Washington State Department Labor and Industries  
Post Office Box 44530  
Olympia, Washington 98504-4530

**APPROVAL:**

N/A  
Provisional Registration

JULY 21, 2022  
Standards Last Amended

NOVEMBER 6, 1939  
Permanent Registration

By: ED KOMMERS  
Chair of Council

By: CELESTE MONAHAN  
Secretary of Council

# WESTERN WASHINGTON PAINTING APPRENTICESHIP

## INTRODUCTION

This document is an apprenticeship program standard. Apprenticeship program standards govern how an apprenticeship works and have specific requirements. This document will explain the requirements.

The director of the Department of Labor and Industries (L&I) appoints the Washington State Apprenticeship and Training Council (WSATC) to regulate apprenticeship program standards. The director appoints and deputizes an assistant director to be known as the supervisor of apprenticeship who oversees administrative functions through the apprenticeship section at the department.

The WSATC is the sole regulatory body for apprenticeship standards in Washington. It approves, administers, and enforces apprenticeship standards, and recognizes apprentices when either registered with L&I's apprenticeship section, or under the terms and conditions of a reciprocal agreement. WSATC also must approve any changes to apprenticeship program standards.

Apprenticeship programs have sponsors. A sponsor operates an apprenticeship program and declares their purpose and policy herein to establish an organized system of registered apprenticeship education and training. The sponsor recognizes WSATC authority to regulate and will submit a revision request to the WSATC when making changes to an apprenticeship program standard.

Apprenticeships are governed by federal law (29 U.S.C 50), federal regulations (29 CFR Part 29 & 30), state law (49.04 RCW) and administrative rules (WAC 296-05). These standards conform to all of the above and are read together with federal and state laws and rules

Standards are changed with WSATC approval. Changes are binding on apprentices, sponsors, training agents, and anyone else working under an agreement governed by the standards. Sponsors may have to maintain additional information as supplemental to these standards. When a standard is changed, sponsors are required to notify apprentices and training agents. If changes in federal or state law make any part of these standards illegal, the remaining parts are still valid and remain in force. Only the part made illegal by changes in law is invalid. L&I and the WSATC may cooperate to make corrections to the standards if necessary to administer the standards.

Sections of these standards identified as bold "insert text" fields are specific to the individual program standards and may be modified by a sponsor submitting a revised standard for approval by the WSATC. All other sections of these standards are boilerplate and may only be modified by the WSATC. See WAC 296-05-003 for the definitions necessary for use with these standards.

Sponsor Introductory Statement (Required):

**The following Standards for the development of painting, decorating, traffic control painter apprentices have been prepared by the representatives of the Western Washington**

## WESTERN WASHINGTON PAINTING APPRENTICESHIP

**Signatory Painting Employers, and representatives of the Union of Painters, Decorators and Paperhangers of America, District Council No. 5, Headquarters, Seattle, Washington, and registered with the Washington State Apprenticeship and Training Council.**

### **I. GEOGRAPHIC AREA COVERED:**

The sponsor must train inside the area covered by these standards. If the sponsor wants to train outside the area covered by these standards, the sponsor must enter a portability agreement with a sponsor outside the area, and provide evidence of such an agreement for compliance purposes. Portability agreements permit training agents to use apprentices outside the area covered by the standards. Portability agreements are governed by WAC 296-05-009.

**The area covered by these standards shall be all of Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom counties. The Standards shall also cover that portion of Pacific County north of a line formed by extending the northern border of Wahkiakum County west to the Pacific Ocean. The headquarters for the standards shall be in Seattle, Washington.**

**For the Traffic Control Painter, the area covered shall be all of the State of Washington, except Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties and that portion of Pacific County north of a straight line made by extending the north boundary line of Wahkiakum County west to the Pacific Ocean.**

**For the Marine/Industrial/Coating and Lining Specialist Painter, the area covered by these standards shall be Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom counties**

### **II. MINIMUM QUALIFICATIONS:**

Minimum qualifications must be clearly stated and applied in a nondiscriminatory manner [WAC 296-05-015(17)].

Age: **Minimum of eighteen years of age.**

Education: **N/A**

Physical: **Must meet the physical fit to perform the duties of a Painter as demonstrated by passing all components of the Finishing Trades Institute Northwest (FTINW) Strength and Agility test.**

Testing: **N/A**

Other: **Must provide valid I-9 employment verification documents.**

## WESTERN WASHINGTON PAINTING APPRENTICESHIP

### III. CONDUCT OF PROGRAM UNDER WASHINGTON EQUAL EMPLOYMENT OPPORTUNITY PLAN:

Sponsors with five (5) or more apprentices must adopt an Equal Employment Opportunity (EEO) Plan and Selection Procedure (chapter 296-05 WAC and 29 CFR Part 30).

The recruitment, selection, employment and training of apprentices during their apprenticeship shall be without discrimination because of race, sex (including pregnancy and gender identity), sexual orientation, color, religion, national origin, age, genetic information, disability or as otherwise specified by law. The sponsor shall take positive action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required by the rules of the Washington State Apprenticeship and Training Council and Title 29, Part 30 of the Code of Federal Regulations.

#### A. Selection Procedures:

- 1. All applicants for the Apprenticeship shall apply at the office of the Coordinator of the Apprenticeship Committee. Applications will be available each Tuesday and Thursday from 10:00 AM till 3:00 PM. Upon meeting the qualifications in Section II, applicants will be placed in a pool of eligible candidates. To remain on this list, applicants must contact the training office on/or before the 1st business day of every month. They may contact the training office by writing, faxing, calling, emailing or appearing in person at the training office to sign in each month.**

**Western Washington Painting Apprenticeship  
6770 East Marginal Way South, Building E, Suite 102  
Seattle, WA 98108  
p 206-762-8332 x1000 f206-762-6433**

- 2. Applicants who do not contact the apprenticeship office on/or by the 1st business day of every month will be removed from the "Eligible Applicant List".**
- 3. All applicants not qualifying as "Direct Entry" shall be interviewed on days established by the JATC. Upon successful completion of the interview, applicants will be placed on the appropriate ranked eligibility list. Applicant may re-interview to raise their score if they submit additional documentation of training and/or work experiences. Applicants shall be registered based on the highest score first. Upon notification of an Apprenticeship opportunity, applicants will be given "reasonable time" in which to report to work. All Applicants will be treated equally in determination and application of a "reasonable time" (WAC 296-05-429(4)). Applicant who turn down an apprenticeship opportunity will be dropped from the Ranked Eligibility List. Applicants must respond to a call to work within 48 hours. Unavailable applicants will be placed at the bottom of the list.**

## WESTERN WASHINGTON PAINTING APPRENTICESHIP

4. The apprenticeship office shall maintain a record of all applicants, the current status of all applicants pending and the final disposition of all applicants.
5. Prior to employment, all Applicants must successfully complete a "Strength, and Agility Assessment".
6. Employers wanting to hire an Apprentice **MUST FIRST CALL** the Union. If there are no "out of work" apprentices on the books, the Union then **MUST CALL** the Apprenticeship Office for a new hire from the top of the "Eligible Applicant List"
7. Applicants may turn down a "Call to Work" when the distance from their home to the work site is too great (more than 75 miles). The Applicant will remain at the top of the list, and the Applicant below them on the list will be offered the job.
8. **EXCEPTIONS:**
  - a. (Direct Entry) Individuals relocated from another registered Painter Apprenticeship Program or graduates of "Painter Training Classes" at Job Corps may receive direct entry into the "Eligible Applicant list" provided they meet the "Minimum Requirements".
  - b. (Direct Entry) The JATC may pierce the Eligible Applicant List to satisfy women and minority affirmative action apprentice utilization requirements mandated by government agencies. The JATC shall follow any WSATC prescribed selection method(s).
  - c. (Direct Entry) US Military Veterans with documented proof of veteran status and who meet the minimum qualifications of these standards may be given direct entry into this program providing that work is available with an approved training agent.
  - d. (Direct Entry) Pre Apprentices or Utility Workers who have been working for a Training Agent for a minimum of six (6) months as a pre-apprentice or utility worker, may receive Direct Entry into the Apprenticeship Program. Upon request of the Training Agent, the Committee reserves the right to make exceptions to the Selection Procedure in considering applicants having Pre Apprentice or Utility Worker experience. However, no Pre Apprentice or Utility Worker will be allowed direct entry with less than thirty (30) days of experience.
  - e. (Direct Entry) An employee of a non-signatory employer, not qualifying as a journey-level worker, upon the employer becoming signatory, shall be evaluated by the JATC, using consistent, standards, non-

## **WESTERN WASHINGTON PAINTING APPRENTICESHIP**

**discriminatory means and registered at the appropriate step/percentage of apprenticeship based on education, previous work experience and related training. This is a method of direct entry into the apprenticeship program.**

**For such applicants to be considered they must:**

- (1) Complete an application form.**
- (2) Meet the minimum qualifications.**
- (3) Must provide valid I-9 employment verification document.**
- (4) Verified Documentation to substantiate previous employment and experience.**
- (5) Provide official documentation to show that the applicant was an employee performing Painting work prior to the employer becoming signatory.**

- f. (Direct Entry) An individual who signs an authorization card during an organizing effort, wherein fifty percent (50%) or more of the employees have signed, whether or not the employer becomes signatory, and is an employee of the non-signatory employer and does not qualify as a journey-level worker, shall be evaluated by the JATC using consistent standard, non-discriminatory means, and registered at the appropriate step/percentage of apprenticeship based on education, previous work experience and related training. This is a method of direct entry into the apprenticeship program.**

**For such applicants to be considered they must:**

- (1) Complete an application form.**
- (2) Meet the minimum qualifications.**
- (3) Must provide valid I-9 employment verification document.**
- (4) The JATC will require reliable documentation and seek adequate verification to substantiate previous employment and experience.**
- (5) Provide official documentation to show that the applicant was an employee performing Painting work prior to signing the authorization card.**

## **WESTERN WASHINGTON PAINTING APPRENTICESHIP**

- g. (Direct Entry) Registered Native Americans who have secured work under TERO or equivalent tribal regulations and/or tribal contract requirements, may receive direct entry into Apprenticeship provided:**
  - (1) The Employer is an Approved Training Agent of these Standards.**
  - (2) The Applicant has met the Minimum Qualifications.**
  
- h. (Direct Entry) An employee who has secured work directly under or for a government agency, may receive direct entry into Apprenticeship provided:**
  - (1) The Employer is an Approved Training Agent of these Standards**
  - (2) The Applicant has met all of the Minimum Qualifications**
  
- i. (Direct Entry) Graduates of WSATC recognized Apprenticeship Preparation Programs may receive direct entry into apprenticeship registration provided jobs are available and they meet the minimum requirements.**
  
- j. (Direct Entry) The JATC may enter a painter into apprenticeship registration at the request of an employer signatory to a DC#5 Painter CBA who meets the minimum qualifications but does not have journey level skills. The employee shall be evaluated by the JATC, using consistent, standards, and non-discriminatory means, and shall be registered at the appropriate step/percentage of apprenticeship based on work skills, education, previous work experience, and related training. Only individuals who were hired and are currently employed as employer recognized “journey” workers, and upon referral and evaluation match skills of the third (3<sup>rd</sup>) bracket or higher apprentices, may receive direct entry under this section.**
  
- k. (Direct Entry) Exceptions may be made by the JATC to the minimum qualifications if admission as an apprentice will benefit the applicant and the industry.**

### **B. Equal Employment Opportunity Plan:**

**The sponsor shall do the following to help meet equal employment opportunity obligations and affirmative action goals:**

- 1. Cooperate with school boards, community colleges and/or vocational schools to develop programs which prepare students for entrance into apprenticeship.**

## WESTERN WASHINGTON PAINTING APPRENTICESHIP

2. **Disseminate information within shops concerning equal employment opportunity and apprenticeship openings. Expand contractor networking process to assess contractors' needs and encourage maximum apprentice utilization.**
3. **Encourage the use of pre-apprenticeship training and give equal opportunity for admission into the program to pre-apprenticeship program graduates. Participate in minority and women's pre-apprenticeship program sessions, including those conducted by ANEW and Job Corps.**
4. **Attend job fairs and career fairs for outreach and positive recruitment, and to distribute information about the nature of the Painting and/or Traffic Control Painting apprenticeship program, minimum admission requirements, current apprenticeship opportunities, sources of apprenticeship applications, and the equal opportunity policy of the sponsor.**
5. **Conduct a sustained one-on-one outreach and positive recruitment effort for minority and female candidates. Log and followup with all minority and female candidates expressing interest in the program. Conduct one on one interviews, provide encouragement for apprentice candidate placement & waitlist sign ups, and facilitate entry of minority and women candidates into the program.**
6. **Conduct a sustained one-on-one outreach and positive recruitment effort for minority and female candidates into pre-apprenticeship positions as the most effective lead in to entry and successful apprenticeship completion for such candidates.**
7. **Utilize minority and female apprentices and journey-level workers as recruiters and lay support through the IUPAT District Council 5 Women in the Trades Committee(s).**
8. **Monitor and report to the JATC and Apprenticeship Trust on a quarterly basis women and minority participation numerical information in comparison with compared to goals and timetables (as adopted with technical assistance from the Department).**

### C. Discrimination Complaints:

Any apprentice or applicant for apprenticeship who believes they have been discriminated against may file a complaint with the supervisor of apprenticeship (WAC 296-05-443).

## WESTERN WASHINGTON PAINTING APPRENTICESHIP

### **IV. TERM OF APPRENTICESHIP:**

The term of apprenticeship for an individual apprentice may be measured through the completion of the industry standard for on-the-job learning (at least two thousand hours) (time-based approach), the attainment of competency (competency-based approach), or a blend of the time-based and competency-based approaches (hybrid approach) [WAC 296-05-015].

- A. For the Painter-Decorator, the term of apprenticeship shall be 6000 hours of reasonably continuous employment with not less than 1500 hours per year as a minimum.**
- B. For the Traffic Control Painter, the term of apprenticeship shall be not less than 7000 hours.**
- C. For Equipment Painter apprentices, the term of apprenticeship shall be 6000 hours with not less than 1500 per year as a minimum.**
- D. For Environmental Control Painter, term of apprenticeship shall be 4000 hours with not less than 1500 per year minimum.**
- E. The term of training for the Marine/Industrial/Coating and Lining Specialist Painter shall be not less than three (3) calendar years (approximately 6000 hours) with not less than 1500 hours per year as a minimum.**

### **V. INITIAL PROBATIONARY PERIOD:**

An initial probationary period applies to all apprentices, unless the apprentice has transferred from another program. During an initial probationary period, an apprentice can be discharged without appeal rights. An initial probationary period is stated in hours or competency steps of employment. The initial probationary period is not reduced by advanced credit or standing. During an initial probationary period, apprentices receive full credit for hours and competency steps toward completion of their apprenticeship. Transferred apprentices are not subject to additional initial probationary periods [WAC 296-05-003].

The initial probationary period is [WAC 296-05-015(22)]:

- A. the period following the apprentice's registration into the program. An initial probationary period must not be longer than twenty percent of the term of the entire apprenticeship, or longer than a year from the date the apprenticeship is registered. The WSATC can grant exemptions for longer initial probationary periods if required by law.
- B. the period in which the WSATC or the supervisor of apprenticeship may terminate an apprenticeship agreement at the written request by any affected party. The sponsor or the

## WESTERN WASHINGTON PAINTING APPRENTICESHIP

apprentice may terminate the agreement without a hearing or stated cause. An appeal process is not available to apprentices in their initial probationary period.

1. **For Equipment Painter, Painter-Decorator, and Marine/Industrial/Coating and Lining Specialist Painter, the probationary period shall not exceed the first 1000 hours of employment.**
2. **For Traffic Control Painter and Environmental Control Painter, the probation period is not to exceed first 500 hours of employment.**

### VI. RATIO OF APPRENTICES TO JOURNEY LEVEL WORKERS

Supervision is the necessary education, assistance, and control provided by a journey-level employee on the same job site at least seventy-five percent of each working day, unless otherwise approved by the WSATC. Sponsors ensure apprentices are supervised by competent, qualified journey-level employees. Journey level-employees are responsible for the work apprentices perform, in order to promote the safety, health, and education of the apprentice.

- A. The journey-level employee must be of the same apprenticeable occupation as the apprentice they are supervising unless otherwise allowed by the Revised Code of Washington (RCW) or the Washington Administrative Code (WAC) and approved by the WSATC.
- B. The numeric ratio of apprentices to journey-level employees may not exceed one apprentice per journey-level worker [WAC 296-05-015(5)].
- C. Apprentices will work the same hours as journey-level workers, except when such hours may interfere with related/supplemental instruction.
- D. Any variance to the rules and/or policies stated in this section must be approved by the WSATC.
- E. The ratio must be described in a specific and clear manner, as to the application in terms of job site, work group, department or plant:
  1. **Any new employer must sign up through the JATC to hire apprentices.**
  2. **For the Painters Decorators, the ratio of apprentices to journey-level workers will be no more than one Apprentice to Journey Level Worker.**
  3. **On the Traffic Control Painter, regarding the ratio of apprentices to journey-level workers, the ratio shall be no more than one Apprentice to one Journey Level Worker. The ratio of 1 to 1 shall be Job Site specific.**

**WESTERN WASHINGTON PAINTING APPRENTICESHIP**

- 4. **For Environmental Control Painter and Equipment Painter, the ratio shall be no more than one apprentice to one journey-level worker. The ratio of 1 to 1 shall be Job Site specific.**
  
- 5. **For the Marine/Industrial/Coating and Lining Specialist Painter, the ratio in no case should exceed one (1) Marine/Industrial/Coating and Lining Specialist Painter apprentice to one (1) Marine/Industrial/Coating and Lining Specialist Painter journey-level worker. The ratio shall be job site specific.**

**F. Nothing in this section is intended to limit additional training supervision requirements and levels as may be set by working agreements covering training agents, trainers/supervisors, and apprentices.**

**VII. APPRENTICE WAGES AND WAGE PROGRESSION:**

- A. Apprentices must be paid at least Washington’s minimum wage, unless a local ordinance or a collective bargaining agreement require a higher wage. Apprentices must be paid according to a progressively increasing wage scale. The wage scale for apprentices is based on the specified journey-level wage for their occupation. Wage increases are based on hours worked or competencies attained. The sponsor determines wage increases. Sponsors must submit the journey-level wage at least annually or whenever changed to the department as an addendum to these standards. Journey-level wage reports may be submitted on a form provided by the department. Apprentices and others should contact the sponsor or the Department for the most recent Journey-level wage rate.
  
- B. Sponsors can grant advanced standing, and grant a wage increase, when apprentices demonstrate abilities and mastery of their occupation. When advanced standing is granted, the sponsor notifies the employer/training agent of the wage increase the apprenticeship program standard requires.
  
- C. Wage Progression Schedules

**In addition, apprentices shall be eligible for and receive at minimum in aggregate the below specified percentage of journey rate of fringe benefits provided for the journey-level workers.**

**1. Painter-Decorator:**

Step	Hour Range or competency step	Percentage of journey-level wage rate*
<b>1</b>	<b>0 - 6 months/ minimum of 750 hours</b>	<b>70%</b>
<b>2</b>	<b>7 - 12 months/minimum of 750 hours</b>	<b>72%</b>
<b>3</b>	<b>13 - 18 months/minimum of 750</b>	<b>74%</b>
<b>4</b>	<b>19 - 24 months/minimum of 750</b>	<b>76%</b>

**WESTERN WASHINGTON PAINTING APPRENTICESHIP**

<b>5</b>	<b>25 - 30 months/minimum of 750</b>	<b>78%</b>
<b>6</b>	<b>31 - 36 months/minimum of 750</b>	<b>80%</b>

**2. Traffic Control Painter:**

Step	Hour Range or competency step	Percentage of journey-level wage rate*
<b>1</b>	<b>0000 - 1166 hours</b>	<b>60%</b>
<b>2</b>	<b>1167 - 2333 hours</b>	<b>65%</b>
<b>3</b>	<b>2334 - 3499 hours</b>	<b>75%</b>
<b>4</b>	<b>3500 - 4666 hours</b>	<b>85%</b>
<b>5</b>	<b>4667 - 5833 hours</b>	<b>90%</b>
<b>6</b>	<b>5834 - 7000 hours</b>	<b>95%</b>

**3. Equipment Painter:**

Step	Hour Range or competency step	Percentage of journey-level wage rate*
<b>1</b>	<b>0 - 6 months/ minimum of 750 hours</b>	<b>50%</b>
<b>2</b>	<b>7 - 12 months/minimum of 750 hours</b>	<b>55%</b>
<b>3</b>	<b>13 - 18 months/minimum of 750 hours</b>	<b>65%</b>
<b>4</b>	<b>19 - 24 months/minimum of 750 hours</b>	<b>75%</b>
<b>5</b>	<b>25 - 30 months/minimum of 750 hours</b>	<b>85%</b>
<b>6</b>	<b>31 - 36 months/minimum of 750 hours</b>	<b>90%</b>

**4. Environmental Control Painter**

Step	Hour Range or competency step	Percentage of journey-level wage rate*
<b>1</b>	<b>0 - 6 months</b>	<b>50%</b>
<b>2</b>	<b>7 - 12 months</b>	<b>60%</b>
<b>3</b>	<b>13 - 18 months</b>	<b>75%</b>
<b>4</b>	<b>19 - 24 months</b>	<b>90%</b>

**5. Marine/Industrial/Coating and Lining Specialist Painter**

Step	Hour Range or competency step	Percentage of journey-level wage rate*
<b>1</b>	<b>0 - 6 months / minimum of 750 hours</b>	<b>70%</b>
<b>2</b>	<b>7 - 12 months / minimum of 750 hours</b>	<b>72%</b>
<b>3</b>	<b>13 - 18 months / minimum of 750 hours</b>	<b>74%</b>
<b>4</b>	<b>19 - 24 months / minimum of 750 hours</b>	<b>76%</b>
<b>5</b>	<b>25 - 30 months / minimum of 750 hours</b>	<b>78%</b>
<b>6</b>	<b>31 - 36 months / minimum of 750 hours</b>	<b>80%</b>

**WESTERN WASHINGTON PAINTING APPRENTICESHIP**

**VIII. WORK PROCESSES:**

The apprentice shall receive on the job instruction and work experience as is necessary to become a qualified journey-level worker versed in the theory and practice of the occupation covered by these standards. The following is a condensed schedule of work experience, which every apprentice shall follow as closely as conditions will permit. The following work process descriptions pertain to the occupation being defined.

**A. Environmental Control Painter: Approximate Hours**

- 1. **Emergency repairs ..... 500**
- 2. **Application ..... 1000**
- 3. **Enclosure systems ..... 200**
- 4. **Removal..... 1000**
- 5. **Monitoring..... 200**
- 6. **Operation and care of tools and equipment..... 500**
- 7. **Personal protective equipment ..... 200**
- 8. **Regulations and safety ..... 200**
- 9. **Health ..... 200**

**TOTAL HOURS: 4000**

**B. Equipment Painter: Approximate Hours**

- 1. **Preparation of surfaces ..... 500**
- 2. **Operation, care of tools, equipment and materials..... 500**
- 3. **Application ..... 2000**
- 4. **Color mixing and detailing ..... 800**
- 5. **Spray painting systems ..... 1000**
- 6. **Rubbing and polishing..... 1000**
- 7. **Safety and Health..... 200**

**TOTAL HOURS: 6000**

**WESTERN WASHINGTON PAINTING APPRENTICESHIP**

**C. Marine/Industrial/Coating and Lining Specialist Painter:      Approximate Hours**

The Marine/Industrial/Coating and Lining Specialist Painter apprentice shall receive such instruction and experience in all branches of the trade, including the preparation of a practical and skilled mechanic versed in the theory and practice of the marine painting trade. They shall also perform such other duties in the shop and on the job as are commonly related to the marine painting trade. The following work schedule shall include, but not be limited to, the outline shown. It is to be used as a guide and will be followed as closely as local conditions will permit, on which the Training Committee will make decisions in order for the trainee to be eligible for a Certificate of Completion.

1. Corrosion/substrate Analysis, Materials Set-up .....	100
2. Non-Physical Contact Cleaning, Pressure Washing, Chemical & Steam Cleaning .....	200
3. Mechanical Surface Cleaning, Hand & Power Cleaning.....	100
4. Safety & Health for the Marine/Ind Painter .....	400
5. Containment and Ventilation Equipment Set-up .....	200
6. Abrasive Blasting Set-up, Pot Tending, Equipment .....	400
7. Abrasive Blasting .....	1100
8. Centrifugal & Track Blasting, Deck Blasting .....	100
9. High Pressure Water Jetting, Related Surface Preparation .....	200
10. Coating Preparation, Material Handling, Mixing .....	200
11. Coating Application, Non-Spray, Brush & Roller, Stripping .....	800
12. Spray Application .....	1100
13. Plural Components Spraying Application, Specialty Coatings.....	400
14. Coating Inspection & Quality Control.....	200
15. Equipment Operation, Maintenance & Repair .....	200
16. Waste Management, Emergency Response Set-up .....	300
<b>TOTAL HOURS:</b>	<b>6000</b>

**WESTERN WASHINGTON PAINTING APPRENTICESHIP**

<b><u>D. Painter-Decorator:</u></b>	<b><u>Approximate Hours</u></b>
1. Architectural Substrate Preparation, Interior & Exterior.....	1000
2. Architectural Paint Application, Non-Spray, Interior & Exterior .....	1000
3. Industrial Substrate Preparation, Abrasive Blasting & Cleaning .....	200
4. Industrial Coating Application, Non-Spray, Floor Coatings .....	200
5. Scaffold Rigging/Assembly, Ladders, Aerial Lift Operation .....	400
6. Spray Painting, Int. & Ext., Architectural & Industrial .....	1000
7. Wood Finishes and Restoration.....	500
8. Wall Covering .....	400
9. Substrate Repair, Interior, Architectural .....	600
10. Decorative Finishes, Special Coatings Application.....	400
11. Maintenance of Tools & Equipment .....	300
<b>TOTAL HOURS:</b>	<b>6000</b>

<b><u>E. Traffic Control Painter:</u></b>	<b><u>Approximate Hours</u></b>
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A condensed schedule of the major divisions of the trade in which the Traffic Control Painter apprentice shall receive work experience follows:

1. Traffic control, working in traffic .....	800
2. Preparation of surfaces, asphalt, concrete, extruded.....	800
3. Layout.....	1000
4. Materials used in traffic control painting .....	400
5. Operation of tools and equipment .....	1000
6. Maintenance of equipment .....	300

**WESTERN WASHINGTON PAINTING APPRENTICESHIP**

7. Application, interior and exterior .....	2000
8. Miscellaneous, curbs, stenciling.....	700
<b>TOTAL HOURS:</b>	<b>7000</b>

**IX. RELATED/SUPPLEMENTAL INSTRUCTION:**

The apprentice must attend related/supplemental instruction (RSI). Time spent in RSI shall not be considered as hours of work and the apprentice is not required to be paid.

RSI must be provided in safe and healthy conditions as required by the Washington Industrial Safety and Health Act and applicable federal and state regulations.

Hours spent in RSI are reported to L&I each quarter. Reports must show which hours are unpaid and supervised by a competent instructor versus all other hours (paid and/or unsupervised) for industrial insurance purposes.

For purposes of coverage under the Industrial Insurance Act, the WSATC is an employer and the apprentice is an employee when an unpaid, supervised apprentice is injured while under the direction of a competent instructor and participating in RSI activities.

If apprentices do not attend required RSI, they may be subject to disciplinary action by the sponsor.

A. The methods of related/supplemental training must be indicated below (check those that apply):

- Supervised field trips
- Sponsor approved training seminars (specify)
- Sponsor approved online or distance learning courses (specify)
- State Community/Technical college
- Private Technical/Vocational college
- Sponsor Provided (lab/classroom)
- Other (specify):

B. **144** Minimum RSI hours per year defined per the following [see WAC 296-05-015(6)]:

- Twelve-month period from date of registration.\*

## WESTERN WASHINGTON PAINTING APPRENTICESHIP

- ( ) Defined twelve-month school year: **(insert month)** through **(insert month)**.
- ( ) Two-thousand hours of on the job training.

*\*If no selection is indicated above, the WSATC will define RSI hours per twelve-month period from date of registration.*

### C. Additional Information:

- 1. The Apprenticeship Committee recommends that the course for painting and decorating and traffic control painter apprentices be limited to those who are actually apprentices in the painting, decorating and traffic control painter trades, in accordance with these Standards.**
- 2. The Painter Decorator shall, if the schedule permits, receive related/supplemental instruction in spray guns and swing stage within the first year.**
- 3. Registered Apprentices will be provided a minimum of 144 hours of RSI per year, up to a total of 432 hours for Equipment Painter and Painter-Decorator, up to a total of 504 hours for Traffic Control Painter and up to a total of 576 hours for the Marine/Industrial/Coating and Lining Specialist Painter; over the course of their apprenticeship.**
- 4. To graduate, Registered Apprentices shall pass a journey level test or evaluation, as specified by the JATC.**

## **X. ADMINISTRATIVE/DISCIPLINARY PROCEDURES:**

### A. Administrative Procedures:

The sponsor may include in this section a summary and explanation of administrative actions performed at the request or on the behalf of the apprentice. Such actions may include but are not limited to:

- 1. Voluntary Suspension:** A temporary interruption in progress of an individual's apprenticeship agreement at the request of the apprentice and granted by the sponsor. The program sponsor shall review apprentices in suspended status at least once each year to determine if the suspension is still appropriate.
- 2. Advanced Standing or Credit:** The sponsor may provide for advanced standing or credit for demonstrated competency, acquired experience, training or education in or related to the occupation. All sponsors need to ensure a fair and equitable process is applied to all apprentices seeking advanced standing or credit per WAC 296-05-015(11).

## WESTERN WASHINGTON PAINTING APPRENTICESHIP

### 3. Sponsor Procedures:

- A. Apprentices employed under these standards are required to apply themselves with diligence to the various assigned tasks. They are to protect the property and interest of their employer and their coworkers. They are to conduct themselves at all times in a creditable manner, realizing that time, money, and effort are expended in affording them opportunity to become a skilled craftsman.**

### B. Disciplinary Procedures

1. The obligations of the sponsor when taking disciplinary action are as follows:
  - a. The sponsor shall be responsible for enacting reasonable policies and procedures and applying them consistently. The sponsor will inform all apprentices of their rights and responsibilities per these standards.
  - b. The sponsor shall notify the apprentice of intent to take disciplinary action and reasons therefore 20 calendar days prior to taking such action. The reason(s) supporting the sponsor's proposed action(s) must be sent in writing to the apprentice.
  - c. The sponsor must clearly identify the potential outcomes of disciplinary action, which may include but are not limited to discipline, suspension or cancellation of the apprenticeship agreement.
  - d. The decision/action of the sponsor will become effective immediately.
2. The sponsor may include in this section requirements and expectations of the apprentices and an explanation of disciplinary actions imposed for noncompliance. The sponsor has the following disciplinary procedures to adopt:
  - a. Disciplinary Probation: A time assessed when the apprentice's progress is not satisfactory. During this time the sponsor may withhold periodic wage advancements, suspend or cancel the apprenticeship agreement, or take further disciplinary action. A disciplinary probation may only be assessed after the initial probation is complete.
  - b. Disciplinary Suspension: A temporary interruption in the progress of an individual's apprenticeship agreement. Conditions will include not being allowed to participate in On-the-Job Training (OJT), go to Related Supplemental Instruction (RSI) classes or take part in any activity related to the Apprenticeship Program until such time as the sponsor takes further action. The program sponsor shall review apprentices in such status at least once each year.

## WESTERN WASHINGTON PAINTING APPRENTICESHIP

- c. Cancellation: Refers to the termination of an apprenticeship agreement at the request of the apprentice, supervisor, or sponsor. [WAC 296-05-003].
3. Sponsor Disciplinary Procedures:
    - a. **Satisfactory progress must be maintained in related training classes. An apprentice will be called before the Apprenticeship Committee and may be disciplined, suspended, or canceled for the following:**
      - 1) **Not maintaining a passing grade.**
      - 2) **Missing more than 12 hours of class per quarter.**
      - 3) **Being more than three months tardy in turning in work progress records.**
      - 4) **Not working in the trade for more than six months.**
    - b. **Behavior problems while at school will be dealt with in a three-step process. First a documented verbal warning, then a written warning, and finally a mandatory appearance before the JATC. An apprentice may be disciplined, suspended, or canceled for refusing to correct behavior problems in class. Apprentices who assault or threaten instructors or staff will be suspended from school until they appear before the JATC. The JATC may discipline, suspend, or cancel an apprentice for threatening an instructor or staff person. The JATC will cancel an apprentice for assault on an instructor or staff person.**
    - c. **The W. WA Painters and Allied trades JATC has a zero tolerance drug policy. If an apprentice is found to be using, distributing, or possessing controlled substances or alcohol on campus, they will be immediately suspended from the program and will be asked to appear before the committee. Apprentices shall comply with applicable Federal, State, and Local regulations with respect to drugs, alcohol, and intoxicants during their work and training. Apprentices shall also comply with the Finishing Trades Institute Northwest Drug Policy as may be amended from time to time. Violations of applicable regulations or the Drug Policy may result in immediate suspension from the program with a request to appear before the committee.**
    - d. **An apprentice, canceled for non-compliance to policies of the JATC, may be restricted from being reinstated in the apprenticeship program for up to 16 months.**
- C. Apprentice Complaint Procedures:
    1. The apprentice must complete his/her initial probationary period in order to be eligible to file a complaint (WAC 296-05-105).

## WESTERN WASHINGTON PAINTING APPRENTICESHIP

2. Complaints involving matters covered by a collective bargaining agreement are not subject to the complaint procedures in this section.
3. Complaints regarding non-disciplinary matters must be filed with the program sponsor within 30 calendar days from the date of the last occurrence. Complaints must be in writing.
4. If the apprentice disagrees with the resolution of the complaint or wishes to contest the outcome of a disciplinary action by the program sponsor, the apprentice must file a written request for reconsideration with the program sponsor within 30 calendar days from the date the apprentice received written notice of action by the program sponsor.
5. The program sponsor must reply, in writing, to the request for reconsideration within 30 calendar days from the date the program sponsor receives the request. The program sponsor must send a copy of the written reply to the apprentice within the 30 calendar days.
6. If the apprentice disagrees with the program sponsor's decision, the apprentice may file an appeal with the Apprenticeship Program, (WAC 296-05-105). If the apprentice does not timely file an appeal, the decision of the program sponsor is final after 30 calendar days from the date the program sponsor mails the decision to the apprentice. See section "D" below.

### D. Apprentice Complaint Review/Appeals Procedures:

1. If the apprentice disagrees with the program sponsor's decision, the apprentice must submit a written appeal to L&I's apprenticeship section within 30 calendar days from the date the decision is mailed by the program sponsor. Appeals must describe the subject matter in detail and include a copy of the program sponsor's decision.
2. The L&I apprenticeship section will complete its investigation within 30 business days from the date the appeal is received and attempt to resolve the matter.
3. If the Apprenticeship section is unable to resolve the matter within 30 business days, the Apprenticeship section issues a written decision resolving the appeal.
4. If the apprentice or sponsor is dissatisfied with L&I's decision, either party may request the WSATC review the decision. Requests for review to the WSATC must be in writing. Requests for review must be filed within 30 calendar days from the date the decision is mailed to the parties.
5. The WSATC will conduct an informal hearing to consider the request for review.
6. The WSATC will issue a written decision resolving the request for review. All parties will receive a copy of the WSATC's written decision.

## WESTERN WASHINGTON PAINTING APPRENTICESHIP

### **XI. SPONSOR – RESPONSIBILITIES AND GOVERNING STRUCTURE**

The following is an overview of the requirements associated with administering an apprenticeship program. These provisions are to be used with the corresponding RCW and/or WAC. The sponsor is the policymaking and administrative body responsible for the operation and success of this apprenticeship program. The sponsor may assign an administrator or a committee to be responsible for day-to-day operations of the apprenticeship program. Administrators and/or committee members must be knowledgeable in the process of apprenticeship and/or the application of chapter 49.04 RCW and chapter 296-05 WAC and these standards. If applicable, sponsors must develop procedures for:

#### **A. Committee Operations (WAC 296-05-009): (Not applicable for Plant Programs)**

Apprenticeship committees must be composed of an equal number of management and non-management representatives from a minimum of four to a maximum of twelve members. Committees must convene meetings at least three times per year attended by a quorum of committee members as defined in these approved standards.

#### **B. Program Operations:**

The sponsor will record and maintain records pertaining to the administration of the apprenticeship program and make them available to the WSATC or Department upon request. Records required by WAC 296-05-100 will be maintained for five (5) years; all other records will be maintained for three (3) years. Apprenticeship sponsors will submit required forms/reports to the Department of Labor and Industries through one of the two prescribed methods below:

Sponsors shall submit required forms/reports through assigned state apprenticeship consultant. Forms may be obtained through the programs assigned apprenticeship consultant.

Sponsors shall submit required reports through the Apprentice Registration and Tracking System (ARTS).

1. The following is a listing of forms/reports for the administration of apprenticeship programs and the time-frames in which they must be submitted:
  - a. Apprenticeship Agreements – within first 30 days of employment
  - b. Authorization of Signature forms - as necessary
  - c. Approved Training Agent Agreements– within 30 days of sponsor action
  - d. Minutes of Apprenticeship Committee Meetings – within 30 days of sponsor approval (not required for Plant program)

## WESTERN WASHINGTON PAINTING APPRENTICESHIP

- e. Request for Change of Status - Apprenticeship/Training Agreement and Training Agents forms – within 30 days of action by sponsor.
  - f. Journey Level Wage Rate – annually, or whenever changed as an addendum to section VII. Apprentice Wages and Wage Progression.
  - g. Related Supplemental Instruction (RSI) Hours Reports (Quarterly):
    - 1st quarter: January through March, due by April 10
    - 2nd quarter: April through June, due by July 10
    - 3rd quarter: July through September, due by October 10
    - 4th quarter: October through December, due by January 10
  - h. On-the-Job Work Hours Reports (bi-annual)
    - 1st half: January through June, by July 30
    - 2nd half: July through December, by January 31
2. The program sponsor will adopt, as necessary, local program rules or policies to administer the apprenticeship program in compliance with these standards. Requests for revision to these standards of apprenticeship must be submitted 45 calendar days prior to a quarterly WSATC meeting. The Department of Labor and Industries, Apprenticeship Section’s manager may administratively approve requests for revisions in the following areas of the standards:
- a. Program name
  - b. Sponsor’s introductory statement
  - c. Section III: Conduct of Program Under Washington Equal Employment Opportunity Plan
  - d. Section VII: Apprentice Wages and Wage Progression
  - e. Section IX: Related/Supplemental Instruction
  - f. Section XI: Sponsor – Responsibilities and Governing Structure
  - g. Section XII: Subcommittees
  - h. Section XIII: Training Director/Coordinator
3. The sponsor will utilize competent instructors as defined in WAC 296-05-003 for RSI. Furthermore, the sponsor will ensure each instructor has training in teaching techniques and adult learning styles, which may occur before or within one year after the apprenticeship instructor has started to provide instruction.

### C. Management of Apprentices:

1. Each apprentice (and, if under 18 years of age, the parent or guardian) will sign an apprenticeship agreement with the sponsor, who will then register the agreement with the Department before the apprentice attends RSI classes, or within the first 30 days of employment as an apprentice. For the purposes of industrial insurance coverage and prevailing wage exemption under RCW 39.12.021, the effective date of registration will be the date the agreement is received by the Department.
2. The sponsor must notify the Department within 30 days of all requests for disposition or modification to apprentice agreements, which may include:

## WESTERN WASHINGTON PAINTING APPRENTICESHIP

- a) Certificate of completion
  - b) Additional credit
  - c) Suspension (i.e. military service or other)
  - d) Reinstatement
  - e) Cancellation
  - f) Corrections
  - g) Step Upgrades
  - h) Probation Completion date
  - i) Other (i.e., name changes, address)
  - j) Training Agent Cancellation
3. The sponsor commits to rotate apprentices in the various processes of the skilled occupation to ensure the apprentice is trained to be a competent journey-level worker.
  4. The sponsor shall periodically review and evaluate apprentices before advancement to the apprentice's next wage progression period. The evidence of such advancement will be the record of the apprentice's progress on the job and during related/supplemental instruction.
  5. The sponsor has the obligation and responsibility to provide, insofar as possible, reasonably continuous employment for all apprentices in the program. The sponsor may arrange to transfer an apprentice from one training agent to another or to another program when the sponsor is unable to provide reasonably continuous employment, or they are unable to provide apprentices the diversity of experience necessary for training and experience in the various work processes as stated in these standards. The new training agent will assume all the terms and conditions of these standards. If, for any reason, a layoff of an apprentice occurs, the apprenticeship agreement will remain in effect unless canceled by the sponsor.
  6. An apprentice who is unable to perform the on-the-job portion of apprenticeship training may, if the apprentice so requests and the sponsor approves, participate in related/supplemental instruction, subject to the apprentice obtaining and providing to the sponsor written requested document/s for such participation. However, time spent will not be applied toward the on-the-job portion of apprenticeship training.
  7. The sponsor shall hear and decide all complaints of violations of apprenticeship agreements.
  8. Upon successful completion of apprenticeship, as provided in these standards, and passing the examination that the sponsor may require, the sponsor will recommend the WSATC award a Certificate of Completion of Apprenticeship. The sponsor will make an official presentation to the apprentice who has successfully completed his/her term of apprenticeship.

## WESTERN WASHINGTON PAINTING APPRENTICESHIP

### D. Training Agent Management:

1. The sponsor shall offer training opportunities for apprentices by ensuring reasonable and equal working and training conditions are applied uniformly to all apprentices. The sponsor shall provide training at an equivalent cost to that paid by other employers and apprentices participating in the program. The sponsor shall not require an employer to sign a collective bargaining agreement as a condition of participation.
2. The sponsor must determine whether an employer can adequately furnish proper on the job training to an apprentice in accordance with these standards. The sponsor must also require any employer requesting approved training status to complete an approved training agent agreement and to comply with all federal and state apprenticeship laws, and these standards.
3. The sponsor will submit training agent agreements to the Department with a copy of the agreement and/or the list of approved training agents within thirty calendar days from the effective date. Additionally, the sponsor must submit rescinded training agent agreements to the Department within thirty calendar days of said action.

### E. Committee governance (if applicable): (see WAC 296-05-009)

1. Apprenticeship committees shall elect a chairperson and a secretary who shall be from opposite interest groups, i.e., chairperson-employers; secretary-employees, or vice versa. If the committee does not indicate its definition of quorum, the interpretation will be "50% plus 1" of the approved committee members. The sponsor must also provide the following information:
  - a. **Quorum: A quorum must be present to carry on the regular business of the committee. A quorum shall consist of one (1) member representing management and one (1) member representing labor. The unit vote system shall prevail.**

**Note, as needed, a meeting called for traffic control painter business shall only address traffic control business and no other program business.**

- b. Program type administered by the committee: **GROUP JOINT**
- c. The employer representatives shall be:

**Troy Jacobson, Chair  
1115 N. 97<sup>th</sup> Street  
Seattle, WA 98103**

**Dale Bethel  
BMP Inc.  
1922 Airport Way S  
Seattle, WA 98134**

**WESTERN WASHINGTON PAINTING APPRENTICESHIP**

**Todd Fauchald  
21414 68<sup>th</sup> Avenue S  
Kent, WA 98032**

**Dave Bennett  
175 Roy Road SW, Building C  
Pacific, WA 98047**

**Clint Nold  
Sabelhaus West Inc.  
10880 Old Frontier Road NW  
Silverdale, WA 98383**

**Michael Cassidy, Alternate  
Long Painting Co.  
PO Box C-81435  
Seattle, WA 98108**

d. The employee representatives shall be:

**Anthony Thompson, Secretary  
6770 E Marginal Way S Bldg. E  
Suite 102  
Seattle, WA 98108**

**Karl Matson  
6770 E Marginal Way S Bldg. E  
Suite 102  
Seattle, WA 98108**

**Toby Hoffman  
6770 E Marginal Way S Bldg. E  
Suite 102  
Seattle, WA 98108**

**Cynthia Grant  
6770 E Marginal Way S Bldg. E  
Suite 102  
Seattle, WA 98108**

**Joseph Schloer  
6770 E Marginal Way S Bldg. E  
Suite 102  
Seattle, WA 98108**

**Chris Winters, Alternate  
6770 E Marginal Way S Bldg. E  
Suite 102  
Seattle, WA 98108**

F. Plant programs

For plant programs the WSATC or the Department designee will act as the apprentice representative. Plant programs shall designate an administrator(s) knowledgeable in the process of apprenticeship and/or the application of chapter 49.04 RCW and chapter 296-05 WAC and these standards.

The designated administrator(s) for this program is/are as follows:

N/A

**XII. SUBCOMMITTEE:**

Subcommittee(s) approved by the Department, represented equally from management and non-management, may also be established under these standards, and are subject to the main committee. All actions of the subcommittee(s) must be reviewed by the main committee. Subcommittees authorized to upgrade apprentices and/or conduct

## **WESTERN WASHINGTON PAINTING APPRENTICESHIP**

disciplinary actions must be structured according to the same requirements for main committees.

**NONE**

### **XIII. TRAINING DIRECTOR/COORDINATOR:**

The sponsor may employ a person(s) as a full or part-time training coordinator(s)/ training director(s). This person(s) will assume responsibilities and authority for the operation of the program as are delegated by the sponsor.

**Sarah Swarthout, Director of Training**  
**6770 E. Marginal Way S., Bldg E**  
**Suite 102**  
**Seattle, WA 98108**

**Gary David Jones, Coordinator**  
**6770 E. Marginal Way S., Bldg E**  
**Suite 102**  
**Seattle, WA 98108**



APPRENTICESHIP PROGRAM STANDARDS
adopted by

WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE

(sponsor name)

Table with 3 columns: Occupational Objective(s), SOC#, and Term [WAC 296-05-015]. Rows include CEMENT MASON AREA 1 and CEMENT MASON AREA 2.



APPROVED BY
Washington State Apprenticeship and Training Council
REGISTERED WITH
Apprenticeship Section of Fraud Prevention and Labor Standards

APPROVAL:

N/A
Provisional Registration

JANUARY 20, 2022
Standards Last Amended

JANUARY 20 1941
Permanent Registration

By: ED KOMMERS
Chair of Council

By: CELESTE MONAHAN
Secretary of Council

# WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE

## INTRODUCTION

This document is an apprenticeship program standard. Apprenticeship program standards govern how an apprenticeship works and have specific requirements. This document will explain the requirements.

The director of the Department of Labor and Industries (L&I) appoints the Washington State Apprenticeship and Training Council (WSATC) to regulate apprenticeship program standards. The director appoints and deputizes an assistant director to be known as the supervisor of apprenticeship who oversees administrative functions through the apprenticeship section at the department.

The WSATC is the sole regulatory body for apprenticeship standards in Washington. It approves, administers, and enforces apprenticeship standards, and recognizes apprentices when either registered with L&I's apprenticeship section, or under the terms and conditions of a reciprocal agreement. WSATC also must approve any changes to apprenticeship program standards.

Apprenticeship programs have sponsors. A sponsor operates an apprenticeship program and declares their purpose and policy herein to establish an organized system of registered apprenticeship education and training. The sponsor recognizes WSATC authority to regulate and will submit a revision request to the WSATC when making changes to an apprenticeship program standard.

Apprenticeships are governed by federal law (29 U.S.C 50), federal regulations (29 CFR Part 29 & 30), state law (49.04 RCW) and administrative rules (WAC 296-05). These standards conform to all of the above and are read together with federal and state laws and rules

Standards are changed with WSATC approval. Changes are binding on apprentices, sponsors, training agents, and anyone else working under an agreement governed by the standards. Sponsors may have to maintain additional information as supplemental to these standards. When a standard is changed, sponsors are required to notify apprentices and training agents. If changes in federal or state law make any part of these standards illegal, the remaining parts are still valid and remain in force. Only the part made illegal by changes in law is invalid. L&I and the WSATC may cooperate to make corrections to the standards if necessary to administer the standards.

Sections of these standards identified as bold "insert text" fields are specific to the individual program standards and may be modified by a sponsor submitting a revised standard for approval by the WSATC. All other sections of these standards are boilerplate and may only be modified by the WSATC. See WAC 296-05-003 for the definitions necessary for use with these standards.

Sponsor Introductory Statement (Required):

**The following Standards for the development of cement mason apprentices, with supplements pertaining to the necessary work experience of the trade and a progressive**

## WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE

wage scale will, when approved by and registered with the Registration Agency, govern the training of apprentices in this industry.

### **I. GEOGRAPHIC AREA COVERED:**

The sponsor must train inside the area covered by these standards. If the sponsor wants to train outside the area covered by these standards, the sponsor must enter a portability agreement with a sponsor outside the area, and provide evidence of such an agreement for compliance purposes. Portability agreements permit training agents to use apprentices outside the area covered by the standards. Portability agreements are governed by WAC 296-05-009.

**The areas covered by these Standards are:**

**Area 1: The Counties of Clallam, Columbia, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Klickitat, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum, and Whatcom.**

**Area 2: The Counties of Benton, Chelan, Douglas, Franklin, the portion of Okanogan county with a 5-mile radius of Grand Coulee dam, Walla Walla, Yakima, Adams, Asotin, Ferry, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman in the State of Washington. Also these standards will cover Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Pierce, Shoshone, the northern one-half of Idaho County in the State of Idaho, and all counties in the State of Montana.**

**Applicants and apprentices please note that while the State of Washington has no responsibility or authority in the States of Idaho and Montana, the JATC will apply the same standards and guidelines to apprentices registered in the program while working in the Idaho counties of Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Pierce, Shoshone, the northern one-half of Idaho county, and all counties in the State of Montana.**

### **II. MINIMUM QUALIFICATIONS:**

Minimum qualifications must be clearly stated and applied in a nondiscriminatory manner [WAC 296-05-015(17)].

Age: **Minimum age is 18 years**

Education: **Must be a high school graduate or equivalent.**

Physical: **Must be physically capable of performing all phases of the trade with or without reasonable accommodations.**

**WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE**

Testing: NONE

- Other:
1. Valid driver license
  2. Social Security card or other proof of I-9 employment status.
  3. Pass a swab drug test and if the results are inconclusive, pass a urinalysis drug test.

**III. CONDUCT OF PROGRAM UNDER WASHINGTON EQUAL EMPLOYMENT OPPORTUNITY PLAN:**

Sponsors with five (5) or more apprentices must adopt an Equal Employment Opportunity (EEO) Plan and Selection Procedure (chapter 296-05 WAC and 29 CFR Part 30).

The recruitment, selection, employment and training of apprentices during their apprenticeship shall be without discrimination because of race, sex (including pregnancy and gender identity), sexual orientation, color, religion, national origin, age, genetic information, disability or as otherwise specified by law. The sponsor shall take positive action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required by the rules of the Washington State Apprenticeship and Training Council and Title 29, Part 30 of the Code of Federal Regulations.

A. Selection Procedures:

1. Applications can be obtained on our webpage [www.cmpltraining.org](http://www.cmpltraining.org) or by requesting an application by email; [concretetraining@trowelout.org](mailto:concretetraining@trowelout.org)

**Area 1**

**Western Washington  
Cement Masons & Plasterers Training Centers of Washington  
6737 Corson Ave S D116  
Seattle, WA 98108  
(206) 762-986**

**Area 2**

**Eastern Washington, Northern Idaho, Montana  
OPCMIA Local 72  
3223 N Market Street  
Spokane, WA 99207  
(509) 326-0575**

**Complete Applications should be submitted by mail or email to:**

**Cement Masons and Plasterers Training Centers of Washington  
PO Box 81044  
Seattle, WA 98108  
Email: [concretetraining@trowelout.org](mailto:concretetraining@trowelout.org)**

## WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE

In order for an application to be considered complete, the applicant must submit the following documentation in addition to the application:

- Copy of Driver License
- Documentation that demonstrates completion of high school or equivalent (e.g. high school diploma, transcript or G.E.D. certificate)
- Copy of Social Security Card or other proof of I-9 employment status

Returned applications shall be placed on a list in order of their receipt.

2. The JATC recognizes two distinct areas within the state for separate ranked eligibility lists. Indication on the application will determine which eligibility list an applicant is placed on.

Area 1: Western Washington

Area 2: Central Washington, Eastern Washington/Northern Idaho/Montana

3. The Apprenticeship Committee shall determine the schedule for physical assessment dates based on demand for apprentices in their geographical area consistent with ensuring continuous employment. The Apprenticeship Committee will notify applicants of the date and time of their physical assessment. Notification will be emailed 15 days in advance. If an applicant does not have an email address, then a written notice will be sent.

Those who apply after the current notice will be notified of the following scheduled physical assessment.

4. The day of the physical assessment, each applicant will be assigned their number off the applicant log. Their names will not be used during their assessment. For affirmative action purposes, additional points may be awarded. The top scorers will be used to fill the number of positions pre-determined by the Apprenticeship Committee. Those not selected will be notified 30 days in advance of the next assessment and selection date.
5. The Coordinator will have the discretion to advance applicants on the eligibility list in order to meet EEO requirements.
6. Those who fail to appear for assessment will be removed from the eligibility list unless they contact the Apprenticeship Office and request to be retained on the list of applicants for the next assessment event.
7. Selected applicants shall attend an 80 hour job readiness class. The class is Pass/Fail. A passing grade is required to become an apprentice. The guidelines are attendance, tardiness and participation. A drug test will be administered and must be passed to stay in the class. Although Marijuana is legal in the state of Washington, the presence of THC in drug screen results will be considered a positive finding for the purposes of acceptance into the

## WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE

apprenticeship. During this time, applicants with previous experience will be granted credit, as determined by the Coordinator and staff.

8. Applicants who successfully complete the job readiness class will be registered with the Apprenticeship Section of Washington State Labor & Industries.

9. **EXCEPTIONS:** (Direct Entry)

Applicants selected by one of the following methods must submit completed application form, meet minimum qualifications, and comply with ESL requirements of the program (see Section IX.C.). All applicants must also complete a drug screen with negative findings (condition of employment). Although Marijuana is legal in the state of Washington, the presence of THC in drug screen results will be considered a positive finding for the purposes of acceptance into the apprenticeship.

In all cases, the amount of credit given for previous work experience shall be determined by the Apprenticeship Committee after a careful review of the merits of each case.

a. Applicants who have completed one of the following programs may receive direct entry provided the applicant provides reliable documentation to substantiate successful completion of the program:

- (1) Operative Plasterers and Cement Masons International Association (OPCMIA) sponsored Job Corps program.
- (2) Youthbuild
- (3) Apprenticeship and Nontraditional Employment of Women (ANEW) pre-apprenticeship and trades rotation program.
- (4) Washington Building Trade's Pre-Apprenticeship Construction Education (PACE).
- (5) Washington Corrections Center for Women's Trades Related Apprenticeship Coaching (TRAC).
- (6) Seattle Vocational Institute's Pre-Apprenticeship Construction Training (SVI-PACT).
- (7) Spokane Training Partners (STP).
- (8) Bates Technical College Trade Occupations Opportunity Learning (TOOL) Center program.

b. Employees of participating employers who are promoted from another classification covered by the collective bargaining agreement to apprentice may receive direct entry status provided they Be employed by an approved training agent to these standards.

All minimum qualifications will be waived except the following:

- (1) Minimum age of 18 years

**WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE**

- (2) **Must be physically capable of performing all phases of the trade.**
- (3) **Must provide proof such as social security card to demonstrate eligible working status in U.S.**
- (4) **Complete a drug screen with negative results.**
- c. **Military veterans may be granted direct entry, provided they: Provide a copy of their DD-214, military discharge papers.**
- d. **Previously cancelled Apprentices may request direct entry into the program at their previous level. However, those terminated for cause must appear before the Apprenticeship Committee and provide satisfactory documentation that the conditions leading to their cancellation have been corrected. An Apprentice reentering the program will be evaluated by the Apprenticeship Committee and registered at the appropriate level based upon his/her knowledge, skills, and ability.**

**All minimum qualifications will be waived except the following:**

- (1) **Minimum age of 18 years.**
- (2) **Must be physically capable of performing all phases of the trade.**
- (3) **Must provide proof such as social security card to demonstrate eligible working status in the U.S.**
- (4) **Complete a drug screen with negative results.**
- e. **(Direct Entry) Registered Native Americans who have secured employment under a TERO project may receive direct entry into the apprenticeship, provided the employer is an Approved Training Agent to these Standards. Advanced placement credit will be given to those who complete the OPCMIA 12 week training program for Native Americans.**
- f. **An individual registered as an apprentice with a state apprenticeship council or US Department of Labor Office of Apprenticeship approved program in an occupation covered by the OPCMIA may receive direct entry (transfer) into the apprenticeship program. All minimum qualifications will be waived except for the following:**
  - (1) **Minimum age of 18 years.**
  - (2) **Must be physically capable of performing all phases of the trade.**
  - (3) **Must provide proof such as social security card to demonstrate eligible working status in the U.S.**
  - (4) **Complete a drug screen with negative results.**
- g. **Provided they have not previously been cancelled by the Washington Cement Masons Apprenticeship, an individual who is currently a member in another classification of an OPCMIA Local affiliated with the program, and who has not previously completed the apprenticeship, may be granted direct entry into the program at the apprenticeship level**

## WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE

recommended by the Apprenticeship Committee based on previous work experience.

All minimum qualifications will be waived except the following:

- (1) Minimum age of 18 years.
  - (2) Must be physically capable of performing all phases of the trade.
  - (3) Must provide proof such as social security card to demonstrate eligible working status in the U.S.
  - (4) Complete a drug screen with negative results.
- h. Applicants who have completed and passed a minimum of 2 weeks of structured Cement Masons JATC Pre-Apprenticeship Training may receive direct entry in the apprenticeship provided:
- (1) The applicant has passed a minimum qualification screening.
  - (2) The applicant completes and passes the Cement Masons JATC Pre-Apprenticeship Training Class.
- i. An employee of a non-signatory employer in the cement mason industry not qualifying as journey level who makes application as the result of organizing effort, whether or not the employer becomes signatory, shall be evaluated by the Apprenticeship Committee, and registered at the appropriate period of apprenticeship based on previous work experience and related training.

All minimum qualifications will be waived except the following:

- (1) Minimum age of 18 years.
- (2) Must be physically capable of performing all phases of the trade.
- (3) Must provide proof such as social security card to demonstrate eligible working status in the U.S.
- (4) Complete a drug screen with negative results.

### B. Equal Employment Opportunity Plan:

1. Participation in workshops, if available designed to familiarize all employment service agencies, school districts, and community based organizations with the apprenticeship system and current apprenticeship opportunities.
2. Disseminate information about the nature of apprenticeship programs, program admission requirements, current apprenticeship opportunities, sources of apprenticeship applications, and the equal opportunity policy of the sponsor.

## WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE

3. **Increase awareness of sponsor's equal opportunity policy within the sponsor's organization.**
4. **Use minority and women (minority and non-minority) journey level workers and apprentices to promote the affirmative action program.**
5. **Grant credit for previous trade experience or trade-related courses for all applicants equally.**

### C. Discrimination Complaints:

Any apprentice or applicant for apprenticeship who believes they have been discriminated against may file a complaint with the supervisor of apprenticeship (WAC 296-05-443).

## **IV. TERM OF APPRENTICESHIP:**

The term of apprenticeship for an individual apprentice may be measured through the completion of the industry standard for on-the-job learning (at least two thousand hours) (time-based approach), the attainment of competency (competency-based approach), or a blend of the time-based and competency-based approaches (hybrid approach) [WAC 296-05-015].

### **Areas 1 and 2:**

**The term of apprenticeship shall be 6400 hours of reasonably continuous employment, and not less than four (4) years.**

## **V. INITIAL PROBATIONARY PERIOD:**

An initial probationary period applies to all apprentices, unless the apprentice has transferred from another program. During an initial probationary period, an apprentice can be discharged without appeal rights. An initial probationary period is stated in hours or competency steps of employment. The initial probationary period is not reduced by advanced credit or standing. During an initial probationary period, apprentices receive full credit for hours and competency steps toward completion of their apprenticeship. Transferred apprentices are not subject to additional initial probationary periods [WAC 296-05-003].

The initial probationary period is [WAC 296-05-015(22)]:

- A. the period following the apprentice's registration into the program. An initial probationary period must not be longer than twenty percent of the term of the entire apprenticeship, or longer than a year from the date the apprenticeship is registered. The WSATC can grant exemptions for longer initial probationary periods if required by law.

## WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE

- B. the period in which the WSATC or the supervisor of apprenticeship may terminate an apprenticeship agreement at the written request by any affected party. The sponsor or the apprentice may terminate the agreement without a hearing or stated cause. An appeal process is not available to apprentices in their initial probationary period.

### Area 1 &2:

1. **All apprentices employed in accordance with these standards shall be subject to a probationary period not exceeding the first 1080 hours of the term of apprenticeship.**

## VI. RATIO OF APPRENTICES TO JOURNEY LEVEL WORKERS

Supervision is the necessary education, assistance, and control provided by a journey-level employee on the same job site at least seventy-five percent of each working day, unless otherwise approved by the WSATC. Sponsors ensure apprentices are supervised by competent, qualified journey-level employees. Journey level-employees are responsible for the work apprentices perform, in order to promote the safety, health, and education of the apprentice.

- A. The journey-level employee must be of the same apprenticeable occupation as the apprentice they are supervising unless otherwise allowed by the Revised Code of Washington (RCW) or the Washington Administrative Code (WAC) and approved by the WSATC.
- B. The numeric ratio of apprentices to journey-level employees may not exceed one apprentice per journey-level worker [WAC 296-05-015(5)].
- C. Apprentices will work the same hours as journey-level workers, except when such hours may interfere with related/supplemental instruction.
- D. Any variance to the rules and/or policies stated in this section must be approved by the WSATC.
- E. The ratio must be described in a specific and clear manner, as to the application in terms of job site, work group, department or plant:

**Approved training agents of these standards shall employ a minimum of one (1) apprentice for every four (4) journey level workers employed on the job site.**

**The minimum ratio of Journey-level workers to apprentices shall be 1 to 1.**

**WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE**

**VII. APPRENTICE WAGES AND WAGE PROGRESSION:**

- A. Apprentices must be paid at least Washington’s minimum wage, unless a local ordinance or a collective bargaining agreement require a higher wage. Apprentices must be paid according to a progressively increasing wage scale. The wage scale for apprentices is based on the specified journey-level wage for their occupation. Wage increases are based on hours worked or competencies attained. The sponsor determines wage increases. Sponsors must submit the journey-level wage at least annually or whenever changed to the department as an addendum to these standards. Journey-level wage reports may be submitted on a form provided by the department. Apprentices and others should contact the sponsor or the Department for the most recent Journey-level wage rate.
  
- B. Sponsors can grant advanced standing, and grant a wage increase, when apprentices demonstrate abilities and mastery of their occupation. When advanced standing is granted, the sponsor notifies the employer/training agent of the wage increase the apprenticeship program standard requires.
  
- C. Wage Progression Schedules

**All Area 1. There must be a minimum of 6 months time elapsed and 900 hours of OJT between promotions.**

Step	Hour Range or competency step	Percentage of journey-level wage rate*
<b>1</b>	<b>0000 - 0900 hours/0 - 6 months</b>	<b>60%</b>
<b>2</b>	<b>0901 - 1800 hours/7 - 12 months</b>	<b>65%</b>
<b>3</b>	<b>1801 - 2700 hours/13 - 18 months</b>	<b>70%</b>
<b>4</b>	<b>2701 - 3600 hours/19 - 24 months</b>	<b>80%</b>
<b>5</b>	<b>3601 - 4500 hours/25 - 30 months</b>	<b>90%</b>
<b>6</b>	<b>4501 - 5400 hours/31 - 36 months</b>	<b>95%</b>
<b>7</b>	<b>5401 - 6400 hours/37 - 48 months</b>	<b>95%</b>

**All Area 2. There must be a minimum of 12 months time elapsed and 1600 hours of OJT between promotions.**

Step	Hour Range or competency step	Percentage of journey-level wage rate*
<b>1</b>	<b>0000 - 1600 hours/0-12 months</b>	<b>60%</b>
<b>2</b>	<b>1601 - 3200 hours/13-24 months</b>	<b>70%</b>
<b>3</b>	<b>3201 - 4800 hours/25-36 months</b>	<b>80%</b>
<b>4</b>	<b>4801 - 6400 hours/37-48 months</b>	<b>90%</b>

**WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE**

**All Areas:**

**All classifications for premium wages shall be paid at 100% to those apprentices working in any one of those premium wage classifications.**

**VIII. WORK PROCESSES:**

The apprentice shall receive on the job instruction and work experience as is necessary to become a qualified journey-level worker versed in the theory and practice of the occupation covered by these standards. The following is a condensed schedule of work experience, which every apprentice shall follow as closely as conditions will permit. The following work process descriptions pertain to the occupation being defined.

**A. Cement Mason (Areas 1 & 2) Approximate Hours/Competency Level**

**1. Paving.....2300**

- a. Ribbons and screeds
- b. Rodding
- c. Finishing
  - (1) Floating
  - (2) Edging
  - (3) Brushing
  - (4) Troweling (fresno or long handle)
  - (5) Joints and jointing
  - (6) Water and chemical curing
  - (7) Epoxy Grouting for Slip dowels and rebar
  - (8) Joint Sealing
- d. Curb and gutter
  - (1) Setting and lining forms
  - (2) Edging and brushing
- e. Paving float operation
- f. Pervious concrete
  - (1) Strike off, manual or mechanical
  - (2) Finish and compaction
  - (3) Curing

**2. Building.....1400**

- a. Ribbons - screeds
  - (1) Sidewalk
  - (2) Floors
  - (3) Concrete bases, precast, footings and concrete bases for wind, solar, geothermal and any other alternative energy sources.
- b. Rodding

**WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE**

- c. Finishing**
  - (1) Floating**
  - (2) Darbying**
  - (3) Troweling**
  - (4) Edging**
  - (5) Top application of color stone, dry shake and stain etc.**
  - (6) Water and chemical curing, and application of densifying materials and chemical solutions.**
  
- 3. Machine operation cement masons jurisdiction.....2700**
  - a. Machine operation**
    - (1) Troweling machines**
    - (2) Rodding machines**
    - (3) Grinders (smoothing and polishing concrete)**
    - (4) Saws and Joint Sealing (setup, control joints, decorative and preparation for repair)**
    - (5) Preparatory equipment (scabblers, scarifiers, chipping and brushing, shot and sand blasters, needle and other preparatory equipment)**
    - (6) Sanders (repair materials)**
  - b. Base and steps**
    - (1) Setting grounds and risers**
    - (2) Stripping steps**
    - (3) Facing - coving**
    - (4) Tread setting**
  - c. Sacking, patching, and skim coating**
  - d. Drypacking, concrete repair and structural reinforcement**
    - (1) Tie rods – rock pockets – grouting – post tension and structural repair**
    - (2) Window frames, etc.**
    - (3) Waterproofing, injection (epoxy and urethane), fiberwrap, (CFRP)**
  - e. Magnesite, mastic, plastic, epoxy, cementitious, synthetic, toppings, traffic coating, overlayment and underlaying and seamless composition floors**
    - (1) Wiring, setting screeds, joints, strips**
    - (2) Darbying**
    - (3) Cutting, filling, rodding, screeding by hand or walk behind equipment, traditionally done by Cement Masons, and compacting (Troweling Machine – as pertains to polishable overlayments)**
    - (4) Ragging**
    - (5) Priming and moisture mitigation systems**
    - (6) Troweling, squeeing and gauge rakes**
    - (7) Cove and step work**
    - (8) Wainscoting**

WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE

- (9) Sealers
- (10) Broadcast/Distribution of manufactured and natural aggregates by hand or walk behind equipment, traditionally done by Cement Masons
- (11) Smoothing, grinding, honing and polishing
- f. Gunite, Shotcrete, and slip form wall
  - (1) Nozzle work
  - (2) Finishing

TOTAL HOURS: 6400

**IX. RELATED/SUPPLEMENTAL INSTRUCTION:**

The apprentice must attend related/supplemental instruction (RSI). Time spent in RSI shall not be considered as hours of work and the apprentice is not required to be paid.

RSI must be provided in safe and healthy conditions as required by the Washington Industrial Safety and Health Act and applicable federal and state regulations.

Hours spent in RSI are reported to L&I each quarter. Reports must show which hours are unpaid and supervised by a competent instructor versus all other hours (paid and/or unsupervised) for industrial insurance purposes.

For purposes of coverage under the Industrial Insurance Act, the WSATC is an employer and the apprentice is an employee when an unpaid, supervised apprentice is injured while under the direction of a competent instructor and participating in RSI activities.

If apprentices do not attend required RSI, they may be subject to disciplinary action by the sponsor.

A. The methods of related/supplemental training must be indicated below (check those that apply):

Supervised field trips

Sponsor approved training seminars (specify): **Provided by vendors, manufacturers, and other industry experts as available.**

Sponsor approved online or distance learning courses (specify)

State Community/Technical College  
**Area 1 - South Seattle Community College, Georgetown Branch**  
**Area 2 - Spokane Community College**

Private Technical/Vocational college

**WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE**

Sponsor Provided (lab/classroom)

Other (specify):

B. **160** Minimum RSI hours per year defined per the following [see WAC 296-05-015(6)]:

Twelve-month period from date of registration.\*

Defined twelve-month school year: **September** through **August**.

Two-thousand hours of on the job training.

*\*If no selection is indicated above, the WSATC will define RSI hours per twelve-month period from date of registration.*

C. Additional Information:

1. **Failure on the part of the apprentice to show regular attendance at classes will be deemed sufficient cause for the Apprenticeship Committee or the Eastern WA/Northern ID Cement Masons Subcommittee to drop the apprentice from the entire system.**
2. **The Apprenticeship Committee will have the final say in selection of instructors for related classes.**
3. **Registered apprentices who have difficulty with English must take the Secondary Level English Proficiency (SLEP) test. Those who score less than 50 on the SLEP test must enroll in and regularly attend an ESL class. This requirement is in addition to regular classes.**
4. **In the event that an apprentice has completed all required RSI but has less than the required OJT, the apprentice will not be required to attend further classes unless otherwise directed by the Committee.**

(RSI Variance Approved 01/15/2015)

**X. ADMINISTRATIVE/DISCIPLINARY PROCEDURES:**

A. Administrative Procedures:

The sponsor may include in this section a summary and explanation of administrative actions performed at the request or on the behalf of the apprentice. Such actions may include but are not limited to:

1. Voluntary Suspension: A temporary interruption in progress of an individual's apprenticeship agreement at the request of the apprentice and granted by the sponsor.

## WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE

The program sponsor shall review apprentices in suspended status at least once each year to determine if the suspension is still appropriate.

2. Advanced Standing or Credit: The sponsor may provide for advanced standing or credit for demonstrated competency, acquired experience, training or education in or related to the occupation. All sponsors need to ensure a fair and equitable process is applied to all apprentices seeking advanced standing or credit per WAC 296-05-015(11).
3. Sponsor Procedures:
  - a. **Attendance for related/supplemental instruction is mandatory.**
    - 1) **The apprentice must notify the Coordinator about all absences.**
    - 2) **Sickness can be considered an acceptable excuse if a note from the doctor is provided, or the apprentice has also missed work.**
    - 3) **Work is not an excuse for missing class.**
    - 4) **All absences must be made up. An excused absence will not be used for citing to the Apprenticeship Committee or Subcommittee.**
  - b. **Monthly work progress reports must be turned in to the Coordinator by the 15th day of the following month.**
  - c. **Each apprentice must satisfactorily complete the written and hands-on testing described in their related/supplementary instructions before the apprentice is allowed to progress by percentage in the Apprenticeship program.**
  - d. **On-the-job training is mandatory. An apprentice is expected to be diligent in the pursuit of work.**
  - e. **Apprentices must be available for employment with approved Training Agents and accrue hours of On the Job training to progress through the term of apprenticeship.**

The Washington Cement Masons Apprenticeship Committee delegates all administrative and disciplinary responsibilities for apprentices working in Area 2 to the Eastern WA/Northern ID Cement Masons Subcommittee. The cancellation procedure policy of the subcommittee is subject to the approval of the "main" committee.

## WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE

### B. Disciplinary Procedures

1. The obligations of the sponsor when taking disciplinary action are as follows:
  - a. The sponsor shall be responsible for enacting reasonable policies and procedures and applying them consistently. The sponsor will inform all apprentices of their rights and responsibilities per these standards.
  - b. The sponsor shall notify the apprentice of intent to take disciplinary action and reasons therefore 20 calendar days prior to taking such action. The reason(s) supporting the sponsor's proposed action(s) must be sent in writing to the apprentice.
  - c. The sponsor must clearly identify the potential outcomes of disciplinary action, which may include but are not limited to discipline, suspension or cancellation of the apprenticeship agreement.
  - d. The decision/action of the sponsor will become effective immediately.
2. The sponsor may include in this section requirements and expectations of the apprentices and an explanation of disciplinary actions imposed for noncompliance. The sponsor has the following disciplinary procedures to adopt:
  - a. Disciplinary Probation: A time assessed when the apprentice's progress is not satisfactory. During this time the sponsor may withhold periodic wage advancements, suspend or cancel the apprenticeship agreement, or take further disciplinary action. A disciplinary probation may only be assessed after the initial probation is complete.
  - b. Disciplinary Suspension: A temporary interruption in the progress of an individual's apprenticeship agreement. Conditions will include not being allowed to participate in On-the-Job Training (OJT), go to Related Supplemental Instruction (RSI) classes or take part in any activity related to the Apprenticeship Program until such time as the sponsor takes further action. The program sponsor shall review apprentices in such status at least once each year.
  - c. Cancellation: Refers to the termination of an apprenticeship agreement at the request of the apprentice, supervisor, or sponsor. [WAC 296-05-003].
3. Sponsor Disciplinary Procedures:

**Apprentices must abide by the standards of apprenticeship and comply with the following requirements. Failure to do so will result in disciplinary action taken by the Apprenticeship Committee, Eastern WA/Northern ID Cement Masons Subcommittee (hereafter known as Subcommittee) or designee. Decisions resulting in discipline up to and including cancellation are open to appeal by apprentices who have completed their initial probationary period, directly to the Apprenticeship Committee.**

## WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE

1. **Conduct during RSI training and on-the-job training:**
  - a. **Fighting or harassment during RSI training and during on-the-job training will not be tolerated. Failure to comply will result in disciplinary action.**
  - b. **Failure to follow directions and/or safety procedures during RSI training and on-the-job training will result in disciplinary action.**
  - c. **All absences will be used to dock the apprentice two weeks toward their next raise, until the class is made up.**
  - d. **Late arrivals and early departures will be docked a minimum of two hours. When the total becomes eight hours, one unexcused absence will be recorded.**
  - e. **Four unexcused absences during the year will automatically have the apprentice called to appear before the Apprenticeship Committee or Subcommittee for disciplinary action.**
2. **Monthly work progress reports must be correctly completed, or they will be returned to the apprentice for completion. No credit will be given until they are current.**
  - a. **If the apprentice is not current in filing the reports with the Coordinator, she/he will not be awarded a rerate, if one is due.**
  - b. **If an apprentice fails to turn in six (6) consecutive months of work progress reports, she/he can be removed from the job until work progress reports are up to date.**
3. **Complaints by employers or three low scores on performance cards from foremen will prompt a review by the Apprenticeship Committee or Subcommittee.**
4. **The apprentice may be cited for:**
  - a. **Refusing work.**
  - b. **Failing to show up to an appointed job.**
  - c. **Not putting his/her name on the Out of Work list for an extended period, without communication with the Coordinator for the reason.**

## WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE

- d. **Quitting an employer without cause or communication with the Coordinator.**
  - e. **Theft on the job site or at school**
  - f. **Use of illegal drugs or alcohol on the job site or at school.**
  - g. **Working for a non-signatory contractor, unless the contractor has signed an agreement with the Apprenticeship Committee.**
5. **Failure to do so will result in citation to appear before the Apprenticeship Committee or Subcommittee for disciplinary action, suspension or cancellation of their agreement. Apprentices who have not completed the initial probationary period may be disciplined or cancelled by the Apprenticeship Committee or Subcommittee without citation per Section V.A. and B.**

### C. Apprentice Complaint Procedures:

1. The apprentice must complete his/her initial probationary period in order to be eligible to file a complaint (WAC 296-05-105).
2. Complaints involving matters covered by a collective bargaining agreement are not subject to the complaint procedures in this section.
3. Complaints regarding non-disciplinary matters must be filed with the program sponsor within 30 calendar days from the date of the last occurrence. Complaints must be in writing.
4. If the apprentice disagrees with the resolution of the complaint or wishes to contest the outcome of a disciplinary action by the program sponsor, the apprentice must file a written request for reconsideration with the program sponsor within 30 calendar days from the date the apprentice received written notice of action by the program sponsor.
5. The program sponsor must reply, in writing, to the request for reconsideration within 30 calendar days from the date the program sponsor receives the request. The program sponsor must send a copy of the written reply to the apprentice within the 30 calendar days.
6. If the apprentice disagrees with the program sponsor's decision, the apprentice may file an appeal with the Apprenticeship Program, (WAC 296-05-105). If the apprentice does not timely file an appeal, the decision of the program sponsor is final after 30 calendar days from the date the program sponsor mails the decision to the apprentice. See section "D" below.

## **WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE**

### **D. Apprentice Complaint Review/Appeals Procedures:**

1. If the apprentice disagrees with the program sponsor's decision, the apprentice must submit a written appeal to L&I's apprenticeship section within 30 calendar days from the date the decision is mailed by the program sponsor. Appeals must describe the subject matter in detail and include a copy of the program sponsor's decision.
2. The L&I apprenticeship section will complete its investigation within 30 business days from the date the appeal is received and attempt to resolve the matter.
3. If the Apprenticeship section is unable to resolve the matter within 30 business days, the Apprenticeship section issues a written decision resolving the appeal.
4. If the apprentice or sponsor is dissatisfied with L&I's decision, either party may request the WSATC review the decision. Requests for review to the WSATC must be in writing. Requests for review must be filed within 30 calendar days from the date the decision is mailed to the parties.
5. The WSATC will conduct an informal hearing to consider the request for review.
6. The WSATC will issue a written decision resolving the request for review. All parties will receive a copy of the WSATC's written decision.

## **XI. SPONSOR – RESPONSIBILITIES AND GOVERNING STRUCTURE**

The following is an overview of the requirements associated with administering an apprenticeship program. These provisions are to be used with the corresponding RCW and/or WAC. The sponsor is the policymaking and administrative body responsible for the operation and success of this apprenticeship program. The sponsor may assign an administrator or a committee to be responsible for day-to-day operations of the apprenticeship program. Administrators and/or committee members must be knowledgeable in the process of apprenticeship and/or the application of chapter 49.04 RCW and chapter 296-05 WAC and these standards. If applicable, sponsors must develop procedures for:

### **A. Committee Operations (WAC 296-05-009): (Not applicable for Plant Programs)**

Apprenticeship committees must be composed of an equal number of management and non-management representatives from a minimum of four to a maximum of twelve members. Committees must convene meetings at least three times per year attended by a quorum of committee members as defined in these approved standards.

### **B. Program Operations:**

The sponsor will record and maintain records pertaining to the administration of the apprenticeship program and make them available to the WSATC or Department upon

## WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE

request. Records required by WAC 296-05-100 will be maintained for five (5) years; all other records will be maintained for three (3) years. Apprenticeship sponsors will submit required forms/reports to the Department of Labor and Industries through one of the two prescribed methods below:

Sponsors shall submit required forms/reports through assigned state apprenticeship consultant. Forms may be obtained through the programs assigned apprenticeship consultant.

Sponsors shall submit required reports through the Apprentice Registration and Tracking System (ARTS).

1. The following is a listing of forms/reports for the administration of apprenticeship programs and the time-frames in which they must be submitted:
  - a. Apprenticeship Agreements – within first 30 days of employment
  - b. Authorization of Signature forms - as necessary
  - c. Approved Training Agent Agreements– within 30 days of sponsor action
  - d. Minutes of Apprenticeship Committee Meetings – within 30 days of sponsor approval (not required for Plant program)
  - e. Request for Change of Status - Apprenticeship/Training Agreement and Training Agents forms – within 30 days of action by sponsor.
  - f. Journey Level Wage Rate – annually, or whenever changed as an addendum to section VII. Apprentice Wages and Wage Progression.
  - g. Related Supplemental Instruction (RSI) Hours Reports (Quarterly):
    - 1st quarter: January through March, due by April 10
    - 2nd quarter: April through June, due by July 10
    - 3rd quarter: July through September, due by October 10
    - 4th quarter: October through December, due by January 10
  - h. On-the-Job Work Hours Reports (bi-annual)
    - 1st half: January through June, by July 30
    - 2nd half: July through December, by January 31
2. The program sponsor will adopt, as necessary, local program rules or policies to administer the apprenticeship program in compliance with these standards. Requests for revision to these standards of apprenticeship must be submitted 45 calendar days prior to a quarterly WSATC meeting. The Department of Labor and Industries, Apprenticeship Section’s manager may administratively approve requests for revisions in the following areas of the standards:
  - a. Program name
  - b. Sponsor’s introductory statement
  - c. Section III: Conduct of Program Under Washington Equal Employment Opportunity Plan
  - d. Section VII: Apprentice Wages and Wage Progression
  - e. Section IX: Related/Supplemental Instruction

## WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE

- f. Section XI: Sponsor – Responsibilities and Governing Structure
  - g. Section XII: Subcommittees
  - h. Section XIII: Training Director/Coordinator
3. The sponsor will utilize competent instructors as defined in WAC 296-05-003 for RSI. Furthermore, the sponsor will ensure each instructor has training in teaching techniques and adult learning styles, which may occur before or within one year after the apprenticeship instructor has started to provide instruction.

### C. Management of Apprentices:

1. Each apprentice (and, if under 18 years of age, the parent or guardian) will sign an apprenticeship agreement with the sponsor, who will then register the agreement with the Department before the apprentice attends RSI classes, or within the first 30 days of employment as an apprentice. For the purposes of industrial insurance coverage and prevailing wage exemption under RCW 39.12.021, the effective date of registration will be the date the agreement is received by the Department.
2. The sponsor must notify the Department within 30 days of all requests for disposition or modification to apprentice agreements, which may include:
  - a) Certificate of completion
  - b) Additional credit
  - c) Suspension (i.e. military service or other)
  - d) Reinstatement
  - e) Cancellation
  - f) Corrections
  - g) Step Upgrades
  - h) Probation Completion date
  - i) Other (i.e., name changes, address)
  - j) Training Agent Cancellation
3. The sponsor commits to rotate apprentices in the various processes of the skilled occupation to ensure the apprentice is trained to be a competent journey-level worker.
4. The sponsor shall periodically review and evaluate apprentices before advancement to the apprentice's next wage progression period. The evidence of such advancement will be the record of the apprentice's progress on the job and during related/supplemental instruction.
5. The sponsor has the obligation and responsibility to provide, insofar as possible, reasonably continuous employment for all apprentices in the program. The sponsor may arrange to transfer an apprentice from one training agent to another or to another program when the sponsor is unable to provide reasonably continuous employment, or they are unable to provide apprentices the diversity of experience necessary for training and experience in the various work processes as stated in these standards. The new training agent will assume all the terms and conditions of these standards.

## WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE

If, for any reason, a layoff of an apprentice occurs, the apprenticeship agreement will remain in effect unless canceled by the sponsor.

6. An apprentice who is unable to perform the on-the-job portion of apprenticeship training may, if the apprentice so requests and the sponsor approves, participate in related/supplemental instruction, subject to the apprentice obtaining and providing to the sponsor written requested document/s for such participation. However, time spent will not be applied toward the on-the-job portion of apprenticeship training.
7. The sponsor shall hear and decide all complaints of violations of apprenticeship agreements.
8. Upon successful completion of apprenticeship, as provided in these standards, and passing the examination that the sponsor may require, the sponsor will recommend the WSATC award a Certificate of Completion of Apprenticeship. The sponsor will make an official presentation to the apprentice who has successfully completed his/her term of apprenticeship.

### D. Training Agent Management:

1. The sponsor shall offer training opportunities for apprentices by ensuring reasonable and equal working and training conditions are applied uniformly to all apprentices. The sponsor shall provide training at an equivalent cost to that paid by other employers and apprentices participating in the program. The sponsor shall not require an employer to sign a collective bargaining agreement as a condition of participation.
2. The sponsor must determine whether an employer can adequately furnish proper on the job training to an apprentice in accordance with these standards. The sponsor must also require any employer requesting approved training status to complete an approved training agent agreement and to comply with all federal and state apprenticeship laws, and these standards.
3. The sponsor will submit training agent agreements to the Department with a copy of the agreement and/or the list of approved training agents within thirty calendar days from the effective date. Additionally, the sponsor must submit rescinded training agent agreements to the Department within thirty calendar days of said action.

### E. Committee governance (if applicable): (see WAC 296-05-009)

1. Apprenticeship committees shall elect a chairperson and a secretary who shall be from opposite interest groups, i.e., chairperson-employers; secretary-employees, or vice versa. If the committee does not indicate its definition of quorum, the interpretation will be "50% plus 1" of the approved committee members. The sponsor must also provide the following information:

**WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE**

- a. Quorum: **SEE ABOVE**
- b. Program type administered by the committee: **Group Joint**
- c. The employer representatives shall be:

**Andrew Ledbetter, Secretary**  
**1200 Westlake N. #310**  
**Seattle, WA 98109-3528**

**Don Kowalchuk**  
**221 Yale Avenue North, Suite 400**  
**Seattle, WA 98109**

**John Salinas**  
**7804 40th Ave W.**  
**Mukilteo, WA 98275**

- d. The employee representatives shall be:

**Eric Coffelt, Chair**  
**6362 6th Avenue South**  
**Seattle, WA 98108**

**Mike Wright**  
**3921 E. Main Ave.**  
**Spokane, WA 99202**

**Chris Hartshorne**  
**PO Box 84886**  
**Seattle, WA 98124**

F. Plant programs

For plant programs the WSATC or the Department designee will act as the apprentice representative. Plant programs shall designate an administrator(s) knowledgeable in the process of apprenticeship and/or the application of chapter 49.04 RCW and chapter 296-05 WAC and these standards.

The designated administrator(s) for this program is/are as follows:

N/A

**XII. SUBCOMMITTEE:**

Subcommittee(s) approved by the Department, represented equally from management and non-management, may also be established under these standards, and are subject to the main committee. All actions of the subcommittee(s) must be reviewed by the main committee. Subcommittees authorized to upgrade apprentices and/or conduct disciplinary actions must be structured according to the same requirements for main committees.

**WASHINGTON CEMENT MASONS APPRENTICESHIP COMMITTEE**

**Eastern WA/Northern ID Cement Masons Subcommittee**

**Quorum: The Eastern WA/Northern ID Cement Masons Subcommittee will operate with a quorum of not less than 50%+1.**

**The Eastern WA/Northern ID Cement Masons Subcommittee will be composed of at least four members equally representing employers and employees.**

The employer representatives shall be:

**Rick Winkler, Secretary  
918 W. Crestview Rd.  
Spokane, WA 99224**

**Scott Hogue  
427 E. Rich  
Spokane, WA 99207**

The employee representatives shall be:

**Mike Wright, Chair  
3921 E. Main Ave  
Spokane, WA 99202**

**Steve Dickinson  
P.O. Box 678  
Chattaroy, WA 99003**

**Erick Vedvick, Alternate  
6709 S. Moran View St.  
Spokane, WA 99224**

**XIII. TRAINING DIRECTOR/COORDINATOR:**

The sponsor may employ a person(s) as a full or part-time training coordinator(s)/ training director(s). This person(s) will assume responsibilities and authority for the operation of the program as are delegated by the sponsor.

**Mike Raymond, Training Director/ Coordinator  
PO Box 81044  
Seattle, WA 98108**

## Prevailing Wage Determination Request and Review Process

RCW 39.12.015 is the basis for requesting a determination, since it provides:

All determinations of the prevailing rate of wage shall be made by the industrial statistician of the department of labor and industries. If you disagree with a determination the industrial statistician provides, WAC 296-127 -060(3) provides for a review process:(3) Any party in interest who is seeking a modification or other change in a wage determination under RCW 39.12.015, and who has requested the industrial statistician to make such modification or other change and the request has been denied, after appropriate reconsideration by the assistant director shall have a right to petition for arbitration of the determination.

(a) For purpose of this section, the term "party in interest" is considered to include, without limitation:

(i) Any contractor, or an association representing a contractor, who is likely to seek or to work under a contract containing a particular wage determination, or any worker, laborer or mechanic, or any council of unions or any labor organization which represents a laborer or mechanic who is likely to be employed or to seek employment under a contract containing a particular wage determination, and

(ii) Any public agency concerned with the administration of a proposed contract or a contract containing a particular wage determination issued pursuant to chapter 39.12 RCW.

(b) For good cause shown, the director may permit any party in interest to intervene or otherwise participate in any proceeding held by the director. A petition to intervene or otherwise participate shall be in writing, and shall state with precision and particularity:

(i) The petitioner's relationship to the matters involved in the proceedings, and

(ii) The nature of the presentation which he would make. Copies of the petition shall be served on all parties or interested persons known to be participating in the proceeding, who may respond to the petition. Appropriate service shall be made of any response.

If you choose to utilize this review process, you must submit your request within 30 days of the date of the applicable industrial statistician's determination or response to your request for modification or other change. Include with your request any additional information you consider relevant to the review.

Direct requests for determinations, and for modification of determinations via email or letter to the prevailing wage industrial statistician:

Jody M. Robbins  
Industrial Statistician/Program Manger  
Department of Labor & Industries  
Prevailing Wage  
P.O. Box 44540  
Olympia, WA 98504-4540  
ROJO235@LNI.WA.GOV

## **Prevailing Wage Determination Request and Review Process**

Direct requests via email or letter seeking reconsideration (redetermination) by the assistant director to:

Celeste Monahan, Assistant Director  
Department of Labor & Industries  
Fraud Prevention and Labor Standards  
P O Box 44278  
Olympia, WA 98504-4278  
MOCF235@Lni.wa.gov

Direct petitions for arbitration to:

Joel Sacks, Director  
Department of Labor & Industries  
P.O. Box 44001  
Olympia, WA 98504-4001

If you choose to utilize this arbitration process, you must submit your request within 30 days of the date of the applicable assistant director's decision on reconsideration (redetermination).

Submit an original and two copies of your request for arbitration to the Director personally, or by mail. The physical address for the Director is 7273 Linderson Way, SW, Tumwater, WA 98501 .

WAC 296-127-061 also contains the following provisions regarding petitions for arbitration:

In addition, copies of the petition shall be served personally or by mail upon each of the following:

- (a) The public agency or agencies involved,
  - (b) The industrial statistician, and
  - (c) Any other person (or the authorized representatives of such person) known to be interested in the subject matter of the petition.
- (2) The director shall under no circumstances request any administering agency to postpone any contract performance because of the filing of a petition. This is a matter which must be resolved directly with the administering agency by the petitioner or other party in interest.
- (3) A petition for arbitration of a wage determination shall:
- (a) Be in writing and signed by the petitioner or his counsel (or other authorized representative), and
  - (b) Identify clearly the wage determination, location of project or projects in question, and the agency concerned, and
  - (c) State that the petitioner has requested reconsideration of the wage determination in question and describe briefly the action taken in response to the request, and
  - (d) Contain a short and plain statement of the grounds for review, and
  - (e) Be accompanied by supporting data, views, or arguments, and
  - (f) Be accompanied by a filing fee of \$75.00. Fees shall be made payable to the department of labor and industries.