



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

Prevailing Wage
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August 18, 2011

Miriam Israel Moses
Executive Director
REBOUND
2800 First Avenue, Suite 216
Seattle, WA 98121

Re: Request for Determination, Apprentices Indentured to Specific Trades

Dear Ms. Moses:

Thank you for your inquiry and for your interest in prevailing wage compliance. In your letter dated July 6, 2011, you asked for a determination regarding the requirement to pay the full journey level wage to an apprentice when that apprentice is enrolled in a state certified training program other than the one which trains for the work being performed.

More specifically, you asked whether an apprentice indentured to a Carpenters program may receive apprentice rate wages when performing work which specifically falls under the scope of work for Roofers.

You are correct to cite RCW 39.12.021 regarding this question. The pertinent language of that statute is:

Apprentice workers employed upon public works projects for whom an apprenticeship agreement has been registered and approved with the state apprenticeship council pursuant to chapter [49.04](#) RCW, must be paid at least the prevailing hourly rate *for an apprentice of that trade*. Any worker for whom an apprenticeship agreement has not been registered and approved by the state apprenticeship council shall be considered to be a fully qualified journey level worker, and, therefore, shall be paid at the prevailing hourly rate for journey level workers. [Emphasis added.]

According to the terms of RCW 39.12.021 as quoted above, if an apprentice worker performs work that is outside the scope of work for the trade for which the apprentice is registered, the apprentice will need to be paid the journey level wage rate for the other scope(s) of work.

For example, if a worker were indentured into an apprenticeship program to learn how to be a Construction Laborer, that worker may be paid as a Laborer Apprentice instead of the higher journey level wage rate. If that same worker were to tie rebar, payment to the worker at the Laborer Apprentice rate would not be appropriate. Rather, the worker would be entitled to receive the journey level Ironworkers wage rate.

Miriam Israel Moses
August 18, 2011
Page 2 of 2

This foregoing example is fairly straight forward. However, in the situation you describe, where the apprentice is enrolled in a Carpenters apprenticeship program, and performs some tasks that may be within the Roofers scope, the situation is not as clear. That is because the Carpenters scope of work includes some very narrow descriptions of work that are also covered by the Roofers scope of work. Both Carpenters and Roofers may "install metal roof decking. . . regardless of the fastening method, or what it is fastened to. . ." [See WAC 296-127-01310, Carpenters.] Where this overlap is present, if the Carpenters apprentice performs this limited task, which is also included in the Roofers (WAC 296-127-01370) and Ironworkers (WAC 296-127-01339) scopes of work, for prevailing wage purposes, the apprentice would still be regarded as working within the Carpenters apprentice scope of work, and compensated at the Carpenters apprenticeship wage rate. If the same apprentice were to perform any other tasks which are included under the Roofers scope of work and not included in the Carpenters scope of work, the apprentice would need to be paid the journey level wage rate for Roofers rather than an apprentice wage rate.

Applying this analysis to your specific situation, you will need to clearly identify the specific tasks to be performed by this apprentice on the job in order to determine whether there are any instances where the journey level wage for Roofers or other worker classification would be appropriate.

Please note that prevailing wage scopes of work and apprenticeship standards' work processes do not clearly align. Regarding apprenticeship work processes, RCW 39.04.350 and RCW 39.12.055 provide penalties for contractor/employer training agents who work apprentices out of their approved work process as stated in their standards of apprenticeship. Considering those statutes, it may be that although a carpenter apprentice is determined for prevailing wage purposes to be working under the Roofer scope, the apprenticeship program may, for their purposes, determine that the apprentice is working within the Carpenters apprenticeship work process scope as indicated in the approved standards of apprenticeship. This is an issue that would need to be addressed by the apprenticeship program, particularly with respect to their interim policy for implementing RCW 39.04.350 and RCW 39.12.055.

This determination is based on the specific facts you provided and is consistent with prior prevailing wage determinations and the requirements of Labor & Industries' Apprenticeship Program. If the facts change or are different from as stated, the answer may differ as well.

I hope this provides the information you require. If I can be of further assistance, please let me know.

Sincerely,



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