



PROPOSED RULE MAKING

CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: November 22, 2022

TIME: 11:19 AM

WSR 22-23-153

Agency: Department of Labor & Industries (L&I)

Original Notice
 Supplemental Notice to WSR _____
 Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 22-16-088 ; or
 Expedited Rule Making--Proposed notice was filed as WSR _____; or
 Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or
 Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Proposed amendments to the Electrical Rules, WAC 296-46B-945, Qualifying for master, journey level, specialty electrician examinations.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
January 4, 2023	9:00 a.m.	Department of Labor & Industries 7273 Linderson Way SW Tumwater, WA 98501 OR Join by Zoom meeting at: https://lni-wa.gov.zoom.us/j/87951302240?pwd=MFpPVjhnWHVFS2p1YjRpdjZhZkMwQT09 Passcode: Hearing!1 OR Join by phone: 1-253-215-8782 Meeting ID: 879 5130 2240 Passcode: 434720791	The in-person and virtual/telephonic hearing starts at 9:00 a.m. and will continue until all oral comments are received.

Date of intended adoption: January 31, 2023 (Note: This is **NOT** the effective date)

Submit written comments to: Name: Alicia Curry Address: Department of Labor & Industries Field Services & Public Safety PO Box 44400 Olympia, WA 98504-4400 Email: Alicia.Curry@Lni.wa.gov Fax: 360-902-5292 Other: By (date) <u>5 p.m. on January 4, 2023</u>	Assistance for persons with disabilities: Contact <u>Alicia Curry</u> Phone: 360-584-4146 Fax: 360-902-5292 TTY: Email: Alicia.Curry@Lni.wa.gov Other: By (date) <u>December 16, 2022</u>
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Purpose of the proposal and its anticipated effects, including any changes in existing rules: This rulemaking proposes amendments to the qualifications for journey level electrician examinations under WAC 296-46B-945. Rules are required to implement Substitute Senate Bill 6126 (SSB 6126) (Chapter 249, Laws of 2018). SSB 6126 enacted apprenticeship requirements for journey level electrician examination candidates that take effect July 1, 2023.

SSB 6126 gives L&I the authority, until July 1, 2025, to permit applicants that have obtained experience and training equivalent to a journey level apprenticeship program to take the examination, if the applicant has "good cause" for not completing the minimum hours of work applicable on July 1, 2023 (RCW 19.28.195). L&I is authorized to exercise this discretion until July 1, 2025.

Under the proposed rules, L&I is exercising the discretion provided in the law to allow temporary alternative pathways to qualify for the 01 journey level electrician examination through a "good cause" exemption.

The proposed amendments:

- Remove language that applies to qualifying for 01 journey level electrician examination with on-the-job-training that becomes obsolete on July 1, 2023, due to passage of SSB 6126.
- Provide exceptions to apprenticeship completion requirements to qualify for 01 journey level electrician examination for "good cause" until July 1, 2025. Due to the universal effects of the COVID-19 pandemic, "good cause" will be granted until July 1, 2025 to journey level examination candidates who meet the experience identified under the exceptions. The proposed changes for the exceptions include:
 - Modifying the requirements to qualify for the 01 journey level electrician examination for apprentices registered in chapter 49.04 RCW programs. Allows apprentices to qualify for examination before completing an apprenticeship program once they complete the education and work experience required of the apprenticeship program.
 - Recognizing examination based state-licensed electricians from other jurisdictions that require 8,000 hours of experience (4,000 hours must be new commercial or industrial installations) to qualify for the 01 journey level electrician examination.
 - Recognizing individuals with 8,000 hours of electrical experience gained in a construction battalion while serving in the armed forces of the United States to qualify for the 01 journey level electrician examination.
 - Recognizing individuals from other jurisdictions that have 16,000 hours working in the electrical construction trade (4,000 hours must be commercial or industrial installations) to qualify for the 01 journey level electrician examination. Individuals under this provision include those who work in states that have no licensing requirements for electricians or states where licensing is not examination based.
 - Recognizing individuals with 4,000 hours performing industrial or commercial installations accrued prior to July 1, 2023. The individual can continue accruing remaining specialty experience and qualify for the journey level electrician examination without joining an apprenticeship program.
- Include how L&I will approve qualified hours gained by applicants for the journey level examination under the good cause exemptions.
- Modify rules for general housekeeping, such as reference corrections, renumbering, formatting, replacing written numbers with numerals, etc.

Reasons supporting proposal: L&I is implementing SSB 6126 that takes effect July 1, 2023. L&I is exercising the discretion provided in the law to allow temporary alternative pathways to qualify for the journey level exam through a "good cause" exemption.

Statutory authority for adoption: Substitute Senate Bill 6126 (SSB 6126), Chapter 249, Laws of 2018, and chapter 19.28 RCW, Electricians and Electrical Installations including RCW 19.28.191 and RCW 19.28.251.

Statute being implemented: Substitute Senate Bill 6126 (SSB 6126), Chapter 249, Laws of 2018, and chapter 19.28 RCW, Electricians and Electrical Installations including RCW 19.28.191 and RCW 19.28.195.

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Type of proponent: Private Public Governmental

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

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Wayne Molesworth, Prog. Mgr.	Tumwater, Washington	360-480-5673
Implementation:	Steve Reinmuth, Asst. Dir.	Tumwater, Washington	360-902-6348
Enforcement:	Steve Reinmuth, Asst. Dir.	Tumwater, Washington	360-902-6348

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

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

Name: Alicia Curry

Address: Department of Labor & Industries

Field Services & Public Safety

PO Box 44400

Olympia, WA 98504-4400

Phone: 360-584-4146

Fax: 360-902-5292

TTY:

Email: Alicia.Curry@Lni.wa.gov

Other:

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

[RCW 34.05.310](#) (4)(b)
(Internal government operations)

[RCW 34.05.310](#) (4)(e)
(Dictated by statute)

[RCW 34.05.310](#) (4)(c)
(Incorporation by reference)

[RCW 34.05.310](#) (4)(f)
(Set or adjust fees)

[RCW 34.05.310](#) (4)(d)
(Correct or clarify language)

[RCW 34.05.310](#) (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule: See explanation in section 2 below.

(2) Scope of exemptions: Check one.

The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

	Proposed WAC Sections and Title	This proposed rule section <u>is exempt</u> . Provide RCW to support this exemption.
1.	WAC 296-46B-945, Qualifying for master, journey level, specialty electrician examinations.	This section is partially exempt under RCW 34.05.310(4)(e) and RCW 34.05.310(4)(d) because it adopts changes that are specifically and explicitly dictated by chapter 19.28 RCW and without changing the substance or effect of requirements.

The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. The proposed rules do not change the mandatory qualification or standard for the issuance of a journey level electrician certification, and the statutory requirement for completion of an apprenticeship program remains. The proposed rules add alternative pathways available under the good cause exemption that are available to any candidate who meet the criteria. As such, the proposed rules do not impose additional costs on individuals seeking journey level examination eligibility or their employers; rather the proposed rules reduce costs by providing alternative pathways.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: November 22, 2022

Name: Joel Sacks

Title: Director

Signature:

