



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: June 21, 2023

TIME: 8:28 AM

WSR 23-13-115

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

Effective date of rule:

Permanent Rules

- ☐ 31 days after filing.
- ☒ Other (specify) July 3, 2023 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- ☒ Yes ☐ No If Yes, explain: As permitted by RCW 34.05.380(3)(a), immediate implementation is necessary in order to implement Engrossed Substitute Senate Bill 5320 (ESSB 5320) (Chapter 95, Laws of 2023).

Purpose: This rulemaking adopts amendments to the qualifications for 01 journey level electrician examinations under WAC 296-46B-945. Amendments to the rule are required to implement ESSB 5320.

Until June 30, 2023, individuals may qualify for examination for the 01 journey level certification examination once they have completed 8,000 hours of on the job experience. Four thousand of those hours must be in electrical installations in industrial or commercial facilities under supervision. Experience may be gained through an approved apprenticeship program or on the job training. After June 30, 2023, ability to qualify for examination through on the job experience is amended by this adopted rule.

In 2018, Substitute Senate Bill 6126 (SSB 6126) (Chapter 249, Laws of 2018) enacted registered apprenticeship requirements for 01 journey level certification examination candidates. To perform work limited to journey level electricians after July 1, 2023, trainees have to be registered apprentices. SSB 6126 gave 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 had "good cause" for not completing the minimum hours of work applicable on July 1, 2023 (RCW 19.28.195). On February 14, 2023, L&I adopted rules (WSR 23-05-073) to exercise this discretion and allow temporary alternative pathways to qualify for the 01 journey level electrician examination through a "good cause" exemption beginning July 1, 2023.

This year, the legislature passed ESSB 5320, Chapter 95, Laws of 2023. ESSB 5320 expands eligibility requirements for journey level electrician examination candidates that take effect July 1, 2023, and removes L&I's discretion to allow exceptions for "good cause" as it is no longer needed. This rulemaking is necessary to update the adopted rule to prevent WAC 296-46B-945 from conflicting with the amended law, as a result of ESSB 5320.

The adopted amendments:

- Remove language that provides temporary alternative pathways to qualify for the 01 journey level electrician examination through a "good cause" exemption that becomes obsolete on July 1, 2023, due to the passage of ESSB 5320.
- Provide permanent alternative pathways to qualify for the 01 journey level electrician examination. This includes:
 - Clarifying the work experience and education requirements to qualify for the 01 journey level electrician examination for apprentices registered in chapter 49.04 RCW programs.
 - Providing state-licensed electricians that have completed an 8,000 hour electrical construction trade apprenticeship (4,000 hours must be new commercial or industrial installations in another jurisdiction equivalent to an apprenticeship program approved in Washington) to qualify for the 01 journey level examination.
 - Providing out-of-state journey level electricians that have obtained a certificate through examination by a state licensing jurisdiction requiring at least 8,000 hours of supervised experience in the electrical construction trade (4,000 hours must be new commercial or industrial installations) to qualify for the 01 journey level examination. All experience applied toward qualifying for examination must be experience gained in the state that issued the certificate or military experience or both.
 - Providing individuals with at least 16,000 hours of out-of-state experience in the electrical construction trade installing and maintaining electrical wiring and equipment (4,000 hours must be new commercial or industrial installations to qualify for the 01 journey level examination).

- Providing 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.
- Provides current trainees that have 3,000 hours of electrical experience before July 1, 2023, or have completed a two-year electrical construction training program the ability to continue gaining experience until July 1, 2026, without become registered apprentices.
- Include amendments for housekeeping to relocate language in the rule.

Citation of rules affected by this order:

New:

Repealed:

Amended: WAC 296-46B-945, Qualifying for master, journey level, and specialty electrician examinations.

Suspended:

Statutory authority for adoption: ESSB 5320, Chapter 95, Laws of 2023, and chapter 19.28 RCW, Electricians and Electrical Installations including RCW 19.28.191 and 19.28.251

Other authority: None

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 23-09-069 on April 19, 2023 (date).

Describe any changes other than editing from proposed to adopted version: There are no changes from the proposed to adoption version.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	<u>1</u>	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted on the agency's own initiative:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:						
Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>1</u>	Repealed	_____

Date Adopted: June 21, 2023	Signature: 
Name: Joel Sacks	
Title: Director	