

**DIRECTOR OF THE DEPARTMENT OF LABOR AND INDUSTRIES  
STATE OF WASHINGTON**

In re:

INLAND NORTHWEST  
ASSOCIATED GENERAL  
CONTRACTOR CARPENTERS  
AC

NO. 2018-011-APP

DIRECTOR'S ORDER

RCW 49.04.065(2); RCW 34.05

APPRENTICESHIP PROGRAM

Joel Sacks, Director of the Washington State Department of Labor and Industries, having considered the final order of the Washington State Apprenticeship and Training Council (Council) issued on January 2, 2018, the appeal submitted by the Department of Labor and Industries Apprenticeship Program (Department), briefing submitted by the parties, and the record created by the Council, issues this Director's Order.

The Director makes the following Findings of Fact, Conclusions of Law, and final Decision and Order.

**I. FINDINGS OF FACT**

1. Program Sponsor, Inland NW AGC, operates an approved carpenters apprenticeship program in Washington. The geographical area covered by its program standards is limited to counties in eastern Washington.

2. On August 26, 2016, Inland NW AGC submitted a request to revise its program standards. The request sought to expand the geographical area of its carpenters apprenticeship program to all of Washington.
3. The Department determined that the request did not meet the criteria established by RCW 49.04 and WAC 296-05.
4. The Council issued its “Findings of Fact, Conclusions of Law, Decision, and Order” (final order) on January 2, 2018. It granted Inland NW AGC’s expansion request.
5. On February 1, 2018, the Department timely appealed the Council’s final order to the Director.
6. Inland NW AGC currently provides related/supplemental instruction training at its headquarters and at the SCC Apprenticeship Training Center, both located in Spokane. Following geographic expansion, Inland NW AGC represents it would provide training in western Washington where feasible. But because some hands-on training requires lab equipment available only in its Spokane facilities, Inland NW AGC would continue to conduct some training exclusively at these locations. That training would require apprentices working in western Washington to return to Spokane. Apprentices who miss training sessions may be disciplined and could not work until they complete the missed session. Inland NW AGC represents it will reimburse some travel expenses, but has not sought to amend its program standards to so provide.

## **II. CONCLUSIONS OF LAW**


1. Based upon the Department’s timely appeal, the Director has authority to review and decide this matter under RCW 49.04.065 and RCW 34.05.

2. As the party seeking to amend its apprenticeship standards, Inland NW AGC bears the burden of demonstrating that its requested revisions are consistent with the requirements of RCW 49.04 and WAC 296-05.
3. Apprenticeship program standards must conform with WAC 296-05. Standards must contain specific provisions for the operation and administration of the apprenticeship program and all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices. WAC 296-05-003. Program standards must be reasonably consistent with previously approved program standards. WAC 296-05-300(3). The goal is to achieve general statewide uniformity of standards in each industry occupation. WAC 296-05-316(26).
4. In making its decision, the Council relied on Inland NW AGC's statements it would provide financial assistance to those apprentices traveling to Spokane for training; however, it did not require Inland NW AGC to revise its standards to so provide. WAC 296-05-303(4)(b).
5. This matter is remanded to the Council for further proceedings regarding the need for an amendment of the standards as a pre-condition for expansion particularly in regards to travel reimbursement. This remand is not intended to limit the scope of the Council's review of its prior approval of the program if it deems additional actions are appropriate

### **III. DECISION AND ORDER**

Consistent with the above Findings of Fact and Conclusions of Law, this matter is REMANDED to the Council.

DATED at Tumwater this 17 day of May, 2018.

  
\_\_\_\_\_  
JOEL SACKS  
Director

## SERVICE

This Order was served on you the day it was deposited in the United States mail. RCW 34.05.010(19).

## APPEAL RIGHTS

**Reconsideration.** Any party may file a petition for reconsideration. RCW 34.05.470. Any petition for reconsideration must be filed within 10 days of service of this Order and must state the specific grounds on which relief is requested. No matter will be reconsidered unless it clearly appears from the petition for reconsideration that (a) there is material clerical error in the order **or** (b) there is specific material error of fact or law. A petition for reconsideration, together with any argument in support thereof, should be filed by mailing or delivering it directly to Joel Sacks, Director of the Department of Labor and Industries, P. O. Box 44001 Olympia, Washington 98504-4001, with a copy to all other parties of record. Filing means actual receipt of the document at the Director's Office. RCW 34.05.010(6).

**A petition for reconsideration is not required before seeking judicial review.** If a petition for reconsideration is filed, however, the 30-day period will begin to run upon the resolution of that petition. A timely filed petition for reconsideration is deemed to be denied if, within twenty (20) days from the date the petition is filed, the Director does not (a) dispose of the petition or (b) serve the parties with a written notice specifying the date by which the Director will act on the petition. RCW 34.05.470(3).

**Judicial Review.** Any petition for judicial review must be filed with the appropriate court and served within 30 days after service of this Order. RCW 34.05.542. RCW 49.04.065(3) provides, "Orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal." Proceedings for judicial review may be instituted by filing a petition in superior court according to the procedures specified in RCW 34.05, Part V, Judicial Review and Civil Enforcement.

**DECLARATION OF MAILING**

I, Lisa Rodriguez, hereby declare under penalty of perjury under the laws of the State of Washington, that the Director's order was mailed via U.S. Mail, postage pre-paid, on the 17 day of May 2018 to the following:

Department of Labor & Industries  
c/o Cindy Gaddis, Assistant Attorney General  
Office of the Attorney General  
P.O. Box 40121  
Olympia, WA 98504

Department of Labor and Industries  
Apprenticeship Section  
c/o Jody Robbins  
PO Box 44530  
Olympia, WA 98504-4530

Inland Northwest AGC  
c/o Cheryl Stewart  
4935 East Trent Avenue  
Spokane, WA 99212

Inland Northwest AGC  
c/o Richard Campbell  
Campbell & Bissel, PLLC  
820 West 7th Avenue  
Spokane, WA 99204

Washington State UBC JATC  
NWCI – Kent HQ  
c/o Bob Susee  
20424 72<sup>nd</sup> Avenue South  
Kent WA 98032

Washington State UBC JATC  
c/o Matt Malmsheimer  
Haglund Kelley LLP  
200 SW Market St., Suite 1777  
Portland, OR 97201-5727

Washington State Apprenticeship and Training Council  
c/o Will Henry, Assistant Attorney General  
Office of the Attorney General  
800 Fifth Ave., Suite 2000  
Seattle, WA 98104