

APPRENTICESHIP RECIPROCAL AGREEMENT

BETWEEN

WASHINGTON, OREGON, AND MONTANA

July 11, 2011

(Effective Date)

**APPRENTICESHIP RECIPROCAL AGREEMENT
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This Agreement is made by and entered into between the following parties:

State of Washington by and through: Washington State Apprenticeship and Training Council, and
Washington Department of Labor and Industries;

State of Oregon by and through: Oregon State Apprenticeship and Training Council, and
Oregon Bureau of Labor and Industries;

State of Montana by and through: Montana Apprenticeship and Training Program, and
Montana Department of Labor and Industry.

WHEREAS the parties to this Agreement:

Wish to provide for the freedom of movement of the registered apprenticeship workforce between the states of Washington, Oregon, and Montana; and,

Have concluded that apprentices registered in the states of Washington, Oregon, and Montana should be recognized as registered apprentices in each of the signatory states; and

Have the authority to enter into this Agreement and bind the respective parties under the terms of this Agreement;

NOW, THEREFORE, it is agreed by and between the parties signatory to this Agreement hereto as follows:

- I. The parties support the development and registration of apprenticeship programs, assisting current program sponsors and safeguarding the welfare of apprentices.
- II. **Registered apprentice eligibility:** The parties concur that multiple registration of individual apprentices by signatory states is an impediment to the successful administration of an apprenticeship program. Therefore, it is understood that when an apprentice registration occurs in Washington, Oregon, or Montana, duplicative registration in any of the signatory states is unnecessary. Any active apprentice registered with a signatory state is eligible to work as a registered apprentice in another signatory state pursuant to the conditions set forth herein.
- III. **Licensing and certification:** Employers and apprentices must comply with all applicable licensing and certification requirements in the state where the work is being performed and obtain any necessary licenses and certificates prior to commencement of work. The employer must ensure that the apprentice has all appropriate credential(s) in his/her possession prior to working in a licensed or

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certified occupation.

When the standards to which an apprentice is registered do not meet the licensing or certification requirements in the state where the work is to be performed, registration of the standards, employer and/or apprentice may be necessary in the reciprocal state.

- IV. **Program authorization:** When apprentices will be working outside of the geographic jurisdiction established in the standards to which they are registered for more than five (5) consecutive working days, employers¹ must obtain authorization from the apprenticeship program to which they are registered prior to transporting apprentices to another signatory state. The program must submit authorization confirmation to the reciprocal state agency on a form provided. Appropriate provisions must be made for related training if needed.
- V. **Apprentice ratio and wage:** Employers will utilize the ratio of apprentices to journey level workers, journey level wage, and apprentice wage schedule set forth in standards approved for the same trade in the geographical area where the work is being performed unless a higher ratio, wage, or percentage is mandated. This information can be obtained from the registration agency in the state where the work is to be performed.

In cases where multiple standards exist in the same geographical area for the same trade, the registration agency in the state where the work is to be performed will determine the ratio and wage requirements to be utilized.

Prevailing wage: All registered apprentices are entitled to be paid the apprenticeship rate established under federal or state public works acts that apply where the work is being performed. It is understood that nothing in this Agreement shall preclude individual states or parties from promulgating or adopting rules and regulations governing the operation of their own state's Public Works Act.

- VI. **Program compliance:** Apprenticeship programs and employers must maintain good standing with their registration agency, and must operate in compliance with all standards, rules and regulations that govern the operation of the program and the work performed. Compliance status will be verified by the signatory parties to this Agreement upon request.

Complaints and investigations: Complaints regarding alleged violations or the application of this Agreement should be submitted in writing to the registration agency for the state in which the

¹ For the purposes of this Agreement, the term "employer" refers to sponsor-approved training agents (Washington), registered training agents (Oregon) and sponsors/employers (Montana).

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apprentice and employer are registered, with a copy to the registration agency in the state where the work was performed. The agencies will jointly determine how the investigation will be conducted and confer with the other signatory parties prior to taking remedial action.

Revocation of reciprocity: Any employer or sponsor found to be operating in a manner inconsistent with this Agreement or his/her apprenticeship standards may have the terms and conditions of reciprocity suspended or revoked by any of the parties to this Agreement.

- VII. This Agreement shall remain in full force and effect for an indefinite period unless terminated by one or more of the signatory parties.

If any part of this Agreement or its application to any person or circumstance is held invalid the remainder of the Agreement and its application to other persons and circumstances shall not be affected thereby.

Termination: When any signatory party elects to withdraw from this Agreement, they shall forward written notice to the other parties with an explanation of the action thirty (30) days before such action will take effect. Termination by any one party of this Agreement will not affect the remainder of participating parties.

Amendments: This Agreement may be amended by the written mutual consent of all signatory parties.

Meetings: Representatives of the parties to this Agreement shall meet annually or as needed to review the overall success of this Agreement and to recommend changes that will enhance its operation and performance.

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ORIGINAL SIGNATURES & DATES:

APPROVED AS TO LEGAL SUFFICIENCY
JUDITH MORTON, AAG
STATE OF WASHINGTON

Judith C. W. Morton
ASSISTANT ATTORNEY GENERAL

DATE: 5-5-2011

DAVE D'HONDT, CHAIR
WASHINGTON STATE APPRENTICESHIP
AND TRAINING COUNCIL

Dave D'Hondt

DATE: 5/6/2011

STEVE MCLAIN, SCS ASST DIRECTOR
WASHINGTON DEPARTMENT OF
LABOR AND INDUSTRIES

Steve McLain

DATE: 5/9/2011

BRAD AVAKIAN, COMMISSIONER OF LABOR
STATE OF OREGON
BUREAU OF LABOR AND INDUSTRIES

Brad Avakian

DATE: 6-16-2011

NELDA WILSON, VICE CHAIR
OREGON APPRENTICESHIP AND
TRAINING COUNCIL

Nelda Wilson

DATE: June 16, 2011

APPROVED AS TO LEGAL SUFFICIENCY
PAMELA BUCY, CHIEF LEGAL COUNCIL
MONTANA DEPARTMENT OF LABOR AND
INDUSTRY

Judy Bovington

DATE: 7/7/11

Judy Bovington
Head Counsel
MT DLI

KEITH KELLY, COMMISSIONER OF
LABOR AND INDUSTRY
STATE OF MONTANA

Keith Kelly

DATE: 11 July 11