



APPRENTICESHIP ACT

CHAPTER 49.04 RCW



APPRENTICESHIP SECTION

SPECIALTY COMPLIANCE SERVICES DIVISION

DEPARTMENT OF LABOR AND INDUSTRIES

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Chapter 49.04 RCW Apprenticeship

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Notes:

Apprenticeship agreements, inmates of state school for girls (Maple Lane school): RCW [72.20.090](#).

Child labor: RCW [26.28.060](#), [26.28.070](#).

49.04.010 - Apprenticeship council created — Composition — Terms — Compensation — Duties.

- (1) The department of labor and industries is the agency with responsibility and accountability for apprenticeship within the state for federal purposes. The director of labor and industries shall appoint a regulatory apprenticeship council, composed of three representatives each from employer and employee organizations, respectively. The terms of office of the members of the apprenticeship council first appointed by the director of labor and industries shall be as follows: One representative each of employers and employees shall be appointed for one year, two years, and three years, respectively. Thereafter, each member shall be appointed for a term of three years. The director of labor and industries shall also appoint a public member to the apprenticeship council for a three-year term. Each member shall hold office until a successor is appointed and has qualified and any vacancy shall be filled by appointment for the unexpired portion of the term. A designated representative from each of the following: The workforce training and education coordinating board, state board for community and technical colleges, employment security department, and United States department of labor, apprenticeship, training, employer, and labor services, shall be ex officio members of the apprenticeship council. Ex officio members shall have no vote. Each member of the council, not otherwise compensated by public moneys, shall be reimbursed for travel expenses in accordance with RCW [43.03.050](#) and [43.03.060](#) and shall be compensated in accordance with RCW [43.03.240](#).
- (2) The apprenticeship council is authorized to approve apprenticeship programs, and establish apprenticeship program standards as rules, including requirements for apprentice-related and supplemental instruction, coordination of instruction with job experiences, and instructor qualifications. The council shall consider recommendations from the state board for community and technical colleges on matters of apprentice-related and supplemental instruction, coordination of instruction with job experiences, and instructor qualifications. The rules for apprenticeship instructor qualifications shall either be by reference or reasonably similar to the applicable requirements established by or pursuant to chapter [28B.50](#) RCW. The director is authorized to adopt rules as may be necessary to carry out the intent and purposes of this chapter, after consultation with the council and receiving the council's recommendations, including a procedure to resolve an impasse should a tie vote of the council occur, and perform such other duties as are hereinafter imposed.
- (3) Not less than once a year the apprenticeship council shall make a report to the director of labor and industries of its activities and findings which shall be available to the public.

Notes:

Legislative findings -- Severability -- Effective date -- 1984 c 287: See notes following RCW [43.03.220](#).

Effective date -- Severability -- 1975-'76 2nd ex.s. c 34: See notes following RCW [2.08.115](#).

49.04.030 - Supervisor of apprenticeship — Duties.

The director of labor and industries shall appoint and deputize an assistant director to be known as the supervisor of apprenticeship. Under the supervision of the director of labor and industries and with the advice and guidance of the apprenticeship council, the supervisor shall: (1) Encourage and promote apprenticeship programs conforming to the standards established under this chapter, and in harmony with the policies of the United States department of labor; (2) act as secretary of the apprenticeship council and of state apprenticeship committees; (3) when authorized by the apprenticeship council, register apprenticeship agreements that are in the best interests of the apprentice and conform with standards established under this chapter; (4) keep a record of apprenticeship agreements and upon successful completion issue certificates of completion of apprenticeship; (5) when authorized by the council, terminate or cancel any apprenticeship agreements in accordance with the provisions of the agreements; (6) conduct reviews for compliance with this chapter, rules established under this chapter, and 29 C.F.R. Parts 29 and 30.

The supervisor may act to bring about the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally. The director of labor and industries is authorized to appoint such other personnel as may be necessary to aid the supervisor of apprenticeship in the execution of the supervisor's functions under this chapter.

Notes:

Rehabilitation services for individuals with disabilities: Chapter [74.29](#) RCW.

49.04.040 - Apprenticeship committees — Composition — Duties.

Upon July 22, 2001, all newly approved apprenticeship programs must be represented by either a unilateral or joint apprenticeship committee. Apprenticeship committees must conform to this chapter, the rules adopted under this chapter, and 29 C.F.R. Parts 29 and 30 and must be approved by the apprenticeship council. Such apprenticeship committees shall be composed of an equal number of employer and employee representatives who may be chosen:

- (1) From names submitted by the respective local or state employer and employee organizations served by the apprenticeship committee; or
- (2) In a manner which selects representatives of management and nonmanagement served by the apprenticeship committee. The council may act as the apprentice representative when the council determines there is no feasible method to choose nonmanagement representatives.

Apprenticeship committees shall devise standards for apprenticeship programs and operate such programs in accordance with the standards established by this chapter and by rules adopted under this chapter. The council and supervisor may provide aid and technical assistance to apprenticeship program sponsors and applicants, or potential applicants.

49.04.050 - Apprenticeship program standards.

To be eligible for registration, apprenticeship program standards must conform to the rules adopted under this chapter.

49.04.060 - Apprenticeship agreements.

For the purposes of this chapter an apprenticeship agreement is a written agreement between an apprentice and either the apprentice's program sponsor, or an apprenticeship committee acting as agent for a program sponsor, containing the terms and conditions of the employment and training of the apprentice.

49.04.065 - Decisions of apprenticeship Council -- Appeal to director of labor and industries -- Judicial appeal

- (1) Any decision of the apprenticeship council affecting Registration and oversight of apprenticeship programs and agreements for federal purposes may be appealed to the director of labor and industries by filing a notice of appeal with the director within thirty days of the apprenticeship council's written decision. Any decision of the council affecting registration and oversight of apprenticeship programs and agreements for federal purposes not appealed within thirty days is final and binding, and not subject to further appeal.
- (2) Upon receipt of a notice of appeal, the director or designee shall review the record created by the council and shall issue a written determination including his or her findings. A judicial appeal from the director's determination may be taken in accordance with chapter 34.05 RCW.
- (3) 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.

49.04.070 - Limitation.

The provisions of this chapter shall apply to a person, firm, corporation or craft only after such person, firm, corporation or craft has voluntarily elected to conform with its provisions.

49.04.080 - On-the-job training agreements and projects — Supervisor to promote.

Under the supervision of the director of labor and industries and with the advice and guidance of the apprenticeship council, the supervisor of apprenticeship shall encourage and promote the making of such other types of on-the-job training agreements and projects, in addition to apprenticeship agreements, as the supervisor shall find meritorious.

49.04.090 - On-the-job training agreements and projects — Agreements with federal agencies.

The director of labor and industries shall have authority to enter into and perform, through the supervisor of apprenticeship, agreements with appropriate federal departments or agencies for the development, administration and servicing of on-the-job training projects. Further, the director of labor and industries, through the supervisor of apprenticeship, shall have power to receive and administer funds provided by the federal government for such purposes.

49.04.100 - Apprenticeship programs — Civil rights act advancement.

As provided by the rules adopted by the apprenticeship council, apprenticeship programs entered into under authority of this chapter with five or more apprentices shall conform with 29 C.F.R. Part 30 to the extent required by federal law while advancing the nondiscriminatory principles of the Washington state civil rights act, RCW [49.60.400](#).

Notes:

Purpose -- Construction -- 1990 c 72; 1969 ex.s. c 183: "It is the policy of the legislature and the purpose of this act to provide every citizen in this state a reasonable opportunity to enjoy employment and other associated rights, benefits, privileges, and to help women and racial minorities realize in a greater measure the goals upon which this nation and this state were founded. All the provisions of this act shall be liberally construed to achieve these ends, and administered and enforced with a view to carry out the above declaration of policy." [1990 c 72 § 5; 1969 ex.s. c 183 § 1.]

Severability -- 1969 ex.s. c 183: "If any provision of this 1969 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1969 ex.s. c 183 § 8.]

49.04.110 - Woman and racial minority representation in apprenticeship programs — Noncompliance.

When it shall appear to the department of labor and industries that any apprenticeship program referred to in RCW [49.04.100](#) has failed to comply with the woman or racial minority representation requirement hereinabove in such section referred to by January 1, 1970, which fact shall be determined by reports the department may request or in such other manner as it shall see fit, then the same shall be deemed prima facie evidence of noncompliance with RCW [49.04.100](#) through [49.04.130](#) and thereafter no

state funds or facilities shall be expended upon such program: PROVIDED, That prior to such withdrawal of funds evidence shall be received and state funds or facilities shall not be denied if there is a showing of a genuine effort to comply with the provisions of RCW [49.04.100](#) through [49.04.130](#) as to entrance of women and racial minorities into the program. The director shall notify the appropriate federal authorities if there is noncompliance with the woman and racial minority representation qualification under any apprenticeship program as provided for in RCW [49.04.100](#) through [49.04.130](#).

49.04.120 -Woman and racial minority representation — Community colleges, vocational, or high schools to enlist woman and racial minority representation in apprenticeship programs.

Every community college, vocational school, or high school carrying on a program of vocational education shall make every effort to enlist woman and racial minority representation in the apprenticeship programs within the state and are authorized to carry out such purpose in such ways as they shall see fit.

49.04.130 - Woman and racial minority representation — Employer and employee organizations, apprenticeship council and committees, etc., to enlist woman and racial minority representation in apprenticeship programs.

Every employer and employee organization as well as the apprenticeship council and local and state apprenticeship committees and vocational schools shall make every effort to enlist woman and racial minority representation in the apprenticeship programs of the state and shall be aided therein by the department of labor and industries insofar as such department may be able to so do without undue interference with its other powers and duties. In addition, the legislature, in fulfillment of the public welfare, mandates those involved in apprenticeship training with the responsibility of making every effort to see that woman and racial minority representatives in such programs pursue the same to a successful conclusion.

49.04.141 - Transportation opportunities — Report.

The apprenticeship council shall work with the department of transportation, local transportation jurisdictions, local and statewide joint apprenticeships, other apprenticeship programs, representatives of labor and business organizations with interest and expertise in the transportation workforce, and representatives of the state's universities and community and vocational colleges to establish technical apprenticeship opportunities specific to the needs of transportation. The council shall issue a report of findings and recommendations to the transportation committees of the legislature by December 1, 2003. The report must include, but not be limited to, findings and recommendations regarding the establishment of transportation technical training programs within the community and vocational college system and in the state universities.

Notes:

Findings -- Intent -- 2003 c 363 §§ 201 through 206:

- (1) The legislature finds that a skilled technical workforce is necessary for maintaining, preserving, and improving Washington's transportation system. The Blue Ribbon Commission on Transportation found that state and local transportation agencies are showing signs of a workforce that is insufficiently skilled to operate the transportation system at its highest level. Sections 201 through 206 of this act are intended to explore methods for fostering a stronger industry in transportation planning and engineering.
- (2) It is the intent of the legislature that the state prevailing wage process operate efficiently, that the process allow contractors and workers to be paid promptly, and that new technologies and innovative outreach methods be used to enhance wage surveys in order to better reflect current wages in counties across the state.
- (3) The legislature finds that in order to enhance the prevailing wage process it is appropriate for all intent and affidavit fees paid by contractors be dedicated to the sole purpose of administering the state prevailing wage program.
- (4) To accomplish the intent of this section and in order to enhance the response of businesses and labor representatives to the prevailing wage survey process, the department of labor and industries shall undertake the following activities:
 - (a) Establish a goal of conducting surveys for each trade every three years;
 - (b) Actively promote increased response rates from all survey recipients in every county both urban and rural. The department shall provide public education and technical assistance to businesses, labor representatives, and public agencies in order to promote a better understanding of prevailing wage laws and increased participation in the prevailing wage survey process;
 - (c) Actively work with businesses, labor representatives, public agencies, and others to ensure the integrity of information used in the development of prevailing wage rates, and ensure uniform compliance with requirements of sections 201 through 206 of this act;
 - (d) Maintain a timely processing of intents and affidavits, with a target processing time no greater than seven working days from receipt of completed forms;
 - (e) Develop and implement electronic processing of intents and affidavits and promote the efficient and effective use of technology to improve the services provided by the prevailing wage program." [2003 c 363 § 201.]

Part headings not law -- Severability -- 2003 c 363: See notes following RCW [47.28.241](#).

49.04.150 - Associate degree pathway.

- (1) An apprenticeship committee may recommend to its community or technical college partner or partners that an associate degree pathway be developed for the committee's program.
- (2) In consultation with the state board for community and technical colleges, the apprenticeship committee and the college or colleges involved with the program shall consider the extent apprentices in the program are likely to pursue an

associate degree and the extent a pathway could reduce redundancy of course requirements between the apprenticeship and a degree.

- (3) If the apprenticeship committee and the college or colleges involved with the program determine that a pathway would be beneficial for apprentices and assist them in obtaining an associate degree, the apprenticeship committee may request that a pathway be established as provided in RCW [28B.50.890](#).

Notes:

Findings -- 2003 c 128: "The legislature finds that:

- (1) Apprenticeships are very rigorous and highly structured programs with specific academic and work training requirements;
- (2) There is a misperception that apprenticeships are only for noncollege bound students; and
- (3) The state should expand opportunities for individuals to progress from an apprenticeship to college by creating pathways that build on the apprenticeship experience and permit apprentices to earn an associate degree." [2003 c 128 § 1.]

49.04.160 - Student opportunities — Findings.

- (1) The legislature finds that it is in the public interest of the state to encourage and facilitate the formation of cooperative relationships between business and labor and educational institutions that provide for the development and expansion of programs of educational skills training consistent with employment needs.
- (2) Further, the legislature finds that it is in the state's interest to make students aware of the educational training programs and career employment opportunities.
- (3) Therefore, the following shall be implemented to expand opportunities for secondary school students to prepare for technical careers and related apprenticeships:
 - (a) Centers of excellence and other colleges with a high density of apprenticeship programs shall act as brokers of relevant information and resources as provided for in RCW [49.04.170](#);
 - (b) An educational outreach program coordinated by the Washington state apprenticeship and training council as provided for in RCW [49.04.180](#); and
 - (c) The development of direct-entry programs for graduating secondary students, approved and overseen by the Washington state apprenticeship and training council as provided for in RCW [49.04.190](#).

Notes:

Effective date -- 2006 c 161: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 1, 2006." [2006 c 161 § 7.]

49.04.170 - Student opportunities — Centers of excellence, colleges to provide information.

- (1) Centers of excellence, as designated by the state board for community and technical colleges, and other colleges identified by the state board for community and technical colleges in consultation with the Washington state apprenticeship and training council as having a high density of apprenticeship programs, shall act as a broker of relevant information and resources on available grants, scholarship opportunities, job openings, and industries of growth.
- (2) The Washington state apprenticeship and training council, in conjunction with the office of the superintendent of public instruction, shall aid all local school districts in meeting the goals of chapter 161, Laws of 2006.

Notes:

Effective date -- 2006 c 161: See note following RCW [49.04.160](#).

49.04.180 - Student opportunities — Educational outreach program — Appropriate activities.

- (1) Within existing resources, the Washington state apprenticeship and training council, in conjunction with individual state-approved apprenticeship training programs and the office of the superintendent of public instruction, shall lead and coordinate an educational outreach program for middle and secondary school students, parents, and educators about apprenticeship and career opportunities and communicate workforce projections to the office of the superintendent of public instruction for distribution to all local school districts.
- (2) Appropriate activities of the Washington state apprenticeship and training council under this section include assistance with curriculum development, the establishment of practical learning opportunities for students, and seeking the advice and participation of industry and labor interests.

Notes:

Effective date -- 2006 c 161: See note following RCW [49.04.160](#).

49.04.190 - Student opportunities — Building and construction-related apprenticeships — Grants — Report.

- (1) Within existing resources, the Washington state apprenticeship and training council shall approve and oversee direct-entry programs for graduating secondary students into building and construction-related apprenticeships by:
 - (a) Assisting individual school districts in using and leveraging existing resources; and
 - (b) Developing guidelines, including guidelines that ensure that graduating secondary school students will receive appropriate education and training and will have the opportunity to transition to local apprenticeship programs. The guidelines must be developed with input from apprenticeship coordinators, the office of the superintendent of public

instruction, the state board for community and technical colleges, the workforce training and education coordinating board, and other interested stakeholders for direct-entry programs.

- (2) The Washington state apprenticeship and training council shall award up to ten incentive grants for the 2006-07 school year, based on guidelines established under subsection (1)(b) of this section, to school districts statewide solely for personnel to negotiate and implement agreements with local apprenticeship programs based upon state apprenticeship use requirements, as described in RCW [39.04.320](#), to accept graduating secondary school students with appropriate training into apprenticeship programs. The council shall make every effort to award the grants evenly across the state.
- (3) Beginning December 1, 2006, the Washington state apprenticeship and training council shall provide an annual report to the governor and the education and commerce and labor committees of the legislature. The report shall include:
 - (a) The guidelines established under subsection (1)(b) of this section;
 - (b) The names of the school districts receiving incentive grants under subsection (2) of this section;
 - (c) The results of negotiations between school districts receiving incentive grants and local apprenticeship programs;
 - (d) A list of apprenticeship programs that have agreed, pursuant to negotiated agreements, to accept qualified graduating secondary students; and
 - (e) The number of qualified graduating secondary students entering into apprenticeship programs each year through direct-entry programs.

Notes:

Effective date -- 2006 c 161: See note following RCW [49.04.160](#)

49.04.200 - Apprenticeship programs for energy audits and energy efficiency services — Prioritization of workforce training programs — Outreach efforts.

- (1) The council must evaluate the potential of existing apprenticeship and training programs that would produce workers with the skills needed to conduct energy audits and provide energy efficiency services and deliver its findings to the *department of community, trade, and economic development, the **leadership team, and the appropriate committees of the legislature as soon as possible, but no later than January 18, 2010.
- (2) The council may prioritize workforce training programs that lead to apprenticeship programs in green economy jobs. For purposes of this section, green economy jobs include those in the primary industries of a green economy, including clean energy, the forestry industry, high-efficiency building, green transportation, and environmental protection. Prioritization efforts may include but are not limited to: (a) Prioritization of the use of high employer-demand funding for workforce training programs in green economy jobs; (b) increased outreach efforts to public utilities, education, labor, government, and private industry to develop tailored, green job training programs; and (c) increased outreach efforts

to target populations. Outreach efforts shall be conducted in partnership with local workforce development councils.

- (3) The definitions in RCW [43.330.010](#) apply to this section.

Notes:

Reviser's note:

- * (1) The "department of community, trade, and economic development" was renamed the "department of commerce" by 2009 c 565.
- (2) The leadership team was created in 2009 c 536 § 3, which was vetoed.

Short title -- 2009 c 536: See note following RCW [43.330.370](#).

49.04.900 - Severability — 1941 c 231.

If any provision of this chapter, or the application thereof to any person or circumstances, is held invalid, the remainder of the chapter, and the application of such provision to other persons and circumstances, shall not be affected thereby.

49.04.910 - Chapter not affected by certain laws against discrimination in employment because of age.

The amendments made by chapter 100, Laws of 1961 shall not be construed as modifying chapter 231, Laws of 1941 as amended, or as applying to any standards established thereunder or employment pursuant to any bona fide agreements entered into thereunder.

Notes:

Reviser's note:

- (1) Chapter 100, Laws of 1961 amended RCW [49.60.180](#), [49.60.190](#), [49.60.200](#) and reenacted RCW [49.60.310](#) to include age as an element of discrimination, and such chapter added a new section codified as RCW [49.44.090](#) relating to unfair practices in employment because of age.
- (2) Chapter 231, Laws of 1941 is the apprenticeship law codified in chapter [49.04](#) RCW.