

Draft Proposed Rule Language to Implement ESHB 1533

NOTE: "RCW 49.04.[new]" is the same as Chapter 240, Laws of 2025 (ESHB 1533)

NEW SECTION

WAC 296-05-025

Title: Specialty electrician exemption for individual employer general journey level (01) electrical apprenticeship programs.

1) Purpose and Scope

As provided under RCW 49.04.[new], this section identifies the requirements under which a general journey level (01) electrical apprenticeship program sponsored by an individual employer may use the program's registered apprentice to perform work under the apprentice's valid specialty electrician certificate of competency issued by the department of labor and industries without having to change the apprentice's status in the program.

2) Definitions

The following definitions apply to this section:

- a) "Apprentice status" refers to the current status of a registered apprentice in the apprenticeship registration and tracking system (ARTS).
- b) "Single employer" holds the same meaning as "individual employer" to refer to a registered apprenticeship program sponsored by an individual employer, consistent with WAC 296-05-009.
- c) "Specialty electrician" means a person who has been issued a specialty electrician certificate of competency by the department of labor and industries under chapter 19.28 RCW and chapter 296-46B WAC.

3) Specialty Electrician Exemption Requirements

An individual employer may utilize the specialty electrician exemption allowed under RCW 49.04.[new] and this section if all the following requirements are met:

- a) The general journey level electrical (01) apprenticeship program is sponsored by an individual employer;
- b) The apprentice is registered in a general journey level electrical (01) apprenticeship program sponsored by an individual employer and the apprentice holds a valid specialty electrician certificate of competency issued by the department of labor and industries;
- c) The employer provides annual notice to the apprentice of the employer's intent to use the apprentice for performing work under the apprentice's valid specialty electrician certificate of competency. Annual notices must be provided in accordance with subsection (4):
- d) The employer submits to the department a detailed quarterly report attesting to the apprentice's hours worked under the apprentice's valid specialty electrician certificate of competency in accordance with subsection (5);
- e) The individual employer utilizing this exemption must provide the general journey level electrical (01) apprentice with at least 800 hours of on-the-job training consistent with the standards and

requirements the apprentice needs to complete the (01) electrical apprenticeship program. The apprentice's hours worked under the apprentice's valid specialty electrician certificate of competency do not count toward the hours of on-the-job training experience required to complete the program;

Apprentices with a specialty electrician certificate that required the completion of 4,000 hours of on-the-job training, must be provided at least 800 hours of on-the-job training each year in commercial and industrial work processes consistent with the requirements needed to complete the apprenticeship program.

- f) Registered apprentices must not supervise other registered apprentices. An apprentice working under their specialty electrician certificate of competency must not supervise another apprentice; and
- g) The individual employer meets all requirements under this section, and applicable apprenticeship program requirements under chapter 49.04 RCW and chapter 296-05 WAC.

4) Annual Notice to Apprentice

To qualify for the specialty electrician exemption under RCW 49.04.[new], the individual employer must provide a written annual notice to the apprentice stating the employer's intent to use the apprentice for performing work under the apprentice's valid specialty electrician certificate of competency.

- a) Initial Notice to Apprentice
 - i) Prior to utilizing the exemption, the employer must provide a written initial notice to the apprentice. The initial notice must include all elements required under this section.
 - ii) The employer must provide a copy of the initial notice, with acknowledgements by both the employer and the apprentice, to the department within 30 days of beginning the exemption.
- b) Annual Notice to Apprentice
 - i) An annual notice must be provided to the apprentice until the final disposition of the apprentice.
 - ii) The annual notice must be provided in writing, electronic or on paper. The notice must be acknowledged by both the employer and the apprentice, including the date the notice was acknowledged by each party.
 - iii) The employer must provide a copy of the annual notice, with acknowledgements by both the employer and the apprentice, to the department upon request.
 - iv) The annual notice must include all elements required under this section.
- c) Initial and Annual Notice to Apprentice required elements and form. The employer may use a form provided by the department. The annual notice must include, but not limited to, all the following elements:
 - i) Detailed description of the purpose and scope of the specialty electrician exemption;
 - ii) Apprentice's information including apprentice's name, apprentice identification number, specialty certification information (type, certificate number, effective and expiration dates);
 - iii) Employer information including employer name, employer's unified business identifier number (UBI), and electrical contractor license number;
 - iv) Apprenticeship program name;

- v) The wage the apprentice will be paid for performing work under the apprentice's valid specialty electrician certificate of competency;
- vi) All the following statements:
 - (1) The employer intends to use the apprentice to work under their valid specialty electrician certificate of competency;
 - (2) The apprentice's hours worked under their valid specialty electrician certificate of competency do not count toward the hours of on-the-job training required to complete the general journey level (01) electrical apprenticeship program. Performing such work for the employer may delay the apprentice's progress toward completing the apprenticeship program based on low hour accumulation;
 - (3) Performing work under the apprentice's valid specialty electrician certificate of competency for the employer may delay the apprentice's next wage progression based on low hour accumulation for the general journey level (01) electrical apprenticeship program;
 - (4) The employer will provide the apprentice with at least 800 hours of on-the-job training each year in the work processes required by the standards of apprenticeship for the general journey level (01) electrical apprenticeship program that the apprentice needs to complete the program;
 - (5) The apprentice may pursue other apprenticeship opportunities that may not result in a delay to the apprentice's progress toward completing their general journey level (01) electrical apprenticeship program due to low hour accumulation;
 - (6) If any of the requirements for this exemption are not met, the apprentice has the right to file a complaint consistent with the complaint procedures identified under WAC 296-05-105;
 - (7) The department may suspend the employer from utilizing this exemption for failing to meet the requirements set forth in RCW 49.04.[new] and WAC 296-05-025; and
 - (8) In addition to the requirements set forth RCW 49.04.[new] and WAC 296-05-025, relevant apprenticeship program requirements under chapter 49.04 RCW and chapter 296-05 WAC continue to apply; and
- vii) A section to certify that the notice was provided by the employer and received by the apprentice. The form must include an acknowledgment signature and date.

5) Quarterly Specialty Electrician Exemption Report Attesting to Apprentice Hours Worked

To qualify for the specialty electrician exemption under RCW 49.04.[new], the individual employer must submit to the department a detailed report attesting to the apprentice's hours worked under the apprentice's valid specialty electrician certificate of competency on a quarterly basis.

- a) Specialty Electrician Exemption Report – Quarterly Submittal
 - i) The specialty electrician exemption report must be submitted on a form provided by the department.

- ii) The report must be submitted in a manner consistent with the instructions on the report form. The form must be submitted via email to apprentice@lni.wa.gov.
 - iii) The quarterly reporting schedule is:
 - (1) Quarter 1 – reporting period of January 1 through March 31. Report due April 10.
 - (2) Quarter 2 – reporting period of April 1 – June 30. Report due July 10.
 - (3) Quarter 3 – reporting period of July 1 – September 30. Report due October 10.
 - (4) Quarter 4 – reporting period of October 1 – December 31. Report due January 10.
 - b) Quarterly Specialty Electrician Exemption Report Form. The report must be submitted on a form provided by the department. The report must include, but is not limited to, the following elements:
 - i) Apprentice's information including apprentice's name, apprentice identification number, specialty certification information (type, certificate number, effective and expiration dates);
 - ii) Employer information including employer name, employer's unified business identifier number (UBI), and electrical contractor license number;
 - iii) Apprenticeship program name;
 - iv) Reporting period;
 - v) Hours worked by the apprentice under their valid specialty electrician certificate of competency during the reporting period;
 - vi) Hours of the apprentice's on-the-job training in work processes consistent with the requirements needed by the apprentice to complete the general (01) apprenticeship program; and
 - vii) Applicable permit numbers and awarding authority for work performed, job logs identifying jobs the apprentice worked under their specialty certification and within their general (01) apprenticeship.
 - c) Quarterly reports will be reviewed by the department for compliance.
- 6) Recordkeeping. The employer must retain a copy of the initial notice, annual notices, and quarterly attestation and associated reports for a minimum of five years beyond the final disposition of the apprentice, consistent with WAC 296-05-100. Program sponsors must provide access to records when requested by the Washington State Apprenticeship and Training Council (WSATC) or the apprenticeship supervisor.
- 7) Apprentice complaints. The processes and procedures for WAC 296-05-105 apply to individual apprentice complaints.
- 8) Suspension of Exemption. The supervisor, or designee, may investigate whether the employer is in compliance with RCW 49.04.[new] and WAC 296-05-025. The employer may be suspended from utilizing the exemption if the department finds that the employer did not meet the requirements set forth in RCW 49.04.[new] and WAC 296-05-025.
- (a) When the supervisor determines that an employer is operating in violation of RCW 49.04.[new] or this rule, the supervisor may suspend an employer's exemption.
 - (b) The supervisor must:

- (i) Provide written notice to the employer of the deficiencies and sixty calendar days to correct the identified deficiencies;
 - (ii) Provide notice that the employer's exemption may be suspended if the employer does not correct the deficiencies and notify the supervisor in writing of the corrective action taken to cure the deficiencies with documentary proof of the employer's corrective action within sixty calendar days from the date the supervisor mails the notice of deficiencies to the employer;
 - (c) When an employer does not correct the identified deficiencies the supervisor may suspend the employer's exemption.
 - (d) The supervisor provides written notice to the employer of the supervisor's final decision to suspend the employer's exemption.
 - (e) An employer may appeal the supervisor's final order of suspension to the director by filing a notice of appeal with the director within thirty days from the date the supervisor mails order to the employer.
 - (f) A final order of suspension not appealed within thirty days is final and binding, and not subject to further appeal.
 - (g) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures shall be conducted in accordance with chapter [34.05](#) RCW, and the standard of review by the administrative law judge of an appealed final order of suspension shall be de novo.
 - (h) Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within thirty days after service of the initial order. The director shall conduct administrative review in accordance with chapter [34.05](#) RCW.
 - (i) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter [34.05](#) RCW. 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.
 - (j) An employer who fails to allow adequate inspection of records in an investigation by the department under Chapter 49.04 RCW or WAC 296-05 within a reasonable time period may not use such records in any appeal under this section to challenge the correctness of any determination of compliance by the department.
- 9) Duration of Exemption Suspension. The program will be suspended from using the exemption for one year from the date of the final notice of suspension. Once reinstated, the program must follow all notification requirements.
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AMEND EXISTING SECTION

296-05-003 Definitions

...(38) Supervision: The necessary education, assistance, and control provided by a journey-level employee to an apprentice. Apprentices must be supervised by a journey-level worker on the same job site at least 75 percent of each working day, unless otherwise approved by the WSATC. Registered apprentices must not supervise other registered apprentices.