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Department of Labor & Industries  
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REGION 4S APPRENTICESHIP  
TUMWATER

February 26, 2021

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**BY U.S. MAIL AND EMAIL**

Chris Bowe  
Council Secretary  
Washington State Apprenticeship and Training  
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Department of Labor & Industries  
Apprenticeship Section  
P.O. Box 44530  
Olympia, WA 98504-4530  
[bowe235@lni.wa.gov](mailto:bowe235@lni.wa.gov)

Joel Sacks  
Director  
Washington State Department of Labor &  
Industries  
P.O. Box 44000  
Olympia, WA 98504-4000  
[sacj235@lni.wa.gov](mailto:sacj235@lni.wa.gov); [dec1235@lni.wa.gov](mailto:dec1235@lni.wa.gov)

**Re: Matrix Service Inc.'s Request for Variance to the Six-Month Apprenticeship Requirement for Incumbent Journey-Level Employees**

Dear Secretary Bowe and Director Sacks:

I am writing on behalf of Matrix Service Inc. to request that the Council and/or the Department grant a variance from the newly reinstated requirement of WAC 296-05-003 that requires even experienced employees to spend at least six months in an approved apprenticeship program before being granted journey person status.

Matrix has been working safely and proficiently in Washington's petroleum refineries for decades, performing work that is now covered by HB 1817, RCW Chapter 49.80. Many of those employees have worked in the refineries for years and are highly trained and fully proficient. Matrix's refinery safety record is exceptional and the quality of the work performed by its employees is second to none.

One of the requirements of HB 1817 is that certain percentages of Matrix's refinery employees must be graduates from apprenticeship programs approved by the Washington State Apprenticeship and Training Council (the "Council"). In order to comply with the requirements of HB 1817, Matrix adopted four proposed apprenticeship programs and in 2019 submitted them to the Council for approval.

All four programs passed the Department's technical review. One of them, the Industrial Maintenance Apprenticeship program, was approved by the Council at its January 2021 meeting, but the Council has not yet issued its written order confirming that approval. Matrix's three other programs (Industrial Pipefitter, Industrial Boilermaker and Industrial Insulator) have

Secretary Bowe and Director Sacks  
February 26, 2021  
Page 2

received initial orders of approval by the Office of Administration Hearings and are scheduled to be considered by the Council at its April 2021 meeting.

However, once the Council issues its written order approving the IMM program, there will not be enough time for Matrix's fully-trained and experienced employees to obtain journeyperson status before the Department's "grace period" for enforcing the journeyperson ratios expires on May 31, 2021. The same is true from Matrix's employees who will be candidates for the three other proposed programs that are awaiting Council review in April.

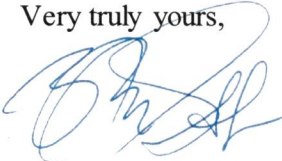
For these reasons, Matrix requests that, once the appropriate program is approved by the Council, it be granted a variance from the 6-month apprentice-tenure requirement for its current employees who are already fully-trained and performing journey-level work. The variance would permit the respective program committee to determine that a particular apprentice has already achieved the training and experience necessary to qualify as a journeyperson, and would authorize the Department to issue journey level credentials and to confirm his or her journey-level status in the Apprenticeship Registration and Tracking System.

Granting this variance is justified because, despite Matrix's timely submission of its programs, the delays caused by the COVID-19 pandemic and the objections process, together with the requirement that apprentices spend at least six months in an approved program before being granted journeyperson status, have made it impossible for Matrix to comply with the requirements of HB 1817.

As with other information maintained by approved apprenticeship program, Matrix's programs will promptly provide, upon request by the Department, all supporting information and records supporting their actions.

Please let me know if you have any questions or need additional information to consider this request.

Very truly yours,



Bruce Michael Cross

BMC;jld

**cc (via Email and U.S. Mail):**

Anne F. Soiza, Assistant Director, Division of Occupational Safety and Health,  
[anne.soiza@lni.wa.gov](mailto:anne.soiza@lni.wa.gov)

Secretary Bowe and Director Sacks  
February 26, 2021  
Page 3

Jody Robbins, Apprenticeship Program Manager, [rojo235@lni.wa.gov](mailto:rojo235@lni.wa.gov);  
[jody.robins@lni.wa.gov](mailto:jody.robins@lni.wa.gov)

Alan Lundeen, Operations Program Manager, Division of Occupational Safety and Health,  
[alan.lundeen@lni.wa.gov](mailto:alan.lundeen@lni.wa.gov)

Maggie Leland, Executive Policy Manager, Governmental Affairs and Policy,  
[Maggie.leland@lni.wa.gov](mailto:Maggie.leland@lni.wa.gov)

Elizabeth Smith, Deputy Director, Government Affairs and Policy, [elizabeth.smith@lni.wa.gov](mailto:elizabeth.smith@lni.wa.gov)

Gary Peterson, Apprenticeship Consultant, [Gary.Peterson@lni.wa.gov](mailto:Gary.Peterson@lni.wa.gov)

Will Henry, Assistant Attorney General, Attorney General of Washington, Labor & Industries  
Division, [williamf.henry@atg.wa.gov](mailto:williamf.henry@atg.wa.gov)

Eric Lawless, Assistant Attorney General, Office of the Attorney General,  
[Eric.lawless@atg.wa.gov](mailto:Eric.lawless@atg.wa.gov)

*Teri Gardner 3-12-2021*

**From:** [Peterson, Gary W \(LNI\)](#)  
**To:** [LNI RE Apprentice; Robbins, Jody M \(LNI\)](#)  
**Subject:** FW: WSATC Agenda Update  
**Date:** Friday, March 12, 2021 10:05:43 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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Good Morning Jody: Please review the below email from the proposed Matrix Service apprenticeship. Thank you,

Gary

Gary Peterson  
WA. State Labor & Industries  
Apprenticeship Consultant  
360-701-7140

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**From:** Cary Clemenson <clemenson@matrixservice.com>  
**Sent:** Friday, March 12, 2021 10:03 AM  
**To:** Peterson, Gary W (LNI) <pega235@LNI.WA.GOV>  
**Cc:** Robbins, Jody M (LNI) <rojo235@LNI.WA.GOV>; Bruce Michael Cross (BCross@perkinscoie.com) <BCross@perkinscoie.com>  
**Subject:** RE: WSATC Agenda Update

External Email

Good morning Gary, Matrix would prefer the Variance request remain on the April agenda.

In addition to that item, please accept this email as written notice that Matrix Service does accept the changes imposed upon our proposed IMM standards as approved by the WSATC on the 21<sup>st</sup> of January at the quarterly meeting.

Thanks,

**Cary D. Clemenson**  
Division Manager, Operations



**MATRIX SERVICE**

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**From:** Peterson, Gary W (LNI) <[pega235@LNI.WA.GOV](mailto:pega235@LNI.WA.GOV)>  
**Sent:** Friday, March 12, 2021 9:40 AM  
**To:** Cary Clemenson <[cclemenson@matrixservice.com](mailto:cclemenson@matrixservice.com)>  
**Cc:** Robbins, Jody M (LNI) <[rojo235@LNI.WA.GOV](mailto:rojo235@LNI.WA.GOV)>  
**Subject:** WSATC Agenda Update

**CAUTION:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good Morning Cary: As per our ZOOM meeting this morning, Jody stated that the Matrix Variance Request was currently proposed to be on the April 2021 WSATC meeting agenda. Did you want the Variance Request to remain on the April agenda or would you prefer it to be removed for action at a later WSATC meeting? Please let me know as we are close to the deadline publish date. Thank you  
Cary,

Gary

Gary Peterson  
WA. State Labor & Industries  
Apprenticeship Consultant  
360-701-7140