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August 27, 2020

Supervisor of Apprenticeship and Training
Department of Labor & Industries
Apprenticeship Section
Post Office Box 44530
Olympia, Washington 98504-4530

Re: Request for Approval and Registration of Federally-Registered Program

Dear Supervisor of Apprenticeship and Training:

I write on behalf of Western Refinery Services, Inc. ("WRS"). The U.S. Department of Labor (the "USDOL"), Office of Apprenticeship ("OA"), has approved WRS's Registered Apprenticeship Standards, for Local Apprenticeship Standards, for the apprenticeable occupations of Laborer & Construction Equipment Operator (the "Federal Program"). I have attached copies of the documentation for the Federal Program as Exhibits 1-3. This letter is a request for the Washington State Apprenticeship and Training Council (the "Council") to approve and register WRS's Federal Program.[1]

The basis for this request is two-fold. The Council should approve and register WRS's Federal Program based on (1) the stated policy and directive of the OA; or, alternatively, (2) the requirement to accord reciprocal approval per 29 CFR § 29.13(b)(7) and WAC 296-05-011(3). While not intended to be exhaustive, each alternative ground for approval and registration by the Council is briefly outlined below.[2]

The policy and directive of the USDOL warrant approval by the Council.

Chapter 49.04 RCW is the Washington Apprenticeship State. RCW 49.80.010(5) and (7)(a). Its implementing regulations (Chapter 296-05 WAC) contain myriad rules governing standards of apprenticeship as it relates to approval eligibility. *See, e.g.*, WAC 296-05-015. Moreover, as a State Apprenticeship Agency ("SAA"), the Washington Department of Labor & Industries (the "Department") "is constrained in its approval to apply the requirements and standards of the federal regulations." *Electrical Joint Apprenticeship Committee v. MacDonald*, 949 F.2d 270, 273 (9th Cir. 1991), *cert. denied*, 505 U.S. 1204

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[1] Per WAC 296-05-008(3)(c), WRS requests that the Council take action on this request at the next regular quarterly meeting, on October 15, 2020.

[2] The analysis is included to identify and clarify the ground on which WRS is requesting that the Council approve and register WRS's Federal Program. It is not an exhaustive analysis of all authorities supporting WRS's request for approval and should not be so construed. WRS reserves all rights, including the right to establish its positions more fully in subsequent proceedings.

(1992). The Apprenticeship Statute (Chapter 49.04 RCW) requires the Department to "promote apprenticeship programs … in harmony with the policies of the [USDOL]." RCW 49.04.030(1). The USDOL policies are carried out through 29 CFR part 29 subpart A, and part 30. These federal regulations require the Department (Council) to register new apprenticeship programs in conformity with the federal regulations at 29 CFR part 29 subpart A, and part 30. *See generally* 29 CFR §§ 29.3(b), 29.13 and 29.14. in sum, the Department is obligated to approve and register programs in conformity with the federal regulations. *Id.*; *see also MacDonald*, 949 F.2d at 273.

The OA's approval of programs for WRS in the Laborer and Construction Equipment Operator occupations demonstrates that these programs conform with the applicable regulatory standards. 29 CFR § 29.3(a) ("Eligibility for registration of an apprenticeship program for various Federal purposes is conditioned upon a program's conformity with the apprenticeship program standards published in this part."). Moreover, the OA has already stated it is the USDOL's policy and directive that the Department (Council) should approve and register WRS's federally-approved programs. Exhs. 4-5. For both reasons, WRS respectfully requests that the Council approve and register WRS's Federal Program.

Applicable reciprocity requirements warrant approval by the Council.

WRS alternatively requests that the Council approve and register WRS's Federal Program per applicable reciprocity regulations. The federal apprenticeship regulations require SAAs such as the Department (Council) to "[a]ccord reciprocal approval" to "programs and standards that are registered in other States." 29 CFR § 29.13(b)(7). Washington's regulations similarly permit the Council to reciprocally "recognize out-of-state apprenticeship programs." WAC 296-05-011(d)(3). WRS accordingly requests, in the alternative, that the Council register and approve the Federal Program per the requirements to accord reciprocal approval per 29 CFR § 29.13(b)(7) and WAC 296-05-011(3).

Thank you for your acceptance of WRS's request for the Council to approve and register WRS's Federal Program. Please do not hesitate to contact me regarding any matter related to this request.

Sincerely,

Joshua D. Brittingham

Encs.

Exh. 1: Registered Apprenticeship Standards
Exh. 2: Appendix A: Work Process Schedule & Related Instruction: Laborer Occupation
Exh. 3: Appendix A: Work Process Schedule & Related Instruction: Operator Occupation
Exh. 4: Letter from USDOL to Joel Sacks dated July 2, 2020
Exh. 5: Letter from USDOL to Dave C. Bren dated July 6, 2020

cc: See attached *Certificate of Filing and Service*

CERTIFICATE OF FILING AND SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on August 27, 2020, I caused the documents listed below to be filed/served on the following recipients in the manner set forth below:

Documents:

1. *Letter from Joshua D. Brittingham to Supervisor of Apprenticeship and Training regarding Request for Approval and Registration of Federally-Registered Program, dated August 27, 2020, with attachments.*

2. This *Certificate of Filing and Service.*

Recipients:

Supervisor of Apprenticeship and Training Department of Labor & Industries Apprenticeship Section Post Office Box 44530 Olympia, Washington 98504-4530	☒ Via U.S. Postal Service ☐ Via Hand Delivery / Legal Messenger ☒ Via E-mail: WilliamF.Henry@atg.wa.gov Jordyn.Jones@atg.wa.gov Mykaila.Ostrom@atg.wa.gov apprentice@Lni.wa.gov jody.robbins@lni.wa.gov gate235@lni.wa.gov (Teri Gardner) pega235@lni.wa.gov (Gary Peterson)
Department of Labor and Industries 7273 Linderson Way S.E. Tumwater, Washington 98501	☐ Via U.S. Postal Service ☒ Via FedEx ☐ Via E-mail:

DATED: August 27, 2020, in Seattle, Washington.

Elizabeth A. Parry

Elizabeth A. Parry, Legal Assistant to Joshua D. Brittingham

Western Refinery Services, Inc.

Request for Approval and Registration of Federally-Registered Program

EXHIBIT 1

Registered Apprenticeship Standards

☐ National Program Standards ☐ National Guidelines for Apprenticeship Standards
☒ Local Apprenticeship Standards

Insert Name of Sponsor(s) or Organization(s):

WESTERN REFINERY SERVICES

Occupation(s): *Laborer & Construction Equipment Operator*

O*NET-SOC Code(s): ***47-2061.00*** **& 47-2073.00** **RAPIDS Code(s):** ***0661 & 0365***

Developed in Cooperation with the
U.S. Department of Labor
Office of Apprenticeship

Approved by the
U.S. Department of Labor
Office of Apprenticeship

Registered By: ***DOUGLAS HOWELL***

(For Government Use Only)

Signature: Patricia A. Garcia Digitally signed by Patricia A. Garcia Date: 2020.08.21 11:51:36 -07'00'

(Sign here manually for National or Local Apprenticeship Standards)

Title: *Region 6 MSN*
Office of Apprenticeship

Date: _____

Registration Number: _____

Certified By: Patricia Garcia

(For Government Use Only)

Signature: _____

(Sign here manually for National Guidelines for Apprenticeship Standards Only)

Title: _____

☐ Check here if these are revised standards

TABLE OF CONTENTS

SECTION I – STANDARDS OF APPRENTICESHIP 29 CFR § 29.5

A. Responsibilities of the sponsor: ***Western Refinery Services*** *(Sponsor)* must conduct, operate, and administer this program in accordance with all applicable provisions of Title 29 Code of Federal Regulations (CFR) parts 29 and 30, and all relevant guidance issued by the Office of Apprenticeship (OA). The sponsor must fully comply with the requirements and responsibilities listed below and with the requirements outlined in the document "Requirements for Apprenticeship Sponsors Reference Guide."

Sponsors shall:

- Ensure adequate and safe equipment and facilities for training and supervision and provide safety training for apprentices on-the-job and in related instruction.
- Ensure there are qualified training personnel and adequate supervision on the job.
- Ensure that all apprentices are under written apprenticeship agreements incorporating, directly or by reference, these standards and the document "Requirements for Apprenticeship Sponsors," and that meets the requirements of Title 29, CFR part 29.7. Form ETA 671 may be used for this purpose and is available upon logging into RAPIDS.
- Register all apprenticeship standards with the U.S. Department of Labor, including local variations, if applicable.
- Submit apprenticeship agreements within 45 days of enrollment of apprentices.
- Arrange for periodic evaluation of apprentices' progress in skills and technical knowledge, and maintain appropriate progress records.
- Notify the U.S. Department of Labor within 45 days of all suspensions for any reason, reinstatements, extensions, transfers, completions and cancellations with explanation of causes. Notification may be made in RAPIDS or using the contact information in Section K.
- Provide each apprentice with a copy of these standards, Requirements for Apprenticeship Sponsors Reference Guide, and Appendix A, any applicable written rules and polices, and require apprentices to sign an acknowledgment of their receipt. If the sponsor alters these standards or any Appendices to reflect changes it has made to the apprenticeship program, the sponsor will obtain approval of all modifications from the Registration Agency, then provide apprentices a copy of the

updated standards and Appendices and obtain another acknowledgment of their receipt from each apprentice.

B. Minimum Qualifications - 29 CFR §29.5(b)(10)

An apprentice must be at least *18* years (Enter an age of at least 16 years) of age, except where a higher age is required by law, and must be employed to learn an apprenticeable occupation. Please include any additional qualification requirements as appropriate (optional):

☒ There is an educational requirement of *High School Diploma, General Education Development (GED) equivalency or other high school equivalency credential is required.*

☒ There is a physical requirement of *Applicant must be physically capable of performing the work of this trade with or without reasonable accommodations, and without posing a direct threat to the health and safety of the individuals or others*

☐ The following aptitude test(s) will be administered _____

☒ A valid driver's license is required.

☒ Other *Applicants must be a current employee of WRS.*

(List all other requirements)

C. Apprenticeship Approach and Term - 29 CFR § 29.5(b)(2)

The apprenticeship program(s) will select an apprenticeship training approach. See Appendix A to select approach.

D. Work Process Schedule and Related Instruction Outline - 29 CFR § 29.5(b)(4)

Every apprentice is required to participate in related instruction in technical subjects related to the occupation. Apprentices ☒ **will** ☐ **will not** *(choose one)* be paid for hours spent attending related instruction classes. Insert Work Process Schedule and Related Instruction Outline at Appendix A.

E. Credit for Previous Experience – 29 CFR § 29.5(b)(12)

Apprentice applicants seeking credit for previous experience gained outside the apprenticeship program must furnish such transcripts, records, affidavits, etc. that may be appropriate to substantiate the claim. *Western Refinery Services (Sponsor)* will evaluate the request for credit and make a determination during the apprentice's probationary period.

Additional requirements for an apprentice to receive credit for previous experience (optional):

_____

_____

_____

F. Probationary Period – (29 CFR § 29.5 (b)(8) and (20)

Every applicant selected for apprenticeship will serve a probationary period which may not exceed 25 percent of the length of the program or 1 year whichever is shorter. Insert probationary period at Appendix A.

G. Ratio of Apprentices to Journeyworkers - 29 CFR § 29.5 (b)(7)

Every apprenticeship program is required to provide an apprenticeship ratio of apprentices to journeyworkers for adequate supervision. Insert ratio at Appendix A.

H. Apprentice Wage Schedule - 29 CFR § 29.5 (b)(5)

Apprentices must be paid a progressively increasing schedule of wages based on either a percentage or a dollar amount of the current hourly journeyworker wage rate. Insert the progressive wage schedule at Appendix A.

I. Equal Employment Opportunity and Affirmative Action

1. Equal Opportunity Pledge - 29 CFR §§ 29.5(b)(21) and 30.3(c)(1)

Western Refinery Services will not discriminate against apprenticeship applicants or apprentices based on race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, genetic information, or because they are an individual with a disability or a person 40-years old or older.

Western Refinery Services will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, part 30.

[Optional] The equal opportunity pledge applies to the following additional protected bases (as applicable per the sponsor's state or locality):

_____

_____

_____

2. Affirmative Action Program - 29 CFR §§ 29.5(b)(21), 30.4, and 30.10

Western Refinery Services acknowledges that it will adopt an affirmative action plan in accordance with 29 Title CFR § 30.4-30.9 (required for sponsors with five or more registered apprentices by two years from the date of the sponsor's registration or by two years from the date of registration of the program's fifth (5th) apprentice). Information and technical assistance materials relating to the creation and maintenance of an affirmative action plan will be made available on the Office of Apprenticeship's website.

3. Selection Procedures - 29 CFR § 30.10

Every sponsor will adopt selection procedures for their apprenticeship programs, consistent with the requirements set forth in 29 CFR § 30.10(b). See Appendix A to enter your selection procedures for each occupation for which the sponsor intends to train apprentices.

J. Complaint Procedures - 29 CFR §§ 29.5(b)(22), 29.7(k), 29.12, and 29 CFR § 30.14

If an applicant or an apprentice believes an issue exists that adversely affects the apprentice's participation in the apprenticeship program or violates the provisions of the apprenticeship agreement or standards, the applicant or apprentice may seek relief. Nothing in these complaint procedures precludes an apprentice from pursuing any other remedy authorized under another Federal, State, or local law. Below are the methods by which apprentices may send a complaint:

1. **Complaints regarding discrimination.** Complaints must contain the complainant's name, address, telephone number, and signature, the identity of the respondent, and a short description of the actions believed to be discriminatory, including the time and place. Generally, a complaint must be filed within 300 days of the alleged discrimination. Complaints of discrimination should be directed to the following contact (To be completed by Sponsor):

Name: *Dave Bren, Apprenticeship Director*

Address: *2380 Grandview Road*

Ferndale, WA 98248

Telephone Number: *(360) 739-1428*

Email Address: *daveb@wrsweb.com*

2. **Other General Complaints.** The sponsor will hear and attempt to resolve the matter locally if written notification from the apprentice is received within ***15*** days of the alleged violation(s). The sponsor will make such rulings as it deems necessary in each individual case within ***30*** days of receiving the written notification. Any complaint described in that cannot be resolved by the program sponsor to the satisfaction of all parties may be submitted to the Registration Agency. Complaints may be filed with the Registration Agency at (To be completed by OA):

Name: *Douglas Howell, Region 6 MSN*

Address: *333 S. Las Vegas Blvd. Ste 5520 Las Vegas NV 89101*

Telephone Number: *702-388-6396*

Email Address: *Howell.douglas@dol.gov*

K. Registration Agency General Contact Information 29 CFR § 29.5(b)(17)

The Registration Agency is the United States Department of Labor's Office of Apprenticeship. General inquiries, notifications and requests for technical assistance may be submitted to the Registration Agency using the contact information below (To be completed by OA).

Name: *Douglas Howell, Region 6 MSN*

Address: *333 S. Las Vegas Blvd. Ste 5520 Las Vegas NV 89101*

Telephone Number: *702-388-6396*

Email Address: *Howell.douglas@dol.gov*

L. Reciprocity of Apprenticeship Programs 29 CFR § 29.13 (a)(7)

States must accord reciprocal approval for Federal purposes to apprentices, apprenticeship programs and standards that are registered in other States by the Office of Apprenticeship or a Registration Agency if such reciprocity is requested by the apprenticeship program sponsor.

Program sponsors seeking reciprocal approval must meet the wage and hour provisions and apprentice ratio standards of the reciprocal State.

SECTION II - APPENDICES AND ATTACHMENTS

☒ **Appendix A** – *Work Process Schedule, Related Instruction Outline, Apprentice Wage Schedule, Ratio of Apprentices to Journeyworkers, Type of Occupation, Term of Apprenticeship, Selection Procedures, and Probationary Period*

☒ **Appendix B** – *ETA 671 - Apprenticeship Agreement and Application for Certification of Completion of Apprenticeship (To be completed after registration)*

☐ **Appendix C** – *Affirmative Action Plan* (Required within two years of registration unless otherwise exempt per 29 CFR §30.4(d))

☐ **Appendix D** – *Employer Acceptance Agreement (For programs with multiple-employers only)*

SECTION III - SIGNATURES

OFFICIAL ADOPTION OF APPRENTICESHIP STANDARDS

The undersigned sponsor hereby subscribes to the provision of the Apprenticeship Standards formulated and registered by *Western Refinery Services(Sponsor)*, on this *26th* day of *(August, 2020).*

The signatories acknowledge that they have read and understand the document titled "Requirements for Apprenticeship Sponsors Reference Guide" and that the provisions of that document are incorporated into this agreement by reference unless otherwise noted.

Signature of Sponsor (designee)
(Requires Manual Signature)

Dave C. Bren, Apprenticeship Director
Printed Name

Signature of Sponsor (designee)
(Requires Manual Signature)

Printed Name

SECTION IV - DISCLOSURE AGREEMENT *(Optional)*

I, *Dave C. Bren* *(Sponsor Representative)*, acting on behalf of *Western Refinery Services* *(Sponsor)* authorize OA to share the Work Process Schedule and Related Instruction Outline in Appendix A with other potential apprenticeship sponsors.

Signature
(Requires Manual Signature)

8.26.2020
Date

Dave C. Bren, Apprenticeship Director
Printed Name

Western Refinery Services, Inc.

Request for Approval and Registration of Federally-Registered Program

EXHIBIT 2

Appendix A

(Sponsor(s) with multiple occupations must complete an Appendix A for each occupation)

WORK PROCESS SCHEDULE

AND

RELATED INSTRUCTION OUTLINE

Appendix A

WORK PROCESS SCHEDULE
Laborer

O*NET-SOC CODE: 47-2061.00 **RAPIDS CODE:** 0661

This schedule is attached to and a part of these Standards for the above identified occupation.

1. APPRENTICESHIP APPROACH

☐ Time-based ☐ Competency-based ☒ Hybrid

2. TERM OF APPRENTICESHIP

The term of the apprenticeship is 3 years with an OJL attainment of 4000-5100 hours, supplemented by the minimum required 520 hours of related instruction. (Note: The competency-based training approach does not require hours.)

3. RATIO OF APPRENTICES TO JOURNEYWORKERS

The apprentice to journeyworker ratio is: 1 Apprentice(s) to 1 Journeyworker(s).

4. APPRENTICE WAGE SCHEDULE

Apprentices shall be paid a progressively increasing schedule of wages based on either a percentage or a dollar amount of the current hourly journeyworker wage rate, which is: $27.44.

Step	Hour Range	Minimum Percentage of Journey-Level Wage Rate
1	0000-1000 Hours	65%
2	1001-2000 Hours	70%
3	2001-3000 Hours	75%
4	3001-4000 Hours	80%
5	4001-5000 Hours	85%
6	5001-6000 Hours	90%

5. PROBATIONARY PERIOD

Every applicant selected for apprenticeship will serve a probationary period of 1200 hours.

6. SELECTION PROCEDURES

1. **The company shall do a companywide posting, announcing openings as they occur in the apprentice occupation.**
2. **Applicants must provide an official transcript(s) for high school and any post-high school education. Applicant must submit the GED certificate or other high school equivalency credential if applicable.**
3. **Applicants must submit a DD-214 to verify military training and/or experience if they are a veteran and wish to receive consideration for such training/experience.**
4. **The company shall select the apprentices from those employees in the company who answer the posting.**
5. **Selection shall be based on past work history, a demonstrated learning ability, prior schooling or experience, and Committee interview panel.**
6. **The Committee will notify applicants of the selection.**

WORK PROCESS SCHEDULE
Laborer

O*NET-SOC CODE: 47-2061.00 **RAPIDS CODE:** 0661

Instructions for entering the Work Process Schedule:

Time-Based Occupation: Please provide the Work Process Schedule below to include the Job Tasks (left column) required to complete the apprenticeship program with the approximate amount of time (right column) the apprentice will spend in each task.

Hybrid Occupation: Please include the minimum/maximum number of hours (right column) with the breakdown of the Job Tasks and the successful demonstration of competencies described in the WPS (left column), required to complete the apprenticeship program and identify an appropriate means of testing and evaluation for such competencies.

Competency-based Occupation: Please describe competencies required for the apprenticeship (left column and identify an appropriate means of testing and/or evaluating for such competencies (right column).

Work Process:

The apprentice shall receive on the job instruction and work experience as is necessary to become a qualified journey-level worker versed in the theory and practice of the occupation covered by these standards. The following is a condensed schedule of work experience, which every apprentice shall follow as closely as conditions will permit. The following work process descriptions pertain to the occupation being defined.

A. Laborer	Approximate Hours/Competency Level
1. General Laborer Skills: (shall include the following)	**3000-3600 Hours**
a. Site/Project Preparation and Maintenance	
i. Clearing/Demolition (Includes falling and bucking)	
ii. Setup/Security/Cleanup (Includes Erosion Controls and Landscaping)	
iii. Grading (Includes all non-mechanized aspects of grading)	
iv. Compaction (Includes all walk-behind compaction machinery)	
v. Staking and Layout (Traditional Vertical and Horizontal Methods)	
b. Tools, Equipment, and Materials	
i. Equipment Tools (Includes recognition, safety, handling, use, and care)	
ii. Material Handling (Includes recognition, safety, handling, use, and care)	
iii. Hand Tools (Includes hand electric, gas, pneumatic tools use and maintenance	
iv. Storage and Security (Includes tool, equipment, and material storage and security)	

c. **Safety**
   i. **Confined Space Safety**
   ii. **Flagging, Signing, and Traffic Safety**
   iii. **Trenching and Site Safety**
   iv. **Rigging, Hoisting, Signaling, and Spotting**
   v. **Hazardous Material Recognition**

2. **Specific Laborer Skills: (shall include the following)** **1000-1500 Hours**
   a. **Environmental Remediation**
      i. **Hazardous Waste Abatement**
      ii. **Petro-Chemical Abatement**
      iii. **Weatherization**
      iv. **Stormwater Pollution Prevention**
   b. **Sitework Construction**
      i. **Concrete Work (Includes tending, placement, clean-up and demolition)**
      ii. **Landscaping (Includes layout, planting, and staking)**
      (Includes spreading, grading, and compaction by walk behind equipment)
      (Includes falling, trimming, and pruning hedges, trees, and shrubs)

   c. **Heavy/Highway Construction**
      i. **Asphalt Work (Includes all non-mechanized aspects of asphalt work and cleanup)**
      ii. **Drilling and Blasting (Includes all non-mechanized aspects of drilling and blasting)**
      iii. **Grade Checking (Includes traditional, robotic station, and GPS fieldwork methods)**
      vi. **Pipe Laying (Includes work traditionally performed by construction craftlaborers)**

Hours/# of Competency Levels: **4,000-5,100 Hours**

All work shall be performed under the supervision of a journey-level worker. Supervision should not be of such nature as to prevent the development of responsibility.

RELATED INSTRUCTION OUTLINE
Laborer

O*NET-SOC CODE: 47-2061.00 **RAPIDS CODE:** 0661

Related Instruction Descriptions: **Approximate Hours:**

Element/Course: **General Construction**	Planned Hours: **80**
Mode of Instruction (check all that apply) ☒ Classroom ☒ Lab ☐ Online ☐ Self-Study Provided by: Western Refinery Services	
Description of element/course: **YEAR 1 – 1st COURSE – FALL/WINTER** **Basic Safety Training; (16 hours)** – All apprentices must begin with Basic Safety Training which includes; OSHA 10 and First Aid/CPR certifications. **Introduction to the Trade; Craft Module 1.1 (8 hours)** – Gives a brief history of the trade and provides an overview of the Laborers craft and the tasks typically performed by a Laborer. **Construction Math; Core Module 2 (8 Hours w/ lab)** - Reviews basic mathematical functions and explains their applications to the Laborers trade. Explains how to use and read various length measurement tools, including standard and metric rulers and tape measures, and the architect's and engineer's scales. Explains decimal-fraction conversions and the metric system, using practical examples. Also reviews basic geometry as applied to common shapes and forms. **Hand, Power and Pneumatic Tools; Core Modules 3 & 4 (32 hours w/ lab)** - Introduces trainees to hand tools that are typically used by Laborers, explains the specific applications of each tool and shows how to use them properly. Provides detailed descriptions of commonly used tools and how they are used in on-the-job settings. Also discusses important safety and maintenance issues related to these tools. **Materials Use, Handling, and Demolition; Craft Module 1.2 & Core Module 9 (16 hours w/ lab)** Introduction to the various materials used in construction and discusses the proper uses, storage, handling, and demolition techniques. Also discusses important safety and maintenance issues related to materials handling.	

Element/Course: **Leveling, Site Layout 1, and Plans Reading**	Planned Hours: **80**

Mode of Instruction (check all that apply)

☒ Classroom ☒ Lab ☐ Online ☐ Self-Study

Provided by: Western Refinery Services

Description of element/course:

YEAR 1 – 2nd COURSE – SPRING/SUMMER

Introduction to Construction Drawings; Core Module 5 (16 hours classroom)
Familiarizes trainees with basic terms for construction drawings, components, and symbols. Explains the different types of drawings (civil, architectural, structural, mechanical, plumbing/piping, electrical, and fire protection) and instructs trainees on how to interpret and use drawing dimensions.

Site Layout for Vertical Control and Equipment Use; Craft Module 1.4 (40 hours w/lab)
Covers vertical aspects of site layout and equipment used to transfer vertical control and differentially level for setting vertical grade. Includes both laser level and optical level equipment methodology. Includes horizontal layout by traditional total station (GPS & Robotic is covered in 2nd Year). Includes field notes record keeping and mathematic calculations required for level loops, profile leveling, cross section leveling, and grid mapping for hand generated contours with a site plan project.

AutoCAD Drawing Fundamentals; Core Model 5 (24 hours CADD lab)
Continue to familiarize trainees with basic terms for construction drawings, components, and symbols. Explains the different types of drawings (civil, architectural, structural, mechanical, plumbing/piping, electrical, and fire protection) and instructs trainees how to prepare drawings and drawing dimensions. Understanding how designers prepare drawings will greatly increase the trainees plan reading skills.

Element/Course: **Concrete Work**	Planned Hours: **80**

Mode of Instruction (check all that apply)

☒ Classroom ☒ Lab ☐ Online ☐ Self-Study

Provided by: Western Refinery Services

Description of element/course:

YEAR 2 – 1st COURSE – FALL/WINTER

Properties of Concrete; Craft Module 1.3 (16 Hours w/lab)
Provides an introduction to the methods and procedures used by Laborers in placing concrete. Introduces terms of the trade and tools and equipment used, explains safety requirements for concrete construction. Covers the methods and techniques used in estimating materials quantities for concrete construction. Provides background for use of plans and drawings as well as math calculations.

Handling and Placing Concrete; Craft Module 1.5 (24 Hours w/ lab)
Describes the physical and chemical properties of various materials used in a concrete mix. Presents requirements and methods for properly placing concrete. Includes information on conveying and placing fresh concrete using various types of equipment, such as wheel-barrows, tow behind grout pumps and chute tender for conveyors. Describes techniques, consolidating, cleanup and use of equipment (i.e. vibrators).

Foundations and Slabs-on-Grade; Craft Module 1.6 (32 Hours w/ lab)
Details the methods and procedures used in preparing for placing concrete. Includes background information about site layout, forms requirements, and subgrade preparation. Covers common hazards, safety, set-up, stripping cleanup and repair procedures. Includes and introduction to the methods and procedures used in curing and protecting concrete. Covers the types of curing commonly performed for both horizontal and vertical placement. Describes techniques for protecting concrete during hot and cold weather. Includes and introduction to the types of pre-manufactured forms, proper use and safety requirements.

Concrete Cutting; (8 hours w/ lab) - Safety, use, and handling of concrete sawing equipment including walk-behind saws. Includes substantial hands on training.

Element/Course: **Grade Checking, Site Layout 2, & Civil Plans**	Planned Hours: **120**

Mode of Instruction (check all that apply)

☒ Classroom ☒ Lab ☐ Online ☐ Self-Study

Provided by: Western Refinery Services

Description of element/course:

YEAR 2 – 2nd COURSE – SPRING/SUMMER

Civil Construction Plans Reading Fundamentals; (16 hours classroom) - This section will cover reading and understanding civil construction plans and will focus on providing apprentices the skills necessary to understand terminology, symbols, definitions, right-of-way, site preparation, grading requirements, slope rations, drainage and catch basins, and elevations. It will also provide a basic understanding of structural components in road construction.

Traditional and GPS Grade Checking; (40 hours w/ lab) - This course provides Covers horizontal and vertical aspects of GPS and Robotic Total Station site layout. Staking utility structures from 3D points and 3D linework. Includes site grading from a 3D surface model. This includes field work with lathe marking for proper communication of vertical information.

Rigging, Hoisting, Spotting and Signaling Safety; (64 hours w/written and practical qualification testing) – Apprentices must demonstrate an understanding of safe rigging, hoisting, spotting, and signaling processes between the rigger and the lifting operator through qualification testing. Course covers rigging and lifting hazards as well as safety practices related to general rigging activities, working around power lines, and emergency response. Course covers procedures for using slings and rigging pipes and valves. Includes the use and inspection of equipment and hardware used in rigging, including slings, wire rope, chains, and attaching hardware such as shackles, eyebolts, and hooks, as well as rigging knots. Including load weight estimation, center of gravity, and sling angles. Courses covers tuggers, jacks, hoists, and ratchet-lever hoists. Course covers the components of wire rope, as well as inspection requirements and procedures for using wire rope, load blocks, and sheaves. Apprentices must demonstrate an understanding of signaling and spotting per relevant requirements of WAC 296-155-53406. **(Qualification evaluation meets WAC 296-155-53306 and 296-155-53302 option 1 requirements)**

Element/Course: **Pipe Laying**	Planned Hours: **80**

Mode of Instruction (check all that apply)

☒ Classroom ☒ Lab ☐ Online ☐ Self-Study

Provided by: Western Refinery Services

Description of element/course:

YEAR 3 – 1st COURSE – FALL/WINTER

Pipe Systems Math; (8 Hours) – Calculate pipe slopes from pipe and structure invert data. Correct pipe slope for center-to-center pipe lengths, if necessary. Calculate 3D and 2D pipe lengths. Read invert and rim data from civil plans.

Trench & Excavation Safety; (8 Hours) - Discusses soil behavior as it relates to trench failures, including common indications of an unstable trench. Introduces typical shoring, shielding, and sloping methods. Identifies characteristics that may make a trench a confined space and describes the safety measures needed to work in the trench.

Cutting Pipe; (8 Hours w/ lab) - Discusses the safest, most practical methods for cutting common pipe materials. Also describes common pipe materials and standard sizes for thermoplastic, concrete, ductile iron, and corrugated steel pipe.

Pipe Gaskets, Joints, and Fittings; (16 Hours w/ lab) - Describes the most common methods for joining PVC, ductile iron, and concrete pipe, including O-ring pipe, slip joints, mechanical joints, and restraint joints. Discusses common methods for joining pipe to pipe, pipe to appurtenances, and pipe to manhole connections, including transition couplings.

Pipe Laying Instruments Use; (8 Hours w/ lab) - Discusses the use, care, and maintenance of the optical level, transit, and the pipe laser. Contains a brief introduction to elevations as it relates to the setup of these instruments. Describes common causes and solutions to laser problems in the field.

Pipe Laying Lab; (32 hours lab) - Practical hands on installation of sewer pvc pipe run between two manholes with pressure testing. Practical hands on installation of storm cpep between two catch basins with line and grade inspection. Includes hands on installation of water ductile iron run with mechanical joints, 45 degree elbow, thrust blocking, service line to corp stop, and fire hydrant assembly. Includes hydraulic pressure testing of the line. Includes compaction equipment (hand-held and walk behind only) and techniques used when performing soil compaction.

Element/Course: **Asphalt Worker**	Planned Hours: **80**
Mode of Instruction (check all that apply) ☒ Classroom ☒ Lab ☐ Online ☐ Self-Study Provided by: Western Refinery Services	

Description of element/course:

YEAR 3 – 2nd COURSE – SPRING/SUMMER

Roadway Safety and Flagger Certification (8 hours classroom) – This course provides flaggers with the basic knowledge, information and awareness to perform their jobs safely. After completing the course, students receive a wallet-size card certifying their training. The card is valid for three years.

Paving Materials, Equipment, and Tools; (16 hours classroom) - Explains how to perform hot mix asphalt paving. Provides descriptions for all equipment and tools utilized by a Laborer to perform paving. Discusses light equipment utilized including compressors, walk-behind rollers, compactors. Types of mixes, calculating amounts/volumes, tools of the trade and cleanup.

Asphalt Placement; (48 hours lab) – Hands on practice for the proper methods of placing and spreading asphalt, site preparation and specialty methods used in working with asphalt (potholes, obstacles, shoulders, tie-ins, etc.)

Your Role in the Green Environment; Craft Module 2.12 (8 hours classroom) - This module brings together the expertise of industry and higher education in defining a topic of growing international importance: green building. Geared to entry-level craft workers or to anyone wishing to learn more about green building, this module provides fundamental instruction in the green environment, green construction practices, and green building rating systems. Presented in easy-to-understand terms and illustrations, will better equip learners to make decisions regarding their personal impacts on the environment and will make them more aware of how to lessen their impacts in the built environment.

TOTAL MINIMUM HOURS 520

Western Refinery Services, Inc.

Request for Approval and Registration of Federally-Registered Program

EXHIBIT 3

Appendix A

(Sponsor(s) with multiple occupations must complete an Appendix A for each occupation)

WORK PROCESS SCHEDULE

AND

RELATED INSTRUCTION OUTLINE

Appendix A

WORK PROCESS SCHEDULE
Construction Equipment Operator

O*NET-SOC CODE: 47-2073.00 **RAPIDS CODE:** 0365

This schedule is attached to and a part of these Standards for the above identified occupation.

1. APPRENTICESHIP APPROACH

☒ Time-based ☐ Competency-based ☐ Hybrid

2. TERM OF APPRENTICESHIP

The term of the apprenticeship is 3 years with an OJL attainment of 6000 hours, supplemented by the minimum required 520 hours of related instruction. (Note: The competency-based training approach does not require hours.)

3. RATIO OF APPRENTICES TO JOURNEYWORKERS

The apprentice to journeyworker ratio is: 1 Apprentice(s) to 1 Journeyworker(s).

4. APPRENTICE WAGE SCHEDULE

Apprentices shall be paid a progressively increasing schedule of wages based on either a percentage or a dollar amount of the current hourly journeyworker wage rate, which is: $38.62.

Step	Hour Range	Minimum Percentage of Journey-Level Wage Rate
1	0000-1000 Hours	65%
2	1001-2000 Hours	70%
3	2001-3000 Hours	75%
4	3001-4000 Hours	80%
5	4001-5000 Hours	85%
6	5001-6000 Hours	90%

5. PROBATIONARY PERIOD

Every applicant selected for apprenticeship will serve a probationary period of 1200 hours.

6. SELECTION PROCEDURES

1. **The company shall do a companywide posting, announcing openings as they occur in the apprentice occupation.**
2. **Applicants must provide an official transcript(s) for high school and any post-high school education. Applicant must submit the GED certificate or other high school equivalency credential if applicable.**
3. **Applicants must submit a DD-214 to verify military training and/or experience if they are a veteran and wish to receive consideration for such training/experience.**
4. **The company shall select the apprentices from those employees in the company who answer the posting.**
5. **Selection shall be based on past work history, a demonstrated learning ability, prior schooling or experience, and Committee interview panel.**
6. **The Committee will notify applicants of the selection.**

WORK PROCESS SCHEDULE
Construction Equipment Operator

O*NET-SOC CODE: 47-2073.00 RAPIDS CODE: 90050

Instructions for entering the Work Process Schedule:

Time-Based Occupation: Please provide the Work Process Schedule below to include the Job Tasks (left column) required to complete the apprenticeship program with the approximate amount of time (right column) the apprentice will spend in each task.

Hybrid Occupation: Please include the minimum/maximum number of hours (right column) with the breakdown of the Job Tasks and the successful demonstration of competencies described in the WPS (left column), required to complete the apprenticeship program and identify an appropriate means of testing and evaluation for such competencies.

Competency-based Occupation: Please describe competencies required for the apprenticeship (left column and identify an appropriate means of testing and/or evaluating for such competencies (right column).

Work Process:

The apprentice shall receive on the job instruction and work experience as is necessary to become a qualified journey-level worker versed in the theory and practice of the occupation covered by these standards. The following is a condensed schedule of work experience, which every apprentice shall follow as closely as conditions will permit. The following work process descriptions pertain to the occupation being defined.

A. **Construction Equipment Operator Approximate Hours/Competency Level**

1. **Track Type Equipment Operations: (shall include the following) 3000**
   a. **Bulldozers**
   b. **Pushcats**
   c. **Track Excavators**
   d. **Track Backhoes**
   e. **Tractor Drawn Scrapers**
   f. **Asphalt Paving Machines**
   g. **Concrete Paving Machines**
   h. **Power Screeds**

To include all attachments and support equipment; lubrication, grades and stakes, signals, soils and compaction, including dredging type equipment.

2. **Rubber Tired Equipment Operations: (shall include the following) 2000**
   a. **Scrappers**
   b. **Loaders**
   c. **Rubber Tire Dozers**

d. **Rubber Tire Backhoes and Combination Backhoe/Loaders**
e. **Wheel Compactors**
f. **Hot Rollers**
g. **Power Brooms**
h. **Motor Graders / Blades**
i. **Dump Trucks (Off Road Trucks Only)**

To include all attachments and support equipment; lubrication, grades and stakes, signals, soils and compaction.

3. **Hoisting Type Equipment Operations: (shall include the following) 500**
   a. **Power Shovels**
   b. **Fork Lifts**
   c. **Pavement Breakers**
   d. **Self-Propelled Boom Type Lifting Devices**

To include all attachments and support equipment; lubrication, grades and stakes, signals, soils and compaction.

4. **Stationary Type Equipment Operations: (shall include the following) 500**
   a. **Crushing Plants**
   b. **Washing Plants**
   c. **Screening Plants**
   d. **Drilling and Boring Equipment**
   e. **Concrete Pumps**
   f. **Concrete Saws**
   g. **Grinder / Chippers Plants**

To include all attachments and support equipment; set-up, tear down, lubrication maintenance, grades and stakes, signals, soils and compaction.

Total Hours/# of Competency Levels:.....6000

RELATED INSTRUCTION OUTLINE
Construction Equipment Operator

O*NET-SOC CODE: 47- 2073.00 RAPIDS CODE: 90050

Related Instruction Descriptions: **Approximate Hours:**

Element/Course: **Heavy Equipment Operations 1**	Planned Hours: **80**
Mode of Instruction (check all that apply) ☒ Classroom ☒ Lab ☐ Online ☐ Self-Study Provided by: Western Refinery Services	
Description of element/course:	

YEAR 1 – 1st COURSE – FALL/WINTER

Basic Safety Training; (16 hours) – All apprentices must begin with Basic Safety Training which includes; OSHA 10 and First Aid/CPR certifications.

Introduction to the Trade; HEO Module 1.1 (8 hours) – Gives a brief history of the trade and provides an overview of the Construction Equipment Operators craft and the tasks typically performed by Operators.

Construction Math; Core Module 2 (8 Hours w/ lab) - Reviews basic mathematical functions and explains their applications to the Construction Equipment Operators trade. Explains how to use and read various length measurement tools, including standard and metric rulers and tape measures, and the architect's and engineer's scales. Explains decimal-fraction conversions and the metric system, using practical examples. Also reviews basic geometry as applied to common shapes and forms.

Hand, Power and Pneumatic Tools; Core Modules 3 & 4 (32 hours w/ lab) - Introduces trainees to hand tools that are typically used by Construction Equipment Operators, explains the specific applications of each tool and shows how to use them properly. Provides detailed descriptions of commonly used tools and how they are used in on-the-job settings. Also discusses important safety and maintenance issues related to these tools.

Materials Use, Handling, and Demolition; Core Module 9 (16 hours w/ lab)
Introduction to the various materials used in construction and discusses the proper uses, storage, handling, and demolition techniques.

Element/Course: **Heavy Equipment Operations 2**	Planned Hours: **80**

Mode of Instruction (check all that apply)

☒ Classroom ☒ Lab ☐ Online ☐ Self-Study

Provided by: Western Refinery Services

Description of element/course:

YEAR 1 – 2nd COURSE – SPRING/SUMMER

Orientation & Equipment Identification; HEO Modules 1.1 & 1.3 (16 hours classroom)
This module introduces the various types of heavy equipment used on construction sites. Includes an overview of heavy equipment used in construction and mining work, including a description of each type of equipment and its uses. The module also introduces safety issues that are expanded upon in later modules.

Heavy Equipment Safety; HEO Module 1.2 (16 hours classroom w/lab)
This module provides basic information about how to stay safe around heavy equipment. Includes work zone safety for the operator and other workers. Includes hazard communication MSDS, noise, power lines, weather hazards, trenching/excavation safety, and equipment maintenance.

Basic Operations; HEO Modules 1.4 & 1.5 (32 hours w/lab)
This module covers prestart inspection, startup, operational movement, and shutdown for various types of heavy equipment including; dozers, loaders, backhoes, excavators, compaction equipment, motor graders, scrapers, utility tractors, and dump trucks.

Introduction to Earthmoving and Grades; HEO Modules 1.6 & 1.7 (16 hours w/lab)
This module covers earthmoving operations including; mobilization, staging, laydown, clearing, grubbing, production fundamentals, haul road maintenance, drainage, slopes/grades layout, site excavation, loading, hauling, dumping, embankment, compaction, soil stabilization, and associated safety requirements.

Element/Course: **Heavy Equipment Operations 3**	Planned Hours: **80**

Mode of Instruction (check all that apply)

☒ Classroom ☒ Lab ☐ Online ☐ Self-Study

Provided by: Western Refinery Services

Description of element/course:

YEAR 2 – 1st COURSE – FALL/WINTER

Heavy Equipment Focus Topics; (See Below for Modules and Hours)
Provides detailed operational coverage of specific heavy equipment with classroom fundamentals and then instructed seat time in the field. Includes prestart, controls, operations, and maintenance specific to the type of heavy equipment.

Rough-Terrain Forklifts; HEO Module 2.1 (8 Hours w/lab)
On-Road Dump Trucks (used as site trucks); HEO Module 2.2 (8 Hours w/lab)
Skid Steers; HEO Module 2.7 (8 Hours w/lab)
Loaders; HEO Module 2.8 (8 Hours w/lab)
Scrapers; HEO Module 2.9 (8 hours w/lab)

Excavation Math; HEO Module 2.3 (8 Hours w/ lab)
Covers the earthwork excavation math. Linear earthwork volume calculations using the average-end-area method to determine linear earthwork volumes. Site earthwork volume calculations using the site-grid-area method for using contours to determine site earthwork volumes.

Site Work and Soils; HEO Modules 2.5 & 2.6 (32 Hours w/ lab)
Covers the fundamentals of job site safety, dust control, surface water, ground water, grading operations, and pipe laying operations. Includes soil types, soil characteristics, and soil conditions. This module includes computational calculations between bank, loose, and compacted volumes by using shrinkage and swell factors.

Element/Course: **Heavy Equipment Operations 4**	Planned Hours: **120**
Mode of Instruction (check all that apply) ☒ Classroom ☒ Lab ☐ Online ☐ Self-Study Provided by: Western Refinery Services	
Description of element/course:	

YEAR 2 – 2nd COURSE – SPRING/SUMMER

Civil Construction Plans Reading; HEO Module 2.4 (16 hours classroom)
This section will cover reading and understanding civil construction plans and will focus on providing apprentices the skills necessary to understand terminology, symbols, definitions, right-of-way, site preparation, grading requirements, slope rations, drainage and catch basins, and elevations. It will also provide a basic understanding of structural components in road construction.

Traditional / GPS Grading and Finishing; HEO Module 3.1 (40 hours w/ lab)
This course provides Covers horizontal and vertical aspects of GPS and Robotic Total Station site layout. Staking utility structures from 3D points and 3D linework. Includes site grading from a 3D surface model. This includes field work with lathe marking for proper communication of vertical information.

Rigging, Hoisting, Spotting and Signaling Safety; (64 hours w/written and practical qualification testing) – Apprentices must demonstrate an understanding of safe rigging, hoisting, spotting, and signaling processes between the rigger and the lifting operator through qualification testing. Course covers rigging and lifting hazards as well as safety practices related to general rigging activities, working around power lines, and emergency response. Course covers procedures for using slings and rigging pipes and valves. Includes the use and inspection of equipment and hardware used in rigging, including slings, wire rope, chains, and attaching hardware such as shackles, eyebolts, and hooks, as well as rigging knots. Including load weight estimation, center of gravity, and sling angles. Courses covers tuggers, jacks, hoists, and ratchet-lever hoists. Course covers the components of wire rope, as well as inspection requirements and procedures for using wire rope, load blocks, and sheaves. Apprentices must demonstrate an understanding of signaling and spotting per relevant requirements of WAC 296-155-53406. **(Qualification evaluation meets WAC 296-155-53306 and 296-155-53302 option 1 requirements)**

Element/Course: **Heavy Equipment Operations 5**	Planned Hours: **80**

Mode of Instruction (check all that apply)

☒ Classroom ☒ Lab ☐ Online ☐ Self-Study

Provided by: Western Refinery Services

Description of element/course:

YEAR 3 – 1st COURSE – FALL/WINTER

Heavy Equipment Focus Topics; (See Below for Modules and Hours)
Provides detailed operational coverage of specific heavy equipment with classroom fundamentals and then instructed seat time in the field. Includes prestart, controls, operations, and maintenance specific to the type of heavy equipment.

Compaction Equipment; HEO Module 3.2 (8 Hours w/lab)
Backhoes; HEO Module 3.3 (8 Hours w/lab)
Off-Road Dump Trucks; HEO Module 3.4 (8 Hours w/lab)
Dozers; HEO Module 3.5 (8 Hours w/lab)
Excavators; HEO Module 3.6 (8 hours w/lab)
Motor Graders; HEO Module 3.7 (8 hours w/lab)

Pipe Laying & Compaction Lab; Coordinated with the Laborers Course (32 hours lab)
Provides a practical excavator, backhoe, and compaction equipment lab conducted in coordination with the Construction Craft Laborers pipe laying course. This lab provides the heavy equipment support for the installation of a sewer pvc pipe run between two manholes with pressure testing. In addition, the lab provides the heavy equipment support for the installation of storm cpep between two catch basins with line and grade inspection. Includes compaction equipment and techniques used when performing soil compaction.

Element/Course: **Heavy Equipment Operations 6**	Planned Hours: **80**

Mode of Instruction (check all that apply)

☒ Classroom ☒ Lab ☐ Online ☐ Self-Study

Provided by: Western Refinery Services

Description of element/course:

YEAR 3 – 2nd COURSE – SPRING/SUMMER

Roadway Safety and Flagger Certification (8 hours classroom) – This course provides flaggers with the basic knowledge, information and awareness to perform their jobs safely. After completing the course, students receive a wallet-size card certifying their training. The card is valid for three years.

Paving Materials, Equipment, and Tools; (16 hours classroom) - Explains how to perform hot mix asphalt paving. Provides descriptions for all equipment and tools utilized to perform paving. Discusses equipment utilized including compressors, rollers, compactors. Types of mixes, calculating amounts/volumes, tools of the trade & cleanup.

Asphalt Paving Machine and Roller Compaction Operations; (32 hours lab) Hands on practice with asphalt paving machines and roller compaction operations for quality placement of asphalt. Includes grinding machine operations. includes slope grading for drainage, intersection warping, and roadway crowning techniques.

CESCL Certification, (16 hours w/ lab) - This two-day training course teaches contractors the most current techniques for successfully managing erosion and sediment at construction sites. In addition, the most current information on complying with federal, state and local regulatory requirements for stormwater is presented with a manual and forms. The course combines classroom instruction with actual hands-on field exercises; choosing, correctly installing, and testing BMPs for specific site conditions. The Washington State Department of Ecology (DOE) has approved this class as satisfying Certified Erosion and Sediment Control Lead training requirements. Participants completing this class will receive certification as erosion and sediment control leads for the Washington Department of Ecology.

Your Role in the Green Environment; (8 hours classroom) - This module brings together the expertise of industry and higher education in defining a topic of growing international importance: green building. Geared to entry-level craft workers or to anyone wishing to learn more about green building, this module provides fundamental instruction in the green environment, green construction practices, and green building rating systems. Presented in easy-to-understand terms and illustrations, will better equip learners to make decisions regarding their personal impacts on the environment and will make them more aware of how to lessen their impacts in the built environment.

TOTAL MINIMUM HOURS 520

Western Refinery Services, Inc.

Request for Approval and Registration of Federally-Registered Program

EXHIBIT 4

U.S. Department of Labor

Assistant Secretary for
Employment and Training
Washington, D.C. 20210

July 2, 2020

Mr. Joel Sacks
Director
Washington State Department of Labor and Industries
P.O. Box 44000
Olympia, WA 98504

Dear Mr. Sacks:

On February 6, 2020, the office of Representative Cathy McMorris Rodgers emailed the U.S. Department of Labor (Department) on behalf of Western Refinery Services (WRS), an open-shop refinery contractor that filed an application with Washington's State Apprenticeship Agency (SAA), the Washington State Department of Labor and Industries (WA DLI), to register an apprenticeship program. The email expressed the view that WA DLI was not complying with the requirements of Section 5 of its own HB1817 law, titled "Ensuring for a skilled and trained workforce in high hazard facilities."

As you are aware, Section 5 of HB1817 requires the WA DLI to prioritize consideration of new apprenticeship programs for workers in high-hazard facilities and for the Washington State Apprenticeship and Training Council (WSATC) to issue a decision within six months of receiving a completed application for a new state Registered Apprenticeship program for workers in high-hazard facilities. WRS maintains that a number of existing union-sponsored programs have expressed their objections to the approval of the WRS apprenticeship program standards. Consistent with Washington State law, these objections are either adjudicated by the WSATC or referred to the office of administrative hearings for adjudication. See Wash. Admin. Code 296-05-011(2)(a)-(d) (describing the competitor objection process for proposed apprenticeship standards). As a consequence of the competitor objections received by the WSATC on WRS's apprenticeship program standards, the WSATC referred the matter to the office of administrative hearings. However, adjudication of the matter has been delayed as a result of the Covid-19 pandemic.

SAAs, such as the WA DLI, are granted recognition by the Department to register programs and apprentices for federal purposes, but only after demonstrating that their state's laws and regulations governing Registered Apprenticeships conform to the minimum federal requirements outlined in 29 Code of Federal Regulations (CFR), part 29, subpart A, and 29 CFR, part 30. The regulations governing Registered Apprenticeship programs at 29 CFR, part 29, subpart A, also authorize the Department to register programs and apprentices in SAA states on its own initiative as it deems necessary. Specifically, 29 CFR 29.13(a) of the regulations provide that the Department's recognition of an SAA does not confer the SAA exclusive authority to determine if an apprenticeship program is eligible for federal purposes.

Section 29.13(i) of the regulations further stipulate that the Department's Office of Apprenticeship (OA), notwithstanding any grant of recognition to an SAA, "retains full authority

to register apprenticeship programs and apprentices" nationwide in instances where OA "determines that such action is necessary to further the interests of the National Apprenticeship System." Given the ongoing delay by the WA DLI to register WRS' apprenticeship program, OA plans to exercise its authority under 29 CFR 29.13(i) and offer WRS the opportunity to register the program with the Department, because the Department has determined that it is in the best interest of the National Apprenticeship System to do so. The Department is aware that federal registration will not enable WRS to operate as a refinery construction contractor in Washington State because WRS must be registered with the WSATC to meet safety standards. *See* Wash. Rev. Code Ann. § 49.80.010. However, we strongly encourage WA DLI to expeditiously register WRS as an apprenticeship program to provide an opportunity for apprentices and potential apprentices who seek to participate in such a program in your State.

OA remains concerned about Washington State's ongoing compliance issues with the Department's regulations at 29 CFR, part 29, subpart A, and part 30. The noncompliance issue raised by Representative McMorris Rodgers' above-described inquiry highlights the decision-making authority of the WSATC, including the ability of the WSATC to field objections from competitors on proposed apprenticeship standards for new programs. The Department's Registered Apprenticeship regulations at 29 CFR 29.2 provide that the State Apprenticeship Council cannot be the state's recognition agency and that the council's role is to assist the SAA either in a regulatory or advisory capacity. Contrary to the Department's regulations, in Washington, the WSATC continues to control the decision-making for the State's apprenticeship system when such decision-making authority is reserved to the SAA. Further, the ability for competitors to file objections to new apprenticeship program standards is not permitted under the Department's regulations.[1]

The Department issued the current version of 29 CFR, part 29, subpart A (Registered Apprenticeship Programs), in October of 2008 and established a two-year deadline from the effective date of the final rule for states to comply with the rule. However, since that time, it appears that Washington State has not fully conformed its state apprenticeship laws and regulations with the requirements of 29 CFR, part 29, subpart A. In connection with 29 CFR, part 30, the WA DLI will need to update its Equal Employment Opportunity (EEO) in Apprenticeship Plan and authorizing language in order to come into full compliance with § 30.18. The Washington State's apprenticeship laws and regulations will also need to be updated to incorporate the recent EEO-related updates made to 29 CFR 29.5 and 29.7 as a result of the 2017 revision of the rule. OA looks forward to collaborating and working cooperatively with WA DLI to bring its state apprenticeship laws and administrative practices into compliance with 29 CFR part 29, subpart A, and 29 CFR part 30.

Please note that by not reaching compliance, the WA DLI risks the State's eligibility for Departmental funding to expand Registered Apprenticeship. As you aware, the Department awarded Washington State a $6,039,364.54 State Apprenticeship Expansion grant, in part, to help advance Registered Apprenticeships in the State. A condition of the State Apprenticeship

[1] Both 29 CFR 29.13 and 29.14 state that an SAA must register programs in conformity with the regulations at part 29, subpart A, and part 30. Subpart A, at 29 CFR 29.3(b), states that a program is eligible for registration for federal purposes if it is in conformity with subpart A and part 30. Neither subpart A nor part 30 allow for competing programs to halt the registration of an otherwise eligible program.

Expansion grant is that Washington State must complete the process for compliance with the Department's regulations within the period of performance or risk its eligibility to apply for future funding. *See* Attachment B, at 17. The funds may be used to accelerate the state plan to come into compliance with these regulations.

We expect that Washington State will take the necessary actions to bring its state apprenticeship laws and administrative practices into compliance with the Department's regulations to avoid jeopardizing WA's status as a federally recognized State Apprenticeship Agency, as well as future federal funding for Registered Apprenticeships in your State. Please provide us with a response to the issues and concerns raised in this letter no later than 30 business days from the date of this correspondence. Please feel free to contact John Ladd at (202) 693-3704 or Ms. Patricia Garcia, OA Regional Director for Region 6, at (415) 625-2232 if you have any questions.

Sincerely,

John Pallasch
Assistant Secretary for Employment and Training

Enclosure: WA DLI State Apprenticeship Expansion Grant Agreement

cc: The Honorable Cathy McMorris Rodgers, U.S. House of Representatives
Jody Robbins, Program Manager, Apprenticeship Section, WA DLI
Patricia Garcia, Region 6 Regional Director, OA
Aaron Wall, Region 6 Regional Executive Assistant, OA
Douglas Howell, Region 6 Multi-State Navigator, OA

Western Refinery Services, Inc.

Request for Approval and Registration of Federally-Registered Program

EXHIBIT 5

U.S. Department of Labor

Employment and Training Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210

July 6, 2020

Mr. Dave C. Bren, PE, MSCE
Apprenticeship Training Director
Western Refinery Services
2380 Grandview Road
Ferndale, WA 98248

Dear Mr. Bren:

Thank you for your letter to the U.S. Department of Labor's (Department) Office of Apprenticeship (OA) requesting that OA temporarily withdraw recognition of the Washington State Apprenticeship and Training Council (WSATC) for a one-year period, because of a State law process that does not result in the timely review and approval of newly proposed open-shop state apprenticeship programs and proposed federal reciprocity apprenticeship programs.

The Department supports the registration of all apprenticeship programs that meet the requirements of its regulations at 29 Code of Federal Regulations (CFR), part 29, subpart A (Registered Apprenticeship Programs), and 29 CFR, part 30 (Equal Employment Opportunity in Apprenticeship). Since receiving your letter, OA has been in contact with Washington's State Apprenticeship Agency (SAA), the Washington Department of Labor and Industries (WA DLI), about this matter and expressed our concerns about the delays in reaching a decision on Western Refinery Services' (WRS) application. Given the ongoing delay by Washington's SAA, OA plans to exercise its authority under 29 CFR § 29.13(i) by offering WRS the opportunity to register the program with the Department, because it has determined that it is in the best interest of the National Apprenticeship System to do so. Because the Department's regulation at 29 CFR § 29.13(b)(7) provides for reciprocal approval for federal purposes of apprenticeship programs that are registered by OA or a state registration agency, this approach should allow Washington State to expeditiously approve WRS as a Registered Apprenticeship program.

OA will continue its communication with the WA DLI, emphasizing the importance of conforming its state apprenticeship laws and regulations with the requirements of 29 CFR, part 29, subpart A, and 29 CFR, part 30. OA will also continue to work with the WA DLI to ensure both the timely registration of apprenticeship programs in their State and the harmonization of Washington's Registered Apprenticeship laws and procedures with federal regulations.

We hope this information is helpful to you. Please contact Ms. Patricia Garcia, OA Regional Director for Region 6, at (415) 625-2232 or Garcia.Patricia@dol.gov, so that she and her staff can provide assistance and answer any questions you may have concerning the process of registering your apprenticeship program.

Sincerely,

John V. Ladd
Administrator
Office of Apprenticeship

cc: Patricia Garcia, Region 6 Regional Director, OA
Aaron Wall, Region 6 Regional Executive Assistant, OA
Douglas Howell, Region 6 Multi-State Navigator, OA
The Honorable Cathy McMorris Rodgers, U.S. House of Representatives