

## Ensuring for a Skilled and Trained Workforce in High Hazard Facilities (Engrossed Substitute House Bill 1817 (ESHB1817) & RCW 49.80)

EHSB 1817 passed during the 2019 legislative session. The bill requires owners of petroleum refining or petrochemical manufacturing facilities who contract for the performance of construction, alteration, demolition, installation, repair, or maintenance work to require its contractors and subcontractors use a skilled and trained workforce to perform all on-site work within an apprenticeable occupation in the building and construction trades. A skilled and trained workforce is one where all the workers are either registered apprentices in a Washington State Apprenticeship and Training Council (WSATC) approved apprenticeship program or skilled journeypersons. A skilled journeyperson is someone who has either graduated from a WSATC-approved apprenticeship program for the applicable occupation or has at least as many hours of on-the-job experience as would be required to graduate and is paid a wage rate required by RCW 49.80.0107(b). The bill sets a phase in schedule setting required percentages of skilled journeyperson who must be graduates from a WSATC-approved apprenticeship program.

**Who determines the minimum number of skilled journeypersons within an apprenticeable occupation who graduated from a registered apprenticeship program approved by the Washington State Apprenticeship and Training Council (WSATC) my company must have on-site?**

- RCW 49.80.030 lists the overall percentage needed by year.
- L&I's Division of Occupational Safety and Health (DOSH) is responsible for enforcement of this requirement.
- Apprenticeship standards provide the acceptable ratios of journey workers to apprentices per the job site.

**Do the percentages of skilled and trained workers who are graduates of a registered apprenticeship program approved by the WSATC apply to my company as a whole, or only to actual workers on-site at any time?**

- The percentages apply to the on-site workforce, not an entire company or outside workforce.

**I believe my company is exempt due to the work we do, but I am told we are not. Who makes this determination?**

- The apprenticeship section of the department, as the administrative arm of the WSATC, has authority to determine if an occupation is apprenticeable. Contact the Apprenticeship Program Manager for more information.  
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- DOSH determines whether the work performed meets the definition of "on-site work" as defined under RCW 49.80.010 as it relates to enforcement of the skilled and trained workforce requirements

**Who will verify documentation (safety training, apprentice, apprenticeship graduate, etc.)**

- DOSH enforces the requirements for a skilled and trained workforce relating to safety training, apprentices and apprenticeship graduation.

**What is the process for getting new program standards approved in Washington?**

- Potential sponsors of registered apprenticeship in WA must show reasonably consistent education and training infrastructure, ability to provide reasonably consistent employment for apprentices in the state and an active training committee made up of equal numbers of employer and employee representatives.

- Given the elements above, the apprenticeship section at Labor and Industries assists the potential program sponsor with standards development. The timeline for this phase depends on what the potential sponsor has in place and what needs to be developed.
- When the application is complete, the proposed standards will go to the next WSATC quarterly meeting. The WSATC will provisionally approve, refer back to sponsor for corrections, or refer to a hearing due to competitor objections.