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Introduced By: Gossett

Proposed No.: 96-733

**12787**

ORDINANCE NO. \_\_\_\_\_

1  
2 AN ORDINANCE relating to the establishment of an apprenticeship  
3 program that will target the inclusion of minorities, women, persons  
4 with disabilities, and economically disadvantaged youth on selected  
5 county public works projects, assigning responsibilities to the  
6 Minority and Women's Business Enterprises and Contract  
7 Compliance Division, and adding new sections to K.C.C. 12.16.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 SECTION 1. There is added to K.C.C. 12.16 a new section to read as follows:

10 Findings. A. A well trained diverse work force is critical to the economic and social vitality  
11 of the Puget Sound region. Recent studies on the region's workforce highlight population trends that,  
12 without a concerted effort to offset them, will lead to an inadequate supply of skilled workers in the  
13 construction industry. Furthermore, these demographic trends indicate that a large percentage of new  
14 entrants to the labor force will be comprised of minorities, women, persons with disabilities and  
15 economically disadvantaged youth who historically have faced barriers to employment resulting in an  
16 underrepresentation in the skilled trades.

17 B. The King County Council finds as a fact that minorities, women, persons with  
18 disabilities and economically disadvantaged youth are underrepresented in the construction trades  
19 and industry. Moreover, the council also finds as a fact that a significant reason for the  
20 underrepresentation of these populations in the construction trades is the lack of opportunity and  
21 training for those persons to serve as apprentices, in state-approved apprenticeship programs.

1 C. The county's Comprehensive Plan provides that the county shall address historic  
2 disparity in income and employment opportunities for minorities, women and economically  
3 disadvantaged individuals and shall recognize the importance of, and place special emphasis on, job  
4 training and retaining/expanding family-wage jobs.

5 D. Other local agencies in King County have successfully implemented apprenticeship  
6 programs as part of their projects and contracts and have demonstrated that apprenticeship programs  
7 are effective in providing training and experience to individuals seeking to enter or advance in the  
8 workforce.

9 E. King County is committed to fostering partnerships with labor, business, and the local  
10 community to create a skilled workforce that reflects the diversity of the county's population.

11 F. The county's public works contracts will provide training and job opportunities as a  
12 means to increase the skills of the county's work force, and the council is committed to utilizing  
13 apprenticeship training so that the resulting journey workers can enter the region's pool of skilled  
14 labor, fully qualified for jobs. Therefore, the council finds that the creation of an apprenticeship  
15 program that will target the recruitment of minorities, women, persons with disabilities and  
16 economically disadvantaged youth will serve to benefit the public by assisting these disadvantaged  
17 populations to gain entry to the construction trades.

18 NEW SECTION. SECTION 2. There is added to K.C.C. 12.16 a new section to read as  
19 follows:

20 **Establishment of apprenticeship program.** There is hereby established a county  
21 apprenticeship training program. An essential component of the program shall be the inclusion of  
22 minorities, women, persons with disabilities and economically disadvantaged youth as apprentices.

23 The minority and women's business enterprises and contract compliance division shall be  
24 responsible for implementing the apprenticeship program under this section. The administrator of

1 the minority and women's business enterprises and contract compliance division, as defined in  
2 K.C.C. 4.18, shall:

3 1) have responsibility for administering, monitoring and enforcing the goals and  
4 requirements of this chapter;

5 2) have responsibility for coordinating all elements among all county agencies whose  
6 involvement is necessary to implement a successful program;

7 3) have responsibility for coordinating the county's efforts with those of other jurisdictions  
8 with similar programs to insure a coherent, cohesive and focused response to the future  
9 labor needs of the local area construction industry;

10 4) have responsibility for monitoring, tracking and documenting access to apprentices and  
11 state-approved apprentice training programs by open shop contractors who choose to  
12 bid on county construction contracts and accept the county's apprenticeship training  
13 program requirements; and

14 5) have responsibility for developing and implementing in conjunction with other local  
15 jurisdictions which have similar programs a model for predicting the future labor needs,  
16 within a reasonable timeframe, of the local construction industry. The model shall have  
17 the ability to predict future labor needs by construction trade in order to allow for  
18 appropriate recruitment of trade-specific apprentices. In addition, the administrator shall  
19 include in the annual report required in section 6 the extent of apprentice shortages, if  
20 any, by construction trade for the given reporting year, and shall gather this information  
21 from the apprentice training programs being utilized by the county's construction  
22 contractors. The county shall require contractors who claim apprentices are unavailable  
23 to document their efforts to obtain apprentices.

1           NEW SECTION. SECTION 3. There is added to K.C.C. 12.16 a new section to read as  
2 follows:

3           **Requirement.** The county shall require apprentice utilization on selected county public  
4 works projects that will serve to maximize the growth and development of apprentice opportunities.  
5 The administrator of the apprenticeship program, as defined in this chapter, in cooperation with the  
6 appropriate contract awarding division or department, shall select which public works projects shall  
7 include an apprenticeship program. Such selection should be guided by the following:

8           1) The size of the project and the anticipated hours for apprentices in required trades in  
9 order to make the experience beneficial;

10           2) The kinds of skills required on the project so that current apprentices or waiting  
11 applicants have opportunities to pursue the training they need; and

12           3) The ratio of labor to material with a preference given to projects that are labor intensive.

13           If the administrator and the contract awarding authority cannot agree on whether a specific  
14 public works project shall include an apprenticeship program, the administrator's department  
15 director shall make the decision.

16           The administrator is authorized to require of contractors, through bidding and contract  
17 documents, that a percentage of total labor hours on the selected projects be performed by  
18 apprentices enrolled in training programs approved or recognized by the Washington State  
19 Apprenticeship and Training Council. Construction contracts of one million dollars or less meeting  
20 the above criteria may be exempted from the required participation in the apprenticeship training  
21 program at the discretion of the administrator, provided that such exemptions shall be thoroughly  
22 documented and reported to the council in the annual report required by section 6 of this ordinance.

23           "Labor hours" shall refer to the total number of hours worked by workers receiving an  
24 hourly wage who are directly employed on the site of the public works project. "Labor hours" shall  
25 also include hours worked by workers employed by subcontractors on the project.

1 NEW SECTION. SECTION 4. There is added to K.C.C. 12.16 a new section to read as  
2 follows:

3 **Implementation and Apprentice Utilization.** The administrator of the Minority and  
4 Women's Business Enterprises and Contract Compliance Division, as defined in K.C.C. 4.18, shall:

5 A. Develop specific criteria for assessing the feasibility of implementing the  
6 apprenticeship program on each public works project. In addition, the administrator is authorized to  
7 develop and adopt rules consistent with the requirements and policy directives of this ordinance and  
8 pursuant to K.C.C. 2.98. Such rules shall include criteria for determining on a project-by-project  
9 basis the appropriateness of requiring the use of apprentices in a certain percentage.

10 B. Establish the percent of labor hours required on each public works project selected  
11 for the apprenticeship program. The labor hour percentage goal on the contract for apprentices shall  
12 be at least 15% and no more than 20% unless reduced or waived by the administrator. When setting  
13 such a goal, the administrator shall consider, in addition to other factors, duration of the project, the  
14 scope of work, type of work, and the types of crafts and trades to be utilized on the project. During  
15 the term of the contract, the administrator may reduce or waive the apprentice labor hour percentage  
16 goal upon determination that:

17 1) the contractor has demonstrated that it has utilized its "best efforts" to meet the  
18 established percentage requirement but remains unable to fulfill the goal;

19 2) in order to meet the requirement, the contractor will be forced to displace members of  
20 their workforce; or

21 3) the reasonable and necessary requirements of the contract render apprentice utilization  
22 infeasible at the required levels.

23 One purpose of the apprenticeship program is to enable minorities, women, persons with  
24 disabilities and economically disadvantaged youth to participate in apprenticeship opportunities.

25 Thus, whenever feasible, the administrator shall ensure that a significant number of the apprentice

1 labor hours requirement set for the project shall include minorities, women, persons with disabilities  
2 and economically disadvantaged youth. In determining such inclusion, the administrator should  
3 consider:

4 1) the percentage of the working age minority, women, persons with disabilities and  
5 economically disadvantaged youth population in the county's labor market area;

6 2) the percentage of the minority, women, persons with disabilities and economically  
7 disadvantaged youth labor force in the county's labor market area;

8 3) the percentage of the minority, women, persons with disabilities and economically  
9 disadvantaged youth participation as apprentices in the particular craft as compared with the  
10 percentage of minority, women, persons with disabilities and economically disadvantaged youth in  
11 the labor force of the county's market area; and

12 4) the general availability of minority, women, persons with disabilities and economically  
13 disadvantaged youth with present or potential capacity for apprenticeship in the county's labor  
14 market area.

15 Participation by minorities, women and persons with disabilities on the contract as  
16 apprentices shall be counted towards meeting the county's affirmative action goals established  
17 elsewhere in this chapter.

18 C. Develop the necessary bid document and contract specification language to  
19 implement this apprenticeship requirement.

20 D. Implement a system for monitoring the actual use of apprentices on selected public  
21 works projects. Such monitoring shall include, at a minimum, identifying individual apprentices by  
22 name and Washington State apprenticeship registration number, reviewing documents provided by  
23 the contractor showing total apprentice labor hours, determining the apprentice hours worked by  
24 minorities, women, persons with disabilities and economically disadvantaged youth, and assessing  
25 whether the contractor has complied with the apprenticeship requirement.

1           The administrator shall formulate and forward to the council for its review and approval  
2 target percentage apprenticeship goals for minority, women, persons with disabilities and  
3 economically disadvantaged youth no later than 60 days after the passage of this ordinance. The  
4 above-cited criteria may be used for establishing ad hoc target apprenticeship participation goals  
5 until such time as the council passes percentage goals.

6           Unless otherwise determined by the administrator, in accordance with the standards  
7 established in this ordinance, failure by a contractor to comply with the established contract  
8 apprenticeship requirements shall be deemed a breach of contract for which the county shall be  
9 entitled to all remedies allowed by law and under the contract. Failure to comply with the  
10 apprenticeship requirements may be considered evidence bearing on a contractor's qualification for  
11 award of future contracts.

12           NEW SECTION. SECTION 5. There is added to K.C.C. 12.16 a new section to read as  
13 follows:

14           **Source of apprentices.** A. The administrator shall work with joint apprenticeship training  
15 committees approved by the State of Washington to identify qualified apprentices whom contractors  
16 could utilize to meet the apprenticeship requirement established for a public works project. It shall be  
17 the policy of King County government that minorities, women, persons with disabilities and  
18 economically disadvantaged youth who are recipients of its services and who meet the criteria  
19 established in this ordinance shall be actively recruited for participation in apprenticeship training.  
20 The administrator shall work with other county agencies providing employment training services to  
21 the apprenticeship training target populations cited in this ordinance, which shall include, but not be  
22 limited to those programs in the King County department of community and human services and  
23 other employment training programs as may be housed in other county agencies. In addition, the  
24 administrator shall insure that private agencies providing employment training services to county

1 residents outside of the city of Seattle, such as, but not limited to, ANEW, shall be used as a source  
2 of apprenticeship training program recruitment.

3 The administrator shall cooperate with agencies that minorities, women, persons with  
4 disabilities and economically disadvantaged youth so that such populations will have access to pre-  
5 apprenticeship programs as this may exist as a step towards preparing members of the target  
6 populations cited in this ordinance to successfully participate in apprenticeship training programs.  
7 In addition, the administrator shall disseminate information on apprenticeship training opportunities  
8 to all school districts within King County outside of the city of Seattle, which serves to actively  
9 recruit the targeted populations into the county's apprentice training program.

10 The administrator may propose the creation of any pre-apprenticeship training programs  
11 which may be needed to meet the intent of this ordinance.

12 B. By no later than December 31, 1999, the county shall review the use by King County of  
13 joint apprenticeship training committees approved by the State of Washington. Such review shall  
14 include, but not be limited to, an analysis of the county's actual experience in attaining its  
15 apprenticeship goals and the results to date of other local jurisdictions' experience with similar  
16 programs or studies of such programs. The results of the review may be used by the county council  
17 to consider initiating possible modifications to this ordinance.

18 NEW SECTION. SECTION 6. There is added to K.C.C. 12.16 a new section to read as  
19 follows:

20 **Annual Report Required.** The administrator shall submit an annual report to the executive  
21 detailing performance of the program by April 15 of each year. This report shall be forwarded to the  
22 council no later than April 30. The report shall include, but not be limited to the following:

23 A. The number and kinds of public works projects and contracts on which apprenticeship  
24 requirements were established;



1 B. The percentage of labor hours actually worked by apprentices on each such project  
2 and the total number of labor hours on each project;

3 C. The number of apprentices by contractor broken down by trade and craft category, the  
4 wages paid by category of work or trade, the number and percentage of minorities,  
5 women, persons with disabilities and disadvantaged youth utilized as apprentices and the  
6 degree of compliance with the percentage goals to be established pursuant to this  
7 ordinance;

8 D. A description of problems encountered in the implementation of the requirements of this  
9 ordinance, which shall include, but not be limited to, access by open shop contractors to  
10 state-approved training program apprentices and the resolution of any problems arising  
11 therefrom;

12 E. A description of barriers encountered by participating apprentices and steps taken to  
13 resolve those problems and to insure their continued participation in the program;

14 F. The number of new apprentices indentured during the reporting year as a result of the  
15 county's apprenticeship training requirements for its construction contracts; and

16 G. The percentage of apprentices in training who have graduated to journey level during the  
17 reporting year.

18 NEW SECTION. SECTION 7. There is added to K.C.C. 12.16 a new section to read as  
19 follows:

20 Federal and state requirements. The administrator may issue rules and procedures and  
21 take steps necessary to implement and comply with applicable federal and state laws and regulations.

22 Severability. The provisions of this ordinance shall be effective in all cases unless otherwise  
23 provided by federal law. The provisions of this ordinance are separate and severable. The invalidity  
24 of any clause, sentence, paragraph, subdivision, section or other portion of this ordinance or the

1 invalidity of the application thereof to any person or circumstance shall not affect the validity of the  
2 remainder of this ordinance or the validity of the application to other persons or circumstances.

3 NEW SECTION. SECTION 8. There is added to K.C.C. 12.16 a new section to read as  
4 follows:

5 This ordinance shall be effective ninety days after the date it is signed by the King County  
6 Executive.

7 SECTION 9. The council's management, labor and customer services committee, or its  
8 successor, shall revisit the issue of allowing the use of U. S. Department of Labor, Bureau of  
9 Apprenticeship Training, certified apprentices on its public works construction projects no later than  
10 sixty days after the conclusion of the city of Seattle apprenticeship task force study on the issues of

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1 access and the comparative quality of state apprenticeship training council-approved apprentice  
2 training programs and Bureau of Apprenticeship-approved training programs.

3 INTRODUCED AND READ for the first time this 9<sup>th</sup> day of  
4 September, 1996

5 PASSED by a vote of 8 to 5 this 30<sup>th</sup> day of June, 1997

6 KING COUNTY COUNCIL  
7 KING COUNTY, WASHINGTON

8 Jane Hague  
9 Chair

10 ATTEST:

11 Zimmerman  
12 Clerk of the Council

13 APPROVED this 9 day of July, 1997

14 [Signature]  
15 King County Executive

16 Attachments: