

ORDINANCE No. 118834

*Law Department*

COUNCIL BILL No. 111973

The City

AN ORDINANCE related to public works contracts; creating a new Seattle Municipal Code Chapter 20.38 to establish a permanent apprenticeship training program for City funded public works contracts; and extending a position for the administration thereof.

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within \_\_\_\_\_ report that we have considered the \_\_\_\_\_

12-1-97 Full Council

(Excused: \_\_\_\_\_)

COMPTROLLER FILE No. \_\_\_\_\_

Introduced: <u>11-10-97</u>	By: <u>Choe</u>
Referred: <u>11-10-97</u>	To: <u>Finance &amp; Budget</u>
Referred:	To:
Referred:	To:
Reported:	Second Reading:
Third Reading: <u>12-1-97</u>	Signed: <u>12-1-97</u>
Presented to Mayor: <u>12-1-97</u>	Approved: <u>DEC 11 1997</u>
Returned to City Clerk: <u>DEC 11 1997</u>	Published: <u>full 5pp</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

OK

Department

Passed, 3-1, as amended.  
2 Absent.

# The City of Seattle--Legislative Department

Date Reported  
and Adopted

## REPORT OF COMMITTEE

City President:

Committee on \_\_\_\_\_

\_\_\_\_\_ was referred the within Council Bill No. \_\_\_\_\_

\_\_\_\_\_ that we have considered the same and respectfully recommend that the same:

97 Full Council Action: Passed 8-0  
(Excused: Podlodowski)

\_\_\_\_\_  
Committee Chair

ORDINANCE 118834

1  
2 AN ORDINANCE related to public works contracts; creating a new Seattle Municipal Code Chapter  
3 20.38 to establish a permanent apprenticeship training program for City funded public works  
4 contracts; and extending a position for the administration thereof.

5 WHEREAS, the City of Seattle is committed to provide regional leadership in the area of economic  
6 development; and

7 WHEREAS, the City of Seattle is committed to working in partnership with labor, business and the  
8 community to create a skilled workforce that reflects the diversity of our city's population; and

9 WHEREAS, a well trained diverse workforce is critical to the economic and social vitality of the region;  
10 and

11 WHEREAS, businesses report serious difficulties finding new workers with adequate basic and technical  
12 skills; and

13 WHEREAS, demographic trends indicate that the new entrants to the labor force will be comprised of  
14 women, people of color and immigrants who have historically faced barriers to employment and  
15 have been underrepresented in the skilled trades; and

16 WHEREAS, the City's public works contracts will provide training and job opportunities as a means to  
17 increase the skills of the workforce; and

18 WHEREAS, the City is committed to using training that is accepted industry-wide so that the resulting  
19 journey workers can enter the region's pool of skilled labor, fully qualified for the jobs throughout  
20 the industry; and

21 WHEREAS, the City is committed to providing livable wage job opportunities through public works  
22 projects which require that all employers pay prevailing wages, and

23 WHEREAS, the City's apprenticeship pilot program successfully demonstrated the use of apprentice  
24 labor and the creation of new training opportunities; and

WHEREAS, open-shop contractors have expressed concern that access to state-approved training  
programs is exclusive to union participation; and

WHEREAS, in accordance with WAC 296-04, state-approved training programs are required to be  
accessible to all employers without requiring that they enter into a collective bargaining  
agreement; and

1 WHEREAS, the Washington State Apprenticeship and Training Council (SAC) has approved training  
2 programs in the construction industry which are primarily sponsored by a group of employers and  
labor organizations; and

3 WHEREAS, the state-approved programs are primarily operated by joint apprenticeship and training  
4 committees which are composed of equal representation by management and labor organizations;  
and

5 ~~WHEREAS, the Federal Bureau of Apprenticeship and Training (BAT) recognizes state-approved~~  
6 ~~programs for federal purposes in accordance with federal regulations (CFR 29.29); and~~ *Jed*

7 WHEREAS, in accordance with federal and state regulations, six different types of apprenticeship  
8 training program sponsorship may be approved, including "group joint" (sponsored by  
management and a labor organization) and "group non-joint" (sponsored by management, without  
a labor organization); and

9 WHEREAS, the City recognizes the interest of all contractors and employees to choose an apprenticeship  
10 program that meets their needs; and

11 WHEREAS, the City is committed to promoting apprenticeship opportunities on public works projects  
and ensuring that all contractors participate in this requirement; Now, therefore

12 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:  
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1 Section 1. A new Chapter 20.38 is hereby added to the Seattle Municipal Code as follows:

2 **20.38 Apprenticeship Program**

3 **Section 20.38.005 Apprentice Utilization**

4 On public works contracts with an estimated cost of \$1 million or more, the  
5 Director of the Executive Services Department is authorized to require that up to 15% of  
6 the contract labor hours be performed by apprentices enrolled in training programs  
7 approved or recognized by the Washington State Apprenticeship and Training Council  
8 (SAC). ~~However, in the event that state-approved programs for an individual trade/craft  
9 consist exclusively of group joint programs (sponsored by management and labor  
10 organizations), then the Director shall recognize for the purpose of satisfying the public  
11 works apprenticeship requirement, the Construction Industry Training Council (CITC)  
12 program, which is a Federal Bureau of Apprenticeship and Training (BAT) approved  
13 training program (sponsored by management, without labor organizations) for those  
14 trades/crafts.~~ Furthermore, it is the City's intent that, on public works projects with an  
15 apprentice utilization requirement, there shall be a goal that 21% of the apprentice labor  
16 hours be performed by minorities and 20% of the apprentice labor hours be performed by  
17 women.

18 **20.38.010 Definitions**

19 When used in this chapter,

20 A. "Director" shall mean the Director of the Executive Services Department or his  
21 or her designee.

22 B. "Labor hours" shall mean the total hours of workers receiving an hourly wage  
23 who are directly employed on the site of the public works project. "Labor hours" shall  
24 include hours performed by workers employed by the contractor and all subcontractors  
working on the project. "Labor hours" shall exclude hours worked by foremen,  
superintendents, owners and workers who are not subject to prevailing wage  
requirements.

C. "Apprentice labor hours" shall mean the total hours required to be worked by  
apprentices on the public works project.

1                   **20.38.020     Powers**

2                   The Executive Services Department shall be responsible for the implementation  
3                   and administration of this chapter and is authorized to develop and adopt rules consistent  
4                   with the requirements of this chapter. The Executive Services Department shall establish  
5                   contract specification language to implement the apprenticeship requirement, which may  
6                   change from time to time. The Executive Services Department shall develop and  
7                   implement a system for monitoring the actual use of apprentices on public works projects.

8                   The Executive Services Department shall hire one additional FTE (Civil Rights Analyst) for the purpose of performing monitoring and enforcing the apprentice utilization requirements on public works projects.

9                   **20.38.030     Waivers or Reductions of Goals**  
10                   The Executive Services Department Director is authorized to waive or reduce the  
11                   apprenticeship participation goals on contracts.

12                   Section 2.     Reporting

13                   The Executive Services Department will furnish reports to the City Council on an annual basis, during the  
14                   first quarter of each year for the preceding calendar year, describing the progress of administering the  
15                   requirements of SMC Ch. 20.38.

16                   Section 3.     Position Authority

17                   The position authority for the Human Services Analyst position created by Ordinance 117656 and  
18                   extended by Ordinance 118577 is further extended through December 31, 1998. Future authorizations  
19                   for position authority shall be approved as a part of the normal biennial budget process.

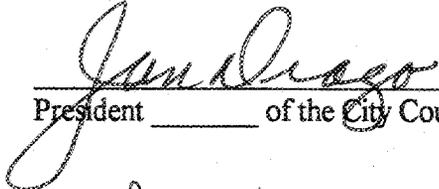
20                   Section 4.     Any acts taken consistent with the authority granted by, but prior to the effective  
21                   date of this ordinance are hereby ratified and confirmed.

22                   Section 5.     Construction Advisory Committee

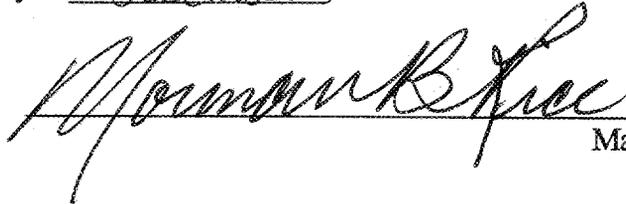
23                   The City is authorized to participate in a Construction Advisory  
24                   Committee to be formed in a manner and for the purposes  
consistent with the Memorandum of Understanding attached  
hereto

1 Section 6. The ordinance shall take effect and be in force thirty (30) days from and after its  
2 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

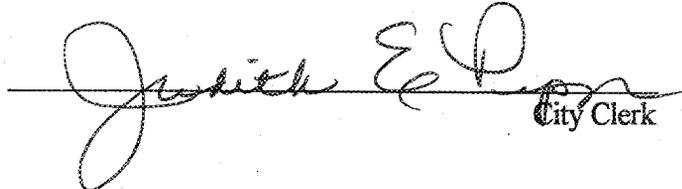
3 Passed by the City Council the 15<sup>th</sup> day of December, 1997, and signed by me in open session  
4 in authentication of its passage this 15<sup>th</sup> day of December, 1997.

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6   
President \_\_\_\_\_ of the City Council

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8 Approved by me this 11<sup>th</sup> day of December, 1997.

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Mayor

11 Filed by me this 11 day of December, 1997.

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City Clerk

14 (Seal)

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# City of Seattle

Norman B. Rice, Mayor

**Executive Services Department**  
Dwight D. Dively, Director

October 28, 1997

The Honorable Jan Drago  
President, Seattle City Council  
600 Fourth Avenue, 11<sup>th</sup> Floor  
Seattle, Washington 98104

**Via:** Mayor's Office

**Attention:** Judy Bunnell, Acting Director, Office of Management & Planning

**Subject:** Proposed legislation related to establishing a permanent apprentice requirement on public works contracts.

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Dear Councilmember Drago,

I am pleased to report that the two-year pilot apprenticeship program for public works contracts has been a success, with the use of 275 apprentices working on 26 public works projects. This program is scheduled to end December 31, 1997. Because of the success of the program, ESD proposes to create a permanent program to establish training opportunities for individuals seeking to enter or advance in the construction field.

The proposed permanent program would allow the City to continue to require the use of apprentices on large public works projects under the same terms as the pilot program. The use of apprentices enrolled in state-approved programs would continue to be allowed and the City would add the use of apprentices enrolled in federal Bureau of Apprenticeship and Training (BAT) approved programs, under certain circumstances.

Through the apprenticeship program, the City of Seattle can continue to demonstrate its commitment to promoting a well-trained and diverse work force, and the creation of "family wage" job opportunities. During the pilot program, the City has worked in partnership with business and labor organizations to promote apprenticeships, and to specifically target recruitment of women and minorities into the building and construction trades.

Contracting Services Division, 700 Third Avenue, Room 910, Seattle, WA 98104-1808

Tel. (206) 684-0444, TDD: (206) 233-7810, FAX: (206) 233-5155, <http://www.ci.seattle.wa.us>

An equal-employment opportunity, affirmative action employer. Accommodations for people with disabilities provided on request.

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The Honorable Jan Drago

October 28, 1997

Page 2

Also, as you know, the City Council adopted a resolution in early 1997 establishing a task force to discuss issues raised regarding the City's apprentice utilization requirement, and directing ESD to submit a report with recommendations for the continuation of this program. The report, entitled "Public Works Apprenticeship Pilot Program Report," has just been completed, and the findings and recommendations in that document form the basis for our proposal to establish the permanent apprentice program.

If you have any questions, or would like a briefing regarding this matter, please feel free to call Rodrick Brandon at 684-0324.

Sincerely,



Dwight D. Dively  
Director, Executive Services Department

DDD/eh/jy

Enclosures

cc: The Honorable Martha Choe  
Bruce Brooks, Mayor's Office  
Rodrick Brandon, Director of Contracting Services  
Mike Purdy, Contracting Manager  
Kathy Peterson, Apprenticeship Program Coordinator  
Monica Power, Office of Management & Planning



December 1, 1997

**RE: Initiative 200 and Apprenticeship Set-Asides**

Dear Councilmember Choe:

As agreed during our discussions on the Memorandum of Understanding regarding Apprenticeship Opportunities, you requested that we state our position on Initiative 200 and local set-asides for apprentices. This letter is intended to state that position.

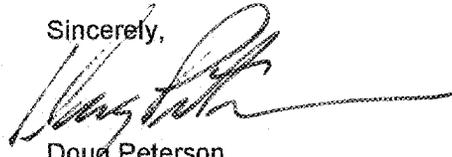
The AGC and ABC will not as organizations endorse, or contribute financial or non-financial support to efforts to pass Initiative 200.

We believe that training is critical to ensure skilled workers. The current economic boom has will continue to place tremendous demand on the work force and contractors. All segments of our community deserve an opportunity to participate in this boom. Recognizing this, the AGC and ABC strongly support the City of Seattle's apprenticeship program which includes set-asides as follows:

1. a requirement of 15% apprentice utilization for capital projects of \$1 million or more,
2. within the 15% requirement, participation goals of 21% for minorities and 20% for women.

We support the City's continuing efforts to develop a diverse, well-trained workforce and increased opportunities for family wage jobs.

Sincerely,



Doug Peterson,  
Executive Director  
Associated General Contractors  
of Washington



Kathleen Garrity,  
Executive Director  
Associated Building Contractors  
of Western Washington

**MEMORANDUM OF UNDERSTANDING  
REGARDING APPRENTICESHIP OPPORTUNITIES**

Whereas, women and people of color are under-represented in the construction industry; and

Whereas, the parties to this agreement are committed to developing a skilled workforce that can compete for and obtain family wage jobs; and

Whereas, current increases in construction activities present a unique opportunity to provide significantly more apprenticeship opportunities, particularly for women and minorities; and

Whereas, the Joint Apprenticeship and Training Committee ("JATC") system has made efforts to increase the representation of women and people of color and additional efforts are needed to recruit, train and retain women and people of color; and

Whereas, the City of Seattle is committed to using its capital works program to provide employment and apprenticeship opportunities for all; and

Whereas, access to apprenticeship programs is a critical issue for women and people of color; and

Whereas, Washington State Apprenticeship Training Council ("WSATC") apprenticeship standards provide for quality apprenticeship programs and a skilled workforce, and the current standards protect and ensure the welfare of apprentices is adequately and fully addressed in state apprenticeship programs, both during the programs and upon attaining journey level status; and

Whereas, the following agreement is intended to refer to WSATC-certified apprenticeship programs; and

Whereas, the interests of apprentices must be protected; and

Whereas, it is important that apprenticeship programs include pre-apprenticeship and direct entry opportunities; and

Whereas, the following agreement satisfies the interests of all parties to this agreement,

The parties of this agreement understand and agree on the following:

1. **Establish a Construction Advisory Committee ("CAC")**. The purpose of the CAC is to develop goals and recommend efforts to increase the

recruitment and retention of women and people of color in the JATC system. The CAC also will request to serve as a regional advisor to the WSATC.

1.1. **CAC Membership.** The CAC shall be comprised of an equal number of labor and employer **voting** representatives, both union and open shop. Membership will be limited to a reasonable number, and there will be minority and women representatives. Membership must be selected and approved by no later than March 1, 1998. Parties to this agreement commit to CAC membership that fully represents all sectors of the construction industry. Terms shall be for three years.

1.1.1. Parties to this agreement will establish the specific framework for membership, according to the above criteria, by no later than February 1, 1998. Parties to this agreement shall forward recommendations for membership to City Council and the Mayor. Membership recommendations should include organizations with a proven track record of minority women work advocacy and support around employment in the building trades. The following should be considered for voting membership: LELO, KCLC, SKBTC, AGC, ABC and female and minority contractors. Among the ex-officio members, the following should be considered: PortJobs, L&I, ANEW, and CITC.

1.1.2. Members shall be appointed by the **City Council and the Mayor by choosing among** recommendations from parties to this agreement and input from other entities with apprenticeship programs.

1.1.3. There will be one person serving as the chair and mediator of the CAC. The recommendation is for this member to be non-voting, but the final determination shall be made by the CAC. If the CAC does not agree on a decision making process after its first six months of operation, the decision making mechanism will be established by the City by reconvening the stakeholders to examine and decide on the appropriate process.

1.2. **Method of Decision Making.** The CAC shall operate by consensus.

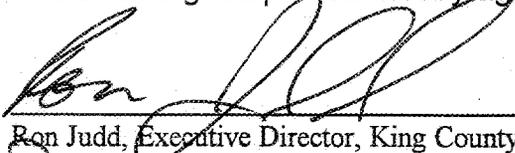
1.3. **Functions of CAC.** The CAC shall:

- 1.3.1. Review the recruitment, screening and referral practices of the WSATC-approved apprenticeship programs in Seattle-King County.
  - 1.3.2. Launch a series of initiatives to increase the recruitment and retention of women and people of color in WSATC-approved apprenticeship programs.
  - 1.3.3. Act as a conduit for access to WSATC apprentices for new contractors who desire to participate in WSATC-approved apprenticeship programs.
  - 1.3.4. Develop specific goals for WSATC-approved apprenticeship programs in Seattle-King County regarding recruitment, retention and completion of apprenticeship for women and people of color.
  - 1.3.5. Recommend remedial actions to WSATC-approved apprenticeship programs that are not meeting established goals.
  - 1.3.6. Provide official recommendations, including sanctions or decertification, to WSATC, regarding WSATC-approved apprenticeship programs that do not meet the established goals.
  - 1.3.7. Request WSATC to provide a written response if they do not implement CAC's official recommendations.
- 1.4. CAC shall negotiate agreements with each apprenticeship program to:
- 1.4.1. Broaden recruitment, screening and referral practices
  - 1.4.2. Receive certified list of "approved" applicants waiting entry into apprenticeship programs program(s)
  - 1.4.3. Transfer of consolidated list of applicants including those recruited or referred by other agencies or organizations
  - 1.4.4. Review of apprenticeship programs, minimum entry standards approved by the WSATC, and to recommend changes.
  - 1.4.5. Ensure direct access for pre-apprenticeship programs. JATCs would agree to immediately indenture applicants into their training program as employers request apprentices. CAC will study and recommend standards for pre-apprenticeship programs including issues of approving authority, curriculum, supplemental instruction, standards and other appropriate issues.
  - 1.4.6. Waive rotation of apprentices, providing contractors can demonstrate they offer multifaceted work elements.
  - 1.4.7. Gain access to non-proprietary training program records.

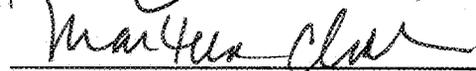
2. **Guidelines for certification.** The parties to this agreement recommend WSATC adopt and publish written guideline for certification and decertification of JATC programs (including affirmative action goals)
3. **CITC certification.** If the Construction Industry Training Council ("CITC") receives WSATC certification, there will be no challenge in the form of a petition or lawsuit by the King County Labor Council ("KCLC") and Seattle King County Building Construction and Trades Council ("SKBCTC"). Furthermore, the KCLC and SKBCTC agree to encourage all existing JATCs not to challenge CITC's certification status. However, if there is a labor challenge to CITC's certification, the City will continue to recognize CITC for the purpose of its apprenticeship program up to decertification by WSATC. If CITC is decertified as a result of a challenge by labor, then the Seattle City Council will reconsider an ordinance to allow CITC as a BAT approved program for the City's contracting purposes.
4. **Meaningful data for decisions.** The parties to this agreement request Labor and Industries and WSATC to provide the following information (or ensure that the following information is provided by appropriate agencies):
  - 4.1. Accurate statistics on apprenticeships, by trade, including indenturement rates, completions, and cancellations, including demographics.
  - 4.2. Benchmarks for recruitment, retention, indenturement, hours worked, supplemental instruction attended and general progress of apprentices.
  - 4.3. Exit interviews for apprentices who do not complete apprenticeship.
  - 4.4. Policy analyses of these data in order to recommend programmatic changes to increase recruitment and retention of women and minority apprentices.
  - 4.5. Clear, published instructions on how to gain access to WSATC programs, and provide technical assistance upon request.
  - 4.6. Information on model programs and best practices from outside the region.
  - 4.7. A tally of major commercial construction projects in Seattle King County.
  - 4.8. A 3-5 year forecast of demand for journey workers and apprentices.
  - 4.9. A map of the current pre-apprenticeship and apprenticeship systems.
  - 4.10. Research on industry conditions, worker demand and model programs.

5. Resources to provide monitoring, data collection and other support of apprenticeship programs. Parties to this agreement jointly request that Labor & Industries, the legislature and the Governor's office provide sufficient **additional** funding for enforcement and to monitor and collect, analyze and disseminate data on apprenticeship programs, and to provide support for committees that attempt to expand apprenticeship opportunities.

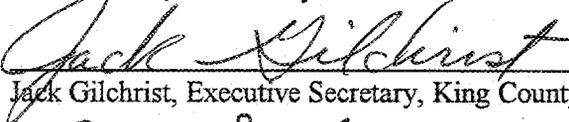
The undersigned parties hereby agree to this Memorandum:



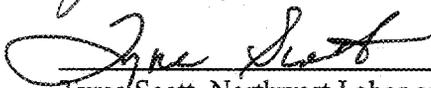
Ron Judd, Executive Director, King County Labor Council AFL-CIO



Martha Choe, Seattle City Councilmember



Jack Gilchrist, Executive Secretary, King County Building & Construction Trades Council

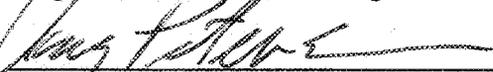


Tyree Scott, Northwest Labor and Employment Law Office



Michael Woo, Northwest Labor and Employment Law Office

Greg Fox, State Chair, Washington State Apprenticeship Coordinators Association



Doug Peterson, Associated General Contractors of Washington

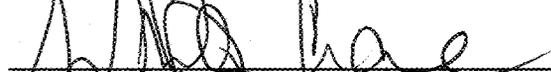


Don Mar, Marpac Construction

Adrian Lugo, Lugo Construction



Bill Anderson, International Brotherhood of Painters and Allied Trades

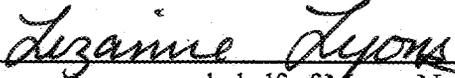


Susan Crane, Executive Director, Office of PORTJOBS

Sandra Olson, Executive Director, Construction Industry Training Council



Rodrick Brandon, Director of Contracting Services, City of Seattle



Lizanne Lyons, on behalf of Mayor Norman B. Rice

Kathleen Garrity  
Executive Director, Associated Builders & Contractors  
of Western Washington



Tangor Electric Inc.

# REVISED DIVIDED REPORT

December 1, 1997

TO: All Councilmembers

FROM: Anne Takekawa

RE: **FINANCE & BUDGET COMMITTEE DIVIDED REPORTS**  
Making Permanent A City Apprenticeship Training Program  
**Council Bill 111973** - making the program permanent  
**Resolution 29667** - setting forth Council position on related issues

*COUNCIL BILL 111973 - An Ordinance related to public works contracts; creating a new Seattle Municipal Code Chapter 20.38 to establish a permanent apprenticeship training program for City funded public works contracts; and extending a position for the administration thereof.*

**Background** - Director and staff of the Contracting Services Division of Executive Services Department (ESD) recommend the 2.5-years-old Apprenticeship Pilot Program be made permanent. Recommendations include feedback from the Apprenticeship Advisory Task Force (AATF), which brought a diversity of perspectives from the community to the table to discuss issues and differences and advise ESD on improving the program.

Department recommendations were put forth in proposed Council Bill 111973 and Resolution 29667. C.B. 111973 makes permanent the apprenticeship program. Added to the program in the proposed C.B. was the inclusion of apprentices enrolled in federal Bureau of Apprenticeship and Training (BAT) approved programs under certain defined circumstances.

Three amendments to the Bill were proposed; two passed, one failed. One of the approved amendments narrows the language regarding use of BAT-approved training programs to the use of, the Construction Industry Training Council (CITC), a single BAT-approved school located in King County offering training in 7 trades and crafts.

## **MAJORITY REPORT** (voting in the majority: Choe, Chong, Pageler)

The majority advises the Council Bill to be passed as amended, expressing support for inclusion of all interested parties in the apprenticeship program. The majority believes the Council Bill more fully opens access to the City's apprenticeship program especially for minority contractors, most of whom are open shop (non union) and who have rarely had equal access, and who customarily hire minority workers. It was noted that 75 percent of Washington State's construction workers are non-union. The majority acknowledges the progress made by ESD on the Apprenticeship Pilot Program over the past 2.5 years, maintains the program has been sufficiently tested and

reviewed, and urges the Council to approve making the Apprenticeship Training Program permanent.

**MINORITY REPORT (voting in the minority: Podlodowski)**

*Minority report provided by Councilmember Tina Podlodowski.* The minority supports the amendment which narrows inclusion of BAT-approved programs to CITC, but prefers extending the pilot Apprenticeship Training Program and deferral of any legislation to next year because the hearing process for CITC is nearing state approval in December, making the legislation moot. Additionally, if approved, this sets a dangerous precedent for declining training standards.

**ABSTENTIONS (abstaining: Chow, Noland)**

Councilmember Chow believes she needs more information about the issue. Although Councilmember Noland generally supports the Council Bill, but has concerns about the ability to monitor and enforce the provisions of the program. She wants more specifics on how prevailing wages, training quality, and women and minority provisions will be monitored and enforced. Councilmember Noland does not believe there is anyone directly accountable for this now.

*RESOLUTION 22667 - A Resolution setting forth the Seattle City Council's position on various public works apprenticeship issues.*

**Background** - The Resolution reaffirms Council support of the Office of PortJOBS and the Apprenticeship Opportunities Program, and carries forth requests for information and recommendations to the Washington State Apprenticeship and Training Council (SAC) and the state Department of Labor and Industries (L & I). Impetus for the Resolution came out of the AATF recommendations which were included in the ESD report on the pilot program. Two amendments were made at the table and unanimously approved.

**MAJORITY REPORT (voting in the majority, Choe, Chong, Noland, Pageler)**

The majority acknowledges that some issues regarding apprenticeship and fair access are more appropriately addressed at the state level. The majority believes the Resolution strengthens the program by referring pertinent concerns to the Washington State Apprenticeship and Training Council (SAC) and the state Department of Labor and Industries (L&I).

**MINORITY REPORT (voting in the minority, Podlodowski)**

The minority believes the apprenticeship program and any related legislation should be deferred to 1998. (See minority report above.)

**ABSTENTIONS (abstaining, Chow)**

Councilmember Chow believes she needs more information about the issue.

*COUNCIL BILL 111976 - An Ordinance related to public works contracts, extending the Public Works Apprenticeship Pilot Program authorized in Ordinance 117656 through March 31, 1998*  
**Moved as a do not pass.**

**Background** - The 2-year old Apprenticeship Pilot Program has already received one extension through December 31, 1997. This legislation extends the pilot program further, through March 31, 1998.

**MAJORITY REPORT (voting in the majority, Choe Chong, Noland, Pageler)**

The majority urges Council Bill 111976 and Resolution 22667 be passed as amended. See above majority reports.

**MINORITY REPORT - (voting in the minority, Podlowski)**

See above minority reports.

**ABSTENTION (abstaining, Chow)**

Councilmember Chow believes she needs more information about the issue.

## **BACKGROUND ON THE PILOT APPRENTICESHIP TRAINING PROGRAM:**

June, 1995-September, 1997

In June, 1995, the Council passed Ordinance 117656 implementing a 2-year Apprenticeship Pilot Program. The Ordinance pertains to City public works contracts exceeding \$1 million. It stipulates that up to 15% of the total labor hours worked on a project be performed by apprentices and that the apprentices be enrolled in state-approved training programs. The Ordinance further establishes goals for the hiring of women (20% of apprentice labor hours) and minorities (21% of apprentice labor hours).

The Apprenticeship Pilot Program has 3 main goals:

1. Provide training opportunities in construction trades and crafts jobs on large, City public works projects.
2. Promote diversity in the building construction workforce by encouraging the hiring of women and minorities.
3. Facilitate creation of livable, family-wage jobs and provide access to these jobs for those citizens who don't always have access.

In March, 1997, the Contracting Services Division of the Executive Services Department reported back to the Finance & Budget Committee. As of December, 1996, a total of 15 projects reported a combined use of 141 apprentices (34.75% new hires). (The number of apprentices has risen to 275 through 1997). Apprentices worked nearly 11% of total labor hours. Minorities performed 37.78% of apprentice labor hours. Women performed 19.57% of apprentice labor hours.

At that time, concerns were raised by minority, open shop (non-union) contractors about access to state-approved training programs for their (non-union) apprentices, precluding the contractors from bidding on City contracts requiring use of the apprenticeship program. Concerns were also expressed about the hiring, training, and long-term employment of African American males.

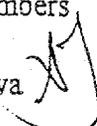
Councilmember Choe set up an Apprenticeship Advisory Task Force (AATF), by Resolution 29572, to examine the concerns and make recommendations to ESD for its report to Council on making the pilot program a permanent program. Members of the (AATF) included unions, union contractors, open shop contractors, minority contractors, a union journeyman, a non-union apprentice, and federal, state, and local government labor and contracting specialists. They met 9 times between May and August, 1997.

To accommodate the process and subsequent AATF recommendations to the ESD report, the Apprenticeship Pilot Program was extended by Ordinance 118577 through December 31, 1997.

**NOTE:** In March, 1997, Councilmembers received a copy of the Public Works Apprenticeship Pilot Program report which summarized the progress and issues of the previous 18 months. Councilmembers also received ESD's October, 1997, report which includes the recommendations made by the Apprenticeship Advisory Task Force (AATF). Additional copies can be requested from ESD at 233-7111.

November 24, 1997

TO: All Councilmembers

FROM: Anne Takekawa 

RE: **FINANCE & BUDGET COMMITTEE DIVIDED REPORTS**  
Making Permanent A City Apprenticeship Training Program  
Council Bill 111973 - making the program permanent  
Resolution 29667 - setting forth Council position on related issues

*COUNCIL BILL 111973 - An Ordinance related to public works contracts; creating a new Seattle Municipal Code Chapter 20.38 to establish a permanent apprenticeship training program for City funded public works contracts; and extending a position for the administration thereof.*

Background - Director and staff of the Contracting Services Division of Executive Services Department (ESD) recommend the 2.5-years-old Apprenticeship Pilot Program be made permanent. Recommendations include feedback from the Apprenticeship Advisory Task Force (AATF), which brought a diversity of perspectives from the community to the table to discuss issues and differences and advise ESD on improving the program.

Department recommendations were put forth in proposed Council Bill 111973 and Resolution 29667. C.B. 111973 makes permanent the apprenticeship program. Added to the program in the proposed C.B. was the inclusion of apprentices enrolled in federal Bureau of Apprenticeship and Training (BAT) approved programs under certain defined circumstances.

Three amendments to the Bill were proposed; two passed, one failed. One of the approved amendments narrows the language regarding use of BAT-approved training programs to the use of, the Construction Industry Training Council (CITC), a single BAT-approved school located in King County offering training in 7 trades and crafts.

MAJORITY REPORT (voting in the majority: Choe, Chong, Pageler)

The majority advises the Council Bill to be passed as amended, expressing support for inclusion of all interested parties in the apprenticeship program. The majority believes the Council Bill more fully opens access to the City's apprenticeship program especially for minority contractors, most of whom are open shop (non union) and who have rarely had equal access, and who customarily hire minority workers. It was noted that 75 percent of Washington State's construction workers are non-union. The majority acknowledges the progress made by ESD on the Apprenticeship Pilot Program over the past 2.5 years, maintains the program has been sufficiently tested and reviewed, and urges the Council to approve making the Apprenticeship Training Program permanent.



MINORITY REPORT (voting in the minority: Podlodowski)

*Minority report provided by Councilmember Tina Podlodowski.* The minority supports the amendment which narrows inclusion of BAT-approved programs to CITC, but prefers extending the pilot Apprenticeship Training Program and deferral of any legislation to next year because the hearing process for CITC is nearing state approval in December, making the legislation moot. Additionally, if approved, this sets a dangerous precedent for declining training standards.

ABSTENTIONS (abstaining: Chow, Noland)

Councilmember Chow believes she needs more information about the issue. Although Councilmember Noland generally supports the Council Bill, but has concerns about the ability to monitor and enforce the provisions of the program. She wants more specifics on how prevailing wages, training quality, and women and minority provisions will be monitored and enforced. Councilmember Noland does not believe there is anyone directly accountable for this now.

*RESOLUTION 22667 - A Resolution setting forth the Seattle City Council's position on various public works apprenticeship issues.*

Background - The Resolution reaffirms Council support of the Office of PortJOBS and the Apprenticeship Opportunities Program, and carries forth requests for information and recommendations to the Washington State Apprenticeship and Training Council (SAC) and the state Department of Labor and Industries (L & I). Impetus for the Resolution came out of the AATF recommendations which were included in the ESD report on the pilot program. Two amendments were made at the table and unanimously approved.

MAJORITY REPORT (voting in the majority: Choe, Chong, Noland, Pageler)

The majority acknowledges that some issues regarding apprenticeship and fair access are more appropriately addressed at the state level. The majority believes the Resolution strengthens the program by referring pertinent concerns to the Washington State Apprenticeship and Training Council (SAC) and the state Department of Labor and Industries (L&I).

MINORITY REPORT (voting in the minority: Podlodowski)

The minority believes the apprenticeship program and any related legislation should be deferred to 1998. (See minority report above.)

ABSTENTIONS (abstaining: Chow)

Councilmember Chow believes she needs more information about the issue.



## BACKGROUND ON THE PILOT APPRENTICESHIP TRAINING PROGRAM:

June, 1995-September, 1997

In June, 1995, the Council passed Ordinance 117656 implementing a 2-year Apprenticeship Pilot Program. The Ordinance pertains to City public works contracts exceeding \$1 million. It stipulates that up to 15% of the total labor hours worked on a project be performed by apprentices and that the apprentices be enrolled in state-approved training programs. The Ordinance further establishes goals for the hiring of women (20% of apprentice labor hours) and minorities (21% of apprentice labor hours).

The Apprenticeship Pilot Program has 3 main goals:

1. Provide training opportunities in construction trades and crafts jobs on large, City public works projects.
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In March, 1997, the Contracting Services Division of the Executive Services Department reported back to the Finance & Budget Committee. As of December, 1996, a total of 15 projects reported a combined use of 141 apprentices (34.75% new hires). (The number of apprentices has risen to 275 through 1997). Apprentices worked nearly 11% of total labor hours. Minorities performed 37.78% of apprentice labor hours. Women performed 19.57% of apprentice labor hours.

At that time, concerns were raised by minority, open shop (non-union) contractors about access to state-approved training programs for their (non-union) apprentices, precluding the contractors from bidding on City contracts requiring use of the apprenticeship program. Concerns were also expressed about the hiring, training, and long-term employment of African American males.

Councilmember Choe set up an Apprenticeship Advisory Task Force (AATF), by Resolution 29572, to examine the concerns and make recommendations to ESD for its report to Council on making the pilot program a permanent program. Members of the (AATF) included unions, union contractors, open shop contractors, minority contractors, a union journeyman, a non-union apprentice, and federal, state, and local government labor and contracting specialists. They met 9 times between May and August, 1997.

To accommodate the process and subsequent AATF recommendations to the ESD report, the Apprenticeship Pilot Program was extended by Ordinance 118577 through December 31, 1997.

NOTE: In March, 1997, Councilmembers received a copy of the Public Works Apprenticeship Pilot Program report which summarized the progress and issues of the previous 18 months. Councilmembers also received ESD's October, 1997, report which includes the recommendations made by the Apprenticeship Advisory Task Force (AATF). Additional copies can be requested from ESD at 233-7111.



ORDINANCE \_\_\_\_\_

1  
2 AN ORDINANCE related to public works contracts; creating a new Seattle Municipal Code Chapter  
3 20.38 to establish a permanent apprenticeship training program for City funded public works  
4 contracts; and extending a position for the administration thereof.

5 WHEREAS, the City of Seattle is committed to provide regional leadership in the area of economic  
6 development; and

7 WHEREAS, the City of Seattle is committed to working in partnership with labor, business and the  
8 community to create a skilled workforce that reflects the diversity of our city's population; and

9 WHEREAS, a well trained diverse workforce is critical to the economic and social vitality of the region;  
10 and

11 WHEREAS, businesses report serious difficulties finding new workers with adequate basic and technical  
12 skills; and

13 WHEREAS, demographic trends indicate that the new entrants to the labor force will be comprised of  
14 women, people of color and immigrants who have historically faced barriers to employment and  
15 have been underrepresented in the skilled trades; and

16 WHEREAS, the City's public works contracts will provide training and job opportunities as a means to  
17 increase the skills of the workforce; and

18 WHEREAS, the City is committed to using training that is accepted industry-wide so that the resulting  
19 journey workers can enter the region's pool of skilled labor, fully qualified for the jobs throughout  
20 the industry; and

21 WHEREAS, the City's apprenticeship pilot program successfully demonstrated the use of apprentice  
22 labor and the creation of new training opportunities; and

23 WHEREAS, open-shop contractors have expressed concern that access to state-approved training  
24 programs is exclusive to union participation; and

WHEREAS, in accordance with WAC 296-04, state-approved training programs are required to be  
accessible to all employers without requiring that they enter into a collective bargaining  
agreement; and

WHEREAS, the Washington State Apprenticeship and Training Council (SAC) has approved training  
programs in the construction industry which are primarily sponsored by a group of employers and  
labor organizations; and

1 WHEREAS, the state-approved programs are primarily operated by joint apprenticeship and training  
2 committees which are composed of equal representation by management and labor organizations;  
and

3 WHEREAS, the Federal Bureau of Apprenticeship and Training (BAT) recognizes state-approved  
4 programs for federal purposes in accordance with federal regulations (CFR 29.29); and

5 WHEREAS, in accordance with federal and state regulations, six different types of apprenticeship  
6 training program sponsorship may be approved, including "group joint" (sponsored by  
management and a labor organization) and "group non-joint" (sponsored by management, without  
a labor organization); and

7 WHEREAS, the City recognizes the interest of all contractors and employees to choose an apprenticeship  
8 program that meets their needs; and

9 WHEREAS, the City is committed to promoting apprenticeship opportunities on public works projects  
and ensuring that all contractors participate in this requirement; Now, therefore

10 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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1 Section 1. A new Chapter 20.38 is hereby added to the Seattle Municipal Code as follows:

2 **20.38 Apprenticeship Program**

3 **Section 20.38.005 Apprentice Utilization**

4 On public works contracts with an estimated cost of \$1 million or more, the  
5 Director of the Executive Services Department is authorized to require that up to 15% of  
6 the contract labor hours be performed by apprentices enrolled in training programs  
7 approved or recognized by the Washington State Apprenticeship and Training Council  
8 (SAC). However, in the event that state-approved programs for an individual trade/craft  
9 consist exclusively of group joint programs (sponsored by management and labor  
10 organizations), then the Director shall recognize for the purposes of satisfying the public  
11 works apprenticeship requirement, other parallel group non-joint training programs  
12 (sponsored by management, without labor organizations) that are approved by the Federal  
13 Bureau of Apprenticeship and Training (BAT) for those trades/crafts. Furthermore, it is  
14 the City's intent that, on public works projects with an apprentice utilization requirement,  
15 there shall be a goal that 21% of the apprentice labor hours be performed by minorities  
16 and 20% of the apprentice labor hours be performed by women.

17 **20.38.010 Definitions**

18 When used in this chapter,

19 A. "Director" shall mean the Director of the Executive Services Department or his  
20 or her designee.

21 B. "Labor hours" shall mean the total hours of workers receiving an hourly wage  
22 who are directly employed on the site of the public works project. "Labor hours" shall  
23 include hours performed by workers employed by the contractor and all subcontractors  
24 working on the project. "Labor hours" shall exclude hours worked by foremen,  
superintendents, owners and workers who are not subject to prevailing wage  
requirements.

C. "Apprentice labor hours" shall mean the total hours required to be worked by  
apprentices on the public works project.

1                   **20.38.020     Powers**

2                   The Executive Services Department shall be responsible for the implementation  
3                   and administration of this chapter and is authorized to develop and adopt rules consistent  
4                   with the requirements of this chapter. The Executive Services Department shall establish  
5                   contract specification language to implement the apprenticeship requirement, which may  
6                   change from time to time. The Executive Services Department shall develop and  
7                   implement a system for monitoring the actual use of apprentices on public works projects.

8                   **20.38.030     Waivers or Reductions of Goals**

9                   The Executive Services Department Director is authorized to waive or reduce the  
10                  apprenticeship participation goals on contracts.

11                  Section 2.     Reporting

12                  The Executive Services Department will furnish reports to the City Council on an annual basis, during the  
13                  first quarter of each year for the preceding calendar year, describing the progress of administering the  
14                  requirements of SMC Ch. 20.38.

15                  Section 3.     Position Authority

16                  The position authority for the Human Services Analyst position created by Ordinance 117656 and  
17                  extended by Ordinance 118577 is further extended through December 31, 1998. Future authorizations  
18                  for position authority shall be approved as a part of the normal biennial budget process.

19                  Section 4.     Any acts taken consistent with the authority granted by, but prior to the effective  
20                  date of this ordinance are hereby ratified and confirmed.

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**SPONSORSHIP**

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

*Maxine Chase* \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_  
PRESIDENT'S SIGNATURE



# City of Seattle

97-322

Norman B. Rice, Mayor  
Executive Department - Office of Management and Planning  
Judy Bunnell, Director

October 31, 1997

The Honorable Mark Sidran  
City Attorney  
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

11/3/97  
O.K.  
R. [Signature]

COPY RECEIVED  
97 OCT 31 PM 3: 03  
SEATTLE CITY ATTORNEY

REQUESTING DEPARTMENT: Executive Services Department

SUBJECT: AN ORDINANCE related to public works contracts; creating a new Seattle Municipal Code Chapter 20.38 to establish a permanent apprenticeship training program for City funded public works contracts; and extending a position for the administration thereof.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Monica Power at 684-8076.

Sincerely,

Norman B. Rice  
Mayor

by

[Signature of Judy Bunnell]

JUDY BUNNELL  
Director

h:\admin\legis\law\trs\power30

Enclosure

Seattle Municipal Building, 600 Fourth Avenue, Seattle, WA 98104-1826  
Tel: (206) 684-8080, TDD (206) 684-8118, FAX: (206) 233-0085

An equal-employment opportunity, affirmative action employer. Accommodations for people with disabilities provided on request.



STATE OF WASHINGTON - KING COUNTY

87834

-ss.

City of Seattle, City Clerk

No. ORDINANCE IN

City of Seattle

ORDINANCE 118834

AN ORDINANCE related to public works contracts; creating a new Seattle Municipal Code Chapter 20.38 to establish a permanent apprenticeship training program for City-funded public works contracts; and extending a position for the administration thereof.

WHEREAS, the City of Seattle is committed to provide regional leadership in the area of economic development; and

WHEREAS, the City of Seattle is committed to working in partnership with labor, business and the community to create a skilled workforce that reflects the diversity of our City's population; and

WHEREAS, a well trained diverse workforce is critical to the economic and social vitality of the region; and

WHEREAS, businesses report serious difficulties finding new workers with adequate basic and technical skills; and

WHEREAS, demographic trends indicate that the new entrants to the labor force will be comprised of women, people of color and immigrants who have historically faced barriers to employment and have been underrepresented in the skilled trades; and

WHEREAS, the City's public works contracts will provide training and job opportunities as a means to increase the skills of the workforce; and

WHEREAS, the City is committed to using training that is accepted industry wide so that the resulting journey workers can enter the region's pool of skilled labor, fully qualified for the jobs throughout the industry; and

WHEREAS, the City is committed to providing livable wage job opportunities through public works projects which require that all employers pay prevailing wages; and

WHEREAS, the City's apprenticeship pilot program successfully demonstrated the use of apprentice labor and the creation of new training opportunities; and

WHEREAS, open-shop contractors have expressed concern that access to state-approved training programs is exclusive to union participation; and

WHEREAS, in accordance with WAC 206-04, state-approved training programs are required to be accessible to all employers without requiring that they enter into a collective bargaining agreement; and

WHEREAS, the Washington State Apprenticeship and Training Council (SATC) has approved training programs in the construction industry which are primarily sponsored by a group of employers and labor organizations; and

WHEREAS, the state-approved programs are primarily operated by joint apprenticeship and training committees which are composed of equal representation by management and labor organizations; and

WHEREAS, the Federal Bureau of Apprenticeship and Training (BATF) recognizes state approved programs for federal purposes in accordance with federal regulations (CFR 29.29); and

WHEREAS, in accordance with federal and state regulations, six different types of apprenticeship training program sponsorship may be approved, including "group joint" (sponsored by management and a labor organization) and "group non-joint" (sponsored by management, without a labor organization); and

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 118834

was published on

12/22/97

The amount of the fee charged for the foregoing publication is the sum of \$ , which amount has been paid in full.

Handwritten signature and date 12/22/97. Subscribed and sworn to before me on

Notary Public for the State of Washington, residing in Seattle