

Approved: 06/05/2024

Effective: 01/01/2025

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

AMENDED ORDINANCE NO. 24-040

RELATING TO CONSTRUCTION PROJECTS - - APPRENTICE AND PRIORITY HIRE  
PROGRAM; AMENDING CHAPTER 3.05 SCC

BE IT ORDAINED:

Section 1. The title to Snohomish County Code Chapter 3.05 is amended to read:

**Chapter 3.05 Construction Projects – Apprentice and Priority Hire Requirements**

Section 2. Snohomish County Code Section 3.05.010, last amended by  
Amended Ordinance No. 20-028, on November 2, 2020, is amended to read:

**3.05.010 Definitions.**

Where used in this chapter, unless the context clearly requires otherwise, the following  
terms shall have the meaning and construction set forth herein:

(1) “Apprentice” means a person who has signed a written apprenticeship agreement  
with and enrolled in an active registered apprenticeship program approved by the  
Washington state Apprenticeship and Training Council.

(2) “Community workforce agreement” means an executed agreement signed by the  
executive, or the executive’s designee, on behalf of the county, and representatives of  
the NW WA Building & Construction Trades Council, the Northwest National  
Construction Alliance II and other labor organizations, as applicable, under this chapter.  
The community workforce agreement is a project labor agreement for a single  
construction project that contains terms and conditions for priority hiring and preferred  
entry requirements.

(3) “Contractor” means a person or business entity that enters into a contract with the  
county or a subcontractor performing services under such a contract. A contractor  
employs individuals to perform work on construction projects, including general  
contractors, subcontractors of all tiers and both union and nonunion entities.

(4) “Economically distressed area” means a geographic area within Snohomish County,  
as defined by ZIP code, and found by the manager to be in the top thirty percent of all  
ZIP codes in Snohomish County in terms of the concentration of individuals who meet at  
least two of the following criteria: have income at or below two hundred percent of the  
federal poverty level; are unemployed; or are at least twenty-five years old and without a  
college degree. The manager may add ZIP codes that meet these criteria for  
construction projects that are part of the county’s wastewater service area in Snohomish  
and King counties. The manager may adjust the list of economically distressed areas

1 within Snohomish County in order to enhance regional uniformity with other local  
2 jurisdictions implementing priority hire programs. The manager shall organize  
3 economically distressed areas into a tiered structure placing in the first tier Snohomish  
4 County ZIP codes meeting criteria and placing in the second tier ZIP codes in adjacent  
5 counties that meet criteria.

6  
7 (5) "Good faith efforts" means a reasonable and sincere effort made by the contractor  
8 and its subcontractor to meet the established apprentice requirement, priority hiring  
9 requirement and other hiring goals.

10  
11 (6) "Helmets to Hardhats" means the nationwide program that is administered by the  
12 Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit  
13 corporation that connects National Guard, Reserve, retired and transitioning active-duty  
14 military service members with skilled training and quality career opportunities in the  
15 construction industry.

16  
17 (7) "Journey level" means that an individual has sufficient skills and knowledge of an  
18 occupation, either through a registered apprenticeship program or through practical on-  
19 the-job work experience, to be recognized by any combination of a state registration  
20 agency, a federal registration agency or an industry, as being fully qualified to perform  
21 the work of the occupation. To be "journey level", practical experience must be equal to  
22 or greater than the term of apprenticeship.

23  
24 ((1)) (8) "Labor hours" refers to the total number of hours worked by workers receiving  
25 an hourly wage who are directly employed by the contractor and all subcontractors on a  
26 county public works project.

27  
28 (9) "Manager" means purchasing manager or other individual as designated by the  
29 county executive.

30  
31 (10) "Model community workforce agreement" means a standardized project labor  
32 agreement that would be anticipated to apply to all construction projects required to  
33 utilize priority hire under this chapter and sets forth terms and conditions for hiring  
34 requirements to include priority hire workers, signed by the county and representatives  
35 of the NW WA Building & Construction Trades Council, the Northwest National  
36 Construction Alliance II and other labor organizations, as applicable.

37  
38 (11) "Pre-apprentice graduate" means an individual who successfully completed a pre-  
39 apprenticeship program and is readily available to enter a registered apprenticeship  
40 program or has been accepted into a registered apprenticeship program, including  
41 individuals who are completing the first or second year of apprenticeship training.

42  
43 (12) "Pre-apprenticeship program" means an education-based apprenticeship  
44 preparation program that is formally recognized by the Washington State  
45 Apprenticeship and Training Council and endorsed by one or more registered

1 apprenticeship sponsor with a focus on educating and training students to meet or  
2 exceed minimum qualifications for entry into a registered apprenticeship program.

3  
4 (13) “Pre-construction meeting” means a meeting held between the County, builders,  
5 contractors, subcontractors, and other essential personnel prior to a construction  
6 project’s start date to go over important information, such as, but not limited to project  
7 timelines, permits, goals, establish authority and communication, clarify responsibilities,  
8 schedules, cost estimates, quality control, key stakeholders, and job site safety.

9  
10 (14) “Preferred entry” means a program provided as part of a project labor agreement or  
11 a community workforce agreement that allows pre-apprentice graduates and Helmets to  
12 Hardhats veterans entry into a registered apprenticeship program ahead of other  
13 applicants.

14  
15 (15) “Priority hire program” means the program created in this chapter to prioritize the  
16 recruitment and placement of priority hire workers for training and employment in the  
17 construction trades on public works projects where the estimated cost to construct is  
18 over five million dollars.

19  
20 (16) “Priority hire worker” means an individual prioritized for recruitment, training, and  
21 employment opportunities because the individual is a resident in an economically  
22 distressed area.

23  
24 (17) “Project labor agreement” means an executed agreement between the executive or  
25 designee, on behalf of the county, and one or more labor unions that represent workers  
26 who typically perform on county public works projects, that provides standards for work  
27 hours, wages, working conditions, safety conditions, union representation,  
28 apprenticeship requirements and settlement of disputes procedures.

29  
30 ~~((2))~~ (18) “Public works” refers to all county construction projects ((estimated to cost))  
31 with an estimated cost to construct of one million dollars or more. Contracts shall not be  
32 fragmented to avoid the requirements of this chapter.

33  
34 ~~((3))~~ (19) “Registered apprenticeship program” means an apprenticeship program that  
35 is approved by the Washington State Apprenticeship and Training Council. Registered  
36 apprenticeship programs may include both union and non-union programs.

37  
38 Section 3. Snohomish County Code Section 3.05.025, last amended by  
39 Amended Ordinance No 21-046, on September 5, 2021, is amended to read:

40  
41 **3.05.025 Use of apprentices ((required)) and priority hire for public works.**

42  
43 (1) Apprentices shall be utilized pursuant to SCC 3.05.030(1) on the construction of all  
44 public works ((in accordance with this chapter,)) where the estimated cost to construct is  
45 over one million dollars, except when the requirements of this chapter conflict with  
46 federal funding conditions or the conditions of any other funding.

1  
2 (2) Priority hire shall be utilized pursuant to SCC 3.05.030(2) on the construction of all  
3 public works where the estimated cost to construct is more than five million dollars,  
4 except when the requirements of this chapter conflict with federal funding conditions or  
5 the conditions of any other funding.  
6

7 Section 4. Snohomish County Code Section 3.05.030, last amended by  
8 Amended Ordinance No 21-046, on September 5, 2021, is amended to read:  
9

10 **3.05.030 Administration.**  
11

12 (1) Apprentices.

13 (a) For those construction projects requiring the utilization of apprentices  
14 ((subject to)) under this chapter, the executive shall establish a percentage of total labor  
15 hours as a goal to be performed by apprentices. The labor hour goals for the labor  
16 hours required to be performed by apprentices on each such project shall be at least 15  
17 percent of the total labor hours on the individual project.  
18

19 ((2)) (b) For construction projects requiring the utilization of apprentices  
20 ((subject to)) under this chapter, bidders shall submit an apprentice utilization plan prior  
21 to contract execution that reflects its plan to meet or exceed the 15 percent labor hour  
22 goal. Contractors shall update their apprentice utilization plan throughout the project to  
23 reflect changes to their plan to meet the labor hour goal.  
24

25 ((3)) (c) Apprentices utilized in accordance with this chapter must be enrolled in  
26 a registered apprenticeship program that is approved by the Washington State  
27 Apprenticeship and Training Council.  
28

29 ((4)) (d) Contracts for such construction projects that require the utilization of  
30 apprentices shall include provisions detailing the apprentice labor requirements.  
31

32 ((5)) (e) Bids for construction projects that are subject to apprentice  
33 requirements as described in this chapter shall include supplemental bidder  
34 responsibility criteria pertaining to apprentice requirements in the bid document that  
35 allow the purchasing manager to find a bidder non-responsive if the bidder failed to  
36 meet the apprenticeship requirements on any project during the two-year period  
37 immediately preceding the date of the bid solicitation.  
38

39 ((6)) (f) From notice to proceed until project completion, contractors shall submit  
40 monthly reports to the county on their apprenticeship utilization, including progress  
41 toward apprenticeship goals. Reports shall reflect actual progress toward the  
42 apprenticeship utilization goals in the applicable trades as identified in the  
43 apprenticeship plan. Contractors shall include a revised apprentice utilization plan  
44 when changed conditions or circumstances affect the method or schedule of the  
45 contractor's previously submitted plan to meet the labor hour goal. Failure to meet

1 targets of the applicable apprentice utilization plan may be deemed a breach of contract  
2 under SCC 3.05.070.

3  
4 (2) Priority hire.

5  
6 (a) The executive shall develop a model community workforce agreement and  
7 shall make a good faith effort to negotiate and execute the model community workforce  
8 agreement for each public works construction project requiring the utilization of priority  
9 hire under this chapter . The model community workforce agreement shall:

10  
11 (i) Include terms and conditions for the utilization of priority hire and preferred  
12 entry workers;

13  
14 (ii) Require that a minimum 20 percent of priority hire labor hours in each trade  
15 on a construction project requiring the utilization of priority hire under this chapter  
16 be performed by a combination of preferred entry and priority hire candidates.  
17 Labor hours completed by priority hire and preferred entry apprentices pursuant  
18 to a community workforce agreement may also be counted towards fulfillment of  
19 apprenticeship labor hour requirements under an apprentice utilization plan as  
20 described in SCC 3.05.030(1);

21  
22 (iii) Include provisions for pre-construction meetings;

23  
24 (iv) Include provisions to ensure a respectful workplace that is inclusive and  
25 focuses on nondiscrimination and antiharassment behaviors and provides  
26 procedures for workers to address concerns;

27  
28 (v) Include provision for the recruitment, retention and mentoring of construction  
29 workers, including priority hire and preferred entry workers, and workers who  
30 reside in other areas of Snohomish County, as they advance from apprentice  
31 positions into journey level positions;

32  
33 (vi) Include an order of precedence provision that includes any applicable  
34 collective bargaining agreements in the order of precedence after the model  
35 community workforce agreement;

36  
37 (vii) Where free and ample parking is not available at a public works construction  
38 project, include provisions to ensure vehicle parking at or nearby, or alternatively,  
39 at a dedicated parking area from which the contractor provides transportation, all  
40 at no cost to workers;

41  
42 (viii) Include provisions to ensure access to childcare and/or a plan to provide  
43 affordable childcare for workers; and

44  
45 (ix) Be structured so as to streamline paperwork and reporting requirements;  
46

1       **(b) If the executive is unable to negotiate and execute a model community**  
2 **workforce agreement despite good faith efforts, the executive will develop and execute**  
3 **a community workforce agreement specific to that project, which must contain terms**  
4 **and conditions for the use of priority hire workers and preferred entry workers as well as**  
5 **provisions related to a respectful workplace.**

6  
7       **(c) Contractors who submit public work bids on construction projects requiring**  
8 **the utilization of priority hire under this chapter shall evidence good faith efforts that the**  
9 **contractor can reasonably make to meet the requirements of this chapter, including the**  
10 **percentage labor hour requirements, that are consistent with the terms and conditions**  
11 **set forth in the applicable community workforce agreement.**

12  
13       **Section 5.** A new section is added to Chapter 3.05 of the Snohomish County  
14 Code to read:

15  
16 **3.05.035 Priority hire – manager’s duties.**

17  
18 **To administer the priority hire program, the manager shall:**

19  
20 **(1) Analyze the indicators for economically distressed areas and prepare a list of ZIP**  
21 **codes that are found by the manager to be economically distressed areas and update**  
22 **that list at least once every five years. Any changes proposed by the manager to the**  
23 **criteria for determining economically distressed areas are subject to approval by**  
24 **ordinance;**

25  
26 **(2) Establish a methodology using data from local sources for determining the required**  
27 **percentage of labor hours to be performed by priority hire workers and review and**  
28 **adjust the methodology annually, as needed. The methodology for determining the**  
29 **required percentage of labor hours shall separately address apprentices and journey**  
30 **level workers on a contract-by-contract basis;**

31  
32 **(3) Provide technical assistance to contractors on the recruitment and reporting**  
33 **requirements of the priority hire program to promote participation in the priority hire**  
34 **programs;**

35  
36 **(4) Develop a prompt-payment program for subcontractors performing services for a**  
37 **contractor to lower the burden of participation in the priority hire program, based on an**  
38 **assessment of the effectiveness of existing payment programs. The prompt-payment**  
39 **program may include features such as revolving fund or other mechanism to provide**  
40 **cash flow relief for payments to the union trust fund; and**

41  
42 **(5) At least annually, determine whether the percentage of priority hiring requirements**  
43 **has been achieved by calculating the labor hours performed by residents of the state of**  
44 **Washington and separately calculate the labor hours performed by residents from**  
45 **states other than the state of Washington. Labor hours performed by residents from**

1 states other than the state of Washington shall be excluded from the total labor hours  
2 used to determine priority hire requirements.

3  
4 Section 6. Snohomish County Code Section 3.05.040, last amended by  
5 amended Ordinance No. 21-046, on August 25, 2021, is amended to read:

6  
7 **3.05.040 Exceptions and Waivers.**

8  
9 (1) During the term of a construction contract subject to this chapter, the executive or  
10 designee may reduce or waive the apprentice and/or priority hire labor hour goals upon  
11 his or her determination that at least three of the below conditions are met as  
12 documented by the contractor and reviewed by the executive or designee:

13  
14 (a) the contractor has demonstrated that it has utilized ~~((its "best efforts"))~~  
15 good faith efforts to meet the established percentage requirement but remains unable to  
16 fulfill the goal;

17  
18 (b) in order to meet the requirement, the contractor will be forced to displace  
19 members of its workforce;

20  
21 (c) the reasonable and necessary requirements of the contract render  
22 apprentice or priority hire utilization infeasible at the required levels;

23  
24 (d) a disproportionately high ratio of material costs to labor hours render  
25 apprentice or priority hire utilization infeasible at the required levels;

26  
27 (e) the contractor has demonstrated that it has contacted multiple registered  
28 apprenticeship programs or priority hire workers, yet an insufficient number of  
29 apprentices or priority hire workers are available to meet the contract requirements; or

30  
31 (f) the contractor has demonstrated that it has met or is meeting  
32 apprenticeship or priority hire requirements on all of its existing county construction  
33 projects during the 12 months prior to execution of a new contract with the county.

34  
35 Section 7. Snohomish County Code Section 3.05.050, last amended by  
36 amended Ordinance No. 21-046, on September 5, 2020, is amended to read:

37  
38 **3.05.050 Monitoring.**

39  
40 The executive shall implement a system for monitoring the actual use of apprentices  
41 and priority hire workers in construction projects subject to this chapter. Such monitoring  
42 shall include identifying individual apprentices and priority hire workers by name and  
43 Washington State apprenticeship registration number; reviewing documents provided by  
44 the contractor showing total apprentice and priority hire labor hours; determining the  
45 apprentice and priority hire hours worked by minorities, women, veterans, refugees and

1 immigrants; and assessing whether the contractor has complied with the apprenticeship  
2 or priority hire requirement established in its contract.

3  
4 Section 8. Snohomish County Code Section 3.05.060, last amended by  
5 amended Ordinance No. 20-028, on October 21, 2020, is amended to read:

6  
7 **3.05.060 Reporting.**

8  
9 (1) The executive shall report to the council annually upon the use of apprentices and  
10 priority hire for construction projects. The report shall include to the extent it is  
11 available:

12  
13 (a) The percentage of labor hours actually worked by apprentices and priority  
14 hire on each project and the total number of labor hours on each project.

15  
16 (b) The number of apprentices and priority hire by contractor broken down by  
17 trade and craft category; and

18  
19 (c) The number and percentage of minorities, women and veterans utilized as  
20 apprentices or priority hire on each project.

21  
22 (2) Prior to December 31, 2021, the executive shall report to the council statistical data,  
23 to the extent it is available, on the use and issuance of exceptions and waivers under  
24 SCC 3.05.040 for a prior 12-month period. The report shall also include  
25 recommendation for maintaining or amending the existing exceptions and waivers  
26 provided in this chapter.

27  
28 (3) The executive shall review program results annually to determine if the priority hire  
29 program should be expanded or amended to meet the purpose of the program.

30  
31 Section 9. Snohomish County Code Section 3.05.070, last amended by  
32 amended Ordinance No. 20-028, on November 2, 2020, is amended to read:

33  
34 **3.05.070 Remedies.**

35  
36 Failure by a contractor to comply with established apprenticeship or priority hire  
37 requirements, unless otherwise waived or excused in writing by the executive or  
38 designee pursuant to SCC 3.05.040, shall be deemed a breach of contract for which the  
39 county shall be entitled to all remedies allowed by law under the contract. Failure to  
40 comply with the apprenticeship or priority hire requirements may also be considered  
41 evidence bearing on a contractor's qualification for award of future contracts with the  
42 county.

43  
44 Section 10. All changes to Snohomish County Code by Ordinance 24-040 shall  
45 not be effective until January 1, 2025. Further the Priority Hire program contemplated in  
46 this chapter need not be implemented for any given year in which the county council




1 does not provide at least a minimum of 2.0 additional FTEs and sufficient appropriations  
2 to pay for the additional FTEs, as well as appropriations necessary to fund supplies,  
3 interfund rates, professional services, and contracts with community based  
4 organizations that identify, recruit and provide pre-apprenticeship training.

5  
6 PASSED this 5<sup>th</sup> day of June, 2024.

7  
8 SNOHOMISH COUNTY COUNCIL  
9 Snohomish County, Washington

10  
11   
12 \_\_\_\_\_  
13 Council Chair

14 ATTEST:

15  
16   
17 \_\_\_\_\_  
18 Deputy Clerk of the Council

19  
20 (X) APPROVED  
21 ( ) EMERGENCY  
22 ( ) VETOED

23  
24 DATE: June 10, 2024

25   
26 \_\_\_\_\_  
27 County Executive

28  
29 ATTEST:

30  
31  
32   
33 \_\_\_\_\_