

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

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.

29
30 (10) "Model community workforce agreement" means a standardized project labor
31 agreement that would be anticipated to apply to all construction projects required to
32 utilize priority hire under this chapter and sets forth terms and conditions for hiring
33 requirements to include priority hire workers, signed by the county and representatives
34 of the NW WA Building & Construction Trades Council, the Northwest National
35 Construction Alliance II and other labor organizations, as applicable.

36
37 (11) "Pre-apprentice graduate" means an individual who successfully completed a pre-
38 apprenticeship program and is readily available to enter a registered apprenticeship
39 program or has been accepted into a registered apprenticeship program, including
40 individuals who are completing the first or second year of apprenticeship training.

41
42 (12) "Pre-apprenticeship program" means an education-based apprenticeship
43 preparation program that is formally recognized by the Washington State
44 Apprenticeship and Training Council and endorsed by one or more registered
45 apprenticeship sponsor with a focus on educating and training students to meet or
46 exceed minimum qualifications for entry into a registered apprenticeship program.

1
2 (13) "Pre-construction meeting" means a meeting held between the County, builders,
3 contractors, subcontractors, and other essential personnel prior to a construction
4 project's start date to go over important information, such as, but not limited to project
5 timelines, permits, goals, establish authority and communication, clarify responsibilities,
6 schedules, cost estimates, quality control, key stakeholders, and job site safety.

7
8 (14) "Preferred entry" means a program provided as part of a project labor agreement or
9 a community workforce agreement that allows pre-apprentice graduates and Helmets to
10 Hardhats veterans entry into a registered apprenticeship program ahead of other
11 applicants.

12
13 (15) "Priority hire program" means the program created in this chapter to prioritize the
14 recruitment and placement of priority hire workers for training and employment in the
15 construction trades on public works projects where the estimated cost to construct is
16 over five million dollars.

17
18 (16) "Priority hire worker" means an individual prioritized for recruitment, training, and
19 employment opportunities because the individual is a resident in an economically
20 distressed area.

21
22 (17) "Project labor agreement" means an executed agreement between the executive or
23 designee, on behalf of the county, and one or more labor unions that represent workers
24 who typically perform on county public works projects, that provides standards for work
25 hours, wages, working conditions, safety conditions, union representation,
26 apprenticeship requirements and settlement of disputes procedures.

27
28 ~~((2))~~ (18) "Public works" refers to all county construction projects ((estimated to cost))
29 with an estimated cost to construct of one million dollars or more. Contracts shall not be
30 fragmented to avoid the requirements of this chapter.

31
32 ~~((3))~~ (19) "Registered apprenticeship program" means an apprenticeship program that
33 is approved by the Washington State Apprenticeship and Training Council. Registered
34 apprenticeship programs may include both union and non-union programs.

35
36 Section 3. Snohomish County Code Section 3.05.025, last amended by
37 Amended Ordinance No 21-046, on September 5, 2021, is amended to read:

38
39 **3.05.025 Use of apprentices ((required)) and priority hire for public works.**

40
41 (1) Apprentices shall be utilized pursuant to SCC 3.05.030(1) on the construction of all
42 public works ((in accordance with this chapter,)) where the estimated cost to construct is
43 over one million dollars, except when the requirements of this chapter conflict with
44 federal funding conditions or the conditions of any other funding.

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

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

8
9 **3.05.030 Administration.**

10
11 (1) Apprentices.

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

17
18 ((2)) (b) For construction projects requiring the utilization of apprentices
19 ((subject to)) under this chapter, bidders shall submit an apprentice utilization plan prior
20 to contract execution that reflects its plan to meet or exceed the 15 percent labor hour
21 goal. Contractors shall update their apprentice utilization plan throughout the project to
22 reflect changes to their plan to meet the labor hour goal.

23
24 ((3)) (c) Apprentices utilized in accordance with this chapter must be enrolled in
25 a registered apprenticeship program that is approved by the Washington State
26 Apprenticeship and Training Council.

27
28 ((4)) (d) Contracts for such construction projects that require the utilization of
29 apprentices shall include provisions detailing the apprentice labor requirements.

30
31 ((5)) (e) Bids for construction projects that are subject to apprentice
32 requirements as described in this chapter shall include supplemental bidder
33 responsibility criteria pertaining to apprentice requirements in the bid document that
34 allow the purchasing manager to find a bidder non-responsive if the bidder failed to
35 meet the apprenticeship requirements on any project during the two-year period
36 immediately preceding the date of the bid solicitation.

37
38 ((6)) (f) From notice to proceed until project completion, contractors shall submit
39 monthly reports to the county on their apprenticeship utilization, including progress
40 toward apprenticeship goals. Reports shall reflect actual progress toward the
41 apprenticeship utilization goals in the applicable trades as identified in the
42 apprenticeship plan. Contractors shall include a revised apprentice utilization plan
43 when changed conditions or circumstances affect the method or schedule of the
44 contractor's previously submitted plan to meet the labor hour goal. Failure to meet
45 targets of the applicable apprentice utilization plan may be deemed a breach of contract
46 under SCC 3.05.070.

1
2 (2) Priority hire.
3

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

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

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

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

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

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

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

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

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

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

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PASSED this ___ day of _____, 2024.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Chairperson

ATTEST:

Deputy Clerk of the Council

- () APPROVED
- () EMERGENCY
- () VETOED

DATE: _____

County Executive

ATTEST:

Approved as to form only:

/s/Rebecca Guadamud
Deputy Prosecuting Attorney