

APPRENTICESHIP RECIPROCAL AGREEMENT

BETWEEN

WASHINGTON, OREGON, AND MONTANA

Effective September 15, 2006

**APPRENTICESHIP RECIPROCAL AGREEMENT
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WASHINGTON, OREGON AND MONTANA**

This Agreement is made by and entered into between the State of Washington by and through the Washington State Apprenticeship and Training Council and the Department of Labor and Industries; the State of Oregon by and through the Oregon State Apprenticeship and Training Council and the Oregon Bureau of Labor and Industries; and the State of Montana by and through the Montana Apprenticeship and Training Program and the Montana Department of Labor and Industry.

WHEREAS the parties to this Agreement wish to provide for the freedom of movement of the registered apprenticeship work force between the states of Washington, Oregon, and Montana; and,

WHEREAS the parties to this Agreement have the authority to enter into this Agreement and bind the respective parties under the terms of this Agreement;

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

- I. The parties support the development and registration of apprenticeship programs, assisting current program sponsors and safeguarding the welfare of apprentices.
- II. The parties signatory to this Agreement concur that multiple registration of individual apprentices in neighboring geographical areas is an impediment to the successful administration of an apprenticeship program.
- III. Therefore, it is understood by the signatory parties that when a Washington, Oregon, or Montana program registration occurs, no multiple registration of apprentices is necessary. No apprentice registered by the signatory parties shall be prohibited from working across state boundaries provided that:
 - a. The employer's/sponsor's principal place of business is the determining factor on where the registration occurs.
 - b. An employer may only be registered as a training agent or sponsoring employer by the Registration Agency in the state where the program sponsor's principal place of business is located.
 - c. The apprentice has completed a minimum of 1,000 OJT hours in the apprenticeship program. Previous credit hours cannot be counted towards this requirement.
 - d. The program that the apprentice is registered in has been recognized by the Registration Agency for a minimum of six months.
 - e. The program that the apprentice is registered in has been reviewed for compliance and been found in compliance with the standards, rules and regulations that govern the operation of the program within the last 24 months and is in good standing with the Registration Agency or was found in good standing during the last systematic review and maintained good standing with the registration agency or was found in good standing during the last systematic review and maintained good standing with the registration agency.
- IV. When a sponsor has training agents or sponsoring employers that are signatory to the standards from more than one of the participating states, the sponsor must register the standards in each state in which the training agent's or sponsoring employer's principal place of business is located.

- V. When a sponsor has registered standards in multiple states, the sponsor will be exempt from paragraphs c, d and e of section III in any state wherein the sponsor's standards are registered.
- VI. A sponsor registering standards in multiple states shall register all apprentices to the Registration Agency of the state in which the sponsor maintains its principal office.
- VII. A local apprenticeship and training committee and/or Registration Agency may develop and uniformly implement a policy defining its processes and procedures for the immigration of employers and apprentices into its geographical area and jurisdiction. Each policy must contain the committee's and/or Registration Agency's processes and procedures addressing:
- a. The recognition of approved training agents or sponsoring employers domiciled in other jurisdictions;
 - b. The portability of apprentices; and
 - c. The hiring priority, if any, of unemployed apprentices within the jurisdiction.

Note: The operational policies of each committee shall be reviewed and approved by the Registration Agency staff on behalf of each party. If the Registration Agency does not approve a proposed operational policy, it shall be referred to the parties signatory to this agreement for review and action.

In the event a local committee does not adopt its own operational policy, the attached "Traveling Training Agent or Sponsoring Employer Policy" shall apply: (See page 4)

- VIII. Any employer or sponsor found to be operating in a manner inconsistent with this Agreement or his/her apprenticeship standards may have the terms and conditions of reciprocity suspended or revoked by any of the parties to this Agreement.
- IX. When any party to this Agreement elects to suspend or revoke the terms and conditions of reciprocity, they shall forward written notice thirty (30) days before such action will take effect to the other parties with an explanation of why the reciprocity is to be suspended or revoked.
- X. Representatives of the parties to this Agreement shall meet semi-annually to review the overall success of this Agreement and to recommend changes that will enhance its operation/ performance.
- XI. This Agreement may be amended by the written mutual consent of all signatory parties.
- XII. This Agreement shall remain in full force and effect for an indefinite period unless terminated by one or more of the signatory parties by providing thirty (30) days' written notice of termination. The termination by any one party of this Agreement shall not result in termination of the Agreement and the remainder of the participating parties shall not be affected thereby.
- XIII. If any part of this Agreement or its application to any person or circumstance is held invalid the remainder of the Agreement and its application to other persons and circumstances shall not be affected thereby.

Note: Apprentices indentured to an apprenticeship program, committee or employer operating an apprenticeship program in the building and construction trades in a state other than the state of apprenticeship program registration shall be entitled to be paid the apprenticeship rate established under the federal or state Public Works' Act for the state in which the work is being performed. It is understood that nothing in the Agreement shall preclude the individual parties/states from promulgating/adopting rules/regulations governing the operation of their own state's Public Works' Act where such exists.

Note: "Geographic area" and "geographic area as recognized by the Registration Agency" as utilized in this document is recognized to mean the geographical area listed in the registered apprenticeship standards approved by one or more of the registration agencies signatory to this agreement.

Note: The terms "apprentice" or "apprenticeship program" as utilized in this document are recognized to mean a registered apprentice or registered apprenticeship program as authorized under the Fitzgerald Act.

Traveling Training Agent or Sponsoring Employer Policy
(See reciprocity agreement section VII)

Local apprenticeship and training committees and/or Registration Agencies may recognize traveling training agents or sponsoring employers (visiting employers) and their use of apprentices pursuant to the following procedures:

- a. An employer may only be registered as a training agent or sponsoring employer in the geographic area where their principal or primary place of business is located. Employers may not be registered as a training agent or sponsoring employer in more than one geographic area as recognized by the Registration Agency. An employer may petition the Registration Agency for an exemption from this policy if there are compelling reasons for registering with a local committee outside the geographic area where the employer's primary place of business is located.
- b. Employers may be recognized in other areas as traveling training agents or sponsoring employers when they are working on projects outside of their primary geographic area as recognized by the Registration Agency. Traveling training agents or sponsoring employers must conform to the conditions established by the local committee and/or Registration Agencies for traveling employers.
- c. A traveling training agent or sponsoring employer is defined as an approved training agent or sponsoring employer working outside the geographic area of the program sponsor as recognized by the Registration Agency where the employer's primary place of business is located. A traveling employer must be registered as a training agent or sponsoring employer in good standing with a local committee and/or Registration Agency in the geographical area where its principal or primary place of business is located. An employer may petition the Registration Agency for an exemption to this policy if there are compelling reasons for registering with a local committee outside the geographic area as recognized by the Registration Agency where the employer's primary place of business is located.
- d. Employers doing work in a state other than where the employers maintain their principal or primary place of business may only be recognized as traveling training agents or sponsoring employers in another state. The Registration Agency may grant an exemption to employers from bordering states if the employers can show that the preponderance of their work is within the state where recognition is requested.
- e. The traveling training agent or sponsoring employer may transport registered apprentices from its home jurisdiction if appropriate arrangements have been made for related training with the approval of the committee and/or Registration Agency in their home jurisdiction and subject to committee approval in the foreign jurisdiction.
- f. Should the traveling training agent or sponsoring employer choose not to transport its apprentices, the employer shall hire apprentices from the local committee's out of work list within the foreign jurisdiction. In the event that there is no out of work list or there are no apprentices on the foreign committee's out of work list or in the pool of eligibles, the traveling training agent or sponsoring employer may either request that the foreign committee post an opening to hire new apprentices, or may transport apprentices from its home jurisdiction as set forth in paragraph e.
- g. In licensed occupations, the traveling training agent or sponsoring employer may only import apprentices that are registered to standards that meet or exceed the requirements established by the regulations that govern the licensure of apprentices in the area where the work will be performed.
- h. Prior to importing an apprentice in a licensed occupation, the traveling employer will verify that the apprentice has the appropriate license in his/her possession.

ORIGINAL SIGNATURES & DATES:

APPROVED AS TO LEGAL SUFFICIENCY
JUDITH MORTON, AAG
STATE OF WASHINGTON


ASSISTANT ATTORNEY GENERAL

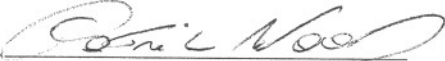
DATE: Oct. 18, 2006

REVIEWED UNDER ORS 190.430
WARREN FOOTE, AAG
STATE OF OREGON


ASSISTANT ATTORNEY GENERAL

DATE: October 5, 2006

PATRICK WOODS, SCS ASST DIRECTOR
WASHINGTON DEPARTMENT OF
LABOR AND INDUSTRIES




DATE: 9/13/06, 2006

DAN GARDNER, COMMISSIONER OF LABOR
STATE OF OREGON
BUREAU OF LABOR AND INDUSTRIES



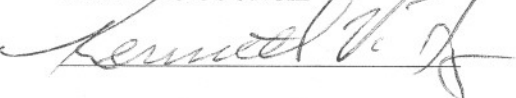
DATE: 10/9, 2006

MELINDA NICHOLS, CHAIR
WASHINGTON STATE APPRENTICESHIP
AND TRAINING COUNCIL



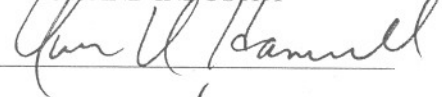
DATE: 9/11/06, 2006

KEN FRY, VICE CHAIR
OREGON APPRENTICESHIP AND
TRAINING COUNCIL




DATE: 10-6, 2006

APPROVED AS TO LEGAL SUFFICIENCY
VIV HAMMILL, CHIEF LEGAL COUNCIL
MONTANA DEPARTMENT OF
LABOR AND INDUSTRY



DATE: 10/10, 2006

**KEITH KELLY, COMMISSIONER OF LABOR
AND INDUSTRY STATE OF MONTANA**



DATE: 15 Oct 06, 2006