

HOUSE BILL NO. HB0098

Apprenticeship programs.

Sponsored by: Representative(s) Hastert, Martin, Parady, Reese and Thompson and Senator(s) Caller, Job and Massie

A BILL

for

1 AN ACT relating to public works projects; requiring the use  
2 of apprentices on public works projects as specified; and  
3 providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 16-6-901 and 16-6-902 are created to  
8 read:

9

10

ARTICLE 9

11

USE OF APPRENTICESHIP PROGRAMS ON PUBLIC WORKS PROJECTS

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**16-6-901. Definitions.**

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(a) As used in this act, unless the context clearly  
16 requires otherwise:

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2 (i) "Apprentice" means an apprentice enrolled in  
3 a state-approved apprenticeship training program;

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5 (ii) "Apprentice utilization requirement" means  
6 the requirement that the appropriate percentage of labor  
7 hours be performed by apprentices;

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9 (iii) "Labor hours" means the total hours of  
10 workers receiving an hourly wage who are directly employed  
11 on the site of the public works project. "Labor hours"  
12 includes hours performed by workers employed by the  
13 contractor and all subcontractors working on the project.  
14 "Labor hours" does not include hours worked by foremen,  
15 superintendents, owners and workers who are not subject to  
16 prevailing wage requirements;

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18 (iv) "State-approved apprenticeship training  
19 program" means an apprenticeship training program approved  
20 by the department of employment or the bureau of  
21 apprenticeship and training, United States department of  
22 labor.

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1           **16-6-902. Apprentices to be used on public works**  
2 **projects; waiver; report.**

3

4           (a) For all public works awarded by the state, the  
5 University of Wyoming, a community college or a school  
6 district pursuant to W.S. 16-6-101 through 16-6-206  
7 estimated to cost one million dollars (\$1,000,000.00) or  
8 more, all specifications shall require that not less than  
9 ten percent (10%) of the labor hours be performed by  
10 apprentices.

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12           (b) The department of employment may grant a waiver  
13 of the requirements of this section for a specific project  
14 if a bidder asserts one (1) or more of the following  
15 reasons:

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17           (i) The demonstrated lack of availability of  
18 apprentices in a specific geographic area;

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20           (ii) A disproportionately high ratio of material  
21 costs to labor hours, which does not make feasible the  
22 required minimum levels of apprentice participation;

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1           (iii) The participating contractors have  
2 demonstrated a good faith effort to comply with the  
3 requirements of this act and have been unable to do so; or

4  
5           (iv) Other criteria the department deems  
6 appropriate.

7  
8           (c) A contractor shall make reasonable efforts to  
9 comply with the apprentice utilization requirements in this  
10 section so that the appropriate percentage of labor hours  
11 in each separate craft or trade is performed by apprentices  
12 in that craft or trade.

13  
14           (d) The department of employment shall promulgate  
15 rules and regulations to implement the provisions of this  
16 section.

17  
18           (e) The department shall provide necessary assistance  
19 to an agency awarding a contract subject to the provisions  
20 of this section. The department shall collect the following  
21 data from affected agencies for each project covered by  
22 this section:

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1           (i) The number of apprentices and labor hours  
2 worked by them, categorized by trade or craft;

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4           (ii) The number, type and rationale for the  
5 exceptions granted under subsection (b) of this section.

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7           (f) On January 1 of each year, the department of  
8 employment shall compile and summarize the agency data in  
9 subsection (e) of this section and provide a report to the  
10 governor and the joint labor, health and social services  
11 interim committee. The report shall include any  
12 recommendations for modifications or improvements to the  
13 apprentice utilization program.

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15           **Section 2.** This act is effective July 1, 2004.

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(END)