

REFERENCE TITLE: public works contracts; apprentice labor

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1551

Introduced by
Senator Quezada

AN ACT

AMENDING TITLE 34, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY
ADDING SECTION 34-247; RELATING TO PUBLIC WORKS CONTRACTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 34, chapter 2, article 3, Arizona Revised
3 Statutes, is amended by adding section 34-247, to read:

4 34-247. Public works contracts; apprentice labor;
5 requirements; definitions

6 A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, A
7 CONTRACTOR OR SUBCONTRACTOR THAT IS ENGAGED IN CONSTRUCTION AND THAT
8 EMPLOYS A WORKER ON A PUBLIC WORKS CONTRACT SHALL USE ONE OR MORE
9 APPRENTICES FOR AT LEAST TEN PERCENT OF THE TOTAL HOURS OF LABOR WORKED
10 FOR EACH APPRENTICED CRAFT OR TYPE OF WORK TO BE PERFORMED ON THE PUBLIC
11 WORKS CONTRACT FOR WHICH MORE THAN THREE WORKERS ARE EMPLOYED.

12 B. BEGINNING JANUARY 1, 2023, THE INDUSTRIAL COMMISSION OF ARIZONA
13 MAY COLLABORATE WITH THE DEPARTMENT OF ECONOMIC SECURITY TO ADOPT RULES TO
14 INCREASE THE PERCENTAGE OF TOTAL HOURS OF LABOR REQUIRED TO BE PERFORMED
15 BY AN APPRENTICE PURSUANT TO THIS SECTION.

16 C. AN APPRENTICE WHO GRADUATES FROM AN APPRENTICESHIP PROGRAM WHILE
17 EMPLOYED ON A PUBLIC WORKS CONTRACT IS DEEMED TO BE:

18 1. AN APPRENTICE ON THE PUBLIC WORKS CONTRACT FOR THE PURPOSES OF
19 SUBSECTION A OF THIS SECTION.

20 2. A JOURNEYMAN FOR ALL OTHER PURPOSES, INCLUDING THE PAYMENT OF
21 WAGES OR THE PAYMENT OF WAGES AND BENEFITS TO A JOURNEYMAN.

22 D. ON REQUEST OF A CONTRACTOR OR SUBCONTRACTOR, A PUBLIC BODY MAY
23 SUBMIT A REQUEST TO THE COMMISSION TO MODIFY OR WAIVE THE PERCENTAGE OF
24 HOURS OF LABOR PROVIDED BY ONE OR MORE APPRENTICES REQUIRED BY THIS
25 SECTION FOR GOOD CAUSE. THE PUBLIC BODY MUST INCLUDE ANY SUPPORTING
26 DOCUMENTATION WITH THE REQUEST AND MUST SUBMIT SUCH A REQUEST BEFORE AN
27 ADVERTISEMENT FOR BIDS HAS BEEN PLACED, AT THE OPENING OF BIDS OR AT THE
28 AWARD OF A PUBLIC WORKS CONTRACT.

29 E. THE COMMISSION SHALL DETERMINE WHETHER TO GRANT A MODIFICATION
30 OR WAIVER PURSUANT TO SUBSECTION D OF THIS SECTION WITHIN FIFTEEN DAYS
31 AFTER RECEIVING THE REQUEST. THE COMMISSION MAY GRANT SUCH A REQUEST IF
32 THE COMMISSION FINDS THAT THERE IS GOOD CAUSE TO MODIFY OR WAIVE THE
33 PERCENTAGE OF HOURS OF LABOR PROVIDED BY ONE OR MORE APPRENTICES REQUIRED
34 BY THIS SECTION.

35 F. A PUBLIC BODY, A CONTRACTOR OR A SUBCONTRACTOR MAY REQUEST A
36 HEARING ON THE COMMISSION'S DETERMINATION UNDER SUBSECTION E OF THIS
37 SECTION WITHIN TEN DAYS AFTER RECEIVING THE DETERMINATION. THE HEARING
38 MUST BE CONDUCTED IN ACCORDANCE WITH RULES ADOPTED BY THE COMMISSION.

39 G. A CONTRACTOR OR SUBCONTRACTOR THAT IS ENGAGED ON A PUBLIC WORKS
40 CONTRACT SHALL ENTER INTO AN APPRENTICESHIP AGREEMENT FOR ALL APPRENTICES
41 REQUIRED TO BE USED PURSUANT TO THIS SECTION.

42 H. FOR THE PURPOSES OF THIS SECTION:

43 1. "APPRENTICE" MEANS A PERSON WHO IS ENROLLED IN AN APPRENTICESHIP
44 PROGRAM RECOGNIZED BY THE DEPARTMENT OF ECONOMIC SECURITY.

- 1 2. "APPRENTICED CRAFT" MEANS A CRAFT OR TYPE OF WORK FOR WHICH
2 THERE IS AN EXISTING APPRENTICESHIP PROGRAM.
- 3 3. "APPRENTICESHIP PROGRAM" MEANS AN APPRENTICESHIP PROGRAM
4 RECOGNIZED BY THE DEPARTMENT OF ECONOMIC SECURITY.
- 5 4. "GOOD CAUSE" MEANS ANY OF THE FOLLOWING:
- 6 (a) THERE ARE NO APPRENTICES AVAILABLE FROM AN APPRENTICESHIP
7 PROGRAM IN THE JURISDICTION WHERE THE PUBLIC WORK IS TO BE COMPLETED AS
8 RECOGNIZED BY THE DEPARTMENT OF ECONOMIC SECURITY.
- 9 (b) THE CONTRACTOR OR SUBCONTRACTOR IS REQUIRED TO PERFORM UNIQUELY
10 COMPLEX OR HAZARDOUS TASKS ON THE PUBLIC WORK THAT REQUIRE THE SKILL AND
11 EXPERTISE OF A JOURNEYMAN.
- 12 (c) THE CONTRACTOR OR SUBCONTRACTOR HAS REQUESTED APPRENTICES FROM
13 AN APPRENTICESHIP PROGRAM AND THE REQUEST HAS BEEN DENIED OR HAS NOT BEEN
14 APPROVED WITHIN FIVE BUSINESS DAYS.