

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Illinois Hazardous Materials Workforce Training Act.

6 Section 5. Definitions. As used in this Act:

7 "Apprenticeable occupation" means an occupation in the
8 building and construction trades for which training and
9 apprenticeship programs have been approved by and registered
10 with the U.S. Department of Labor, Bureau of Apprenticeship and
11 Training.

12 "Apprenticeship program" means an applicable training and
13 apprenticeship program approved by and registered with the U.S.
14 Department of Labor, Bureau of Apprenticeship and Training.

15 "Approved advanced safety training for workers at high
16 hazard facilities" means a curriculum of in-person classroom
17 and laboratory instruction for approved advanced safety
18 training established by rule by the Department.

19 "Community college" means a college organized under the
20 Public Community College Act.

21 "Construction" means all work at a stationary source
22 involving laborers, workers or mechanics. "Construction"
23 includes any maintenance, repair, assembly, or disassembly

1 work performed on equipment whether owned, leased, or rented.

2 "Department" means the Department of Labor.

3 "Director" means the Director of Labor.

4 "Owner or operator" means an owner or operator of a
5 stationary source that is engaged in activities described in
6 Code 324110, 325110, 325193, or 325199 of the 2017 North
7 American Industry Classification System (NAICS), and has one or
8 more covered processes that are required to prepare and submit
9 a Risk Management Plan. "Owner or operator" does not include
10 oil and gas extraction operations.

11 "Prevailing hourly wage rate" has the same meaning as
12 "general prevailing rate of hourly wages" as defined in Section
13 2 of the Prevailing Wage Act.

14 "Registered apprentice" means an apprentice registered in
15 an applicable apprenticeship program for an apprenticeable
16 occupation approved by, and registered with, the U.S.
17 Department of Labor, Bureau of Apprenticeship and Training.

18 "Shift" means a set standard period of time an employer
19 requires its employees to perform his or her work-related
20 duties on a daily basis. For purposes of this definition, there
21 may be multiple shifts per day.

22 "Skilled journeyman" means a worker who meets all of the
23 following criteria:

24 (1) the worker either graduated from an approved
25 apprenticeship program for the applicable occupation, or
26 has at least as many hours of on-the-job experience in the

1 applicable occupation that would be required to graduate
2 from an approved apprenticeship program for the applicable
3 occupation;

4 (2) the worker is being paid at least a rate equivalent
5 to the prevailing hourly wage rate for a journey person in
6 the applicable occupation and locality; and

7 (3) beginning on or after January 1, 2023, the worker
8 has completed, within the prior 2 calendar years, at least
9 20 hours of approved advanced safety training for workers
10 at high hazard facilities.

11 "Skilled and trained workforce" means a workforce that
12 meets all of the following criteria:

13 (1) all the workers are either registered apprentices
14 or skilled journeypersons;

15 (2) beginning on January 1, 2020, at least 45% of the
16 skilled journeypersons are graduates of an apprenticeship
17 program for the applicable occupation;

18 (3) beginning on January 1, 2021, at least 60% of the
19 skilled journeypersons are graduates of an apprenticeship
20 program for the applicable occupation; and

21 (4) beginning on January 1, 2022, at least 80% of the
22 skilled journeypersons are graduates of an apprenticeship
23 program for the applicable occupation.

24 "Stationary source" means that term as it is defined under
25 Section 39.5 of the Environmental Protection Act.

1 Section 10. Advanced safety training.

2 (a) The Department shall develop by rule a curriculum of
3 approved advanced safety training for workers at high hazard
4 facilities. That training shall be available through the
5 Department or instruction may be provided by a community
6 college or United States Department of Labor apprenticeship
7 program. The Department shall approve a curriculum in
8 accordance with this subsection (a) by January 1, 2021, and
9 shall periodically revise the curriculum to reflect current
10 best practices. Upon receipt of certification from the
11 apprenticeship program or community college, the Department
12 shall issue a certificate to a worker who completes the
13 approved training.

14 (b) An owner or operator, when contracting for the
15 performance of construction work at the stationary source,
16 shall require that its contractors and any subcontractors use a
17 skilled and trained workforce to perform all onsite work within
18 an apprenticeable occupation in the building and construction
19 trades.

20 (c) The requirements of this Section shall not immediately
21 apply to contracts awarded before January 1, 2020, unless the
22 contract is extended or renewed after that date. Contracts
23 awarded before January 1, 2020 shall meet the requirements of
24 this Section no later than January 1, 2021.

25 (d) The requirements of this Section shall only apply to
26 the skilled and trained workforce, contracted with an owner or

1 operator to perform construction work at the stationary source
2 site.

3 (e) The skilled and trained workforce requirements under
4 this Section shall not apply to:

5 (1) Contractors that have requested qualified workers
6 from the local hiring halls that dispatch workers in the
7 apprenticeable occupation and, due to workforce shortages,
8 the contractor is unable to obtain sufficient qualified
9 workers within 48 hours of the request, Saturdays, Sundays,
10 and holidays excepted. This Act shall not prevent
11 contractors from obtaining workers from any source.

12 (2) An emergency where compliance is impracticable;
13 namely, an emergency requires immediate action to prevent
14 imminent harm to public health or safety or to the
15 environment. Within 14 days of an emergency, the Attorney
16 General's Workers Rights Bureau, in conjunction with the
17 Illinois Department of Labor, must certify that the
18 emergency warranted noncompliance with this Act. The
19 employer must provide necessary documentation of the
20 emergency to the Attorney General's Workers Rights Bureau
21 and the Illinois Department of Labor.

22 Section 15. The Illinois Hazardous Materials Workforce
23 Training Fund. The Illinois Hazardous Materials Workforce
24 Training Fund is created as a special fund in the State
25 treasury, to which the Department shall deposit all moneys

1 collected pursuant to Section 20 of this Act.

2 Section 20. Penalties. An owner or operator who violates
3 the requirements of this Act shall be subject to a minimum
4 civil penalty of \$10,000 for each violation. Each shift a
5 violation of this Act occurs shall be considered a separate
6 violation. The penalty may be recovered in a civil action
7 brought by the Director in any circuit court. In the civil
8 action, the Director shall be represented by the Attorney
9 General. All moneys received by the Department as fees and
10 civil penalties under this Act shall be deposited into the
11 Illinois Hazardous Materials Workforce Training Fund, and
12 shall be appropriated by the General Assembly to the Department
13 for administration, investigation, and other expenses incurred
14 in carrying out its powers and duties under this Act.

15 Section 25. The State Finance Act is amended by adding
16 Section 5.891 as follows:

17 (30 ILCS 105/5.891 new)

18 Sec. 5.891. The Illinois Hazardous Materials Workforce
19 Training Fund.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.