

SB1513



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1513

Introduced 2/9/2017, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

New Act

Creates the Apprenticeship Utilization Act. Provides that on projects covered under the Prevailing Wage Act where the estimated cost is in excess of \$250,000, all specifications shall require that no less than 15% of the labor hours within each trade be performed by apprentices of that trade. Sets forth certain requirements. Sets forth enforcement provisions. Prohibits adverse action for following the requirements of the Act. Limits the concurrent exercise of home rule powers. Provides that the Act does not apply to written or oral contracts entered into, modified, renewed, or extended before the effective date of the Act. Effective immediately.

LRB100 09484 MLM 19647 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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 Apprenticeship Utilization Act.

6 Section 5. Policy. It is the policy of the State of
7 Illinois that a well-trained construction trades workforce is
8 critical to the economic future of the State wherein the
9 efficient and economical construction of public works projects
10 will be hindered if there is not an ample supply of trained
11 construction workers. Apprenticeship training programs are
12 particularly effective in providing training and experience to
13 individuals seeking to enter or advance in the workforce. By
14 providing for apprenticeship utilization on public works
15 projects, governments can provide training and experience that
16 will help assure that a skilled workforce will be available in
17 sufficient numbers for the construction of public works in the
18 future.

19 Section 10. Definitions. As used in this Act:

20 "Apprentice" means an apprentice enrolled in an applicable
21 apprenticeship and training program approved by and registered
22 with the United States Department of Labor's Office of

1 Apprenticeship.

2 "Apprentice utilization requirement" means the requirement
3 that the appropriate percentage of labor hours within each
4 separate craft or trade be performed by apprentices of that
5 craft or trade.

6 "Construction" means any constructing, altering,
7 reconstructing, repairing, rehabilitating, refinishing,
8 refurbishing, remodeling, remediating, renovating, custom
9 fabricating, maintenance, landscaping, improving, wrecking,
10 painting, decorating, demolishing, and adding to or
11 subtracting from any building, structure, highway, roadway,
12 street, bridge, alley, sewer, ditch, sewage disposal plant,
13 water works, parking facility, railroad, excavation or other
14 structure, project, development, real property or improvement,
15 or to affect any part thereof, whether or not the performance
16 of the work herein described involves the addition to, or
17 fabrication into, any structure, project, development, real
18 property, or improvement herein described of any material or
19 article of merchandise. "Construction" also includes moving
20 construction-related materials on the job site to or from the
21 job site.

22 "Labor hours" means the total hours of workers receiving
23 hourly wages and fringe benefits rates on public works projects
24 covered under the Prevailing Wage Act.

25 "Public body" means the State or any officer, board or
26 commission of the State, or any political subdivision or

1 department thereof, or any institution supported in whole or in
2 part by public funds, and includes every county, city, town,
3 village, township, school district, irrigation, utility,
4 reclamation improvement, or other district and every other
5 political subdivision, district or municipality of the state
6 whether such political subdivision, municipality or district
7 operates under a special charter or not.

8 Section 15. Apprentices utilization.

9 (a) On projects covered under the Prevailing Wage Act where
10 the estimated cost is in excess of \$250,000, all specifications
11 shall require that no less than 15% of the labor hours within
12 each trade be performed by apprentices of that trade.

13 (b) The cost of a single project covered under this Act may
14 not be divided into 2 or more projects for purposes of avoiding
15 the requirements of this Section. Where 2 or more contractors
16 or subcontractors perform work within a trade, all such
17 contractors or subcontractors shall comply with the
18 requirements of this Section.

19 (c) All contractors and subcontractors subject to this
20 Section must make and keep certified payroll reports pursuant
21 to Section 5 of the Prevailing Wage Act.

22 (d) The awarding agency may adjust the requirements of this
23 Section for a specific project for the following reasons:

24 (1) the demonstrated lack of availability of
25 apprentices in specific geographic areas; or

1 (2) a disproportionately high ratio of material costs
2 to labor hours, which does not make feasible the required
3 minimum levels of apprentice participation.

4 (e) All contractors and subcontractors subject to this
5 Section must comply with the goal provisions in Section 35-20
6 of the State Construction Minority and Female Building Trades
7 Act.

8 Section 20. Enforcement. Any officer, agent, or
9 representative of any public body who willfully violates, or
10 willfully fails to comply with, any of the provisions of this
11 Act, and any contractor or subcontractor, and any officer,
12 employee, or agent thereof, who, as an officer or employee,
13 willfully violates, or willfully fails to comply with, any of
14 the provisions of this Act, is guilty of a Class A misdemeanor.

15 The Department of Labor shall inquire diligently as to any
16 violation of this Act, shall institute actions for penalties
17 herein prescribed, and shall enforce generally the provisions
18 of this Act. The Attorney General shall prosecute such asses
19 upon complaint by the Department or any interested person.

20 Failure to comply with the apprentice utilization
21 requirement under this Act shall be considered evidence bearing
22 on a contractor's qualification for award of future contracts.

23 Section 25. Adverse actions prohibited. No person,
24 association, corporation, or other entity shall discharge,

1 demote, harass, or otherwise take adverse actions against any
2 individual or entity because such individual or entity seeks
3 the enforcement of this Act, or testifies, assists, or
4 participates in any manner in an investigation, hearing, or
5 other proceeding to enforce this Act.

6 Section 30. Home rule. Home rule units may regulate
7 apprenticeship utilization in a manner not inconsistent with
8 this Act. This Act is a limitation under subsection (i) of
9 Section 6 of Article VII of the Illinois Constitution on the
10 concurrent exercise by home rule units of powers and functions
11 exercised by the State.

12 Section 35. Applicability. This Act shall not apply to
13 written or oral contracts or agreements entered into, modified,
14 renewed, or extended before the effective date of this Act.

15 Section 97. Severability. The provisions of this Act are
16 severable under Section 1.31 of the Statute on Statutes.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.