

SB2261



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2261

Introduced 5/30/2019, by Sen. Napoleon Harris, III

SYNOPSIS AS INTRODUCED:

101st G.A., SB1407 Engrossed, Sec. 10

If and only if Senate Bill 1407 of the 101st General Assembly becomes law in the form in which it passed the Senate, amends the Illinois Hazardous Materials Workforce Training Act by providing that the prevailing wage rate required for a "skilled journey person" shall not apply to a construction contractor meeting specified requirements. Effective immediately or on the date Senate Bill 1407 of the 101st General Assembly takes effect, whichever is later.

LRB101 12716 CPF 61448 b

A BILL FOR

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 5. If and only if Senate Bill 1407 of the 101st
5 General Assembly becomes law in the form in which it passed the
6 Senate, then the Illinois Hazardous Materials Workforce
7 Training Act is amended by changing Section 10 as follows:

8 (101st G.A., SB1407 Engrossed, Sec. 10)

9 Sec. 10. Advanced safety training.

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

22 (b) An owner or operator, when contracting for the
23 performance of construction work at the stationary source,

1 shall require that its contractors and any subcontractors use a
2 skilled and trained workforce to perform all onsite work within
3 an apprenticeable occupation in the building and construction
4 trades.

5 (c) The requirements of this Section shall not immediately
6 apply to contracts awarded before January 1, 2020, unless the
7 contract is extended or renewed after that date. Contracts
8 awarded before January 1, 2020 shall meet the requirements of
9 this Section no later than January 1, 2021.

10 (d) The requirements of this Section shall only apply to
11 the skilled and trained workforce, contracted with an owner or
12 operator to perform construction work at the stationary source
13 site.

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

16 (1) Contractors that have requested qualified workers
17 from the local hiring halls that dispatch workers in the
18 apprenticeable occupation and, due to workforce shortages,
19 the contractor is unable to obtain sufficient qualified
20 workers within 48 hours of the request, Saturdays, Sundays,
21 and holidays excepted. This Act shall not prevent
22 contractors from obtaining workers from any source.

23 (2) An emergency where compliance is impracticable;
24 namely, an emergency requires immediate action to prevent
25 imminent harm to public health or safety or to the
26 environment. Within 14 days of an emergency, the Attorney

1 General's Workers Rights Bureau, in conjunction with the
2 Illinois Department of Labor, must certify that the
3 emergency warranted noncompliance with this Act. The
4 employer must provide necessary documentation of the
5 emergency to the Attorney General's Workers Rights Bureau
6 and the Illinois Department of Labor.

7 (f) The prevailing wage rate required for a "skilled
8 journey person" under Section 5 shall not apply to a
9 construction contractor:

10 (1) whose employees performing work at an owner or
11 operator's facility have completed an approved
12 Occupational Safety and Health Administration training
13 course on the handling of hazardous materials;

14 (2) who hires Illinois residents from a training
15 program for individuals with barriers to employment and
16 partners with a Department of Commerce and Economic
17 Opportunity local workforce office or a community-based
18 organization; and

19 (3) who employs at least 15% minorities who have either
20 graduated from an approved apprenticeship program for the
21 applicable occupation or have at least as many hours of
22 on-the-job experience in the applicable occupation that
23 would be required to graduate from an approved
24 apprenticeship program for the applicable occupation.

25 For purposes of this subsection, "individuals with
26 barriers to employment" means training participants who have

1 been released by the Illinois Department of Corrections or
2 county or local law enforcement authorities, lack a high school
3 diploma or its equivalent, demonstrate few marketable
4 abilities or skills for employment, or have no prior
5 job-seeking skills.

6 (Source: 101st G.A., SB1407 Engrossed.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law, or on the date Senate Bill 1407 of the 101st
9 General Assembly takes effect, whichever is later.