



Rep. Lou Lang

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1 AMENDMENT TO SENATE BILL 2399

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2399 by replacing  
3 everything after the enacting clause with the following:

4 "ARTICLE 1.

5 Section 1-1. Short title. This Article 1 may be cited as  
6 the Apprenticeship Program and Public Works Reporting Act, and  
7 references in this Article to "this Act" mean this Article.

8 Section 1-5. Definitions. As used in this Act:

9 "Apprenticeship program" means an apprenticeship program  
10 approved by the U.S. Department of Labor.

11 "Public works" has the meaning ascribed to that term in the  
12 Prevailing Wage Act.

13 Section 1-10. Apprenticeship program reports.

14 (a) For each apprenticeship program operating in this  
15 State, the entity operating the apprenticeship program must  
16 file annual reports with the Department of Commerce and  
17 Economic Opportunity covering each calendar year. Each report  
18 shall include:

19 (1) The number of persons applying to the program in  
20 each of the following categories of race or ethnicity:  
21 white, black or African American, Hispanic or Latino  
22 ethnicity, Asian American, and Native American.

1           (2) The number of persons participating in the program  
2           in each of the following categories of race or ethnicity:  
3           white, black or African American, Hispanic or Latino  
4           ethnicity, Asian American, and Native American.

5           (3) The number of persons completing the program in  
6           each of the following categories of race or ethnicity:  
7           white, black or African American, Hispanic or Latino  
8           ethnicity, Asian American, and Native American.

9           (4) The number of persons of each gender applying to  
10          the program.

11          (5) The number of persons of each gender participating  
12          in the program.

13          (6) The number of persons of each gender completing the  
14          program.

15          (b) Nothing in this Section shall be construed to compel an  
16          individual to provide information regarding race, ethnicity,  
17          or gender or compel an entity operating the apprenticeship  
18          program to report regarding race, ethnicity, or gender if that  
19          information is not provided by the individual applying to or  
20          participating in an apprenticeship program.

21          (c) An entity that knowingly fails to file a report or  
22          knowingly files an inaccurate or incomplete report commits a  
23          business offense for which a fine of not more than \$5,000 may  
24          be imposed. In addition, if 14 days have elapsed since a report  
25          filing deadline of the Department of Commerce and Economic  
26          Opportunity, each subsequent day during which an entity  
27          knowingly fails to file a report constitutes a separate  
28          violation.

29          (d) The Department of Commerce and Economic Opportunity  
30          shall adopt rules concerning the format and contents of reports  
31          and the time and procedure for filing reports under this  
32          Section.

33          Section 1-15. Public works contractor reports.

1 (a) Each contractor to whom a contract for a public works  
2 project for a State agency has been awarded and each  
3 subcontractor performing work on the project must file annual  
4 reports with the Department of Commerce and Economic  
5 Opportunity covering each calendar year during which work is  
6 performed under the contract. Each report shall include the  
7 following information for each job classification:

8 (1) The number of persons applying to perform work on  
9 the project in each of the following categories of race or  
10 ethnicity: white, black or African American, Hispanic or  
11 Latino ethnicity, Asian American, and Native American.

12 (2) The number of persons performing work on the  
13 project in each of the following categories of race or  
14 ethnicity: white, black or African American, Hispanic or  
15 Latino ethnicity, Asian American, and Native American.

16 (3) The number of persons of each gender applying to  
17 perform work on the project.

18 (4) The number of persons of each gender performing  
19 work on the project.

20 (b) Nothing in this Section shall be construed to compel an  
21 individual to provide information regarding race, ethnicity,  
22 or gender or compel a contractor or subcontractor to report  
23 regarding race, ethnicity, or gender if that information is not  
24 provided by an individual applying to perform work on a project  
25 or performing work on a project.

26 (c) A contractor or subcontractor that knowingly fails to  
27 file a report or knowingly files an inaccurate or incomplete  
28 report commits a business offense for which a fine of not more  
29 than \$5,000 may be imposed. In addition, if 14 days have  
30 elapsed since a report filing deadline of the Department of  
31 Commerce and Economic Opportunity, each subsequent day during  
32 which a contractor or subcontractor knowingly fails to file a  
33 report constitutes a separate violation.

34 (d) The Department of Commerce and Economic Opportunity

1 shall adopt rules concerning the format and contents of reports  
2 and the time and procedure for filing reports under this  
3 Section.

4 Section 1-20. Reports by the Department of Commerce and  
5 Economic Opportunity. The Department of Commerce and Economic  
6 Opportunity shall file a report each calendar quarter with the  
7 Governor and the General Assembly incorporating the  
8 information filed with the Department of Commerce and Economic  
9 Opportunity under Sections 1-10, 1-15, 1-25, and 1-30. The  
10 information in each report shall be further broken down by the  
11 5 regions of the State, as those regions are defined by the  
12 Department of Commerce and Economic Opportunity. Each report  
13 shall also compare the reported racial, ethnic, and gender data  
14 for each region with the racial, ethnic, and gender  
15 characteristics of the general workforce for each region.

16 Section 1-25. Reports by the Department of Transportation.  
17 The Department of Transportation shall file a report each  
18 calendar quarter with the Department of Commerce and Economic  
19 Opportunity setting forth the following information for each  
20 contract entered into by the Department of Transportation for a  
21 public works project under which work was performed during the  
22 quarterly reporting period:

23 (1) The name of the project.

24 (2) For each trade or occupation, the number of persons  
25 performing work on the project during the quarterly  
26 reporting period in each of the following categories of  
27 race or ethnicity: white, black or African American,  
28 Hispanic or Latino ethnicity, Asian American, and Native  
29 American.

30 (3) For each trade or occupation, the number of persons  
31 of each gender performing work on the project during the  
32 quarterly reporting period.

1 Section 1-30. Reports by the Capital Development Board. The  
2 Capital Development Board shall file a report each calendar  
3 quarter with the Department of Commerce and Economic  
4 Opportunity setting forth the following information for each  
5 contract entered into by the Capital Development Board for a  
6 public works project under which work was performed during the  
7 quarterly reporting period:

8 (1) The name of the project.

9 (2) For each trade or occupation, the number of persons  
10 performing work on the project during the quarterly  
11 reporting period in each of the following categories of  
12 race or ethnicity: white, black or African American,  
13 Hispanic or Latino ethnicity, Asian American, and Native  
14 American.

15 (3) For each trade or occupation, the number of persons  
16 of each gender performing work on the project during the  
17 quarterly reporting period.

18 Section 1-35. Rules. The Department of Commerce and  
19 Economic Opportunity, the Department of Transportation, and  
20 the Capital Development Board may adopt any rules necessary or  
21 appropriate to carry out their responsibilities under this Act.

22 ARTICLE 10.

23 Section 10-5. The Prevailing Wage Act is amended by  
24 changing Section 5 as follows:

25 (820 ILCS 130/5) (from Ch. 48, par. 39s-5)

26 Sec. 5. Certified payroll.

27 (a) While participating on public works, the contractor and  
28 each subcontractor shall:

29 (1) make and keep, for a period of not less than 3

1 years, records of all laborers, mechanics, and other  
2 workers employed by them on the project; the records shall  
3 include each worker's name, address, telephone number when  
4 available, social security number, classification or  
5 classifications, the hourly wages paid in each pay period,  
6 the number of hours worked each day, and the starting and  
7 ending times of work each day; and

8 (2) submit monthly, in person, by mail, or  
9 electronically a certified payroll to the public body in  
10 charge of the project. The certified payroll shall consist  
11 of a complete copy of the records identified in paragraph  
12 (1) of this subsection (a), but may exclude the starting  
13 and ending times of work each day. The certified payroll

14 shall be accompanied by a statement signed by the  
15 contractor or subcontractor which avers that: (i) such  
16 records are true and accurate; (ii) the hourly rate paid to  
17 each worker is not less than the general prevailing rate of  
18 hourly wages required by this Act; and (iii) the contractor  
19 or subcontractor is aware that filing a certified payroll  
20 that he or she knows to be false is a Class B misdemeanor.  
21 A general contractor is not prohibited from relying on the  
22 certification of a lower tier subcontractor, provided the  
23 general contractor does not knowingly rely upon a  
24 subcontractor's false certification. Any contractor or  
25 subcontractor subject to this Act who fails to submit a  
26 certified payroll or knowingly files a false certified  
27 payroll is in violation of this Act and guilty of a Class B  
28 misdemeanor. The public body in charge of the project shall  
29 keep the records submitted in accordance with this  
30 paragraph (2) of subsection (a) for a period of not less  
31 than 3 years. The records submitted in accordance with this  
32 paragraph (2) of subsection (a) shall be considered public  
33 records, except an employee's address, telephone number,  
34 and social security number, and made available in

