

1 AN ACT in relation to apprentice programs.

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 Apprentice Equity Act.

6 Section 5. Statement of policy. It is the policy of the
7 State of Illinois to ensure full and equitable employment
8 opportunities for minorities and females in the building
9 trades on all State construction contracts. Lack of
10 employment opportunities for minorities and females in the
11 building trades impedes economic development and contributes
12 to the social ills of Illinois residents. Federal and State
13 regulations prohibit discrimination because of race, color,
14 religion, sex, or national origin in employment and training
15 programs. The State is committed to ensuring that minorities
16 and females are provided apprenticeship and self-improvement
17 opportunities in the building trades on State construction
18 contracts to assist in their increased employment in the
19 building trades.

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

21 "Minority" has the definition contained in Section 10 of
22 the State Employment Records Act.

23 "Apprentice program" means an apprentice program in the
24 building trades that is authorized by the Bureau of
25 Apprenticeship Training of the U.S. Department of Labor.

26 "Apprentice" means a participant in an apprentice
27 program.

28 "Apprentice plan" means a written description of the
29 manner in which each minority or female apprentice shall be
30 used on a project.

1 Section 15. Plan.

2 (a) To facilitate the provision of apprenticeship
3 opportunities for minorities and women in the building
4 trades, the Director of the Capital Development Board and the
5 Secretary of Transportation shall designate specific
6 contracts let by the respective agencies as subject to an
7 apprentice plan promoting employment opportunities for
8 minorities and women. Only contracts to be performed in
9 counties with a population of more than 110,000 may be
10 designated under the Act.

11 (b) In selecting contracts for participation in the
12 apprentice plan approved under this Act and in establishing
13 the applicable goals for each selected contract, the Director
14 of the Capital Development Board and the Secretary of
15 Transportation shall consider the following criteria:

16 (1) The nature of a project to ensure that it has
17 the potential for providing effective training
18 opportunities within the applicable apprentice program.

19 (2) The duration of the contract, work schedules
20 for project completion, and labor intensiveness of work
21 areas.

22 (3) The magnitude or dollar amount of the contract.

23 (4) The scope of work to be performed.

24 (5) The total normal building trade work force that
25 the average low bidder could be expected to use.

26 (6) The ratio of apprentices to journeymen that it
27 would be feasible for the average low bidder to use as
28 part of the contractor's work force during normal
29 operations, including the consideration of the relevant
30 provisions of any applicable collective bargaining
31 agreement.

32 (c) For each designated contract subject to the
33 apprentice plan approved under this Act, the Director of the
34 Capital Development Board or the Secretary of Transportation

1 shall establish goals for the number of minority and female
2 apprentices in the building trades to be assigned work on the
3 contract, expressed in terms of hours of assigned work, 1,000
4 hours being equivalent to approximately 6 months of full-time
5 employment. The bidder shall commit to the employment of
6 minority and female apprentices on the contract equal to or
7 greater than each of the applicable goals. In employing
8 minority and female apprentices, the bidder shall give
9 preference to minority and female apprentices who are already
10 participants in an apprentice program.

11 (d) If the bidder finds it impossible to meet the
12 established goals after consulting with the appropriate labor
13 organization or joint apprenticeship training committee, the
14 bidder may seek a waiver from the Director of the Capital
15 Development Board or the Secretary of Transportation
16 accompanied by such documentation as requested by the
17 Director of the Capital Development Board or the Secretary of
18 Transportation, as applicable, that sufficient qualified
19 minorities and females to meet the goals were unavailable in
20 the county in which the work is to be performed, despite the
21 bidder's making all reasonable good faith efforts in hiring
22 minorities and females for the apprentice positions. The
23 Director of the Capital Development Board or the Secretary of
24 Transportation, as applicable, may grant the waiver request
25 upon the determination that sufficient qualified minorities
26 and females are not available for employment in the
27 applicable apprentice plans to meet the established goals
28 despite the good faith efforts of the bidder to recruit
29 minorities and females or that applicable collective
30 bargaining agreement provisions would prohibit the employment
31 of apprentices on the project to the extent required by the
32 established goals.

33 (e) Whenever a bidder's contractor subcontracts a
34 portion of the work involving any construction trade, the

1 subcontractor shall be subject, with subcontracts in excess
2 of \$10,000, to the same goals for hiring minority and women
3 apprentices applicable to the contractor, unless the Director
4 of the Capital Development Board or the Secretary of
5 Transportation, as applicable, grants the subcontractor a
6 partial or total waiver of the established goals.

7 (f) Within 10 days following the approval of the
8 contractor's required bond, the contractor shall submit to
9 the Director of the Capital Development Board or the
10 Secretary of Transportation, as applicable, a copy of the
11 plan for using minority and female apprentices on the
12 project, including the number of apprentices to be trained in
13 each selected classification and the corresponding apprentice
14 programs to be used. If a subcontract is let for a portion
15 of the work, the contractor may determine the extent to which
16 apprentices are to be trained by the subcontractor, but the
17 contractor shall retain responsibility for meeting the
18 applicable goals or shall submit with its bid a request for a
19 partial or total waiver of the established goals.

20 (g) A contractor's plan for using minority and female
21 apprentices shall be approved only if it meets the standards
22 set forth with regard to:

23 (1) The primary objectives of training and
24 upgrading minority and female workers within applicable
25 apprentice programs.

26 (2) Whether the classifications proposed are
27 appropriate for the specific project. The character,
28 duration, and nature of the project operations shall
29 readily support the proposed apprentice plan.

30 (h) If the contractor's submission is not acceptable, or
31 if, in the opinion of the Director of the Capital Development
32 Board or the Secretary of Transportation, as applicable, the
33 character, duration, or nature of the project operations
34 cannot support the proposed apprentice classification, the

1 apprentice plan shall not be approved. The contractor's
2 submission shall be returned for correction and resubmission.

3 (i) The contractor shall submit to the Director of the
4 Capital Development Board or the Secretary of Transportation,
5 as applicable, a monthly report, as specified by the Director
6 or Secretary, detailing the use of apprentices during the
7 prior month.

8 (j) When the Director of the Capital Development Board
9 or the Secretary of Transportation, as applicable, has
10 determined that the contractor has failed to comply with any
11 of the apprentice plan requirements, the Director or
12 Secretary may notify the contractor of any non-compliance and
13 withhold up to 50% of the current progress or final payment
14 due the contractor until it is determined that the contractor
15 is in compliance or that, despite the contractor's making all
16 reasonable good faith efforts, it is unable to meet the
17 established goals.

18 (k) The contractor shall include all costs of compliance
19 for the apprentice plan in its bid. The contractor shall not
20 be entitled to any additional compensation from the State for
21 additional costs, delays, or expenses of any kind arising out
22 of or resulting from the implementation of this plan in the
23 contract.

24 (l) Nothing in this Act shall be construed or enforced
25 to permit discrimination against any individual on the basis
26 of race, color, sex, or national origin with respect to
27 employment or apprenticeship opportunities on State
28 contracts.

29 (m) The Director of the Capital Development Board and
30 the Secretary of Transportation shall submit, at least once
31 each calendar quarter, a report to the Governor and General
32 Assembly detailing their implementation of the apprentice
33 plan established by this Act, and the compliance of
34 contractors with this Act.

1 Section 99. Effective date. This Act takes effect on
2 January 1, 2004.