

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/Training 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 construction contracts funded in whole with
10 State funds. Lack of employment opportunities for minorities
11 and females in the building trades impedes economic
12 development and contributes to the social ills of Illinois
13 residents. Federal and State regulations prohibit
14 discrimination because of race, color, religion, sex, or
15 national origin in employment and training programs. The
16 State is committed to ensuring that minorities and females
17 are provided apprenticeship/training and self-improvement
18 opportunities in the building trades on construction
19 contracts funded in whole with State funds to assist in their
20 increased employment in the building trades.

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

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

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

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

29 "Training program" means a training program in the
30 building trades that is approved by the Bureau of Small

1 Business Enterprises of the Illinois Department of
2 Transportation.

3 "Trainee" means a participant in a training program.

4 "Apprentice plan" means a written description of the
5 manner in which each minority or female apprentice shall be
6 used on a project.

7 "Training plan" means a written description of the manner
8 in which each minority or female trainee shall be used on a
9 project.

10 Section 15. Plan.

11 (a) To facilitate the provision of
12 apprenticeship/training opportunities for minorities and
13 women in the building trades, the Director of the Capital
14 Development Board and the Secretary of Transportation shall
15 designate specific contracts let by the respective agencies
16 as subject to an apprentice/training plan promoting
17 employment opportunities for minorities and women.

18 (b) In selecting contracts for participation in the
19 apprentice/training plan approved under this Act and in
20 establishing the applicable goals for each selected contract,
21 the Secretary of Transportation shall consider the following
22 criteria:

23 (1) The nature of a project to ensure that it has
24 the potential for providing effective training
25 opportunities within the applicable apprentice/training
26 program.

27 (2) The duration of the contract, work schedules
28 for project completion, and labor intensiveness of work
29 areas.

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

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

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

1 (6) The ratio of apprentices/trainees to journeymen
2 that it would be feasible for the average low bidder to
3 use as part of the contractor's work force during normal
4 operations, including the consideration of the relevant
5 provisions of any applicable collective bargaining
6 agreement or approved training program.

7 (c) For each designated contract subject to the
8 apprentice/training plan approved under this Act, the
9 Director of the Capital Development Board or the Secretary of
10 Transportation shall establish goals for the number of
11 minority and female apprentices/trainees in the building
12 trades to be assigned work on the contract, expressed in
13 terms of hours of assigned work. The bidder and the
14 appropriate labor organization shall commit to the employment
15 of minority and female apprentices/trainees on the contract
16 equal to or greater than each of the applicable goals. In
17 employing minority and female apprentices/trainees, the
18 successful bidder shall give preference to minority and
19 female apprentices/trainees who are already participants in
20 an apprentice/training program. The Director of the Capital
21 Development Board or the Secretary of Transportation, as
22 applicable, shall require the appropriate labor organizations
23 and joint apprenticeship training committees to submit to the
24 Director of the Capital Development Board or the Secretary of
25 Transportation lists of the individuals in applicable
26 apprentice/training programs. The lists shall show the name,
27 address, sex, and race of each individual. The Director of
28 the Capital Development Board or the Secretary of
29 Transportation shall use the lists in establishing goals
30 under this subsection (c).

31 (d) If the goals established by the Director of the
32 Capital Development Board or the Secretary of Transportation
33 for a designated contract under subsection (c) are not met
34 because of the composition of the individuals assigned by a

1 labor organization for employment in apprentice/trainee
2 positions under that contract, the contractor may submit a
3 request to the Director of the Capital Development Board or
4 the Secretary of Transportation, as applicable, for a waiver
5 as to those goals. The contractor shall submit such
6 documentation as may be requested by the Director of the
7 Capital Development Board or the Secretary of Transportation,
8 as applicable, in connection with the request and the
9 reasonable good faith efforts of the contractor to hire
10 minorities and females for apprentice/trainee positions. If
11 the documentation supports the contractor's waiver request,
12 the Director of the Capital Development Board or the
13 Secretary of Transportation, as applicable, shall grant the
14 waiver.

15 (e) In the event that a contractor subcontracts a
16 portion of the contract work, he or she shall determine how
17 many, if any, of the trainees are to be trained by the
18 subcontractor, provided, however, that the contractor shall
19 retain the primary responsibility for meeting the training
20 requirements imposed by this special provision.

21 (f) Within 10 days following the approval of the
22 contractor's required bond, the contractor shall submit to
23 the Director of the Capital Development Board or the
24 Secretary of Transportation, as applicable, a copy of the
25 plan for using minority and female apprentices/trainees on
26 the project, including the number of apprentices/trainees to
27 be trained in each selected classification and the
28 corresponding apprentice/training programs to be used. If a
29 subcontract is let for a portion of the work, the contractor
30 may determine the extent to which apprentices/trainees are to
31 be trained by the subcontractor, but the contractor shall
32 retain responsibility for meeting the applicable goals or
33 shall submit with its bid a request for a partial or total
34 waiver of the established goals.

1 (g) A contractor's plan for using minority and female
2 apprentices/trainees shall be approved only if it meets the
3 standards set forth with regard to:

4 (1) The primary objectives of training and
5 upgrading minority and female workers within applicable
6 apprentice/training programs.

7 (2) Whether the classifications proposed are
8 appropriate for the specific project. The character,
9 duration, and nature of the project operations shall
10 readily support the proposed apprentice/training plan.

11 (h) If the contractor's submission is not acceptable, or
12 if, in the opinion of the Director of the Capital Development
13 Board or the Secretary of Transportation, as applicable, the
14 character, duration, or nature of the project operations
15 cannot support the proposed apprentice/trainee
16 classification, the apprentice/training plan shall not be
17 approved. The contractor's submission shall be returned for
18 correction and resubmission.

19 (i) The contractor shall submit to the Director of the
20 Capital Development Board or the Secretary of Transportation,
21 as applicable, a monthly report, as specified by the Director
22 or the Secretary, detailing the use of apprentices/trainees
23 during the prior month.

24 (j) When the Director of the Capital Development Board
25 or the Secretary of Transportation, as applicable, has
26 determined that the contractor has failed to comply with any
27 of the apprentice/training plan requirements, the Director or
28 the Secretary may notify the contractor of any non-compliance
29 and withhold up to 5% of the current progress or final
30 payment due the contractor until it is determined that the
31 contractor is in compliance or that, despite the contractor's
32 making all reasonable good faith efforts, it is unable to
33 meet the established goals.

34 (k) In the case of a contract with the Illinois

1 Department of Transportation, the contractor shall implement
2 specific recruitment actions to ensure equality of
3 opportunity for minorities and females in apprenticeship and
4 training programs. The recruitment shall comply with the
5 guidance specified under the Illinois Department of
6 Transportation specific equal employment opportunity
7 responsibilities of the Supplemental Specifications and
8 Recurring Special Provisions Rule.

9 If the contractor has not, in good faith, sought to train
10 minorities and females as stipulated under the Supplemental
11 Specifications and Recurring Special Provisions, the
12 contractor shall be subject to sanctions set forth in the
13 agreement. The sanctions may include lowered
14 prequalification, suspension or cancellation of the contract,
15 debarment from further contracts, and liquidated damages.

16 The contractor's compliance status shall be determined by
17 monitoring and review procedures that are administered by the
18 Illinois Department of Transportation Bureau of Small
19 Business Enterprises.

20 (l) The contractor shall include all costs of compliance
21 for the apprentice/training plan in its bid. The contractor
22 will be reimbursed 80 cents per hour of training given an
23 employee in accordance with an approved apprentice/training
24 program. The contractor shall not be entitled to any
25 additional compensation from the State for additional costs,
26 delays, or expenses of any kind arising out of or resulting
27 from the implementation of this plan in the contract.

28 (m) Nothing in this Act shall be construed or enforced
29 to permit discrimination against any individual on the basis
30 of race, color, sex, or national origin with respect to
31 employment or apprenticeship/training opportunities on
32 contracts funded in whole with State funds.

33 (n) The Director of the Capital Development Board and
34 the Secretary of Transportation shall submit, at least once

1 each calendar quarter, a report to the Governor and General
2 Assembly detailing his or her implementation of the
3 apprentice/training plan established by this Act, and the
4 compliance of contractors with this Act.

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