



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4939

by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

30 ILCS 559/20-5
30 ILCS 559/20-10
30 ILCS 559/20-20
30 ILCS 559/20-25

Amends the Illinois Works Jobs Program Act. Provides that the provisions of the Act apply to projects financed or funded, in whole or in part, by a grant, loan, incentive, or tax subsidy, credit, or rebate provided through a program established by State law and administered by a State agency and that require the payment of prevailing wages to employees. Makes changes to the Illinois Works Apprenticeship Initiative. Provides that the Department of Labor may reduce or waive the apprenticeship requirements under certain conditions. Makes conforming changes. Effective immediately.

LRB104 19473 SPS 32921 b

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 5. The Illinois Works Jobs Program Act is amended
5 by changing Sections 20-5, 20-10, 20-20, and 20-25 as follows:

6 (30 ILCS 559/20-5)

7 Sec. 20-5. Findings. It is in the public policy interest
8 of the State to ensure that all Illinois residents have access
9 to State capital projects and careers in the construction
10 industry and building trades, including those who have been
11 historically underrepresented in those trades. It is also in
12 the public policy interest of the State to ensure that
13 projects funded by the State can provide training and job
14 opportunities as a means to increase skills and develop the
15 workforce in the construction industry. To ensure that those
16 interests are met, the General Assembly hereby creates the
17 Illinois Works Preapprenticeship Program and the Illinois
18 Works Apprenticeship Initiative.

19 (Source: P.A. 101-31, eff. 6-28-19.)

20 (30 ILCS 559/20-10)

21 Sec. 20-10. Definitions.

22 "Apprentice" means a participant in an apprenticeship

1 program approved by and registered with the United States
2 Department of Labor's Bureau of Apprenticeship and Training.

3 "Apprenticeship program" means an apprenticeship and
4 training program approved by and registered with the United
5 States Department of Labor's Bureau of Apprenticeship and
6 Training.

7 "Bid credit" means a virtual dollar for a recipient,
8 contractor, or subcontractor to use toward future bids on
9 contracts with the State for public works or State-assisted
10 projects.

11 "Community-based organization" means a nonprofit
12 organization, including an accredited public college or
13 university, selected by the Department to participate in the
14 Illinois Works Preapprenticeship Program. To qualify as a
15 "community-based organization", the organization must
16 demonstrate the following:

17 (1) the ability to effectively serve diverse and
18 underrepresented populations, including by providing
19 employment services to such populations;

20 (2) knowledge of the construction and building trades;

21 (3) the ability to recruit, prescreen, and provide
22 preapprenticeship training to prepare workers for
23 employment in the construction and building trades; and

24 (4) a plan to provide the following:

25 (A) preparatory classes;

26 (B) workplace readiness skills, such as resume

1 preparation and interviewing techniques;

2 (C) strategies for overcoming barriers to entry
3 and completion of an apprenticeship program; and

4 (D) any prerequisites for acceptance into an
5 apprenticeship program.

6 "Contractor" means a person, corporation, partnership,
7 limited liability company, or joint venture entering into a
8 contract to construct a public work or State-assisted project.

9 "Department" means the Department of Commerce and Economic
10 Opportunity.

11 "Labor hours" means the total hours for workers who are
12 receiving an hourly wage and who are directly employed for the
13 public works project or who are employed on a State-assisted
14 project and are subject to prevailing wage requirements.

15 "Labor hours" includes hours performed by workers employed by
16 the contractor and subcontractors on the public works project
17 and hours performed by workers employed by the recipient,
18 contractor, or subcontractors on a State-assisted project.

19 "Labor hours" does not include hours worked by the
20 forepersons, superintendents, owners, and workers who are not
21 subject to prevailing wage requirements.

22 "Minorities" means minority persons as defined in the
23 Business Enterprise for Minorities, Women, and Persons with
24 Disabilities Act.

25 "Public works" means all projects, contracted or funded by
26 the State or any agency of the State, in whole or in part, from

1 appropriated capital funds, that constitute public works under
2 the Prevailing Wage Act.

3 "Recipient" means a person or entity, other than a public
4 body, that has received a grant, loan, incentive, or tax
5 subsidy, credit, or rebate through a program established by
6 State law and administered by a State agency, that requires
7 the payment of prevailing wages to employees engaged in
8 construction activities associated with the program.

9 "State-assisted project" means a project financed or
10 funded, in whole or in part, by a grant, loan, incentive, or
11 tax subsidy, credit, or rebate provided through a program
12 established by State law and administered by a State agency
13 and that requires the payment of prevailing wages to employees
14 engaged in construction activities associated with the
15 program, or any successor program, including, but not limited
16 to, programs established under the Illinois Power Agency Act,
17 the Illinois Enterprise Zone Act, the Climate and Equitable
18 Jobs Act, the Energy Transition Act, and the Broadband
19 Expansion Act.

20 "Subcontractor" means a person, corporation, partnership,
21 limited liability company, or joint venture that has
22 contracted with the contractor to perform all or part of the
23 work to construct a public work or State-assisted project by a
24 contractor.

25 "Underrepresented populations" means populations
26 identified by the Department that historically have had

1 barriers to entry or advancement in the workforce.
2 "Underrepresented populations" includes, but is not limited
3 to, minorities, women, and veterans.
4 (Source: P.A. 101-31, eff. 6-28-19; 101-601, eff. 12-10-19.)

5 (30 ILCS 559/20-20)

6 Sec. 20-20. Illinois Works Apprenticeship Initiative.

7 (a) The Illinois Works Apprenticeship Initiative is
8 established and shall be administered by the Department and
9 the Department of Labor.

10 (1) Subject to the exceptions set forth in subsection
11 (b) of this Section, apprentices shall be utilized on all
12 public works projects estimated to cost \$500,000 or more
13 and on all State-assisted projects of any amount in
14 accordance with this subsection (a).

15 (2) For public works projects estimated to cost
16 \$500,000 or more, and for State-assisted projects of any
17 amount:

18 (A) Not less than 10% of the total labor hours in
19 each prevailing wage classification shall be worked by
20 apprentices, subject to the apprentice-to-journeyman
21 ratio of the applicable apprenticeship program. Total
22 labor hours shall be ~~the goal of the Illinois Works~~
23 ~~Apprenticeship Initiative is that apprentices will~~
24 ~~perform~~ either ~~10% of~~ the total labor hours actually
25 worked in each prevailing wage classification or ~~10%~~

1 ~~of~~ the estimated labor hours in each prevailing wage
2 classification, whichever is less. The apprenticeship
3 requirement set forth in this subparagraph shall apply
4 to each recipient, contractor, and subcontractor
5 performing work on the project, with respect to the
6 labor hours performed by its employees in each
7 prevailing wage classification. For the purposes of
8 this subsection, a worker may be considered an
9 apprentice in only one trade for the duration of a
10 project and the labor hours of that worker as an
11 apprentice in another prevailing wage classification
12 shall not count as hours worked by an apprentice.

13 (B) ~~For contracts and grant agreements executed~~
14 ~~after the effective date of this amendatory Act of the~~
15 ~~103rd General Assembly and before January 1, 2024, of~~
16 ~~this goal, at least 25% of the labor hours of each~~
17 ~~prevailing wage classification performed by~~
18 ~~apprentices shall be performed by graduates of the~~
19 ~~Illinois Works Preapprenticeship Program, the Illinois~~
20 ~~Climate Works Preapprenticeship Program, or the~~
21 ~~Highway Construction Careers Training Program. For~~
22 contracts and grant agreements executed on or after
23 June ~~January~~ 1, 2026 ~~2024~~, of the requirement set
24 forth in subparagraph (A), the goal of the Illinois
25 Works Apprenticeship Initiative is that ~~this goal~~, at
26 least 50% of the labor hours of each prevailing wage

1 classification performed by apprentices of each
2 recipient, contractor, and subcontractor shall be
3 performed by graduates of the Illinois Works
4 Preapprenticeship Program, the Illinois Climate Works
5 Preapprenticeship Program, or the Highway Construction
6 Careers Training Program.

7 (3) For public works projects estimated to cost
8 \$500,000 or more and for State-assisted projects of any
9 amount, recipients, contractors, and subcontractors
10 subject to this Act shall:

11 (A) file a certified payroll with the Department
12 and the Department of Labor as required under the
13 Prevailing Wage Act;

14 (B) record the number of labor hours of journeymen
15 and apprentices that are used on the project,
16 including an estimate of the number of such labor
17 hours that are expected to be used on the project;

18 (C) record the registration, placement,
19 advancement, and graduation of any apprentice that
20 works on the project for a period of 5 years; and

21 (D) indicate in a certified payroll the
22 classification of any employee who is an apprentice.

23 The Department and the Department of Labor may require the
24 production of records consistent with the Prevailing Wage Act
25 relative to a matter under investigation. The Department and
26 Department of Labor shall make accessible to the public the

1 following information from a certified payroll: (i) names;
2 (ii) classifications; (iii) skill level; (iv) gross wages paid
3 in the pay period; (v) number of hours worked each day; (vi)
4 starting and ending times of work each day; (vii) hourly wage
5 rates, hourly overtime rates; and (viii) hourly fringe benefit
6 rates of employees. The Department and Department of Labor
7 shall redact any social security numbers, addresses, and
8 telephone numbers from all records made accessible to the
9 public under this Section.

10 If there is a conflict between an apprentice requirement
11 or goal set forth in this Section and an apprenticeship
12 requirement or goal for a public works or State-assisted
13 project set forth in another law of this State, the more
14 stringent requirement shall apply.

15 (a-5) The Department of Labor may reduce or waive the
16 apprenticeship requirements set forth in subparagraph (A) of
17 paragraph (2) of subsection (a) upon a written request by a
18 recipient, contractor, or subcontractor to the Department of
19 Labor made no later than 45 days before the start of work on a
20 project covered by this Act. The Department of Labor may grant
21 a reduction or waiver only upon a determination that the
22 recipient, contractor, or subcontractor has demonstrated that
23 insufficient apprentices to meet requirements set forth in
24 subparagraph (A) of paragraph (2) of subsection (a) are
25 available. In order to make the demonstration, the recipient,
26 contractor, or subcontractor shall submit with its request to

1 the Department of Labor documentation showing:

2 (1) the recipient, contractor, or subcontractor made a
3 written request, including the proposed dates of
4 employment, occupation of qualified apprentices needed,
5 location of work to be performed, the number of qualified
6 apprentices needed, the number of labor hours expected to
7 be performed by the qualified apprentices, and the name
8 and contact information of the recipient, contractor, or
9 subcontractor requesting employment of qualified
10 apprentices, to at least one apprenticeship program that
11 has a geographic area of operation that includes the
12 location of the work, that trains apprentices in the
13 occupations needed to perform the work, and that has a
14 usual and customary business practice of agreements with
15 employers, including through a sponsoring labor
16 organization, for the placement of apprentices in the
17 occupation for which they are training, consistent with
18 the standards and requirements set forth in 29 CFR 29 and
19 29 CFR 30 and any subsequent guidance issued by the United
20 States Department of Labor; and

21 (2) the written request was denied or the
22 apprenticeship program failed to respond within 7 business
23 days after the written request.

24 A waiver shall not be granted under this subsection
25 because the recipient, contractor, or subcontractor has not or
26 will not execute an agreement with a labor organization

1 necessary for an apprenticeship program to place an
2 apprentice. The Department of Labor may, in its determination,
3 require a recipient, contractor, or subcontractor to make
4 written requests to more than one apprenticeship program if
5 the Department of Labor has information that other
6 apprenticeship programs within the applicable geographic area
7 are generally able to provide apprentices consistent with this
8 Section.

9 The Department of Labor shall maintain a list of
10 apprenticeship programs, accessible to the public, that have
11 indicated to the Department of Labor that they are generally
12 able to provide apprentices. Any apprenticeship program may
13 request to be added to this list, with information on the
14 classifications of employees it trains, its geographic area,
15 and a contact person, including address, telephone number, and
16 e-mail.

17 (b) Before or during the term of a contract subject to this
18 Section, the Department of Labor may reduce or waive the goals
19 set forth in paragraph (2) of subsection (a). Prior to the
20 Department of Labor granting a request for a reduction or
21 waiver, the Department of Labor shall determine, in its
22 discretion, whether to hold a public hearing on the request.
23 In determining whether to hold a public hearing, the
24 Department of Labor may consider factors, including the scale
25 of the project and whether the recipient, contractor, or
26 subcontractor seeking the reduction or waiver has previously

1 requested reductions or waivers on other projects. The
2 Department of Labor may also consult with the Business
3 Enterprise Council under the Business Enterprise for
4 Minorities, Women, and Persons with Disabilities Act and the
5 Chief Procurement Officer or person of similar responsibility
6 of the agency administering the public works or State-assisted
7 project contract. The Department of Labor may grant a
8 reduction or waiver of the goals set forth in subparagraph (B)
9 of paragraph (2) of subsection (a) upon a determination that:

10 (1) the recipient, contractor, or subcontractor has
11 demonstrated that insufficient apprentices are available
12 in accordance with paragraph (1) of subsection (b);

13 (2) the reasonable and necessary requirements of the
14 contract do not allow the goal to be met;

15 (3) there is a disproportionately high ratio of
16 material costs to labor hours that makes meeting the goal
17 infeasible;

18 (4) apprentice labor hour goals conflict with existing
19 requirements, including federal requirements, in
20 connection with the public work; or

21 (5) the recipient, contractor, or subcontractor has
22 demonstrated that insufficient graduates of the Illinois
23 Works Preapprenticeship Program are available to meet the
24 goals ~~requirements~~ of subparagraph (B) of paragraph (2) of
25 subsection (a).

26 A reduction or waiver of an apprenticeship goal does not

1 act as a reduction or waiver of an apprenticeship requirement
2 set forth in subparagraph (A) of paragraph (2) of subsection
3 (a).

4 (c) Recipients, contractors, ~~Contractors~~ and
5 subcontractors must submit a certification to the Department
6 and the agency that is administering the contract, or the
7 grant, loan, incentive, or tax credit, rebate, or subsidy
8 agreement funding the contract, demonstrating that the
9 recipient, contractor, or subcontractor has:

10 (1) met the apprentice labor hour requirements and
11 goals set forth in paragraph (2) of subsection (a);

12 (2) received a reduction or waiver pursuant to
13 subsection (b); or

14 (3) not complied with the labor hour requirements and
15 goals set forth in paragraph (2) of subsection (a) and did
16 not receive a reduction or waiver pursuant to subsection
17 (b).

18 It shall be deemed to be a material breach of the contract,
19 or the grant agreement funding the contract, and entitle the
20 State to declare a default, terminate the contract or grant
21 agreement funding it, and exercise those remedies provided for
22 in the contract, at law, or in equity if the recipient,
23 contractor, or subcontractor fails to submit the certification
24 required in this subsection or submits false or misleading
25 information.

26 Intentional failure to comply with the Illinois Works

1 Apprenticeship Initiative, including, but not limited to, the
2 apprenticeship requirements and goals set forth in paragraph
3 (2) of subsection (a), may result in the State agency that
4 contracted or funded the public works or State-assisted
5 project: (i) terminating the contract or agreement involved,
6 (ii) prohibiting the party that contracted with the State from
7 participating in public contracts or agreements for a period
8 not to exceed 5 ~~3~~ years, (iii) seeking a penalty of up to 25%
9 of the contract or agreement as a result of the violation, or
10 (iv) any combination of items (i) through (iii). State
11 agencies shall report to the Department all projects that did
12 not comply with the Illinois Works Apprenticeship Initiative
13 and any action taken against the noncompliant party and shall
14 provide an action plan to address the reported instance of
15 noncompliance with the Illinois Works Apprenticeship
16 Initiative.

17 (c-5) The Department of Labor may accept complaints and
18 investigate any claim of a violation of the apprenticeship
19 requirements and goals set forth in paragraph (2) of
20 subsection (a), consistent with the power and procedures set
21 forth in the Prevailing Wage Act. If the Department of Labor
22 determines that a violation has occurred, in addition to any
23 other action or remedies available under this Act, the
24 Prevailing Wage Act, and any other law, the Department of
25 Labor shall notify the Department and the Comptroller of the
26 violation and, until the matter is resolved to the

1 satisfaction of the Department of Labor, the Comptroller shall
2 withhold any and all payments associated with the public works
3 or State-assisted project. Any withholding made in accordance
4 with this Section is not subject to any penalty for late
5 payment under the State Prompt Payment Act.

6 (d) No later than one year after the effective date of this
7 Act, and by April 1 of every calendar year thereafter, the
8 Department of Labor shall submit a report to the Illinois
9 Works Review Panel regarding the use of apprentices under the
10 Illinois Works Apprenticeship Initiative for public works and
11 State-assisted projects. To the extent it is available, the
12 report shall include the following information:

13 (1) the total number of labor hours on each project
14 and the percentage of labor hours actually worked by
15 apprentices on each public works and State-assisted
16 project;

17 (2) the number of apprentices used in each public
18 works and State-assisted project, broken down by trade;
19 and

20 (3) the number and percentage of minorities, women,
21 and veterans utilized as apprentices on each public works
22 and State-assisted project.

23 (e) The Department and the Department of Labor shall adopt
24 any rules deemed necessary to implement the Illinois Works
25 Apprenticeship Initiative. In order to provide for the
26 expeditious and timely implementation of this Act, the

1 Department and the Department of Labor may adopt emergency
2 rules. The adoption of emergency rules authorized by this
3 subsection is deemed to be necessary for the public interest,
4 safety, and welfare.

5 (f) The Illinois Works Apprenticeship Initiative shall not
6 interfere with any contracts or grants in existence on the
7 effective date of this Act.

8 (g) Notwithstanding any provisions to the contrary in this
9 Act, any State agency that administers a construction program
10 for which federal law or regulations establish standards and
11 procedures for the utilization of apprentices may implement
12 the Illinois Works Apprenticeship Initiative using the federal
13 standards and procedures for the establishment of requirements
14 and goals and utilization procedures for the State-funded, as
15 well as the federally assisted, portions of the program. In
16 such cases, these requirements and goals shall not exceed
17 those established pursuant to the relevant federal statutes or
18 regulations.

19 (h) The Department shall maintain a list of graduates of
20 the Illinois Works Preapprenticeship Program for a period of
21 not less than one year after the participant graduates from
22 the Program. The list shall include the name, address, county
23 of residence, phone number, email address, and the
24 self-attested construction and building trade career path
25 preferences of each graduate. This list shall be made
26 available to any recipient, contractor, or subcontractor, as

1 well as any apprenticeship program approved by and registered
2 with the United States Department of Labor's Bureau of
3 Apprenticeship and Training in alignment with the graduate's
4 self-attested construction and building trade career path
5 preferences.

6 (Source: P.A. 103-305, eff. 7-28-23.)

7 (30 ILCS 559/20-25)

8 Sec. 20-25. The Illinois Works Review Panel.

9 (a) The Illinois Works Review Panel is created and shall
10 be comprised of 25 members, each serving 3-year terms. The
11 Speaker of the House of Representatives and the President of
12 the Senate shall each appoint 5 members within 30 days after
13 the effective date of this amendatory Act of the 101st General
14 Assembly. The Minority Leader of the House of Representatives
15 and the Minority Leader of the Senate shall each appoint 5
16 members within 30 days after the effective date of this
17 amendatory Act of the 101st General Assembly. The Director of
18 Commerce and Economic Opportunity, or his or her designee,
19 shall serve as a member. The Governor shall appoint the
20 following individuals to serve as members within 30 days after
21 the effective date of this amendatory Act of the 101st General
22 Assembly: a representative from a contractor organization; a
23 representative from a labor organization; and 2 members of the
24 public with workforce development expertise, one of whom shall
25 be a representative of a nonprofit organization that addresses

1 workforce development.

2 (b) The members of the Illinois Works Review Panel shall
3 make recommendations to the Department regarding
4 identification and evaluation of community-based
5 organizations.

6 (c) The Illinois Works Review Panel shall meet, at least
7 quarterly, to review and evaluate (i) the Illinois Works
8 Preapprenticeship Program and the Illinois Works
9 Apprenticeship Initiative, (ii) ideas to diversify the trainee
10 corps in the Illinois Works Preapprenticeship Program and the
11 workforce in the construction industry in Illinois, (iii)
12 ideas to increase diversity in active apprenticeship programs
13 in Illinois, and (iv) workforce demographic data collected by
14 the Illinois Department of Labor. The Illinois Works Review
15 Panel shall hold its initial meeting no later than 45 days
16 after the effective date of this amendatory Act of the 101st
17 General Assembly.

18 (d) All State contracts and grant agreements funding State
19 contracts shall include a requirement that the recipient,
20 contractor, and subcontractor shall, upon reasonable notice,
21 appear before and respond to requests for information from the
22 Illinois Works Review Panel.

23 (e) By August 1, 2020, and every August 1 thereafter, the
24 Illinois Works Review Panel shall report to the General
25 Assembly on its evaluation of the Illinois Works
26 Preapprenticeship Program and the Illinois Works

1 Apprenticeship Initiative, including any recommended
2 modifications.

3 (Source: P.A. 101-31, eff. 6-28-19; 101-601, eff. 12-10-19;
4 101-633, eff. 6-5-20.)

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.