
SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.935 new

Creates the Illinois Hazardous Materials Workforce Training Act. Provides that the Department of Labor shall develop by rule a curriculum of approved advanced safety training for workers at high hazard facilities. Provides that an owner or operator, when contracting for the performance of construction work at the stationary source, shall require that its contractors and any subcontractors use a skilled and trained workforce to perform all onsite work within an apprenticeable occupation in the building and construction trades. Provides a penalty for violation of the Act. Creates the Illinois Hazardous Materials Workforce Training Fund as a special fund in the State treasury. Makes corresponding changes in the State Finance Act. Effective immediately.
AN ACT concerning safety.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Illinois Hazardous Materials Workforce Training Act.

Section 5. Definitions. As used in this Act:

"Apprenticeable occupation" means an occupation in the building and construction trades for which training and apprenticeship programs have been approved by and registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training.

"Apprenticeship program" means an applicable training and apprenticeship program approved by and registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training.

"Approved advanced safety training for workers at high hazard facilities" means a curriculum of in-person classroom and laboratory instruction for approved advanced safety training established by rule by the Department.

"Community college" means a college organized under the Public Community College Act.

"Construction" means all work at a stationary source involving laborers, workers or mechanics. "Construction"
includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

"Department" means the Department of Labor.

"Director" means the Director of Labor.

"Owner or operator" means an owner or operator of a stationary source that is engaged in activities described in Code 324110, 325110, 325193, or 325199 of the 2017 North American Industry Classification System (NAICS), and has one or more covered processes that are required to prepare and submit a Risk Management Plan. "Owner or operator" does not include oil and gas extraction operations.

"Prevailing hourly wage rate" has the same meaning as "general prevailing rate of hourly wages" as defined in Section 2 of the Prevailing Wage Act.

"Registered apprentice" means an apprentice registered in an applicable apprenticeship program for an apprenticeable occupation approved by, and registered with, the U.S. Department of Labor, Bureau of Apprenticeship and Training.

"Shift" means a set standard period of time an employer requires its employees to perform his or her work-related duties on a daily basis. For purposes of this definition, there may be multiple shifts per day.

"Skilled journeyperson" means a worker who meets all of the following criteria:

(1) the worker either graduated from an approved apprenticeship program for the applicable occupation, or
has at least as many hours of on-the-job experience in the applicable occupation that would be required to graduate from an approved apprenticeship program for the applicable occupation;

(2) the worker is being paid at least a rate equivalent to the prevailing hourly wage rate for a journeyperson in the applicable occupation and locality; and

(3) beginning on or after January 1, 2025, the worker has completed, within the prior 2 calendar years, at least 20 hours of approved advanced safety training for workers at high hazard facilities.

"Skilled and trained workforce" means a workforce that meets all of the following criteria:

(1) all the workers are either registered apprentices or skilled journeypersons;

(2) beginning on January 1, 2022, at least 45% of the skilled journeypersons are graduates of an apprenticeship program for the applicable occupation;

(3) beginning on January 1, 2023, at least 60% of the skilled journeypersons are graduates of an apprenticeship program for the applicable occupation; and

(4) beginning on January 1, 2024, at least 80% of the skilled journeypersons are graduates of an apprenticeship program for the applicable occupation.

"Stationary source" means that term as it is defined under
Section 39.5 of the Environmental Protection Act.

Section 10. Advanced safety training.

(a) The Department shall develop by rule a curriculum of approved advanced safety training for workers at high hazard facilities. That training shall be available through the Department or instruction may be provided by a community college or United States Department of Labor apprenticeship program. The Department shall approve a curriculum in accordance with this subsection (a) by January 1, 2023, and shall periodically revise the curriculum to reflect current best practices. Upon receipt of certification from the apprenticeship program or community college, the Department shall issue a certificate to a worker who completes the approved training.

(b) An owner or operator, when contracting for the performance of construction work at the stationary source, shall require that its contractors and any subcontractors use a skilled and trained workforce to perform all onsite work within an apprenticeable occupation in the building and construction trades.

(c) The requirements of this Section shall not immediately apply to contracts awarded before January 1, 2022, unless the contract is extended or renewed after that date. Contracts awarded before January 1, 2022 shall meet the requirements of this Section no later than January 1, 2023.
(d) The requirements of this Section shall only apply to the skilled and trained workforce, contracted with an owner or operator to perform construction work at the stationary source site.

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

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

2. An emergency where compliance is impracticable; namely, an emergency requires immediate action to prevent imminent harm to public health or safety or to the environment. Within 14 days of an emergency, the Attorney General's Workers Rights Bureau, in conjunction with the Illinois Department of Labor, must certify that the emergency warranted noncompliance with this Act. The employer must provide necessary documentation of the emergency to the Attorney General's Workers Rights Bureau and the Illinois Department of Labor.

Training Fund is created as a special fund in the State treasury, to which the Department shall deposit all moneys collected pursuant to Section 20 of this Act.

Section 20. Penalties. An owner or operator who violates the requirements of this Act shall be subject to a minimum civil penalty of $10,000 for each violation. Each shift a violation of this Act occurs shall be considered a separate violation. The penalty may be recovered in a civil action brought by the Director in any circuit court. In the civil action, the Director shall be represented by the Attorney General. All moneys received by the Department as fees and civil penalties under this Act shall be deposited into the Illinois Hazardous Materials Workforce Training Fund, and shall be appropriated by the General Assembly to the Department for administration, investigation, and other expenses incurred in carrying out its powers and duties under this Act.

Section 25. The State Finance Act is amended by adding Section 5.935 as follows:

(30 ILCS 105/5.935 new)

Sec. 5.935. The Illinois Hazardous Materials Workforce Training Fund.

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