



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0514

Introduced 2/23/2021, by Sen. Michael E. Hastings

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.

LRB102 10958 CPF 16290 b

1 AN ACT concerning safety.

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 Illinois Hazardous Materials Workforce Training Act.

6 Section 5. Definitions. As used in this Act:

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

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

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

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

22 "Construction" means all work at a stationary source
23 involving laborers, workers or mechanics. "Construction"

1 includes any maintenance, repair, assembly, or disassembly
2 work performed on equipment whether owned, leased, or rented.

3 "Department" means the Department of Labor.

4 "Director" means the Director of Labor.

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

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

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

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

23 "Skilled journeyman" means a worker who meets all of
24 the following criteria:

25 (1) the worker either graduated from an approved
26 apprenticeship program for the applicable occupation, or

1 has at least as many hours of on-the-job experience in the
2 applicable occupation that would be required to graduate
3 from an approved apprenticeship program for the applicable
4 occupation;

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

9 (3) beginning on or after January 1, 2025, the worker
10 has completed, within the prior 2 calendar years, at least
11 20 hours of approved advanced safety training for workers
12 at high hazard facilities.

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

15 (1) all the workers are either registered apprentices
16 or skilled journeymen;

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

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

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

26 "Stationary source" means that term as it is defined under

1 Section 39.5 of the Environmental Protection Act.

2 Section 10. Advanced safety training.

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

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

21 (c) The requirements of this Section shall not immediately
22 apply to contracts awarded before January 1, 2022, unless the
23 contract is extended or renewed after that date. Contracts
24 awarded before January 1, 2022 shall meet the requirements of
25 this Section no later than January 1, 2023.

1 (d) The requirements of this Section shall only apply to
2 the skilled and trained workforce, contracted with an owner or
3 operator to perform construction work at the stationary source
4 site.

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

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

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

24 Section 15. The Illinois Hazardous Materials Workforce
25 Training Fund. The Illinois Hazardous Materials Workforce

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

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

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

20 (30 ILCS 105/5.935 new)

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

23 Section 99. Effective date. This Act takes effect upon

1 becoming law.