



Sen. Emil Jones Jr.

Filed: 4/11/2005

09400SB1266sam001

LRB094 04935 WGH 44287 a

1 AMENDMENT TO SENATE BILL 1266

2 AMENDMENT NO. _____. Amend Senate Bill 1266 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Illinois Apprenticeship and Training Act.

6 Section 5. Purpose and policy. It is the declared purpose
7 and policy of this Act to:

8 (1) open to young people, regardless of race, sex,
9 creed, color, or national origin, the opportunity to obtain
10 training that will equip them for profitable employment and
11 citizenship;

12 (2) establish, as a means to this end, a program of
13 voluntary apprenticeship under approved apprentice
14 agreements providing facilities for their training and
15 guidance in the arts, skills, and crafts of industry and
16 trade, with concurrent, supplementary instruction in
17 related subjects;

18 (3) promote employment opportunities under conditions
19 providing adequate training and reasonable earnings;

20 (4) relate the supply of skilled workers to employment
21 demands;

22 (5) establish standards for apprentice training;

23 (6) establish an Illinois Apprenticeship Council
24 within the Department of Labor and local, regional, and

1 State joint apprenticeship committees to assist in
2 effectuating the purposes of this Act;

3 (7) provide for the appointment of a Deputy Director of
4 the Department of Labor to oversee the newly-created Office
5 of Apprenticeship Training and Standards within the
6 Department of Labor;

7 (8) provide for reports to the General Assembly
8 regarding the status of apprentice training in the State;

9 (9) establish a procedure for the determination of
10 apprentice agreement controversies; and

11 (10) to accomplish related ends.

12 Section 10. Definitions. In this Act the following words
13 shall have the following meanings, unless the context clearly
14 requires otherwise:

15 "Apprentice" means a person at least 16 years of age who
16 has entered into an apprentice agreement with an employer, or
17 an association of employers, or an organization of employees,
18 or another apprentice program sponsor.

19 "Apprentice agreement" or "agreement" means a written
20 agreement between an apprentice and an apprentice program
21 sponsor which is registered with the Office of Apprenticeship
22 Training and Standards and which provides for not less than
23 2,000 hours of reasonably continuous employment, consistent
24 with training requirements as established by industry
25 practice, in the occupation to which he or she is apprenticed.
26 The written agreement shall also provide for not less than 150
27 hours per year of related instruction for a person in the
28 occupation to which he or she is apprenticed, as well as
29 participation in an approved schedule of work experience
30 throughout a reasonably continuous period of employment.

31 "Apprentice program" or "program" means a program which is
32 registered with the Office of Apprenticeship Training and
33 Standards within the Department of Labor for the recruitment,

1 selection, employment, training, and qualification of
2 apprentices.

3 "Apprentice program sponsor" or "program sponsor" means a
4 person, association, committee, joint apprenticeship
5 committee, organization, corporation, partnership, trust, or
6 other entity operating an apprentice program and in whose name
7 the program is registered with the Office of Apprenticeship
8 Training and Standards within the Department of Labor.

9 "Council" means the Illinois Apprenticeship Council within
10 the Department of Labor.

11 "Department" means the Department of Labor.

12 "Deputy Director" means the Deputy Director of the
13 Department of Labor who shall oversee the Office of
14 Apprenticeship Training and Standards within the Department of
15 Labor.

16 "Office" means the Office of Apprenticeship Training and
17 Standards within the Department of Labor.

18 Section 15. Office of Apprenticeship Training and
19 Standards; Illinois Apprenticeship Council. The Office of
20 Apprenticeship Training and Standards is created within the
21 Department of Labor. The Illinois Apprenticeship Council is
22 created in the Office. The Council shall be appointed by the
23 Governor and be composed of 4 representatives each from
24 employers or employer organizations and employee organizations
25 that sponsor apprentice programs under this Act, respectively,
26 and of 3 representatives of the general public. The Governor's
27 appointees shall be subject to the advice and consent of the
28 Illinois Senate. The Director of Labor, or his or her designee,
29 the Director of Employment Security, or his or her designee,
30 the Director of Commerce and Economic Opportunity, or his or
31 her designee, and the Chairman of the Illinois Community
32 College Board, or his or her designee, shall be ex-officio
33 non-voting members of the Council. The chairperson shall be

1 elected from the appointed members of the Council by vote of
2 the appointed members of the Council. Members of the Council,
3 other than ex-officio members, shall be appointed for a term of
4 4 years and until their successors are appointed, except that 2
5 of the original members appointed to represent either employers
6 or employer organizations or employee organizations shall be
7 appointed for a term of one year, 2 other such appointees and
8 one of the members appointed to represent the general public
9 shall be appointed to a term of 2 years, 3 other such members
10 shall be appointed to a term of 3 years, and the remaining 3
11 original members shall be appointed to a term of 4 years.
12 Members of the Council shall be eligible for reappointment. Any
13 member appointed to fill a vacancy occurring prior to the
14 expiration of the term of his or her predecessor shall be
15 appointed for the remainder of that term. Each member of the
16 Council shall receive the sum of \$100 for each day of actual
17 attendance at meetings or hearings of the Council together with
18 his or her actual and necessary traveling expenses.

19 Section 20. Meetings of the Council. Meetings of the
20 Council shall be held monthly and additional meetings may be
21 held as often as is necessary in the opinion of the majority of
22 the Council. The chairperson of the Council shall designate the
23 time and place of the meetings and the secretary of the Council
24 shall notify all Council members at least one week in advance
25 of each meeting. A majority of the membership of the Council
26 shall constitute a quorum if at least one representative from
27 both employee and employer groups is present.

28 Section 25. Duties of the Council. The Council shall:

29 (1) establish standards for apprenticeship in
30 conformity with this Act and applicable statutes and
31 regulations of the federal government;

32 (2) adopt such rules as may be necessary to carry out

1 the intent and purpose of this Act;

2 (3) compile such data on population and employment
3 trends, industrial production, vocational and industrial
4 education, and job requirements as may be deemed necessary
5 to carry out the intent and purposes of this Act;

6 (4) terminate or cancel any apprentice agreements in
7 accordance with those agreements or order modifications of
8 those agreements;

9 (5) maintain close liaison with the Bureau of
10 Apprenticeship and Training, the United States Department
11 of Labor, and such other federal, State, regional, or local
12 agencies or organizations which carry on programs closely
13 related to the purposes of this Act;

14 (6) conduct studies, surveys, and investigations of
15 the special problems of retraining or training unemployed
16 or employed persons to improve or modernize work skills and
17 make appropriate recommendations to cooperating agencies
18 described above;

19 (7) act as a convening agency in local communities to
20 bring together local representatives of employees,
21 employers, educational agencies, trade associations, and
22 industrial development agencies in order to promote closer
23 local cooperation in establishing better apprentice and
24 other training programs including programs for employed
25 persons who wish to improve and modernize their work
26 skills;

27 (8) use appropriate public information and education
28 campaigns to acquaint employers, employees, and the public
29 at large with the advantages and availability of apprentice
30 and other occupational training programs;

31 (9) study the effectiveness of apprentice agreements
32 and make recommendations in accordance with those
33 agreements for their improvement;

34 (10) adopt rules governing equal opportunities in

1 apprenticeship, and establish an Illinois plan for equal
2 employment opportunity in apprenticeship consistent with
3 applicable statutes and regulations of the federal
4 government, and other on-the-job training, and criteria
5 for selection procedures with a view toward eliminating
6 criteria not relevant to qualification for training
7 employment or more stringent than is reasonably necessary;
8 and

9 (11) perform such other duties as may be necessary to
10 give full effect to this Act.

11 Section 30. Administration. The Governor shall appoint a
12 Deputy Director of the Department of Labor, subject to the
13 advice and consent of the Senate, who shall administer this Act
14 and shall have the following duties: act as secretary of the
15 Council; oversee the Office of Apprenticeship Training and
16 Standards within the Department; issue certificates of
17 registration to sponsors of approved apprentice programs;
18 foster, promote, and develop the welfare of the apprentice and
19 industry, improve the working conditions of apprentices, and
20 advance their opportunities for profitable employment; ensure
21 that selection procedures are impartially administered to all
22 applicants for apprenticeship; gather and promptly disseminate
23 information through apprenticeship and training information
24 centers that may be maintained by the Office, other State
25 agencies, community-based organizations, or educational
26 institutions; maintain on public file in all high schools,
27 community colleges, and field offices of the Department of
28 Employment Security the name and location of the local
29 apprenticeship committees, the filing date, and minimum
30 requirements for application of all registered apprentice
31 programs; cooperate in the development of programs and advise
32 them on problems affecting apprenticeship standards; audit all
33 selection and disciplinary proceedings of apprentices or

1 prospective apprentices; enter into joint agreements with
2 State, federal, regional, educational, or community-based
3 organizations for outreach education and employment programs
4 and on the operation of apprenticeship information centers,
5 including positive efforts to achieve information on equal
6 opportunity and affirmative action programs for women and
7 minorities; and supervise and recommend apprentice agreements
8 as to these standards and perform such other duties as the
9 Council may recommend. The Deputy Director shall coordinate the
10 exchange, by the Council, the program sponsors, community
11 organizations, and other interested persons, of information on
12 available minorities and women who may serve as apprentices.

13 Section 35. Audits.

14 (a) The Office shall randomly audit apprentice programs
15 approved under this Act during each five-year period commencing
16 on this Act's effective date to ensure that the program is
17 complying with its standards, all on-the-job training is
18 performed by journeymen, all related and supplemental
19 instruction required by the apprenticeship standards is being
20 provided, all work processes in the apprenticeship standards
21 are being covered, and graduates have completed the program's
22 requirements. The Office shall examine each program to
23 determine whether apprentices are graduating from the program
24 on schedule or dropping out and to determine whether graduates
25 of the program have obtained employment as journeymen. Every
26 program sponsor has a duty to cooperate with the Office in
27 conducting an audit.

28 (b) Audit reports shall be presented to the Council and
29 shall be made public, except that the Office shall not make
30 public information that would infringe on the privacy of
31 individual apprentices. The Office shall recommend remedial
32 action to correct deficiencies recognized in the audit report,
33 and the failure to correct deficiencies within a reasonable

1 period of time shall be grounds for withdrawing State approval
2 of a program. The Office may conduct more frequent audits of
3 programs where deficiencies have been identified.

4 (c) The Office shall give priority in conducting audits to
5 programs that have been identified as having deficiencies. The
6 Office may conduct simplified audits for programs with fewer
7 than 5 registered apprentices.

8 Section 40. Reports. The Deputy Director and the Council
9 shall annually report to the General Assembly and the public on
10 the activities of the Office and the Council. The report shall
11 contain information including, but not limited to, analyses of
12 the following:

13 (1) The number of individuals, including numbers of
14 women and minorities, registered in apprentice programs in
15 this State for the current year and in each of the previous
16 5 years.

17 (2) The number and percentage of apprentices,
18 including numbers and percentages of minorities and women,
19 registered in each program having 5 or more apprentices,
20 and the percentage of those apprentices who have completed
21 their programs successfully in the current year and in each
22 of the previous 5 years.

23 (3) Remedial actions taken by the Office to assist
24 programs having difficulty in achieving affirmative action
25 goals or having very low completion rates.

26 (4) The number of disputed issues with respect to
27 individual apprentice agreements submitted for
28 determination and the number of those issues resolved by
29 the Council on appeal.

30 (5) The number of program applications received by the
31 Office, the number approved, the number denied and the
32 reason for those denials, the number being reviewed, and
33 deficiencies, if any, with respect to those program

1 applications being reviewed.

2 (6) The number of programs approved by the Office that
3 are disapproved by the Council, and the reasons for those
4 disapprovals.

5 Section 45. Local, regional, and State joint
6 apprenticeship committees.

7 (a) Local, regional, and State joint apprenticeship
8 committees may be approved as program sponsors, in any trade or
9 group of trades, in cities, regions of the State, or trade
10 areas, by the Council, whenever the apprentice training needs
11 of such trade or group of trades or such regions justify such
12 establishment. The local, regional, or State joint
13 apprenticeship committees shall be composed of an equal number
14 of employer and employee representatives chosen from names
15 submitted by the respective local or State employer and
16 employee organizations in such trade or group of trades; also
17 such additional members representing local boards of education
18 or other educational agencies as may be deemed advisable. In a
19 trade or group of trades in which there is no bona fide
20 employer or employee organization, the joint committee shall be
21 composed of persons known to represent the interests of
22 employers and of employees respectively or a State joint
23 apprenticeship committee may be approved as, or the Council may
24 act itself as, the joint committee in that trade or group of
25 trades. Subject to the review of the Council and in accordance
26 with the standards established by the Council, the committees
27 may devise standards for apprentice agreements and give such
28 aid as may be necessary in their operation, in their respective
29 trades and localities.

30 (b) The total number of members on a local, regional, or
31 State joint apprenticeship committee may range from 4 to 15. On
32 such committees, there shall be equal representation of
33 employers and employees. Members shall be selected by the group

1 or groups they represent subject to approval by the Council. A
2 committee may have, as one of its employee representatives, an
3 active apprentice of record, provided that the apprentice has
4 completed a minimum of 6,000 hours of an apprenticeship term or
5 has entered the fourth year of the term.

6 (c) A program operating under this Section shall, in its
7 standards, include the procedures to be followed in the
8 administration of the program which in no case shall be
9 inconsistent with this Act and the rules established by the
10 Council. Every program operating under this Section shall, in
11 its standards, provide for a tie breaking procedure should the
12 committee, by its voting, find itself unable to reach a
13 majority decision on any matter relative to the committee's
14 supervision and operation of the program.

15 Section 50. Program sponsor selection procedures. Program
16 sponsors shall: (1) establish selection procedures which
17 specify minimum requirements for formal education or
18 equivalency, physical examination, if any, subject matter of
19 written tests and oral interviews, and any other criteria
20 pertinent to the selection process; (2) specify the relative
21 weights of all factors which determine selection to a program;
22 (3) submit in writing to the Council an official statement of
23 each selection procedure including the filing date and location
24 of the program sponsor; (4) make a copy of the selection
25 procedures available to each applicant; (5) provide in writing
26 to each applicant not selected an official explanation setting
27 forth the reason or reasons for the decision, copies of which
28 shall be retained as a public record in the files of the
29 program sponsor for 5 years; and (6) implement affirmative
30 action programs for minorities and women in accordance with the
31 rules and guidelines of the Council.

32 Section 55. Apprentice agreements.

1 (a) Every apprentice agreement under this Act is subject to
2 the approval of the Council and shall be signed by the
3 apprentice program sponsor and by the apprentice, and, if the
4 apprentice is a minor, by a parent or legal guardian. If a
5 minor enters into an apprentice agreement under this Act for a
6 period of training extending into his or her majority, the
7 agreement shall likewise be binding for such a period as may be
8 covered during the apprentice's majority.

9 (b) Every apprentice agreement entered into under this Act
10 shall directly, or by reference, contain:

11 (1) The names of the contracting parties.

12 (2) The date of birth of the apprentice.

13 (3) A statement of the trade, craft, or business which
14 the apprentice is to be taught, and the time at which the
15 apprenticeship will begin and end.

16 (4) A statement showing the number of hours to be spent
17 by the apprentice in work and the learning objectives to be
18 accomplished through related and supplemental instruction.
19 In no case shall the combined weekly hours of work and
20 required related and supplemental instruction of the
21 apprentice exceed the maximum number of hours of work
22 prescribed by law for a person of the age of the
23 apprentice.

24 (5) A statement setting forth a schedule of the
25 processes in the trade or industry divisions in which the
26 apprentice is to be taught and the approximate time to be
27 spent at each process.

28 (6) A statement of the graduated scale of wages to be
29 paid the apprentice and whether the required class room
30 time shall be compensated.

31 (7) A statement providing for a period of probation of
32 not more than 500 hours of employment and instruction
33 extending over not more than 4 months, during which time
34 the apprentice agreement may be terminated by the program

1 sponsor at the request in writing of either party, and
2 providing that after the probationary period the agreement
3 may be terminated by the Deputy Director by mutual
4 agreement of all parties thereto, or canceled by the Deputy
5 Director for good and sufficient reason.

6 (8) A provision that all controversies or differences
7 concerning the apprentice agreement which cannot be
8 resolved by the parties thereto, or which are not covered
9 in a collective bargaining agreement, may be submitted to
10 the Deputy Director as provided in Section 60 of this Act.

11 (9) A provision that an employer who is unable to
12 fulfill his or her obligation under the apprentice
13 agreement may, with approval of the administrator,
14 transfer the contract to any other employer if the
15 apprentice consents and the other employer agrees to assume
16 the obligation of the agreement.

17 (10) Such additional terms and conditions as may be
18 prescribed or approved by the Council, not inconsistent
19 with this Act.

20 (c) Acceptance of an application for entrance into a
21 program shall not be predicated on the payment of any fee.
22 Reasonable costs for expenses incurred may be charged after an
23 applicant has been accepted into the program.

24 Section 60. Investigations by Deputy Director.

25 (a) Complaint. Upon the complaint of any interested person
26 or upon the Deputy Director's own initiative, the Deputy
27 Director may investigate to determine if there has been a
28 violation of the terms of an apprentice agreement made under
29 this Act. The Deputy Director may conduct such proceedings as
30 are necessary for that investigation and determination. All
31 such proceedings shall be on a fair and impartial basis and
32 shall be conducted according to the Illinois Administrative
33 Procedure Act.

1 (b) Determination; appeal. The determination of the Deputy
2 Director shall be filed with the Council and written notice
3 shall be served on all parties affected by it. Any person
4 aggrieved by any determination or action of the Deputy Director
5 may appeal to the Council. If no appeal is filed with the
6 Council within 10 days of the date of service, the Deputy
7 Director's determination shall become the order of the Council.
8 If an appeal is filed, the Council shall appoint and convene a
9 hearing board composed of 3 appointed members of the Council,
10 one member being a representative of an employer organization,
11 one member being a representative of an employee organization,
12 and one member representing the general public. The hearing
13 board shall hold a hearing on the appeal after due notice to
14 the interested parties and shall submit to the full Council
15 findings of fact and a recommended decision accompanied by a
16 memorandum of the reasons for it. Within 30 days after
17 submission, the Council may adopt the recommended decision of
18 the hearing board, or disregard the recommended decision of the
19 hearing board and prepare a decision based on the findings of
20 fact and accompanied by a memorandum of reasons for that
21 decision. Written notice of the Council's determination and
22 order shall be served on all parties affected by it. The
23 Council's determination and order is the final administrative
24 decision of the Department and is subject to judicial review
25 under the Administrative Review Law.

26 Section 65. Exhaustion of administrative remedies. A
27 person may not institute an action for the enforcement of an
28 apprentice agreement, or damages for the breach of an
29 apprentice agreement, made under this Act, unless the person
30 has first exhausted all administrative remedies provided by
31 this Act.

32 Section 70. Higher standards. Nothing in this Act or in any

1 apprentice agreement approved under this Act shall operate to
2 invalidate any apprenticeship provision in any collective
3 agreement between employers and employees setting up higher
4 apprenticeship standards, unless the Council determines that
5 the higher standards are not relevant to the employment
6 training.

7 Section 75. Federal reimbursements. The Office shall
8 investigate and approve or reject applications from program
9 sponsors for apprenticeships and other on-the-job training,
10 and for that purpose, may cooperate, or contract with, and
11 receive reimbursements from the appropriate agencies of the
12 federal government.

13 Section 90. The Civil Administrative Code of Illinois is
14 amended by changing Sections 5-145 and 5-365 as follows:

15 (20 ILCS 5/5-145) (was 20 ILCS 5/5.03)

16 Sec. 5-145. In the Department of Labor. Assistant Director
17 of Labor; Chief Factory Inspector; ~~and~~ Superintendent of Safety
18 Inspection and Education; and Deputy Director of the Department
19 of Labor.

20 (Source: P.A. 91-239, eff. 1-1-00.)

21 (20 ILCS 5/5-365) (was 20 ILCS 5/9.03)

22 Sec. 5-365. In the Department of Labor. The Director of
23 Labor shall receive an annual salary as set by the Governor
24 from time to time or as set by the Compensation Review Board,
25 whichever is greater.

26 The Assistant Director of Labor shall receive an annual
27 salary as set by the Governor from time to time or as set by the
28 Compensation Review Board, whichever is greater.

29 The Chief Factory Inspector shall receive \$24,700 from the
30 third Monday in January, 1979 to the third Monday in January,

1 1980, and \$25,000 thereafter, or as set by the Compensation
2 Review Board, whichever is greater.

3 The Superintendent of Safety Inspection and Education
4 shall receive \$27,500, or as set by the Compensation Review
5 Board, whichever is greater.

6 The Superintendent of Women's and Children's Employment
7 shall receive \$22,000 from the third Monday in January, 1979 to
8 the third Monday in January, 1980, and \$22,500 thereafter, or
9 as set by the Compensation Review Board, whichever is greater.

10 The Deputy Director of the Department of Labor shall
11 receive an annual salary as set by the Governor from time to
12 time or as set by the Compensation Review Board, whichever is
13 greater.

14 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
15 eff. 6-28-01.)

16 Section 97. Severability. The provisions of this Act are
17 severable under Section 1.31 of the Statute on Statutes."