



Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

October 6, 2021

CIRCULAR LETTER 2021-23

ILLINOIS WORKS JOBS APPRENTICESHIP INITIATIVE REQUIREMENTS FOR LOCAL ROADS PROJECTS

COUNTY ENGINEERS / SUPERINTENDENTS OF HIGHWAYS
MUNICIPAL ENGINEERS / DIRECTORS OF PUBLIC WORKS / MAYORS
METROPOLITAN PLANNING ORGANIZATIONS – DIRECTORS
TOWNSHIP HIGHWAY COMMISSIONERS
CONSULTING ENGINEERS

INTENT & PURPOSE:

The intent and purpose of this Circular Letter is to notify all Local Public Agencies (LPA) of the requirements defined and described in the Illinois Works Jobs Program Act (30 ILCS 559/20) herewith defined as the Act. In particular, the Act establishes the Illinois Works Apprenticeship Initiative (30 ILCS 559/20-20), which sets a goal for apprentices to perform 10% of the labor hours worked in each prevailing wage classification on public works projects (including those on the Local Roads Network) that employ, in part or in whole, funding from various State funds. Importantly, this Circular Letter provides guidance on applicability of the Act related to letting, and funding participation (Local, State and Federal funds). This Act and its requirements are effective immediately and will apply for projects as described in this Circular Letter.

GUIDANCE INFORMATION & RESOURCES:

To provide guidance and informational resources the Illinois Department of Transportation's (IDOT or Department) Bureau of Construction issued [Construction Memorandum No. 92](#) dated June 29, 2021 attached to this Circular Letter, which explained the Department's implementation of the requirements of the Illinois Works Apprenticeship Initiative (Initiative). Importantly, this Memorandum summarizes the suite of forms that will be required by both the Department and the Department of Commerce and Economic Opportunity (DCEO).

Included with [Construction Memorandum No. 92](#) is a series of Frequently Asked Questions.

APPLICABILITY OF THE ACT TO LOCAL ROADS & STREETS PROJECTS:

As projects, funding sources and letting process for projects led by the Local Public Agencies can vary greatly, the following applicability criteria is provided to assist LPAs, and contractors working for those LPAs navigate the requirements:

Construction Value Threshold:

All projects where the awarded value of the contract is equal to or greater than \$500,000, the Act and its requirements shall apply; but attention is drawn to both the letting and fund sourcing guidance as described below.

For clarity, the Act does not apply for projects where the awarded contract value is less than \$500,000, irrespective of the letting type and funding source.

Letting Type:

State Let:

For all projects that are State Let and above the Construction Value Threshold described above, when Federal Funds are included in part or in whole, the Act is applied by following and conforming with the most current and applicable Federal requirements.

For all projects that are State Let and above the Construction Value Threshold described above, when State Funds (++) are the included in part or in whole, the Act shall apply.

For clarity, if a project is State Let and above the Construction Value Threshold, but only employing local funds (no State or Federal Funds), the requirements of the Act are applicable and must be followed.

Local Let:

For all projects that are Local Let and above the Construction Value Threshold described above, when Federal Funds are included in part or in whole, the Act is applied by following and conforming with the most current and applicable Federal requirements.

For projects that are Local Let, and above the Construction Value Threshold described above, the Act shall apply if State Funds (++) are employed in part or in whole.

For clarity, if Local-Only/MFT Funds are employed, with no Federal or State Funds, neither the Federal nor the Act requirements are applicable.

Fund Sourcing Applicability:

For projects that employ, in part or in whole, Federal Funds, the Act is applied using the Federal requirements.

For projects that employ in part or in whole State Funds (++) , the Act shall apply.

For projects that employ Local-Only/MFT Funds, please refer to the Letting Type for guidance on applicability of the Act.

State Funds (++) Guidance:

Solely for the purposes of this Circular Letter with respect to the Act, State Funds shall mean: any and all funds provided by the State of Illinois through the Illinois Department of Transportation; programs and funding identified or appropriated as capital funds (i.e. Rebuild Illinois, legislatively defined projects, special bond programs, etc.), and/or any of the State’s other Agencies and Departments; the Act shall apply. Any funds that are appropriated and identified as Motor Fuel Taxes, and have been deposited into a LPA’s account are treated as Motor Fuel Tax funds; and do not meet the definition of appropriated capital funds are therefore not subjected to the Act.

ACT APPLICABILITY SUMMARY MATRIX:

The following Summary Matrix illustrating the above discussion is provided for both the LPA’s and contractors as guidance in conforming with the Act, specifically when projects are equal to or above the \$500,000 Contract Value Threshold:

Letting Type	Fund Sourcing	Reporting Requirements
State Letting	Federal Funds included in part or in whole	Federal Requirements as in the “Training and Special Provisions”
	State Funds (++) included in part or in whole, but no Federal Funds	Illinois Works Apprenticeship Initiative Requirements
	Local-Only/MFT Funds	Illinois Works Apprenticeship Initiative Requirements
Local Letting	Federal Funds included in part or in whole	Federal Requirements as in the “Training and Special Provisions”
	State Funds (++) included in part or in whole, but no Federal Funds	Illinois Works Apprenticeship Initiative Requirements
	Local-Only/MFT Funds	Act and Federal Requirements not applicable
Day-Labor	Local-Only/MFT Funds	Act and Federal Requirements not applicable

CONTRACT (SPECIAL PROVISIONS) REQUIREMENTS:

When the provisions of the Act are applicable and required as indicated in the above guidance, [BDE 80438](#) (Illinois Works Apprenticeship Initiative – State Funded Contracts), and [BDE20338](#) (Training) Special Provisions, or their subsequent replacements, shall be included in the contract documents issued with the letting.

REPORTING & FORM SUBMITTAL REQUIREMENTS:

When reporting by the Act is required, a goal is set to employ apprentices of the lesser of either: a) 10% of the total labor hours worked in each prevailing wage classification on the project; or b) 10% of the estimated labor hours in each prevailing wage classification.

In addition to all other forms, including SBE 1014 and SBE 956, reporting of apprentices shall be completed and submitted by the contractor on the following forms:

- i. [OS 106](#), Illinois Works Jobs Program Act Apprenticeship Initiative Budget Supplement
- ii. [OS 105](#), Illinois Works Apprentice Periodic Grantee or Contractor Report
- iii. [OS 104](#), Illinois Works Jobs Program Act Certification of Compliance
- iv. [Illinois Works Jobs Program Act Request for Waiver or Reduction of Public Works Project Apprenticeship Goals](#)

Additional key reporting notes:

- LPAs should be mindful of the requirements of the Act, and ensure that contractors are reminded both at the pre-construction conference, during construction, and at project close-out,
- Subcontractor(s) also are responsible for compliance with the Act and for reporting their progress to the prime contractor, but it shall be the responsibility of each subcontractor to report individually on each project,
- For subcontractor(s) the requirements of the Act apply to the project value, and not of their individual work value,
- The contractor(s) and subcontractor(s) for each project that cannot meet the Act goals must submit a waiver for each classification not meeting the 10% apprentice goal, with the achieved or planned percentage, as well as a detailed justification, and
- The contractor(s) and subcontractor(s) shall work with both the District Local Roads Engineer and the LPA to ensure all required forms for projects identified by the Act requirement shall be submitted to DOT.ILWorks@illinois.gov.

October 6, 2021

ADDITIONAL INFORMATION, QUESTIONS & WEBINAR:

The Illinois Works Jobs Program is not solely an IDOT program. The overall program is monitored and administered by the Department of Commerce and Economic Opportunity (DCEO). More details on the program are available on their [webpage](#) for the Act and the overall Illinois Works Jobs Program.

A 1-hour webinar to discuss this topic is scheduled at 1:00 p.m. on October 12th. A link to the webinar is included [here](#). No preregistration is required for this event. IDOT staff will be available to answer your questions. If you would like to submit questions in advance, send them to dot.localpolicy@illinois.gov.

If you have any questions or comments regarding this circular letter, please send them to dot.localpolicy@illinois.gov.

Sincerely,



George A. Tapas, P.E., S.E
Engineer of Local Roads and Streets

cc: Arlene Kocher, FHWA – Illinois Division
Doug House, Deputy Secretary, IDOT
Becky Locker, Deputy Chief of Staff, IDOT
Steve Travia, Director Office of Highway Project Implementation, IDOT
Brian Otten, Illinois Association of County Engineers
Brad Cole, Illinois Municipal League
Jerry Crabtree, Township Officials of Illinois
Donald Goad, Township Highway Commissioners of Illinois
Lora Rensing, Bureau Chief of Construction, IDOT
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Attachment



Illinois Department of Transportation

Office of Highways Project Implementation / Bureau of Construction
2300 South Dirksen Parkway / Springfield, Illinois 62764

Subject:
**Illinois Works Jobs Program Act
and Illinois Works Apprenticeship
Initiative**

CONSTRUCTION MEMORANDUM NO. 92

Effective: June 29, 2021
Expires: Indefinitely

The Illinois Works Jobs Program Act (30 ILCS 559/20) (the Act) established the Illinois Works Apprenticeship Initiative (30 ILCS 559/20-20) and states contractors are to utilize apprentices on all State of Illinois funded public works projects. This Act will be enforced on all IDOT projects. However, the administration of the Act will be different depending on whether or not the project includes Federal funding.

Federally Funded Projects

There will essentially be no changes to the administration of Federally funded projects. As is current practice, the “Training Special Provisions” will be inserted into select projects during project development. The Training Special Provisions provide the number of trainees that are to be employed on the project. The Training Special Provisions language has been updated to include language referencing the Act and the Illinois Works Apprenticeship Initiative. Note the special provision provides the Federal requirements for on-the-job training aimed at developing full journeyman in the type of trade or job classification involved. In context of the Act, these trainees will satisfy the requirement for contractors to employ apprentices. Current reporting on trainees through Form SBE 1014 (Weekly Trainee Report), Form SBE 956 (Equal Employment Opportunity Workforce Analysis), and certified payrolls will meet all reporting requirements of the Act. The Federal Highway Administration will provide oversight of this program.

Non-Federally Funded Projects

There will be significant changes to the administration of non-Federally funded projects (pertaining to the use of apprentices per the Illinois Works Apprenticeship Initiative). The Special Provision “Illinois Works Apprenticeship Initiative – State Funded Contracts” will be included in all non-Federally funded contracts. For the projects with an awarded contract value greater than \$500,000, a goal is set for contractors to use apprentices for 10% of total labor hours worked in each prevailing wage classification on a project, or 10% of the estimated labor hours in each prevailing wage classification, whichever is less. Reporting of apprentices shall be submitted by the contractor on Form SBE 1014 and Form SBE 956. Through both of these forms, the Department will be able to capture both the hours of all labor performed on a project and the total labor hours performed by apprentices for each prevailing wage category in order to adequately monitor the percent of apprentice labor hours on each project. It is imperative that both of these forms are submitted timely and accurately. Additional reporting will be required including an apprenticeship use plan, certification of compliance, and waiver request if deemed necessary. Below is a summary of applicable forms. Be aware that some forms are provided by IDOT and some are provided by the Department of Commerce and Economic Opportunity (DCEO).

- i. [OS 106](#), Illinois Works Jobs Program Act Apprenticeship Initiative Budget Supplement: This form must be filled out by the contractor to the best of their ability, and within 90 days of executing a contract with the state. The contractor's apprenticeship use plan will be captured on this form.
- ii. [SBE 1014](#), Weekly Trainee Report: This form will be used by the contractor to report the number of hours worked for each apprentice.
- iii. [SBE 956](#), Equal Employment Opportunity Workforce Analysis: This form will be used by the Department to calculate the percent of labor hours performed by apprentices.
- iv. [OS 104](#), Illinois Works Jobs Program Act Certification of Compliance: This form will be used by the contractor to certify compliance with the Act and that the goal was met.
- v. [Illinois Works Jobs Program Act Request for Waiver or Reduction of Public Works Project Apprenticeship Goals](#): This DCEO form will be used to request a reduction or waiver of the 10% apprenticeship goal. This form shall be filled out by the contractor and submitted to IDOT, however, DCEO will be the approval authority for reduction or waiver requests.

Contractors should be reminded at every pre-construction conference that the requirements of the Act must be adhered to. Subcontractors will also be required to comply with the Act. Although the prime contractor is not directly responsible for submitting forms for their subcontractors, the prime contractor is held responsible for overall contract compliance. If a subcontractor is not submitting forms as required, the prime shall be informed. Failure by a subcontractor to come into compliance will be cause for removing the subcontractor from the project.

It is essential for all parties to understand the 10% apprenticeship goal applies to each prevailing wage classification rather than the overall hours of work performed on a project. Exceeding the 10% goal in one prevailing wage classification will not make up for being deficient in another prevailing wage classification. The contractor will have to seek a waiver for each classification not meeting the 10% apprenticeship goal.

Regardless of Federal or State funding, the Resident shall submit all forms received from the contractor to DOT.ILWorks@illinois.gov. This may be in addition to district procedures for submitting forms to the contract compliance officer. Confer with the contract compliance officer to assure they continue to receive pertinent documentation for their use. Central office will handle the recording, analysis and reporting of apprenticeship goals to DCEO.

The administration and compliance of the Act is not within the full control of IDOT, however IDOT is responsible for ensuring our contractors meet all reporting requirements. Attached is an outline and frequently asked questions pertinent to compliance with the Act.



Tim Kell, P.E.
Engineer of Construction

Attachment 1: Contractor Requirements Outline:**If the contract is partially or wholly federally funded:**

- The Illinois Works Apprenticeship Initiative goal is set by the Federal Training Special Provisions
- Reporting requirements of the Illinois Works Apprenticeship Initiative is met through accurate and complete reporting provided via submission of the Weekly Trainee Report (SBE 1014) and the Equal Employment Opportunity Workforce Analysis form (SBE 956)
 - Weekly and monthly reporting is currently required
 - Current method of reporting to IDOT will not change

If the contract is state-only or state and local only funded (non-Federally funded):

- The 10% goal established by the Illinois Works Apprenticeship Initiative applies
- Reporting requirements includes the following:
 - Budget Supplemental – Used to confirm the apprenticeship goal applies and includes estimated work hours
 - Form must be submitted within 90 days of contract execution
 - Periodic Report Forms – From SBE 956 to report total hours of all labor hours worked. Form SBE 1014 to report total apprentice hours worked on project to-date
 - Form must be submitted in the following intervals
 - The SBE 956 will be submitted monthly
 - The SBE 1014 will be submitted weekly
 - Certification Form – Used to certify whether the established apprenticeship goal was met
 - Form must be submitted upon completion of the project
 - Request for Waiver or Reduction of Apprenticeship Goal
 - A contractor may submit a request to reduce the goal or a full waiver
 - Form can be submitted at any point during the project but should be submitted as soon as contractor knows a waiver or reduction is needed
 - The request for a waiver or reduction can be made if:
 - Insufficient apprentices are available
 - The reasonable and necessary requirements of the contract do not allow the goal to be met
 - There is a disproportionately high ratio of material costs to labor hours that makes meeting the goal infeasible
 - Apprentice labor hours goals conflict with existing requirements, including federal requirements, in connection with the public work
 - Contractors will need to include justification for the request
- All reporting shall be submitted to the Resident Engineer. The Resident will then submit forms to DOT.ILWorks@illinois.gov.

Attachment 2: Frequently Asked Questions

What is the statutory authority for the Illinois Works Apprenticeship Initiative?

[30 ILCS 559/20-20](#)

What are the administrative rules for the Illinois Works Apprenticeship Initiative?

[Title 14 Part 680](#)

How is the apprenticeship goal determined?

For federally funded projects with an estimated cost of over \$500,000 the goal is determined by the Training Special Provisions

For non-federally funded projects with an estimated cost of over \$500,000 the goal is for apprentices to perform:

- 10% of total labor hours actually worked in each prevailing wage category on a project, or
- 10% of the estimated labor hours in each prevailing wage category, whichever is less.

What is the definition of apprentice?

Apprentice means a participant in an apprenticeship program approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.

Will the contractor's ability to comply with the Illinois Works Apprenticeship Initiative impact whether their bid will be accepted?

No, the project procurement process is not impacted by the Illinois Works Apprenticeship Initiative.

Will a contractor be penalized if they are not able to meet the goal?

If all reporting requirements are met the contractor will not be penalized. However, it will be deemed to be a material breach of the contract, or the grant agreement funding the contract, and entitle the State to declare a default, terminate the contract or grant agreement funding it, and exercise those remedies provided for in the contract, at law, or in equity if the contractor or subcontractor fails to submit the certification required in this subsection or submits false or misleading information.

Will the prime contractor be responsible for submitting documentation on behalf of subcontractors?

Subcontractors will be responsible for submission of all forms. However, the prime contractor will be held responsible for all contract compliance. If a subcontractor fails to submit required forms the prime contractor shall be notified. A subcontractor that fails to come into compliance will be cause for removing the subcontractor from the project.