

1 AN ACT concerning employment.

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

4 Section 5. The Prevailing Wage Act is amended by changing
5 Sections 2, 4, 5, 5.1, 7, 9, and 10 and by adding Sections 3.1
6 and 3.2 as follows:

7 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

8 Sec. 2. This Act applies to the wages of laborers,
9 mechanics and other workers employed in any public works, as
10 hereinafter defined, by any public body and to anyone under
11 contracts for public works. This includes any maintenance,
12 repair, assembly, or disassembly work performed on equipment
13 whether owned, leased, or rented.

14 As used in this Act, unless the context indicates
15 otherwise:

16 "Public works" means all fixed works constructed or
17 demolished by any public body, or paid for wholly or in part
18 out of public funds. "Public works" as defined herein includes
19 all projects financed in whole or in part with bonds, grants,
20 loans, or other funds made available by or through the State or
21 any of its political subdivisions, including but not limited
22 to: bonds issued under the Industrial Project Revenue Bond Act
23 (Article 11, Division 74 of the Illinois Municipal Code), the

1 Industrial Building Revenue Bond Act, the Illinois Finance
2 Authority Act, the Illinois Sports Facilities Authority Act, or
3 the Build Illinois Bond Act; loans or other funds made
4 available pursuant to the Build Illinois Act; loans or other
5 funds made available pursuant to the Riverfront Development
6 Fund under Section 10-15 of the River Edge Redevelopment Zone
7 Act; or funds from the Fund for Illinois' Future under Section
8 6z-47 of the State Finance Act, funds for school construction
9 under Section 5 of the General Obligation Bond Act, funds
10 authorized under Section 3 of the School Construction Bond Act,
11 funds for school infrastructure under Section 6z-45 of the
12 State Finance Act, and funds for transportation purposes under
13 Section 4 of the General Obligation Bond Act. "Public works"
14 also includes (i) all projects financed in whole or in part
15 with funds from the Department of Commerce and Economic
16 Opportunity under the Illinois Renewable Fuels Development
17 Program Act for which there is no project labor agreement; (ii)
18 all work performed pursuant to a public private agreement under
19 the Public Private Agreements for the Illiana Expressway Act or
20 the Public-Private Agreements for the South Suburban Airport
21 Act; and (iii) all projects undertaken under a public-private
22 agreement under the Public-Private Partnerships for
23 Transportation Act. "Public works" also includes all projects
24 at leased facility property used for airport purposes under
25 Section 35 of the Local Government Facility Lease Act. "Public
26 works" also includes the construction of a new wind power

1 facility by a business designated as a High Impact Business
2 under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone Act.
3 "Public works" does not include work done directly by any
4 public utility company, whether or not done under public
5 supervision or direction, or paid for wholly or in part out of
6 public funds. "Public works" also includes any corrective
7 action performed pursuant to Title XVI of the Environmental
8 Protection Act for which payment from the Underground Storage
9 Tank Fund is requested. "Public works" does not include
10 projects undertaken by the owner at an owner-occupied
11 single-family residence or at an owner-occupied unit of a
12 multi-family residence. "Public works" does not include work
13 performed for soil and water conservation purposes on
14 agricultural lands, whether or not done under public
15 supervision or paid for wholly or in part out of public funds,
16 done directly by an owner or person who has legal control of
17 those lands.

18 "Construction" means all work on public works involving
19 laborers, workers or mechanics. This includes any maintenance,
20 repair, assembly, or disassembly work performed on equipment
21 whether owned, leased, or rented.

22 "Locality" means the county where the physical work upon
23 public works is performed, except (1) that if there is not
24 available in the county a sufficient number of competent
25 skilled laborers, workers and mechanics to construct the public
26 works efficiently and properly, "locality" includes any other

1 county nearest the one in which the work or construction is to
2 be performed and from which such persons may be obtained in
3 sufficient numbers to perform the work and (2) that, with
4 respect to contracts for highway work with the Department of
5 Transportation of this State, "locality" may at the discretion
6 of the Secretary of the Department of Transportation be
7 construed to include two or more adjacent counties from which
8 workers may be accessible for work on such construction.

9 "Public body" means the State or any officer, board or
10 commission of the State or any political subdivision or
11 department thereof, or any institution supported in whole or in
12 part by public funds, and includes every county, city, town,
13 village, township, school district, irrigation, utility,
14 reclamation improvement or other district and every other
15 political subdivision, district or municipality of the state
16 whether such political subdivision, municipality or district
17 operates under a special charter or not.

18 "Labor organization" means an organization that is the
19 exclusive representative of an employer's employees recognized
20 or certified pursuant to the National Labor Relations Act.

21 The terms "general prevailing rate of hourly wages",
22 "general prevailing rate of wages" or "prevailing rate of
23 wages" when used in this Act mean the hourly cash wages plus
24 annualized fringe benefits for training and apprenticeship
25 programs approved by the U.S. Department of Labor, Bureau of
26 Apprenticeship and Training, health and welfare, insurance,

1 vacations and pensions paid generally, in the locality in which
2 the work is being performed, to employees engaged in work of a
3 similar character on public works.

4 (Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13;
5 98-482, eff. 1-1-14; 98-740, eff. 7-16-14; 98-756, eff.
6 7-16-14.)

7 (820 ILCS 130/3.1 new)

8 Sec. 3.1. Employment of local laborers; report. The
9 Department of Labor shall report annually, no later than
10 February 1, to the General Assembly and the Governor the number
11 of people employed on public works in the State during the
12 preceding calendar year. This report shall include the total
13 number of people employed and the total number of hours worked
14 on public works both statewide and by county. Additionally, the
15 report shall include the total number of people employed and
16 the hours worked on public works by the 5-digit zip code, as
17 collected on certified payroll, of the individual's residence
18 during employment on public works. The report to the General
19 Assembly shall be filed with the Clerk of the House of
20 Representatives and the Secretary of the Senate in electronic
21 form only, in the manner that the Clerk and Secretary shall
22 direct.

23 (820 ILCS 130/3.2 new)

24 Sec. 3.2. Employment of females and minorities on public

1 works.

2 (a) The Department of Labor shall study and report on the
3 participation of females and minorities on public works in
4 Illinois. The Department of Labor shall use certified payrolls
5 collected under Section 5.1 to obtain this information. The
6 Department of Labor shall use the same categories for gender,
7 race, and ethnicity as the U.S. Census Bureau for data
8 collected under Section 5.

9 (b) No later than December 31, 2020, the Department of
10 Labor shall create recommendations to increase female and
11 minority participation on public works projects by county. The
12 Department of Labor shall use its own study, data from the U.S.
13 Department of Labor's goals for Davis-Bacon Act covered
14 projects, and any available data from the State or federal
15 governments.

16 (820 ILCS 130/4) (from Ch. 48, par. 39s-4)

17 Sec. 4. Ascertaining prevailing wage.

18 (a) The prevailing rate of wages paid to individuals
19 covered under this Act shall not be less than the rate that
20 prevails for work of a similar character on public works in the
21 locality in which the work is performed under collective
22 bargaining agreements or understandings between employers or
23 employer associations and bona fide labor organizations
24 relating to each craft or type of worker or mechanic needed to
25 execute the contract or perform such work, and collective

1 bargaining agreements or understandings successor thereto,
2 provided that said employers or members of said employer
3 associations employ at least 30% of the laborers, workers, or
4 mechanics in the same trade or occupation in the locality where
5 the work is being performed.

6 (b) If the prevailing rates of wages and fringe benefits
7 cannot reasonably and fairly be applied in any locality because
8 no such agreements or understandings exist, the Department of
9 Labor shall determine the rates and fringe benefits for the
10 same or most similar work in the nearest and most similar
11 neighboring locality in which such agreements or
12 understandings exist. The Department of Labor shall keep a
13 record of its findings available for inspection by any
14 interested party in the office of the Department of Labor.

15 (c) In the event it is determined, after a written
16 objection is filed and hearing is held in accordance with
17 Section 9 of this Act, that less than 30% of the laborers,
18 workers, or mechanics in a particular trade or occupation in
19 the locality where the work is performed receive a collectively
20 bargained rate of wage, then the average wage paid to such
21 laborers, workers, or mechanics in the same trade or occupation
22 in the locality for the 12-month period preceding the
23 Department of Labor's annual determination shall be the
24 prevailing rate of wage.

25 (d) ~~(a)~~ The public body awarding any contract for public
26 work or otherwise undertaking any public works, shall ascertain

1 ~~the general prevailing rate of hourly wages in the locality in~~
2 ~~which the work is to be performed, for each craft or type of~~
3 ~~worker or mechanic needed to execute the contract, and where~~
4 ~~the public body performs the work without letting a contract~~
5 ~~therefor, shall ascertain the prevailing rate of wages on a per~~
6 ~~hour basis in the locality, and such public body shall specify~~
7 ~~in the resolution or ordinance and in the call for bids for the~~
8 ~~contract, or where the public body performs the work without~~
9 ~~letting the contract in a written instrument provided to the~~
10 ~~contractor, that the general prevailing rate of wages in the~~
11 ~~locality for each craft or type of worker or mechanic needed to~~
12 ~~execute the contract or perform such work, also the general~~
13 ~~prevailing rate for legal holiday and overtime work, as~~
14 ~~ascertained by the ~~public body or by the~~ Department of Labor~~
15 ~~shall be paid for each craft or type of worker needed to~~
16 ~~execute the contract or to perform such work, and it shall be~~
17 ~~mandatory upon the contractor to whom the contract is awarded~~
18 ~~and upon any subcontractor under him, and where the public body~~
19 ~~performs the work, upon the public body, to pay not less than~~
20 ~~the specified rates to all laborers, workers and mechanics~~
21 ~~employed by them in the execution of the contract or such work.~~
22 ~~Compliance with this Act is a matter of statewide concern, and~~
23 ~~a public body may not opt out of any provisions herein.~~
24 ~~provided, however, that if the public body desires that the~~
25 ~~Department of Labor ascertain the prevailing rate of wages, it~~
26 ~~shall notify the Department of Labor to ascertain the general~~

1 ~~prevailing rate of hourly wages for work under contract, or for~~
2 ~~work performed by a public body without letting a contract as~~
3 ~~required in the locality in which the work is to be performed,~~
4 ~~for each craft or type of worker or mechanic needed to execute~~
5 ~~the contract or project or work to be performed. Upon such~~
6 ~~notification the Department of Labor shall ascertain such~~
7 ~~general prevailing rate of wages, and certify the prevailing~~
8 ~~wage to such public body.~~

9 (e) ~~(a-1)~~ The public body or other entity awarding the
10 contract shall cause to be inserted in the project
11 specifications and the contract a stipulation to the effect
12 that not less than the prevailing rate of wages as found by the
13 ~~public body or~~ Department of Labor or determined by the court
14 on review shall be paid to all laborers, workers and mechanics
15 performing work under the contract.

16 (f) ~~(a-2)~~ When a public body or other entity covered by
17 this Act has awarded work to a contractor without a public bid,
18 contract or project specification, such public body or other
19 entity shall comply with subsection (e) ~~(a-1)~~ by providing the
20 contractor with written notice on the purchase order related to
21 the work to be done or on a separate document indicating that
22 not less than the prevailing rate of wages ascertained ~~as found~~
23 by the ~~public body or~~ Department of Labor or determined by the
24 court on review shall be paid to all laborers, workers, and
25 mechanics performing work on the project.

26 (g) ~~(a-3)~~ Where a complaint is made and the Department of

1 Labor determines that a violation occurred, the Department of
2 Labor shall determine if proper written notice under this
3 Section 4 was given. If proper written notice was not provided
4 to the contractor by the public body or other entity, the
5 Department of Labor shall order the public body or other entity
6 to pay any interest, penalties or fines that would have been
7 owed by the contractor if proper written notice were provided.
8 The failure by a public body or other entity to provide written
9 notice does not relieve the contractor of the duty to comply
10 with the prevailing wage rate, nor of the obligation to pay any
11 back wages, as determined under this Act. For the purposes of
12 this subsection, back wages shall be limited to the difference
13 between the actual amount paid and the prevailing rate of wages
14 required to be paid for the project. The failure of a public
15 body or other entity to provide written notice under this
16 Section 4 does not diminish the right of a laborer, worker, or
17 mechanic to the prevailing rate of wages as determined under
18 this Act.

19 (h) ~~(b)~~ It shall also be mandatory upon the contractor to
20 whom the contract is awarded to insert into each subcontract
21 and into the project specifications for each subcontract a
22 written stipulation to the effect that not less than the
23 prevailing rate of wages shall be paid to all laborers,
24 workers, and mechanics performing work under the contract. It
25 shall also be mandatory upon each subcontractor to cause to be
26 inserted into each lower tiered subcontract and into the

1 project specifications for each lower tiered subcontract a
2 stipulation to the effect that not less than the prevailing
3 rate of wages shall be paid to all laborers, workers, and
4 mechanics performing work under the contract. A contractor or
5 subcontractor who fails to comply with this subsection ~~(b)~~ is
6 in violation of this Act.

7 (i) ~~(b-1)~~ When a contractor has awarded work to a
8 subcontractor without a contract or contract specification,
9 the contractor shall comply with subsection (h) ~~(b)~~ by
10 providing a subcontractor with a written statement indicating
11 that not less than the prevailing rate of wages shall be paid
12 to all laborers, workers, and mechanics performing work on the
13 project. A contractor or subcontractor who fails to comply with
14 this subsection ~~(b-1)~~ is in violation of this Act.

15 (j) ~~(b-2)~~ Where a complaint is made and the Department of
16 Labor determines that a violation has occurred, the Department
17 of Labor shall determine if proper written notice under this
18 Section 4 was given. If proper written notice was not provided
19 to the subcontractor by the contractor, the Department of Labor
20 shall order the contractor to pay any interest, penalties, or
21 fines that would have been owed by the subcontractor if proper
22 written notice were provided. The failure by a contractor to
23 provide written notice to a subcontractor does not relieve the
24 subcontractor of the duty to comply with the prevailing wage
25 rate, nor of the obligation to pay any back wages, as
26 determined under this Act. For the purposes of this subsection,

1 back wages shall be limited to the difference between the
2 actual amount paid and the prevailing rate of wages required
3 for the project. However, if proper written notice was not
4 provided to the contractor by the public body or other entity
5 under this Section 4, the Department of Labor shall order the
6 public body or other entity to pay any interest, penalties, or
7 fines that would have been owed by the subcontractor if proper
8 written notice were provided. The failure by a public body or
9 other entity to provide written notice does not relieve the
10 subcontractor of the duty to comply with the prevailing wage
11 rate, nor of the obligation to pay any back wages, as
12 determined under this Act. For the purposes of this subsection,
13 back wages shall be limited to the difference between the
14 actual amount paid and the prevailing rate of wages required
15 for the project. The failure to provide written notice by a
16 public body, other entity, or contractor does not diminish the
17 right of a laborer, worker, or mechanic to the prevailing rate
18 of wages as determined under this Act.

19 (k) ~~(e)~~ A public body or other entity shall also require in
20 all contractor's and subcontractor's bonds that the contractor
21 or subcontractor include such provision as will guarantee the
22 faithful performance of such prevailing wage clause as provided
23 by contract or other written instrument. All bid specifications
24 shall list the specified rates to all laborers, workers and
25 mechanics in the locality for each craft or type of worker or
26 mechanic needed to execute the contract.

1 (l) ~~(d)~~ If the Department of Labor revises the prevailing
2 rate of hourly wages to be paid by the public body or other
3 entity, the revised rate shall apply to such contract, and the
4 public body or other entity shall be responsible to notify the
5 contractor and each subcontractor, of the revised rate.

6 The public body or other entity shall discharge its duty to
7 notify of the revised rates by inserting a written stipulation
8 in all contracts or other written instruments that states the
9 prevailing rate of wages are revised by the Department of Labor
10 and are available on the Department's official website. This
11 shall be deemed to be proper notification of any rate changes
12 under this subsection.

13 (m) ~~(e)~~ Two or more investigatory hearings under this
14 Section on the issue of establishing a new prevailing wage
15 classification for a particular craft or type of worker shall
16 be consolidated in a single hearing before the Department. ~~Such~~
17 ~~consolidation shall occur whether each separate investigatory~~
18 ~~hearing is conducted by a public body or the Department.~~ The
19 party requesting a consolidated investigatory hearing shall
20 have the burden of establishing that there is no existing
21 prevailing wage classification for the particular craft or type
22 of worker in any of the localities under consideration.

23 (n) ~~(f)~~ It shall be mandatory upon the contractor or
24 construction manager to whom a contract for public works is
25 awarded to post, at a location on the project site of the
26 public works that is easily accessible to the workers engaged

1 on the project, the prevailing wage rates for each craft or
2 type of worker or mechanic needed to execute the contract or
3 project or work to be performed. In lieu of posting on the
4 project site of the public works, a contractor which has a
5 business location where laborers, workers, and mechanics
6 regularly visit may: (1) post in a conspicuous location at that
7 business the current prevailing wage rates for each county in
8 which the contractor is performing work; or (2) provide such
9 laborer, worker, or mechanic engaged on the public works
10 project a written notice indicating the prevailing wage rates
11 for the public works project. A failure to post or provide a
12 prevailing wage rate as required by this Section is a violation
13 of this Act.

14 (Source: P.A. 96-437, eff. 1-1-10; 97-964, eff. 1-1-13.)

15 (820 ILCS 130/5) (from Ch. 48, par. 39s-5)

16 Sec. 5. Certified payroll.

17 (a) Any contractor and each subcontractor who participates
18 in public works shall:

19 (1) make and keep, for a period of not less than 3
20 years from the date of the last payment made before January
21 1, 2014 (the effective date of Public Act 98-328) and for a
22 period of 5 years from the date of the last payment made on
23 or after January 1, 2014 (the effective date of Public Act
24 98-328) on a contract or subcontract for public works,
25 records of all laborers, mechanics, and other workers

1 employed by them on the project; the records shall include
2 (i) the worker's name, (ii) the worker's address, (iii) the
3 worker's telephone number when available, (iv) the last 4
4 digits of the worker's social security number, (v) the
5 worker's gender, (vi) the worker's race, (vii) the worker's
6 ethnicity, (viii) veteran status, (ix) the worker's
7 classification or classifications, (x) ~~(vi)~~ the worker's
8 gross and net wages paid in each pay period, (xi) ~~(vii)~~ the
9 worker's number of hours worked each day, (xii) ~~(viii)~~ the
10 worker's starting and ending times of work each day, (xiii)
11 ~~(ix)~~ the worker's hourly wage rate, (xiv) ~~(x)~~ the worker's
12 hourly overtime wage rate, (xv) ~~(xi)~~ the worker's hourly
13 fringe benefit rates, (xvi) ~~(xii)~~ the name and address of
14 each fringe benefit fund, (xvii) ~~(xiii)~~ the plan sponsor of
15 each fringe benefit, if applicable, and (xviii) ~~(xiv)~~ the
16 plan administrator of each fringe benefit, if applicable;
17 and

18 (2) no later than the 15th day of each calendar month
19 file a certified payroll for the immediately preceding
20 month with the public body in charge of the project until
21 the Department of Labor activates the database created
22 under Section 5.1 at which time certified payroll shall
23 only be submitted to that database, except for projects
24 done by State agencies that opt to have contractors submit
25 certified payrolls directly to that State agency. A State
26 agency that opts to directly receive certified payrolls

1 must submit the required information in a specified
2 electronic format to the Department of Labor no later than
3 10 days after the certified payroll was filed with the
4 State agency. A certified payroll must be filed for only
5 those calendar months during which construction on a public
6 works project has occurred. The certified payroll shall
7 consist of a complete copy of the records identified in
8 paragraph (1) of this subsection (a), but may exclude the
9 starting and ending times of work each day. The certified
10 payroll shall be accompanied by a statement signed by the
11 contractor or subcontractor or an officer, employee, or
12 agent of the contractor or subcontractor which avers that:
13 (i) he or she has examined the certified payroll records
14 required to be submitted by the Act and such records are
15 true and accurate; (ii) the hourly rate paid to each worker
16 is not less than the general prevailing rate of hourly
17 wages required by this Act; and (iii) the contractor or
18 subcontractor is aware that filing a certified payroll that
19 he or she knows to be false is a Class A misdemeanor. A
20 general contractor is not prohibited from relying on the
21 certification of a lower tier subcontractor, provided the
22 general contractor does not knowingly rely upon a
23 subcontractor's false certification. Any contractor or
24 subcontractor subject to this Act and any officer,
25 employee, or agent of such contractor or subcontractor
26 whose duty as such officer, employee, or agent it is to

1 file such certified payroll who willfully fails to file
2 such a certified payroll on or before the date such
3 certified payroll is required by this paragraph to be filed
4 and any person who willfully files a false certified
5 payroll that is false as to any material fact is in
6 violation of this Act and guilty of a Class A misdemeanor.
7 The public body in charge of the project shall keep the
8 records submitted in accordance with this paragraph (2) of
9 subsection (a) before January 1, 2014 (the effective date
10 of Public Act 98-328) for a period of not less than 3
11 years, and the records submitted in accordance with this
12 paragraph (2) of subsection (a) on or after January 1, 2014
13 (the effective date of Public Act 98-328) for a period of 5
14 years, from the date of the last payment for work on a
15 contract or subcontract for public works or until the
16 Department of Labor activates the database created under
17 Section 5.1, whichever is less. After the activation of the
18 database created under Section 5.1, the Department of Labor
19 rather than the public body in charge of the project shall
20 keep the records and maintain the database. The records
21 submitted in accordance with this paragraph (2) of
22 subsection (a) shall be considered public records, except
23 an employee's address, telephone number, ~~and~~ social
24 security number, race, ethnicity, and gender, and made
25 available in accordance with the Freedom of Information
26 Act. The public body shall accept any reasonable

1 submissions by the contractor that meet the requirements of
2 this Section.

3 A contractor, subcontractor, or public body may retain
4 records required under this Section in paper or electronic
5 format.

6 (b) Upon 7 business days' notice, the contractor and each
7 subcontractor shall make available for inspection and copying
8 at a location within this State during reasonable hours, the
9 records identified in paragraph (1) of subsection (a) of this
10 Section to the public body in charge of the project, its
11 officers and agents, the Director of Labor and his deputies and
12 agents, and to federal, State, or local law enforcement
13 agencies and prosecutors.

14 (c) A contractor or subcontractor who remits contributions
15 to fringe benefit funds that are jointly maintained and jointly
16 governed by one or more employers and one or more labor
17 organizations in accordance with the federal Labor Management
18 Relations Act shall make and keep certified payroll records
19 that include the information required under items (i) through
20 (viii) of paragraph (1) of subsection (a) only. However, the
21 information required under items (ix) through (xiv) of
22 paragraph (1) of subsection (a) shall be required for any
23 contractor or subcontractor who remits contributions to a
24 fringe benefit fund that is not jointly maintained and jointly
25 governed by one or more employers and one or more labor
26 organizations in accordance with the federal Labor Management

1 Relations Act.

2 (Source: P.A. 97-571, eff. 1-1-12; 98-328, eff. 1-1-14; 98-482,
3 eff. 1-1-14; 98-756, eff. 7-16-14.)

4 (820 ILCS 130/5.1)

5 Sec. 5.1. Electronic database. ~~The Subject to~~
6 ~~appropriation, the~~ Department shall develop and maintain an
7 electronic database capable of accepting and retaining
8 certified payrolls submitted under this Act no later than April
9 1, 2020. The database shall accept certified payroll forms
10 provided by the Department that are fillable and designed to
11 accept electronic signatures.

12 (Source: P.A. 98-482, eff. 1-1-14.)

13 (820 ILCS 130/7) (from Ch. 48, par. 39s-7)

14 Sec. 7. The finding of the ~~public body awarding the~~
15 ~~contract or authorizing the work or the~~ Department of Labor
16 ascertaining and declaring the general prevailing rate of
17 hourly wages shall be final for all purposes of the contract
18 for public work then being considered, unless reviewed under
19 the provisions of this Act. Nothing in this Act, however, shall
20 be construed to prohibit the payment to any laborer, worker or
21 mechanic employed on any public work, as aforesaid, of more
22 than the prevailing rate of wages; provided further that
23 nothing in this Act shall be construed to limit the hours of
24 work which may be performed by any person in any particular

1 period of time.

2 (Source: P.A. 81-992.)

3 (820 ILCS 130/9) (from Ch. 48, par. 39s-9)

4 Sec. 9. To effectuate the purpose and policy of this Act
5 ~~each public body shall, during the month of June of each~~
6 ~~calendar year, investigate and ascertain the prevailing rate of~~
7 ~~wages as defined in this Act and publicly post or keep~~
8 ~~available for inspection by any interested party in the main~~
9 ~~office of such public body its determination of such prevailing~~
10 ~~rate of wage and shall promptly file, no later than July 15 of~~
11 ~~each year, a certified copy thereof in the office of the~~
12 ~~Illinois Department of Labor.~~the Department of Labor shall,
13 during the month of June of each calendar year, investigate and
14 ascertain the prevailing rate of wages for each county in the
15 State and shall publish the prevailing wage schedule
16 ascertained on its official website no later than July 15 of
17 each year. If the prevailing rate of wages is based on a
18 collective bargaining agreement, any increases directly
19 ascertainable from such collective bargaining agreement shall
20 also be published on the website. Further, if the prevailing
21 rate of wages is based on a collective bargaining agreement,
22 the explanation of classes on the prevailing wage schedule
23 shall be consistent with the classifications established under
24 the collective bargaining agreement. ~~If a public body does not~~
25 ~~investigate and ascertain the prevailing rate of wages during~~

1 ~~the month of June as required by the previous paragraph, then~~
2 ~~the prevailing rate of wages for that public body shall be the~~
3 ~~rate as determined by the Department under this paragraph for~~
4 ~~the county in which such public body is located. The Department~~
5 ~~shall publish on its official website a prevailing wage~~
6 ~~schedule for each county in the State, no later than August 15~~
7 ~~of each year, based on the prevailing rate of wages~~
8 ~~investigated and ascertained by the Department during the month~~
9 ~~of June. Nothing prohibits the Department from publishing~~
10 ~~prevailing wage rates more than once per year.~~

11 ~~Where the Department of Labor ascertains the prevailing~~
12 ~~rate of wages, it is the duty of the Department of Labor within~~
13 ~~30 days after receiving a notice from the public body~~
14 ~~authorizing the proposed work, to conduct an investigation to~~
15 ~~ascertain the prevailing rate of wages as defined in this Act~~
16 ~~and such investigation shall be conducted in the locality in~~
17 ~~which the work is to be performed. The Department of Labor~~
18 ~~shall send a certified copy of its findings to the public body~~
19 ~~authorizing the work and keep a record of its findings~~
20 ~~available for inspection by any interested party in the office~~
21 ~~of the Department of Labor at Springfield.~~

22 ~~The public body except for the Department of Transportation~~
23 ~~with respect to highway contracts shall within 30 days after~~
24 ~~filing with the Department of Labor, or the Department of Labor~~
25 ~~shall within 30 days after filing with such public body,~~
26 ~~publish in a newspaper of general circulation within the area~~

1 ~~that the determination is effective, a notice of its~~
2 ~~determination and shall promptly mail a copy of its~~
3 ~~determination to any employer, and to any association of~~
4 ~~employers and to any person or association of employees who~~
5 ~~have filed their names and addresses, requesting copies of any~~
6 ~~determination stating the particular rates and the particular~~
7 ~~class of workers whose wages will be affected by such rates. If~~
8 ~~the Department of Labor ascertains the prevailing rate of wages~~
9 ~~for a public body, the public body may satisfy the newspaper~~
10 ~~publication requirement in this paragraph by posting on the~~
11 ~~public body's website a notice of its determination with a~~
12 ~~hyperlink to the prevailing wage schedule for that locality~~
13 ~~that is published on the official website of the Department of~~
14 ~~Labor.~~

15 At any time within 30 days after the Department of Labor
16 has published on its official web site a prevailing wage
17 schedule, any person affected thereby may object in writing to
18 the determination or such part thereof as they may deem
19 objectionable by filing a written notice with the ~~public body~~
20 ~~or~~ Department of Labor, ~~whichever has made such determination,~~
21 stating the specified grounds of the objection. A person filing
22 an objection alleging that the actual percentage of laborers,
23 workers, or mechanics that receive a collectively bargained
24 rate of wage is below the required 30% shall have the burden of
25 establishing such and shall support the allegation with
26 competent evidence. During the pendency of any objection and

1 until final determination thereof, the work in question shall
2 proceed under the rate established by the Department. It shall
3 ~~thereafter~~ be the duty of the ~~public body or~~ Department of
4 Labor to set a date for a hearing on the objection after giving
5 written notice to the objectors at least 10 days before the
6 date of the hearing and said notice shall state the time and
7 place of such hearing. Such hearing by the Department of Labor
8 ~~a public body~~ shall be held within 45 days after the objection
9 is filed, and shall not be postponed or reset for a later date
10 except upon the consent, in writing, of all the objectors and
11 the Department of Labor. ~~public body.~~ If such hearing is not
12 held by the ~~public body within the time herein specified, the~~
13 ~~Department of Labor may, upon request of the objectors, conduct~~
14 ~~the hearing on behalf of the public body.~~

15 The ~~public body or~~ Department of Labor may, ~~whichever has~~
16 ~~made such determination, is authorized in its discretion to~~
17 hear each written objection filed separately or consolidate for
18 hearing any one or more written objections filed ~~with them.~~ At
19 such hearing, the ~~public body or~~ Department of Labor shall
20 introduce in evidence the investigation it instituted which
21 formed the basis of its determination, and the ~~public body or~~
22 Department of Labor, or any interested objectors may thereafter
23 introduce such evidence as is material to the issue.
24 Thereafter, the ~~public body or~~ Department of Labor, must rule
25 upon the written objection and make such final determination as
26 it believes the evidence warrants, ~~and promptly file a~~

1 ~~certified copy of its final determination with such public~~
2 ~~body,~~ and serve a copy by personal service, ~~or~~ registered mail,
3 or electronic mail on all parties to the proceedings. The final
4 determination by the Department of Labor ~~or a public body~~ shall
5 be rendered within 30 days after the conclusion of the hearing.

6 If proceedings to review judicially the final
7 determination of the ~~public body or~~ Department of Labor are not
8 instituted as hereafter provided, such determination shall be
9 final and binding.

10 The provisions of the Administrative Review Law, and all
11 amendments and modifications thereof, and the rules adopted
12 pursuant thereto, shall apply to and govern all proceedings for
13 the judicial review of final administrative decisions of ~~any~~
14 ~~public body or~~ the Department of Labor ~~hereunder~~. The term
15 "administrative decision" is defined as in Section 3-101 of the
16 Code of Civil Procedure.

17 Appeals from all final orders and judgments entered by the
18 court in review of the final administrative decision of the
19 ~~public body or~~ Department of Labor, may be taken by any party
20 to the action.

21 Any proceeding in any court affecting a determination of
22 the Department of Labor ~~or public body~~ shall have priority in
23 hearing and determination over all other civil proceedings
24 pending in said court, except election contests.

25 In all reviews or appeals under this Act, it shall be the
26 duty of the Attorney General to represent the Department of

1 Labor, and defend its determination. ~~The Attorney General shall~~
2 ~~not represent any public body, except the State, in any such~~
3 ~~review or appeal.~~

4 (Source: P.A. 100-2, eff. 6-16-17; 100-154, eff. 8-18-17;
5 100-863, eff. 8-14-18.)

6 (820 ILCS 130/10) (from Ch. 48, par. 39s-10)

7 Sec. 10. The ~~presiding officer of the public body, or his~~
8 ~~or her authorized representative and the~~ Director of the
9 Department of Labor, or his or her authorized representative
10 may interview workers, administer oaths, take or cause to be
11 taken the depositions of witnesses, and require by subpoena the
12 attendance and testimony of witnesses, and the production of
13 all books, records, and other evidence relative to the matter
14 under investigation or hearing. Such subpoena shall be signed
15 and issued by ~~such presiding officer or his or her authorized~~
16 ~~representative, or~~ the Director or his or her authorized
17 representative.

18 Upon request by the Director of Labor or his or her
19 deputies or agents, records shall be copied and submitted for
20 evidence at no cost to the Department of Labor. Every employer
21 upon request shall furnish to the Director or his or her
22 authorized representative, on demand, a sworn statement of the
23 accuracy of the records. Any employer who refuses to furnish a
24 sworn statement of the records is in violation of this Act.

25 In case of failure of any person to comply with any

1 subpoena lawfully issued under this Section ~~section~~ or on the
2 refusal of any witness to produce evidence or to testify to any
3 matter regarding which he or she may be lawfully interrogated,
4 it is the duty of any circuit court, upon application of ~~such~~
5 ~~presiding officer or his or her authorized representative, or~~
6 the Director or his or her authorized representative, to compel
7 obedience by proceedings for contempt, as in the case of
8 disobedience of the requirements of a subpoena issued by such
9 court or a refusal to testify therein. The ~~Such~~ ~~presiding~~
10 ~~officer and the~~ Director may certify to official acts.

11 (Source: P.A. 93-38, eff. 6-1-04.)

12 (820 ILCS 130/8 rep.)

13 Section 10. The Prevailing Wage Act is amended by repealing
14 Section 8.