



Rep. William Davis

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1 AMENDMENT TO SENATE BILL 203

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 203, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

8 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

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

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

1 "Public works" means all fixed works constructed or  
2 demolished by any public body, or paid for wholly or in part  
3 out of public funds. "Public works" as defined herein includes  
4 all projects financed in whole or in part with bonds, grants,  
5 loans, or other funds made available by or through the State or  
6 any of its political subdivisions, including but not limited  
7 to: bonds issued under the Industrial Project Revenue Bond Act  
8 (Article 11, Division 74 of the Illinois Municipal Code), the  
9 Industrial Building Revenue Bond Act, the Illinois Finance  
10 Authority Act, the Illinois Sports Facilities Authority Act, or  
11 the Build Illinois Bond Act; loans or other funds made  
12 available pursuant to the Build Illinois Act; loans or other  
13 funds made available pursuant to the Riverfront Development  
14 Fund under Section 10-15 of the River Edge Redevelopment Zone  
15 Act; or funds from the Fund for Illinois' Future under Section  
16 6z-47 of the State Finance Act, funds for school construction  
17 under Section 5 of the General Obligation Bond Act, funds  
18 authorized under Section 3 of the School Construction Bond Act,  
19 funds for school infrastructure under Section 6z-45 of the  
20 State Finance Act, and funds for transportation purposes under  
21 Section 4 of the General Obligation Bond Act. "Public works"  
22 also includes (i) all projects financed in whole or in part  
23 with funds from the Department of Commerce and Economic  
24 Opportunity under the Illinois Renewable Fuels Development  
25 Program Act for which there is no project labor agreement; (ii)  
26 all work performed pursuant to a public private agreement under

1 the Public Private Agreements for the Illiana Expressway Act or  
2 the Public-Private Agreements for the South Suburban Airport  
3 Act; and (iii) all projects undertaken under a public-private  
4 agreement under the Public-Private Partnerships for  
5 Transportation Act. "Public works" also includes all projects  
6 at leased facility property used for airport purposes under  
7 Section 35 of the Local Government Facility Lease Act. "Public  
8 works" also includes the construction of a new wind power  
9 facility by a business designated as a High Impact Business  
10 under Section 5.5(a) (3) (E) of the Illinois Enterprise Zone Act.  
11 "Public works" does not include work done directly by any  
12 public utility company, whether or not done under public  
13 supervision or direction, or paid for wholly or in part out of  
14 public funds. "Public works" also includes any corrective  
15 action performed pursuant to Title XVI of the Environmental  
16 Protection Act for which payment from the Underground Storage  
17 Tank Fund is requested. "Public works" does not include  
18 projects undertaken by the owner at an owner-occupied  
19 single-family residence or at an owner-occupied unit of a  
20 multi-family residence. "Public works" does not include work  
21 performed for soil and water conservation purposes on  
22 agricultural lands, whether or not done under public  
23 supervision or paid for wholly or in part out of public funds,  
24 done directly by an owner or person who has legal control of  
25 those lands.

26 "Construction" means all work on public works involving

1 laborers, workers or mechanics. This includes any maintenance,  
2 repair, assembly, or disassembly work performed on equipment  
3 whether owned, leased, or rented.

4 "Locality" means the county where the physical work upon  
5 public works is performed, except (1) that if there is not  
6 available in the county a sufficient number of competent  
7 skilled laborers, workers and mechanics to construct the public  
8 works efficiently and properly, "locality" includes any other  
9 county nearest the one in which the work or construction is to  
10 be performed and from which such persons may be obtained in  
11 sufficient numbers to perform the work and (2) that, with  
12 respect to contracts for highway work with the Department of  
13 Transportation of this State, "locality" may at the discretion  
14 of the Secretary of the Department of Transportation be  
15 construed to include two or more adjacent counties from which  
16 workers may be accessible for work on such construction.

17 "Public body" means the State or any officer, board or  
18 commission of the State or any political subdivision or  
19 department thereof, or any institution supported in whole or in  
20 part by public funds, and includes every county, city, town,  
21 village, township, school district, irrigation, utility,  
22 reclamation improvement or other district and every other  
23 political subdivision, district or municipality of the state  
24 whether such political subdivision, municipality or district  
25 operates under a special charter or not.

26 "Labor organization" means an organization that is the

1 exclusive representative of an employer's employees recognized  
2 or certified pursuant to the National Labor Relations Act.

3 The terms "general prevailing rate of hourly wages",  
4 "general prevailing rate of wages" or "prevailing rate of  
5 wages" when used in this Act mean the hourly cash wages plus  
6 annualized fringe benefits for training and apprenticeship  
7 programs approved by the U.S. Department of Labor, Bureau of  
8 Apprenticeship and Training, health and welfare, insurance,  
9 vacations and pensions paid generally, in the locality in which  
10 the work is being performed, to employees engaged in work of a  
11 similar character on public works.

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

15 (820 ILCS 130/3.1 new)

16 Sec. 3.1. Employment of local laborers; report. The  
17 Department of Labor shall report annually, no later than  
18 February 1, to the General Assembly and the Governor the number  
19 of people employed on public works in the State during the  
20 preceding calendar year. This report shall include the total  
21 number of people employed and the total number of hours worked  
22 on public works both statewide and by county. Additionally, the  
23 report shall include the total number of people employed and  
24 the hours worked on public works by the 5-digit zip code, as  
25 collected on certified payroll, of the individual's residence

1 during employment on public works. The report to the General  
2 Assembly shall be filed with the Clerk of the House of  
3 Representatives and the Secretary of the Senate in electronic  
4 form only, in the manner that the clerk and Secretary shall  
5 direct.

6 (820 ILCS 130/3.2 new)

7 Sec. 3.2. Employment of females and minorities on public  
8 works.

9 (a) The Department of Labor shall study and report on the  
10 participation of females and minorities on public works in  
11 Illinois. The Department of Labor shall use certified payrolls  
12 collected under Section 5.1 to obtain this information. The  
13 Department of Labor shall use the same categories for gender,  
14 race, and ethnicity as the U.S. Census Bureau for data  
15 collected under Section 5.

16 (b) No later than December 31, 2020, the Department of  
17 Labor shall create recommendations to increase female and  
18 minority participation on public works projects by county. The  
19 Department of Labor shall use its own study, data from the U.S.  
20 Department of Labor's goals for Davis-Bacon Act covered  
21 projects, and any available data from the State or federal  
22 governments.

23 (820 ILCS 130/4) (from Ch. 48, par. 39s-4)

24 Sec. 4. Ascertaining prevailing wage.

1       (a) The prevailing rate of wages paid to individuals  
2 covered under this Act shall not be less than the rate that  
3 prevails for work of a similar character on public works in the  
4 locality in which the work is performed under collective  
5 bargaining agreements or understandings between employers or  
6 employer associations and bona fide labor organizations  
7 relating to each craft or type of worker or mechanic needed to  
8 execute the contract or perform such work, and collective  
9 bargaining agreements or understandings successor thereto,  
10 provided that said employers or members of said employer  
11 associations employ at least 30% of the laborers, workers, or  
12 mechanics in the same trade or occupation in the locality where  
13 the work is being performed.

14       (b) If the prevailing rates of wages and fringe benefits  
15 cannot reasonably and fairly be applied in any locality because  
16 no such agreements or understandings exist, the Department of  
17 Labor shall determine the rates and fringe benefits for the  
18 same or most similar work in the nearest and most similar  
19 neighboring locality in which such agreements or  
20 understandings exist. The Department of Labor shall keep a  
21 record of its findings available for inspection by any  
22 interested party in the office of the Department of Labor.

23       (c) In the event it is determined, after a written  
24 objection is filed and hearing is held in accordance with  
25 Section 9 of this Act, that less than 30% of the laborers,  
26 workers, or mechanics in a particular trade or occupation in

1 the locality where the work is performed receive a collectively  
2 bargained rate of wage, then the average wage paid to such  
3 laborers, workers, or mechanics in the same trade or occupation  
4 in the locality for the 12-month period preceding the  
5 Department of Labor's annual determination shall be the  
6 prevailing rate of wage.

7 (d) ~~(a)~~ The public body awarding any contract for public  
8 work or otherwise undertaking any public works, shall ascertain  
9 the general prevailing rate of hourly wages in the locality in  
10 which the work is to be performed, for each craft or type of  
11 worker or mechanic needed to execute the contract, and where  
12 the public body performs the work without letting a contract  
13 therefor, shall ascertain the prevailing rate of wages on a per  
14 hour basis in the locality, and such public body shall specify  
15 in the resolution or ordinance and in the call for bids for the  
16 contract, or where the public body performs the work without  
17 letting the contract in a written instrument provided to the  
18 contractor, that the general prevailing rate of wages in the  
19 locality for each craft or type of worker or mechanic needed to  
20 execute the contract or perform such work, also the general  
21 prevailing rate for legal holiday and overtime work, as  
22 ascertained by the ~~public body or by the~~ Department of Labor  
23 shall be paid for each craft or type of worker needed to  
24 execute the contract or to perform such work, and it shall be  
25 mandatory upon the contractor to whom the contract is awarded  
26 and upon any subcontractor under him, and where the public body



1 performs the work, upon the public body, to pay not less than  
2 the specified rates to all laborers, workers and mechanics  
3 employed by them in the execution of the contract or such work.  
4 Compliance with this Act is a matter of statewide concern, and  
5 a public body may not opt out of any provisions herein.  
6 ~~provided, however, that if the public body desires that the~~  
7 ~~Department of Labor ascertain the prevailing rate of wages, it~~  
8 ~~shall notify the Department of Labor to ascertain the general~~  
9 ~~prevailing rate of hourly wages for work under contract, or for~~  
10 ~~work performed by a public body without letting a contract as~~  
11 ~~required in the locality in which the work is to be performed,~~  
12 ~~for each craft or type of worker or mechanic needed to execute~~  
13 ~~the contract or project or work to be performed. Upon such~~  
14 ~~notification the Department of Labor shall ascertain such~~  
15 ~~general prevailing rate of wages, and certify the prevailing~~  
16 ~~wage to such public body.~~

17 (e) ~~(a-1)~~ The public body or other entity awarding the  
18 contract shall cause to be inserted in the project  
19 specifications and the contract a stipulation to the effect  
20 that not less than the prevailing rate of wages as found by the  
21 ~~public body or~~ Department of Labor or determined by the court  
22 on review shall be paid to all laborers, workers and mechanics  
23 performing work under the contract.

24 (f) ~~(a-2)~~ When a public body or other entity covered by  
25 this Act has awarded work to a contractor without a public bid,  
26 contract or project specification, such public body or other

1 entity shall comply with subsection (e) ~~(a-1)~~ by providing the  
2 contractor with written notice on the purchase order related to  
3 the work to be done or on a separate document indicating that  
4 not less than the prevailing rate of wages ascertained ~~as found~~  
5 ~~by the public body or~~ Department of Labor or determined by the  
6 court on review shall be paid to all laborers, workers, and  
7 mechanics performing work on the project.

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

1        (h) ~~(b)~~ It shall also be mandatory upon the contractor to  
2        whom the contract is awarded to insert into each subcontract  
3        and into the project specifications for each subcontract a  
4        written stipulation to the effect that not less than the  
5        prevailing rate of wages shall be paid to all laborers,  
6        workers, and mechanics performing work under the contract. It  
7        shall also be mandatory upon each subcontractor to cause to be  
8        inserted into each lower tiered subcontract and into the  
9        project specifications for each lower tiered subcontract a  
10       stipulation to the effect that not less than the prevailing  
11       rate of wages shall be paid to all laborers, workers, and  
12       mechanics performing work under the contract. A contractor or  
13       subcontractor who fails to comply with this subsection ~~(b)~~ is  
14       in violation of this Act.

15       (i) ~~(b-1)~~ When a contractor has awarded work to a  
16       subcontractor without a contract or contract specification,  
17       the contractor shall comply with subsection (h) ~~(b)~~ by  
18       providing a subcontractor with a written statement indicating  
19       that not less than the prevailing rate of wages shall be paid  
20       to all laborers, workers, and mechanics performing work on the  
21       project. A contractor or subcontractor who fails to comply with  
22       this subsection ~~(b-1)~~ is in violation of this Act.

23       (j) ~~(b-2)~~ Where a complaint is made and the Department of  
24       Labor determines that a violation has occurred, the Department  
25       of Labor shall determine if proper written notice under this  
26       Section 4 was given. If proper written notice was not provided

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

1        (k) ~~(e)~~ A public body or other entity shall also require in  
2 all contractor's and subcontractor's bonds that the contractor  
3 or subcontractor include such provision as will guarantee the  
4 faithful performance of such prevailing wage clause as provided  
5 by contract or other written instrument. All bid specifications  
6 shall list the specified rates to all laborers, workers and  
7 mechanics in the locality for each craft or type of worker or  
8 mechanic needed to execute the contract.

9        (l) ~~(d)~~ If the Department of Labor revises the prevailing  
10 rate of hourly wages to be paid by the public body or other  
11 entity, the revised rate shall apply to such contract, and the  
12 public body or other entity shall be responsible to notify the  
13 contractor and each subcontractor, of the revised rate.

14        The public body or other entity shall discharge its duty to  
15 notify of the revised rates by inserting a written stipulation  
16 in all contracts or other written instruments that states the  
17 prevailing rate of wages are revised by the Department of Labor  
18 and are available on the Department's official website. This  
19 shall be deemed to be proper notification of any rate changes  
20 under this subsection.

21        (m) ~~(e)~~ Two or more investigatory hearings under this  
22 Section on the issue of establishing a new prevailing wage  
23 classification for a particular craft or type of worker shall  
24 be consolidated in a single hearing before the Department. ~~Such~~  
25 ~~consolidation shall occur whether each separate investigatory~~  
26 ~~hearing is conducted by a public body or the Department.~~ The

1 party requesting a consolidated investigatory hearing shall  
2 have the burden of establishing that there is no existing  
3 prevailing wage classification for the particular craft or type  
4 of worker in any of the localities under consideration.

5 (n) ~~(f)~~ It shall be mandatory upon the contractor or  
6 construction manager to whom a contract for public works is  
7 awarded to post, at a location on the project site of the  
8 public works that is easily accessible to the workers engaged  
9 on the project, the prevailing wage rates for each craft or  
10 type of worker or mechanic needed to execute the contract or  
11 project or work to be performed. In lieu of posting on the  
12 project site of the public works, a contractor which has a  
13 business location where laborers, workers, and mechanics  
14 regularly visit may: (1) post in a conspicuous location at that  
15 business the current prevailing wage rates for each county in  
16 which the contractor is performing work; or (2) provide such  
17 laborer, worker, or mechanic engaged on the public works  
18 project a written notice indicating the prevailing wage rates  
19 for the public works project. A failure to post or provide a  
20 prevailing wage rate as required by this Section is a violation  
21 of this Act.

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

23 (820 ILCS 130/5) (from Ch. 48, par. 39s-5)

24 Sec. 5. Certified payroll.

25 (a) Any contractor and each subcontractor who participates

1 in public works shall:

2 (1) make and keep, for a period of not less than 3  
3 years from the date of the last payment made before January  
4 1, 2014 (the effective date of Public Act 98-328) and for a  
5 period of 5 years from the date of the last payment made on  
6 or after January 1, 2014 (the effective date of Public Act  
7 98-328) on a contract or subcontract for public works,  
8 records of all laborers, mechanics, and other workers  
9 employed by them on the project; the records shall include  
10 (i) the worker's name, (ii) the worker's address, (iii) the  
11 worker's telephone number when available, (iv) the last 4  
12 digits of the worker's social security number, (v) the  
13 worker's gender, (vi) the worker's race, (vii) the worker's  
14 ethnicity, (viii) veteran status, (ix) the worker's  
15 classification or classifications, (x) ~~(vi)~~ the worker's  
16 gross and net wages paid in each pay period, (xi) ~~(vii)~~ the  
17 worker's number of hours worked each day, (xii) ~~(viii)~~ the  
18 worker's starting and ending times of work each day, (xiii)  
19 ~~(ix)~~ the worker's hourly wage rate, (xiv) ~~(x)~~ the worker's  
20 hourly overtime wage rate, (xv) ~~(xi)~~ the worker's hourly  
21 fringe benefit rates, (xvi) ~~(xii)~~ the name and address of  
22 each fringe benefit fund, (xvii) ~~(xiii)~~ the plan sponsor of  
23 each fringe benefit, if applicable, and (xviii) ~~(xiv)~~ the  
24 plan administrator of each fringe benefit, if applicable;  
25 and

26 (2) no later than the 15th day of each calendar month

1 file a certified payroll for the immediately preceding  
2 month with the public body in charge of the project until  
3 the Department of Labor activates the database created  
4 under Section 5.1 at which time certified payroll shall  
5 only be submitted to that database, except for projects  
6 done by State agencies that opt to have contractors submit  
7 certified payrolls directly to that State agency. A State  
8 agency that opts to directly receive certified payrolls  
9 must submit the required information in a specified  
10 electronic format to the Department of Labor no later than  
11 10 days after the certified payroll was filed with the  
12 State agency. A certified payroll must be filed for only  
13 those calendar months during which construction on a public  
14 works project has occurred. The certified payroll shall  
15 consist of a complete copy of the records identified in  
16 paragraph (1) of this subsection (a), but may exclude the  
17 starting and ending times of work each day. The certified  
18 payroll shall be accompanied by a statement signed by the  
19 contractor or subcontractor or an officer, employee, or  
20 agent of the contractor or subcontractor which avers that:  
21 (i) he or she has examined the certified payroll records  
22 required to be submitted by the Act and such records are  
23 true and accurate; (ii) the hourly rate paid to each worker  
24 is not less than the general prevailing rate of hourly  
25 wages required by this Act; and (iii) the contractor or  
26 subcontractor is aware that filing a certified payroll that



1 he or she knows to be false is a Class A misdemeanor. A  
2 general contractor is not prohibited from relying on the  
3 certification of a lower tier subcontractor, provided the  
4 general contractor does not knowingly rely upon a  
5 subcontractor's false certification. Any contractor or  
6 subcontractor subject to this Act and any officer,  
7 employee, or agent of such contractor or subcontractor  
8 whose duty as such officer, employee, or agent it is to  
9 file such certified payroll who willfully fails to file  
10 such a certified payroll on or before the date such  
11 certified payroll is required by this paragraph to be filed  
12 and any person who willfully files a false certified  
13 payroll that is false as to any material fact is in  
14 violation of this Act and guilty of a Class A misdemeanor.  
15 The public body in charge of the project shall keep the  
16 records submitted in accordance with this paragraph (2) of  
17 subsection (a) before January 1, 2014 (the effective date  
18 of Public Act 98-328) for a period of not less than 3  
19 years, and the records submitted in accordance with this  
20 paragraph (2) of subsection (a) on or after January 1, 2014  
21 (the effective date of Public Act 98-328) for a period of 5  
22 years, from the date of the last payment for work on a  
23 contract or subcontract for public works or until the  
24 Department of Labor activates the database created under  
25 Section 5.1, whichever is less. After the activation of the  
26 database created under Section 5.1, the Department of Labor

1       rather than the public body in charge of the project shall  
2       keep the records and maintain the database. The records  
3       submitted in accordance with this paragraph (2) of  
4       subsection (a) shall be considered public records, except  
5       an employee's address, telephone number, ~~and~~ social  
6       security number, race, ethnicity, and gender, and made  
7       available in accordance with the Freedom of Information  
8       Act. The public body shall accept any reasonable  
9       submissions by the contractor that meet the requirements of  
10      this Section.

11      A contractor, subcontractor, or public body may retain  
12      records required under this Section in paper or electronic  
13      format.

14      (b) Upon 7 business days' notice, the contractor and each  
15      subcontractor shall make available for inspection and copying  
16      at a location within this State during reasonable hours, the  
17      records identified in paragraph (1) of subsection (a) of this  
18      Section to the public body in charge of the project, its  
19      officers and agents, the Director of Labor and his deputies and  
20      agents, and to federal, State, or local law enforcement  
21      agencies and prosecutors.

22      (c) A contractor or subcontractor who remits contributions  
23      to fringe benefit funds that are jointly maintained and jointly  
24      governed by one or more employers and one or more labor  
25      organizations in accordance with the federal Labor Management  
26      Relations Act shall make and keep certified payroll records

1 that include the information required under items (i) through  
2 (viii) of paragraph (1) of subsection (a) only. However, the  
3 information required under items (ix) through (xiv) of  
4 paragraph (1) of subsection (a) shall be required for any  
5 contractor or subcontractor who remits contributions to a  
6 fringe benefit fund that is not jointly maintained and jointly  
7 governed by one or more employers and one or more labor  
8 organizations in accordance with the federal Labor Management  
9 Relations Act.

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

12 (820 ILCS 130/5.1)

13 Sec. 5.1. Electronic database. The Subject ~~to~~  
14 ~~appropriation, the~~ Department shall develop and maintain an  
15 electronic database capable of accepting and retaining  
16 certified payrolls submitted under this Act no later than April  
17 1, 2020. The database shall accept certified payroll forms  
18 provided by the Department that are fillable and designed to  
19 accept electronic signatures.

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

21 (820 ILCS 130/7) (from Ch. 48, par. 39s-7)

22 Sec. 7. The finding of the ~~public body awarding the~~  
23 ~~contract or authorizing the work or the~~ Department of Labor  
24 ascertaining and declaring the general prevailing rate of

1 hourly wages shall be final for all purposes of the contract  
2 for public work then being considered, unless reviewed under  
3 the provisions of this Act. Nothing in this Act, however, shall  
4 be construed to prohibit the payment to any laborer, worker or  
5 mechanic employed on any public work, as aforesaid, of more  
6 than the prevailing rate of wages; provided further that  
7 nothing in this Act shall be construed to limit the hours of  
8 work which may be performed by any person in any particular  
9 period of time.

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

11 (820 ILCS 130/9) (from Ch. 48, par. 39s-9)

12 Sec. 9. To effectuate the purpose and policy of this Act  
13 ~~each public body shall, during the month of June of each~~  
14 ~~calendar year, investigate and ascertain the prevailing rate of~~  
15 ~~wages as defined in this Act and publicly post or keep~~  
16 ~~available for inspection by any interested party in the main~~  
17 ~~office of such public body its determination of such prevailing~~  
18 ~~rate of wage and shall promptly file, no later than July 15 of~~  
19 ~~each year, a certified copy thereof in the office of the~~  
20 ~~Illinois Department of Labor. The Department of Labor shall,~~  
21 during the month of June of each calendar year, investigate and  
22 ascertain the prevailing rate of wages for each county in the  
23 State and shall publish the prevailing wage schedule  
24 ascertained on its official website no later than July 15 of  
25 each year. If the prevailing rate of wages is based on a

1 collective bargaining agreement, any increases directly  
2 ascertainable from such collective bargaining agreement shall  
3 also be published on the website. Further, if the prevailing  
4 rate of wages is based on a collective bargaining agreement,  
5 the explanation of classes on the prevailing wage schedule  
6 shall be consistent with the classifications established under  
7 the collective bargaining agreement. ~~If a public body does not~~  
8 ~~investigate and ascertain the prevailing rate of wages during~~  
9 ~~the month of June as required by the previous paragraph, then~~  
10 ~~the prevailing rate of wages for that public body shall be the~~  
11 ~~rate as determined by the Department under this paragraph for~~  
12 ~~the county in which such public body is located. The Department~~  
13 ~~shall publish on its official website a prevailing wage~~  
14 ~~schedule for each county in the State, no later than August 15~~  
15 ~~of each year, based on the prevailing rate of wages~~  
16 ~~investigated and ascertained by the Department during the month~~  
17 ~~of June. Nothing prohibits the Department from publishing~~  
18 ~~prevailing wage rates more than once per year.~~

19 ~~Where the Department of Labor ascertains the prevailing~~  
20 ~~rate of wages, it is the duty of the Department of Labor within~~  
21 ~~30 days after receiving a notice from the public body~~  
22 ~~authorizing the proposed work, to conduct an investigation to~~  
23 ~~ascertain the prevailing rate of wages as defined in this Act~~  
24 ~~and such investigation shall be conducted in the locality in~~  
25 ~~which the work is to be performed. The Department of Labor~~  
26 ~~shall send a certified copy of its findings to the public body~~

1 ~~authorizing the work and keep a record of its findings~~  
2 ~~available for inspection by any interested party in the office~~  
3 ~~of the Department of Labor at Springfield.~~

4 ~~The public body except for the Department of Transportation~~  
5 ~~with respect to highway contracts shall within 30 days after~~  
6 ~~filing with the Department of Labor, or the Department of Labor~~  
7 ~~shall within 30 days after filing with such public body,~~  
8 ~~publish in a newspaper of general circulation within the area~~  
9 ~~that the determination is effective, a notice of its~~  
10 ~~determination and shall promptly mail a copy of its~~  
11 ~~determination to any employer, and to any association of~~  
12 ~~employers and to any person or association of employees who~~  
13 ~~have filed their names and addresses, requesting copies of any~~  
14 ~~determination stating the particular rates and the particular~~  
15 ~~class of workers whose wages will be affected by such rates. If~~  
16 ~~the Department of Labor ascertains the prevailing rate of wages~~  
17 ~~for a public body, the public body may satisfy the newspaper~~  
18 ~~publication requirement in this paragraph by posting on the~~  
19 ~~public body's website a notice of its determination with a~~  
20 ~~hyperlink to the prevailing wage schedule for that locality~~  
21 ~~that is published on the official website of the Department of~~  
22 ~~Labor.~~

23 At any time within 30 days after the Department of Labor  
24 has published on its official web site a prevailing wage  
25 schedule, any person affected thereby may object in writing to  
26 the determination or such part thereof as they may deem

1 objectionable by filing a written notice with the ~~public body~~  
2 ~~or~~ Department of Labor, ~~whichever has made such determination,~~  
3 stating the specified grounds of the objection. A person filing  
4 an objection alleging that the actual percentage of laborers,  
5 workers, or mechanics that receive a collectively bargained  
6 rate of wage is below the required 30% shall have the burden of  
7 establishing such and shall support the allegation with  
8 competent evidence. During the pendency of any objection and  
9 until final determination thereof, the work in question shall  
10 proceed under the rate established by the Department. It shall  
11 ~~thereafter~~ be the duty of the ~~public body or~~ Department of  
12 Labor to set a date for a hearing on the objection after giving  
13 written notice to the objectors at least 10 days before the  
14 date of the hearing and said notice shall state the time and  
15 place of such hearing. Such hearing by the Department of Labor  
16 ~~a public body~~ shall be held within 45 days after the objection  
17 is filed, and shall not be postponed or reset for a later date  
18 except upon the consent, in writing, of all the objectors and  
19 the Department of Labor. ~~public body. If such hearing is not~~  
20 ~~held by the public body within the time herein specified, the~~  
21 ~~Department of Labor may, upon request of the objectors, conduct~~  
22 ~~the hearing on behalf of the public body.~~

23 The ~~public body or~~ Department of Labor may, ~~whichever has~~  
24 ~~made such determination, is authorized in its discretion to~~  
25 hear each written objection filed separately or consolidate for  
26 hearing any one or more written objections filed ~~with them.~~ At

1 such hearing, the ~~public body or~~ Department of Labor shall  
2 introduce in evidence the investigation it instituted which  
3 formed the basis of its determination, and the ~~public body or~~  
4 Department of Labor, or any interested objectors may thereafter  
5 introduce such evidence as is material to the issue.  
6 Thereafter, the ~~public body or~~ Department of Labor, must rule  
7 upon the written objection and make such final determination as  
8 it believes the evidence warrants, ~~and promptly file a~~  
9 ~~certified copy of its final determination with such public~~  
10 ~~body,~~ and serve a copy by personal service, ~~or~~ registered mail, ~~or~~  
11 or electronic mail on all parties to the proceedings. The final  
12 determination by the Department of Labor ~~or a public body~~ shall  
13 be rendered within 30 days after the conclusion of the hearing.

14 If proceedings to review judicially the final  
15 determination of the ~~public body or~~ Department of Labor are not  
16 instituted as hereafter provided, such determination shall be  
17 final and binding.

18 The provisions of the Administrative Review Law, and all  
19 amendments and modifications thereof, and the rules adopted  
20 pursuant thereto, shall apply to and govern all proceedings for  
21 the judicial review of final administrative decisions of ~~any~~  
22 ~~public body or~~ the Department of Labor ~~hereunder~~. The term  
23 "administrative decision" is defined as in Section 3-101 of the  
24 Code of Civil Procedure.

25 Appeals from all final orders and judgments entered by the  
26 court in review of the final administrative decision of the



1 ~~public body or~~ Department of Labor, may be taken by any party  
2 to the action.

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

7 In all reviews or appeals under this Act, it shall be the  
8 duty of the Attorney General to represent the Department of  
9 Labor, and defend its determination. ~~The Attorney General shall~~  
10 ~~not represent any public body, except the State, in any such~~  
11 ~~review or appeal.~~

12 (Source: P.A. 100-2, eff. 6-16-17; 100-154, eff. 8-18-17;  
13 100-863, eff. 8-14-18.)

14 (820 ILCS 130/10) (from Ch. 48, par. 39s-10)

15 Sec. 10. The ~~presiding officer of the public body, or his~~  
16 ~~or her authorized representative and the~~ Director of the  
17 Department of Labor, or his or her authorized representative  
18 may interview workers, administer oaths, take or cause to be  
19 taken the depositions of witnesses, and require by subpoena the  
20 attendance and testimony of witnesses, and the production of  
21 all books, records, and other evidence relative to the matter  
22 under investigation or hearing. Such subpoena shall be signed  
23 and issued by ~~such presiding officer or his or her authorized~~  
24 ~~representative, or~~ the Director or his or her authorized  
25 representative.

1           Upon request by the Director of Labor or his or her  
2           deputies or agents, records shall be copied and submitted for  
3           evidence at no cost to the Department of Labor. Every employer  
4           upon request shall furnish to the Director or his or her  
5           authorized representative, on demand, a sworn statement of the  
6           accuracy of the records. Any employer who refuses to furnish a  
7           sworn statement of the records is in violation of this Act.

8           In case of failure of any person to comply with any  
9           subpoena lawfully issued under this Section ~~section~~ or on the  
10          refusal of any witness to produce evidence or to testify to any  
11          matter regarding which he or she may be lawfully interrogated,  
12          it is the duty of any circuit court, upon application of ~~such~~  
13          ~~presiding officer or his or her authorized representative, or~~  
14          the Director or his or her authorized representative, to compel  
15          obedience by proceedings for contempt, as in the case of  
16          disobedience of the requirements of a subpoena issued by such  
17          court or a refusal to testify therein. The ~~Such presiding~~  
18          ~~officer and the~~ Director may certify to official acts.

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

20                 (820 ILCS 130/8 rep.)

21                 Section 10. The Prevailing Wage Act is amended by repealing  
22                 Section 8."