



Sen. Kimberly A. Lightford

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1 AMENDMENT TO SENATE BILL 203

2 AMENDMENT NO. _____. Amend Senate Bill 203 by replacing
3 everything after the enacting clause with the following:

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

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

1 collected on certified payroll, of the individual's residence
2 during employment on public works. The report shall analyze the
3 extent to which, in each county in the State, public works
4 projects employed workers who resided in the county at the time
5 the project was performed. The report to the General Assembly
6 shall be filed with the Clerk of the House of Representatives
7 and the Secretary of the Senate in electronic form only, in the
8 manner that the clerk and Secretary shall direct.

9 (820 ILCS 130/3.2 new)

10 Sec. 3.2. Employment of females and minorities on public
11 works.

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

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

1 (c) The Department of Labor shall adopt rules to implement
2 this Section.

3 (820 ILCS 130/5) (from Ch. 48, par. 39s-5)
4 Sec. 5. Certified payroll.

5 (a) Any contractor and each subcontractor who participates
6 in public works shall:

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

1 fringe benefit rates, (xvi) ~~(xii)~~ the name and address of
2 each fringe benefit fund, (xvii) ~~(xiii)~~ the plan sponsor of
3 each fringe benefit, if applicable, and (xviii) ~~(xiv)~~ the
4 plan administrator of each fringe benefit, if applicable;
5 and

6 (2) no later than the 15th day of each calendar month
7 file a certified payroll for the immediately preceding
8 month with the public body in charge of the project until
9 the Department of Labor activates the database created
10 under Section 5.1 at which time certified payroll shall
11 only be submitted to that database, except for projects
12 done by State agencies that opt to have contractors submit
13 certified payrolls directly to that State agency. A State
14 agency that opts to directly receive certified payrolls
15 must submit the required information in a specified
16 electronic format to the Department of Labor no later than
17 10 days after the certified payroll was filed with the
18 State agency. A certified payroll must be filed for only
19 those calendar months during which construction on a public
20 works project has occurred. The certified payroll shall
21 consist of a complete copy of the records identified in
22 paragraph (1) of this subsection (a), but may exclude the
23 starting and ending times of work each day. The certified
24 payroll shall be accompanied by a statement signed by the
25 contractor or subcontractor or an officer, employee, or
26 agent of the contractor or subcontractor which avers that:

1 (i) he or she has examined the certified payroll records
2 required to be submitted by the Act and such records are
3 true and accurate; (ii) the hourly rate paid to each worker
4 is not less than the general prevailing rate of hourly
5 wages required by this Act; and (iii) the contractor or
6 subcontractor is aware that filing a certified payroll that
7 he or she knows to be false is a Class A misdemeanor. A
8 general contractor is not prohibited from relying on the
9 certification of a lower tier subcontractor, provided the
10 general contractor does not knowingly rely upon a
11 subcontractor's false certification. Any contractor or
12 subcontractor subject to this Act and any officer,
13 employee, or agent of such contractor or subcontractor
14 whose duty as such officer, employee, or agent it is to
15 file such certified payroll who willfully fails to file
16 such a certified payroll on or before the date such
17 certified payroll is required by this paragraph to be filed
18 and any person who willfully files a false certified
19 payroll that is false as to any material fact is in
20 violation of this Act and guilty of a Class A misdemeanor.
21 The public body in charge of the project shall keep the
22 records submitted in accordance with this paragraph (2) of
23 subsection (a) before January 1, 2014 (the effective date
24 of Public Act 98-328) for a period of not less than 3
25 years, and the records submitted in accordance with this
26 paragraph (2) of subsection (a) on or after January 1, 2014

1 (the effective date of Public Act 98-328) for a period of 5
2 years, from the date of the last payment for work on a
3 contract or subcontract for public works or until the
4 Department of Labor activates the database created under
5 Section 5.1, whichever is less. After the activation of the
6 database created under Section 5.1, the Department of Labor
7 rather than the public body in charge of the project shall
8 keep the records and maintain the database. The records
9 submitted in accordance with this paragraph (2) of
10 subsection (a) shall be considered public records, except
11 an employee's address, telephone number, ~~and~~ social
12 security number, race, ethnicity, and gender, and made
13 available in accordance with the Freedom of Information
14 Act. The public body shall accept any reasonable
15 submissions by the contractor that meet the requirements of
16 this Section.

17 A contractor, subcontractor, or public body may retain
18 records required under this Section in paper or electronic
19 format.

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

1 agencies and prosecutors.

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

16 (d) The Department of Labor shall adopt rules to implement
17 this Section.

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

20 (820 ILCS 130/5.1)

21 Sec. 5.1. Electronic database. The Subject ~~to~~
22 ~~appropriation, the~~ Department shall develop and maintain an
23 electronic database capable of accepting and retaining
24 certified payrolls submitted under this Act no later than April
25 1, 2019. The database shall accept certified payroll forms

1 provided by the Department that are fillable and designed to
2 accept electronic signatures. The Department of Labor shall
3 adopt rules to implement this Section.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".