

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  
5 changing Sections 2, 3, and 4 as follows:

6 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

7 Sec. 2. This Act applies to the wages of laborers,  
8 mechanics and other workers employed in any public works, as  
9 hereinafter defined, by any public body and to anyone under  
10 contracts for public works.

11 As used in this Act, unless the context indicates  
12 otherwise:

13 "Public works" means all fixed works constructed for  
14 public--use by any public body, other than work done directly  
15 by any public utility company, whether or not done under  
16 public supervision or direction, or paid for wholly or in  
17 part out of public funds. "Public works" as defined herein  
18 includes all projects financed in whole or in part with bonds  
19 issued under the Industrial Project Revenue Bond Act (Article  
20 11, Division 74 of the Illinois Municipal Code), the  
21 Industrial Building Revenue Bond Act, the Illinois  
22 Development Finance Authority Act, the Illinois Sports  
23 Facilities Authority Act, or the Build Illinois Bond Act, and  
24 all projects financed in whole or in part with loans or other  
25 funds made available pursuant to the Build Illinois Act.  
26 "Public works" also includes all projects financed in whole  
27 or in part with funds from the Fund for Illinois' Future  
28 under Section 6z-47 of the State Finance Act, funds for  
29 school construction under Section 5 of the General Obligation  
30 Bond Act, funds authorized under Section 3 of the School  
31 Construction Bond Act, funds for school infrastructure under

1 Section 6z-45 of the State Finance Act, and funds for  
2 transportation purposes under Section 4 of the General  
3 Obligation Bond Act.

4 "Construction" means all work on public works involving  
5 laborers, workers or mechanics.

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

20 "Public body" means the State or any officer, board or  
21 commission of the State or any political subdivision or  
22 department thereof, or any institution supported in whole or  
23 in part by public funds, ~~authorized--by-law-to-construct~~  
24 ~~public--works--or--to--enter--into--any--contract---for---the~~  
25 ~~construction--of--public--works,~~ and includes every county,  
26 city, town, village, township, school district, irrigation,  
27 utility, reclamation improvement or other district and every  
28 other political subdivision, district or municipality of the  
29 state whether such political subdivision, municipality or  
30 district operates under a special charter or not.

31 The terms "general prevailing rate of hourly wages",  
32 "general prevailing rate of wages" or "prevailing rate of  
33 wages" when used in this Act mean the hourly cash wages plus  
34 fringe benefits for training and apprenticeship programs

1 approved by the U.S. Department of Labor, Bureau of  
2 Apprenticeship and Training, health and welfare, insurance,  
3 vacations and pensions paid generally, in the locality in  
4 which the work is being performed, to employees engaged in  
5 work of a similar character on public works.

6 (Source: P.A. 91-105, eff. 1-1-00; 91-935, eff. 6-1-01;  
7 92-16, eff. 6-28-01.)

8 (820 ILCS 130/3) (from Ch. 48, par. 39s-3)

9 Sec. 3. Not less than the general prevailing rate of  
10 hourly wages for work of a similar character on public works  
11 in the locality in which the work is performed, and not less  
12 than the general prevailing rate of hourly wages for legal  
13 holiday and overtime work, shall be paid to all laborers,  
14 workers and mechanics employed by or on behalf of any public  
15 body engaged in the construction of public works. Only such  
16 laborers, workers and mechanics as are directly employed by  
17 contractors or subcontractors in actual construction work on  
18 the site of the building or construction job, and laborers,  
19 workers and mechanics engaged in the transportation of  
20 materials and equipment to or from the site, but not  
21 including the transportation by the sellers and suppliers or  
22 the manufacture or processing of materials or equipment, in  
23 the execution of any contract or contracts for public works  
24 with any public body shall be deemed to be employed upon  
25 public works. The wage for a tradesman performing maintenance  
26 is equivalent to that of a tradesman engaged in construction.

27 (Source: P.A. 83-443.)

28 (820 ILCS 130/4) (from Ch. 48, par. 39s-4)

29 Sec. 4. The public body awarding any contract for public  
30 work or otherwise undertaking any public works, shall  
31 ascertain the general prevailing rate of hourly wages in the  
32 locality in which the work is to be performed, for each craft

1 or type of worker or mechanic needed to execute the contract,  
2 and where the public body performs the work without letting a  
3 contract therefor, shall ascertain the prevailing rate of  
4 wages on a per hour basis in the locality, and such public  
5 body shall specify in the resolution or ordinance and in the  
6 call for bids for the contract, that the general prevailing  
7 rate of wages in the locality for each craft or type of  
8 worker or mechanic needed to execute the contract or perform  
9 such work, also the general prevailing rate for legal holiday  
10 and overtime work, as ascertained by the public body or by  
11 the Department of Labor shall be paid for each craft or type  
12 of worker needed to execute the contract or to perform such  
13 work, and it shall be mandatory upon the contractor to whom  
14 the contract is awarded and upon any subcontractor under him,  
15 and where the public body performs the work, upon the public  
16 body, to pay not less than the specified rates to all  
17 laborers, workers and mechanics employed by them in the  
18 execution of the contract or such work; provided, however,  
19 that if the public body desires that the Department of Labor  
20 ascertain the prevailing rate of wages, it shall notify the  
21 Department of Labor to ascertain the general prevailing rate  
22 of hourly wages for work under contract, or for work  
23 performed by a public body without letting a contract as  
24 required in the locality in which the work is to be  
25 performed, for each craft or type of worker or mechanic  
26 needed to execute the contract or project or work to be  
27 performed. Upon such notification the Department of Labor  
28 shall ascertain such general prevailing rate of wages, and  
29 certify the prevailing wage to such public body. The public  
30 body awarding the contract shall cause to be inserted in the  
31 contract a stipulation to the effect that not less than the  
32 prevailing rate of wages as found by the public body or  
33 Department of Labor or determined by the court on review  
34 shall be paid to all laborers, workers and mechanics

1 performing work under the contract. It shall also require in  
2 all such contractor's bonds that the contractor include such  
3 provision as will guarantee the faithful performance of such  
4 prevailing wage clause as provided by contract. All bid  
5 specifications shall list the specified rates to all  
6 laborers, workers and mechanics in the locality for each  
7 craft or type of worker or mechanic needed to execute the  
8 contract. If the Department of Labor revises the prevailing  
9 rate of hourly wages to be paid by the public body, the  
10 revised rate shall apply to such contract, and the public  
11 body shall be responsible to notify the contractor and each  
12 subcontractor, of the revised rate. Two or more investigatory  
13 hearings under this Section on the issue of establishing a  
14 new prevailing wage classification for a particular craft or  
15 type of worker shall be consolidated in a single hearing  
16 before the Department. Such consolidation shall occur  
17 whether each separate investigatory hearing is conducted by a  
18 public body or the Department. The party requesting a  
19 consolidated investigatory hearing shall have the burden of  
20 establishing that there is no existing prevailing wage  
21 classification for the particular craft or type of worker in  
22 any of the localities under consideration.

23 It shall be mandatory upon the contractor or construction  
24 manager to whom a contract for public works is awarded to  
25 post, at a location on the project site of the public works  
26 that is easily accessible to the workers engaged on the  
27 project, the prevailing wage rates for each craft or type of  
28 worker or mechanic needed to execute the contract or project  
29 or work to be performed. A failure to post a prevailing wage  
30 rate as required by this Section is a violation of this Act.

31 (Source: P.A. 92-783, eff. 8-6-02.)