**Section 100.22 Definitions**

"Accurate records" means the payroll records required to be filed with the public body in charge of the project as required by Section 5 of the Act. Accurate records shall also mean the hourly rate paid for fringe benefits, including pension, health and welfare, training and vacations, and a designation of whether such fringe benefits were paid into a fund or paid directly to the employee.

"Act" means the Prevailing Wage Act [820 ILCS 130].

"Construction manager" includes, but is not limited to, the contractor, subcontractor or anyone overseeing any project covered by the Act for purposes of the posting requirement.

"Contract" means an agreement either written or oral or otherwise as agreed to between the parties.

"Decision" means that the Department has determined that a violation has occurred that warrants the Director or the Director's designee to issue a notice of violation to a contractor or subcontractor. Each specific finding listed in the notice of violation is a separate "Decision" that the Act has been violated.

"Director" means the Director of the Illinois Department of Labor or, at the Director's discretion, the Director's designee, deputy or agent.

"Employee", for purposes of the Act and this Part, means laborers, mechanics and other workers employed in any public works, as defined and covered under the Act, by anyone under contracts for public works.

"Employer", for purposes of the Act and this Part, means contractors and/or subcontractors who perform public works projects subject to the Act.

"Notice of second violation" is a notice issued by the Department advising a contractor or subcontractor that a violation as defined in this Section has occurred within five years from the date of the notice of first violation.

"Notice of violation" means the formal written notice to a contractor or subcontractor that the Department has made a decision that the contractor or subcontractor has violated the Act.

"Prevailing hourly rate of wages" means the hourly cash wages plus fringe benefits for health and welfare, insurance, training, vacations and pensions paid most frequently (numerically most occurring), in the county in which the public works is performed, to employees engaged on public works, as determined by the public body awarding the contract or the most recent revision as determined by the Department of Labor effective prior to the date when the contract was let for bids or, if not let for bids, when executed; and all revisions by the Illinois Department of Labor when effected.

"Violation" means a written decision by the Department that a contractor or subcontractor has: failed or refused to pay the prevailing wage to one or more laborers, workers, or mechanics under a single contract or subcontract as required by Section 3 of the Act; failed to keep accurate records as required by the Act or this Part; failed to produce to the Department accurate records or records not in compliance with the provisions of Section 6 of the Act; refused to submit records to the Department in response to a subpoena issued in accordance with Section 10 of the Act; refused to comply with the certified payroll provision of Section 5 of the Act; refused the Department access, at any reasonable hour or at any location designated by the Department, to inspect the contractor's or subcontractor's certified records and other records as required by the Act or this Part; failed to insert into each subcontract or lower tiered subcontract and into the project specifications for each subcontract or lower tiered subcontract a written stipulation that not less than the prevailing rate of wages be paid as required by Section 4 of the Act; or the contractor failed to obtain a bond that guarantees the faithful performance of the prevailing wage clause in the contract. A violation also means a written decision by the Department that a contractor or construction manager failed to post at a location on the project site of the public works the prevailing wage rates as required by Section 4 of the Act.

(Source: Amended at 30 Ill. Reg. 16293, effective September 26, 2006)