

SB1856



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1856

Introduced 2/9/2017, by Sen. Tim Bivins

SYNOPSIS AS INTRODUCED:

820 ILCS 130/9

from Ch. 48, par. 39s-9

Amends the Prevailing Wage Act. Provides that if the Department of Labor ascertains the prevailing rate of wages for a public body, the public body may satisfy the Act's notice by newspaper publication and mail requirements by posting on the public body's website a hyperlink to the prevailing wage schedule that is published on the official website of the Department of Labor. Effective immediately.

LRB100 05683 KTG 15701 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Section 9 as follows:

6 (820 ILCS 130/9) (from Ch. 48, par. 39s-9)

7 Sec. 9. To effectuate the purpose and policy of this Act
8 each public body shall, during the month of June of each
9 calendar year, investigate and ascertain the prevailing rate of
10 wages as defined in this Act and publicly post or keep
11 available for inspection by any interested party in the main
12 office of such public body its determination of such prevailing
13 rate of wage and shall promptly file, no later than July 15 of
14 each year, a certified copy thereof in the office of the
15 Illinois Department of Labor.

16 The Department of Labor shall during the month of June of
17 each calendar year, investigate and ascertain the prevailing
18 rate of wages for each county in the State. If a public body
19 does not investigate and ascertain the prevailing rate of wages
20 during the month of June as required by the previous paragraph,
21 then the prevailing rate of wages for that public body shall be
22 the rate as determined by the Department under this paragraph
23 for the county in which such public body is located.

1 Where the Department of Labor ascertains the prevailing
2 rate of wages, it is the duty of the Department of Labor within
3 30 days after receiving a notice from the public body
4 authorizing the proposed work, to conduct an investigation to
5 ascertain the prevailing rate of wages as defined in this Act
6 and such investigation shall be conducted in the locality in
7 which the work is to be performed. The Department of Labor
8 shall send a certified copy of its findings to the public body
9 authorizing the work and keep a record of its findings
10 available for inspection by any interested party in the office
11 of the Department of Labor at Springfield.

12 The public body except for the Department of Transportation
13 with respect to highway contracts shall within 30 days after
14 filing with the Department of Labor, or the Department of Labor
15 shall within 30 days after filing with such public body,
16 publish in a newspaper of general circulation within the area
17 that the determination is effective, a notice of its
18 determination and shall promptly mail a copy of its
19 determination to any employer, and to any association of
20 employers and to any person or association of employees who
21 have filed their names and addresses, requesting copies of any
22 determination stating the particular rates and the particular
23 class of workers whose wages will be affected by such rates. If
24 the Department of Labor ascertains the prevailing rate of wages
25 for a public body, the public body may satisfy all requirements
26 in this paragraph by posting on the public body's website a

1 hyperlink to the prevailing wage schedule that is published on
2 the official website of the Department of Labor.

3 At any time within 30 days after the Department of Labor
4 has published on its official web site a prevailing wage
5 schedule, any person affected thereby may object in writing to
6 the determination or such part thereof as they may deem
7 objectionable by filing a written notice with the public body
8 or Department of Labor, whichever has made such determination,
9 stating the specified grounds of the objection. It shall
10 thereafter be the duty of the public body or Department of
11 Labor to set a date for a hearing on the objection after giving
12 written notice to the objectors at least 10 days before the
13 date of the hearing and said notice shall state the time and
14 place of such hearing. Such hearing by a public body shall be
15 held within 45 days after the objection is filed, and shall not
16 be postponed or reset for a later date except upon the consent,
17 in writing, of all the objectors and the public body. If such
18 hearing is not held by the public body within the time herein
19 specified, the Department of Labor may, upon request of the
20 objectors, conduct the hearing on behalf of the public body.

21 The public body or Department of Labor, whichever has made
22 such determination, is authorized in its discretion to hear
23 each written objection filed separately or consolidate for
24 hearing any one or more written objections filed with them. At
25 such hearing the public body or Department of Labor shall
26 introduce in evidence the investigation it instituted which

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

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

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

23 Appeals from all final orders and judgments entered by the
24 court in review of the final administrative decision of the
25 public body or Department of Labor, may be taken by any party
26 to the action.

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

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

10 (Source: P.A. 98-173, eff. 1-1-14.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.