



Sen. Tim Bivins

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10000SB1856sam001

LRB100 05683 JLS 23978 a

1 AMENDMENT TO SENATE BILL 1856

2 AMENDMENT NO. _____. Amend Senate Bill 1856 by replacing
3 everything after the enacting clause with the following:

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

1 each calendar year, investigate and ascertain the prevailing
2 rate of wages for each county in the State. If a public body
3 does not investigate and ascertain the prevailing rate of wages
4 during the month of June as required by the previous paragraph,
5 then the prevailing rate of wages for that public body shall be
6 the rate as determined by the Department under this paragraph
7 for the county in which such public body is located.

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

19 The public body except for the Department of Transportation
20 with respect to highway contracts shall within 30 days after
21 filing with the Department of Labor, or the Department of Labor
22 shall within 30 days after filing with such public body,
23 publish in a newspaper of general circulation within the area
24 that the determination is effective, a notice of its
25 determination and shall promptly mail a copy of its
26 determination to any employer, and to any association of

1 employers and to any person or association of employees who
2 have filed their names and addresses, requesting copies of any
3 determination stating the particular rates and the particular
4 class of workers whose wages will be affected by such rates. If
5 the Department of Labor ascertains the prevailing rate of wages
6 for a public body, the public body may satisfy the newspaper
7 publication requirement in this paragraph by posting on the
8 public body's website a notice of its determination with a
9 hyperlink to the prevailing wage schedule for that locality
10 that is published on the official website of the Department of
11 Labor.

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

1 hearing is not held by the public body within the time herein
2 specified, the Department of Labor may, upon request of the
3 objectors, conduct the hearing on behalf of the public body.

4 The public body or Department of Labor, whichever has made
5 such determination, is authorized in its discretion to hear
6 each written objection filed separately or consolidate for
7 hearing any one or more written objections filed with them. At
8 such hearing the public body or Department of Labor shall
9 introduce in evidence the investigation it instituted which
10 formed the basis of its determination, and the public body or
11 Department of Labor, or any interested objectors may thereafter
12 introduce such evidence as is material to the issue.
13 Thereafter, the public body or Department of Labor, must rule
14 upon the written objection and make such final determination as
15 it believes the evidence warrants, and promptly file a
16 certified copy of its final determination with such public
17 body, and serve a copy by personal service or registered mail
18 on all parties to the proceedings. The final determination by
19 the Department of Labor or a public body shall be rendered
20 within 30 days after the conclusion of the hearing.

21 If proceedings to review judicially the final
22 determination of the public body or Department of Labor are not
23 instituted as hereafter provided, such determination shall be
24 final and binding.

25 The provisions of the Administrative Review Law, and all
26 amendments and modifications thereof, and the rules adopted

1 pursuant thereto, shall apply to and govern all proceedings for
2 the judicial review of final administrative decisions of any
3 public body or the Department of Labor hereunder. The term
4 "administrative decision" is defined as in Section 3-101 of the
5 Code of Civil Procedure.

6 Appeals from all final orders and judgments entered by the
7 court in review of the final administrative decision of the
8 public body or Department of Labor, may be taken by any party
9 to the action.

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

14 In all reviews or appeals under this Act, it shall be the
15 duty of the Attorney General to represent the Department of
16 Labor, and defend its determination. The Attorney General shall
17 not represent any public body, except the State, in any such
18 review or appeal.

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."