

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 9 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 or
26 the Illinois FIRST program.

27 "Fixed works" means any change in real estate.

28 "Construction" means all work on public works involving
29 laborers, workers or mechanics.

30 "Locality" means the county where the physical work upon
31 public works is performed, except (1) that if there is not

1 available in the county a sufficient number of competent
2 skilled laborers, workers and mechanics to construct the
3 public works efficiently and properly, "locality" includes
4 any other county nearest the one in which the work or
5 construction is to be performed and from which such persons
6 may be obtained in sufficient numbers to perform the work and
7 (2) that, with respect to contracts for highway work with the
8 Department of Transportation of this State, "locality" may at
9 the discretion of the Secretary of the Department of
10 Transportation be construed to include two or more adjacent
11 counties from which workers may be accessible for work on
12 such construction.

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

24 The terms "general prevailing rate of hourly wages",
25 "general prevailing rate of wages" or "prevailing rate of
26 wages" when used in this Act mean the hourly cash wages plus
27 fringe benefits for training and apprenticeship programs
28 approved by the U.S. Department of Labor, Bureau of
29 Apprenticeship and Training, health and welfare, insurance,
30 vacations and pensions paid generally, in the locality in
31 which the work is being performed, to employees engaged in
32 work of a similar character on public works.

33 (Source: P.A. 91-105, eff. 1-1-00; 91-935, eff. 6-1-01;
34 92-16, eff. 6-28-01.)

1 (820 ILCS 130/3) (from Ch. 48, par. 39s-3)

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

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

21 (820 ILCS 130/9) (from Ch. 48, par. 39s-9)

22 Sec. 9. To effectuate the purpose and policy of this Act
23 each public body shall, during the month of June of each
24 calendar year, investigate and ascertain the prevailing rate
25 of wages as defined in this Act and publicly post or keep
26 available for inspection by any interested party in the main
27 office of such public body its determination of such
28 prevailing rate of wage and shall promptly file a certified
29 copy thereof in the office of the Secretary of State at
30 Springfield.

31 The Department of Labor shall during the month of June of
32 each calendar year, investigate and ascertain the prevailing
33 rate of wages for each county in the State. If a public body

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

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

18 The public body except for the Department of
19 Transportation with respect to highway contracts shall within
20 30 days after filing with the Secretary of State, or the
21 Department of Labor shall within 30 days after filing with
22 such public body, publish in a newspaper of general
23 circulation within the area that the determination is
24 effective, a notice of its determination and shall promptly
25 mail a copy of its determination to any employer, and to any
26 association of employers and to any person or association of
27 employees who have filed their names and addresses,
28 requesting copies of any determination stating the particular
29 rates and the particular class of workers whose wages will be
30 affected by such rates.

31 At any time within 15 days after a certified copy of the
32 determination has been published as herein provided, any
33 person affected thereby may object in writing to the
34 determination or such part thereof as they may deem

1 objectionable by filing a written notice with the public body
2 or Department of Labor, whichever has made such
3 determination, stating the specified grounds of the
4 objection. It shall thereafter be the duty of the public body
5 or Department of Labor to set a date for a hearing on the
6 objection after giving written notice to the objectors at
7 least 10 days before the date of the hearing and said notice
8 shall state the time and place of such hearing. Such hearing
9 by a public body shall be held within 20 days after the
10 objection is filed, and shall not be postponed or reset for a
11 later date except upon the consent, in writing, of all the
12 objectors and the public body. If such hearing is not held by
13 the public body within the time herein specified, the
14 Department of Labor may, upon request of the objectors,
15 conduct the hearing on behalf of the public body.

16 The public body or Department of Labor, whichever has
17 made such determination, is authorized in its discretion to
18 hear each written objection filed separately or consolidate
19 for hearing any one or more written objections filed with
20 them. At such hearing the public body or Department of Labor
21 shall introduce in evidence the investigation it instituted
22 which formed the basis of its determination, and the public
23 body or Department of Labor, or any interested objectors may
24 thereafter introduce such evidence as is material to the
25 issue. Thereafter, the public body or Department of Labor,
26 must rule upon the written objection and make such final
27 determination as it believes the evidence warrants, and
28 promptly file a certified copy of its final determination
29 with such public body and the Secretary of State, and serve a
30 copy by personal service or registered mail on all parties to
31 the proceedings. The final determination by a public body
32 shall be rendered within 10 days after the conclusion of the
33 hearing.

34 If proceedings to review judicially the final

1 determination of the public body or Department of Labor are
2 not instituted as hereafter provided, such determination
3 shall be final and binding.

4 The provisions of the Administrative Review Law, and all
5 amendments and modifications thereof, and the rules adopted
6 pursuant thereto, shall apply to and govern all proceedings
7 for the judicial review of final administrative decisions of
8 any public body or the Department of Labor hereunder. The
9 term "administrative decision" is defined as in Section 3-101
10 of the Code of Civil Procedure.

11 Appeals from all final orders and judgments entered by
12 the court in review of the final administrative decision of
13 the public body or Department of Labor, may be taken by any
14 party to the action.

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

19 In all reviews or appeals under this Act, it shall be the
20 duty of the Attorney General to represent the Department of
21 Labor, and defend its determination. The Attorney General
22 shall not represent any public body, except the State, in any
23 such review or appeal.

24 Contractors and subcontractors covered by this Act shall
25 post, at a location on the project site of the public works
26 that is easily accessible to their employees 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. 83-201.)