

1 AN ACT concerning prevailing wages.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Procurement Code is amended by
5 changing Section 25-60 as follows:

6 (30 ILCS 500/25-60)

7 Sec. 25-60. Prevailing wage requirements.

8 (a) All services furnished under service contracts of
9 \$2,000 or more or \$200 or more per month and under printing
10 contracts shall be subject to the following prevailing wage
11 requirements:

12 (1) Not less than the general prevailing wage rate
13 of hourly wages for work of a similar character in the
14 locality in which the work is produced shall be paid by
15 the successful vendor to its employees who perform the
16 work on the State contracts. The bidder or offeror, in
17 order to be considered to be a responsible bidder or
18 offeror for the purposes of this Code, shall certify to
19 the purchasing agency that wages to be paid to its
20 employees are no less, and fringe benefits and working
21 conditions of employees are not less favorable, than
22 those prevailing in the locality where the contract is to
23 be performed. Prevailing wages and working conditions
24 shall be determined by the Director of the Illinois
25 Department of Labor.

26 (2) Whenever a collective bargaining agreement is
27 in effect between an employer, other than a governmental
28 body, and service or printing employees as defined in
29 this Section who are represented by a responsible
30 organization that is in no way influenced or controlled
31 by the management, that agreement and its provisions

1 shall be considered as conditions prevalent in that
2 locality and shall be the minimum requirements taken into
3 consideration by the Director of Labor.

4 (3) Collective bargaining agreements between State
5 employees and the State of Illinois shall not be taken
6 into account by the Department of Labor in determining
7 the prevailing wage rate.

8 (b) As used in this Section, "services" means janitorial
9 cleaning services, window cleaning services, food services,
10 and security services. "Printing" means and includes all
11 processes and operations involved in printing, including but
12 not limited to letterpress, offset, and gravure processes,
13 the multilith method, photographic or other duplicating
14 process, the operations of composition, platemaking,
15 presswork, and binding, and the end products of those
16 processes, methods, and operations. As used in this Code
17 "printing" does not include photocopiers used in the course
18 of normal business activities, photographic equipment used
19 for geographic mapping, or printed matter that is commonly
20 available to the general public from contractor inventory.

21 (c) The terms "general prevailing rate of hourly wages",
22 "general prevailing rate of wages", or "prevailing rate of
23 wages" when used in this Section shall have the meanings
24 ascribed to those terms in Section 2 of the Prevailing Wage
25 Act (820 ILCS 130/2). ~~mean-the-hourly-cash-wages-plus-fringe~~
26 ~~benefits-for-health-and-welfare,--insurance,--vacations,--and~~
27 ~~pensions-paid-generally,--in-the-locality-in-which-the-work-is~~
28 ~~being--performed,--to--employees-engaged-in-work-of-a-similar~~
29 ~~eharaeter.~~

30 (d) "Locality" shall have the meaning established by
31 rule.

32 (e) This Section does not apply to services furnished
33 under contracts for professional or artistic services.

34 (f) This Section does not apply to vocational programs

1 of training for physically or mentally handicapped persons or
2 to sheltered workshops for the severely disabled.

3 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

4 Section 10. The Prevailing Wage Act is amended by adding
5 Section 10.5 as follows:

6 (820 ILCS 130/10.5 new)

7 Sec. 10.5. Discharge or discipline of "whistle blowers"
8 prohibited.

9 (a) No person shall discharge, discipline, in any other
10 way discriminate against, or cause to be discharged,
11 disciplined, or discriminated against any employee or any
12 authorized representative of employees by reason of the fact
13 that the employee or representative (i) has filed,
14 instituted, or caused to be filed or instituted any
15 proceeding under this Act, (ii) has testified or is about to
16 testify in any proceeding resulting from the administration
17 or enforcement of this Act, or (iii) offers any evidence of
18 any violation of this Act.

19 (b) Any employee or a representative of employees who
20 believes that he or she has been discharged, disciplined, or
21 otherwise discriminated against by any person in violation of
22 subsection (a) may, within 30 days after the alleged
23 violation occurs, apply to the Director of Labor for a review
24 of the discharge, discipline, or alleged discrimination. A
25 copy of the application shall be sent to the person who
26 allegedly committed the violation, who shall be the
27 respondent. Upon receipt of an application, the Director
28 shall cause an investigation to be made as he or she deems
29 appropriate. The investigation shall provide an opportunity
30 for a public hearing at the request of any party to the
31 review to enable the parties to present information relating
32 to the alleged violation. The parties shall be given written

1 notice of the time and place of the hearing at least 5 days
2 before the hearing. Upon receiving the report of the
3 investigation, the Director or his or her designee shall make
4 findings of fact. If the Director or his or her designee
5 finds that a violation did occur, he or she shall issue a
6 decision incorporating his or her findings and requiring the
7 party committing the violation to take such affirmative
8 action to abate the violation as the Director deems
9 appropriate, including, but not limited to, the rehiring or
10 reinstatement of the employee or representative of employees
11 to his or her former position and compensating him or her for
12 the time he or she was unemployed. If the Director finds that
13 there was no violation, he or she shall issue an order
14 denying the application. An order issued by the Director or
15 his or her designee under this Section shall be subject to
16 judicial review under the Administrative Review Law.

17 (c) The Director shall adopt rules implementing this
18 Section in accordance with the Illinois Administrative
19 Procedure Act.