

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 Sections 2, 3, 4, 6, 9, 11, and 11b 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 by any  
14 public body, other than work done directly by any public  
15 utility company, whether or not done under public supervision  
16 or direction, or paid for wholly or in part out of public  
17 funds. "Public works" as defined herein includes all projects  
18 financed in whole or in part with bonds issued under the  
19 Industrial Project Revenue Bond Act (Article 11, Division 74 of  
20 the Illinois Municipal Code), the Economic Development Area Tax  
21 Increment Allocation Act, the Industrial Building Revenue Bond  
22 Act, the Illinois Finance Authority Act, the Illinois Sports  
23 Facilities Authority Act, or the Build Illinois Bond Act, and

1 all projects financed in whole or in part with loans or other  
2 funds made available pursuant to the Build Illinois Act.  
3 "Public works" also includes all projects financed in whole or  
4 in part with funds from the Fund for Illinois' Future under  
5 Section 6z-47 of the State Finance Act, funds for school  
6 construction under Section 5 of the General Obligation Bond  
7 Act, funds authorized under Section 3 of the School  
8 Construction Bond Act, funds for school infrastructure under  
9 Section 6z-45 of the State Finance Act, and funds for  
10 transportation purposes under Section 4 of the General  
11 Obligation Bond Act. "Public works" also includes all projects  
12 financed in whole or in part with funds from the Department of  
13 Commerce and Economic Opportunity under the Illinois Renewable  
14 Fuels Development Program Act for which there is no project  
15 labor agreement. "Public works" also includes all projects at  
16 leased facility property used for airport purposes under  
17 Section 35 of the Local Government Facility Lease Act and all  
18 projects financed in whole or in part with loans or other funds  
19 made available pursuant to the Illinois Enterprise Zone Act.

20 "Construction" means all work on public works involving  
21 laborers, workers or mechanics.

22 "Locality" means the county where the physical work upon  
23 public works is performed, except (1) that if there is not  
24 available in the county a sufficient number of competent  
25 skilled laborers, workers and mechanics to construct the public  
26 works efficiently and properly, "locality" includes any other

1 county nearest the one in which the work or construction is to  
2 be performed and from which such persons may be obtained in  
3 sufficient numbers to perform the work and (2) that, with  
4 respect to contracts for highway work with the Department of  
5 Transportation of this State, "locality" may at the discretion  
6 of the Secretary of the Department of Transportation be  
7 construed to include two or more adjacent counties from which  
8 workers may be accessible for work on such construction.

9 "Public body" means the State or any officer, board or  
10 commission of the State or any political subdivision or  
11 department thereof, or any institution supported in whole or in  
12 part by public funds, and includes every county, city, town,  
13 village, township, school district, irrigation, utility,  
14 reclamation improvement or other district and every other  
15 political subdivision, district or municipality of the state  
16 whether such political subdivision, municipality or district  
17 operates under a special charter or not.

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

1           "Contractor" or "subcontractor" means any person or entity  
2           who undertakes to, offers to undertake to, purports to have the  
3           capacity to undertake to, submits a bid to, or does himself or  
4           herself or by or through others, engage in a public works.

5           (Source: P.A. 93-15, eff. 6-11-03; 93-16, eff. 1-1-04; 93-205,  
6           eff. 1-1-04; 94-750, eff. 5-9-06.)

7           (820 ILCS 130/3) (from Ch. 48, par. 39s-3)

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

1 a tradesman engaged in construction. All contractors and  
2 subcontractors required to pay the prevailing wage under this  
3 Act shall make payment of such wages in legal tender, without  
4 any deduction for food, sleeping accommodations,  
5 transportation, use of tools, or any other thing of any kind or  
6 description.

7 (Source: P.A. 93-15, eff. 6-11-03; 93-16, eff. 1-1-04.)

8 (820 ILCS 130/4) (from Ch. 48, par. 39s-4)

9 Sec. 4. (a) The public body awarding any contract for  
10 public works ~~work~~ or otherwise undertaking any public works,  
11 shall ascertain the general prevailing rate of hourly wages in  
12 the locality in which the work is to be performed, for each  
13 craft or type of worker or mechanic needed to execute the  
14 contract, and where the public body performs the work without  
15 letting a contract therefor, shall ascertain the prevailing  
16 rate of wages on a per hour basis in the locality. Such ~~, and~~  
17 ~~such~~ public body shall specify in the resolution or ordinance  
18 and in the call for bids for the contract, that the general  
19 prevailing rate of wages in the locality for each craft or type  
20 of worker or mechanic needed to execute the contract or perform  
21 such work, also the general prevailing rate for legal holiday  
22 and overtime work, as ascertained by the public body or by the  
23 Department of Labor shall be paid for each craft or type of  
24 worker needed to execute the contract or to perform such work.  
25 ~~, and it~~

1       (b) It shall be mandatory upon the contractor to whom the  
2 contract is awarded and upon any subcontractor under him, and  
3 where the public body performs the work, upon the public body,  
4 to pay not less than the specified rates to all laborers,  
5 workers and mechanics employed by them in the execution of the  
6 contract or such work; provided, however, that if the public  
7 body desires that the Department of Labor ascertain the  
8 prevailing rate of wages, it shall notify the Department of  
9 Labor to ascertain the general prevailing rate of hourly wages  
10 for work under contract, or for work performed by a public body  
11 without letting a contract as required in the locality in which  
12 the work is to be performed, for each craft or type of worker  
13 or mechanic needed to execute the contract or project or work  
14 to be performed. Upon such notification the Department of Labor  
15 shall ascertain such general prevailing rate of wages, and  
16 certify the prevailing wage to such public body.

17       (c) The public body awarding the contract shall cause to be  
18 inserted in the project specifications and the contract a  
19 stipulation to the effect that not less than the prevailing  
20 rate of wages as found by the public body or Department of  
21 Labor or determined by the court on review shall be paid to all  
22 laborers, workers and mechanics performing work under the  
23 contract.

24       (d) When a public body or other entity covered by this Act  
25 contracts for work with a contractor without a public bid or  
26 project specification, such public body or other entity shall

1 provide the contractor with a written notice that the  
2 prevailing wage is required to be paid on the project as a  
3 statement on the purchase order related to the work to be done  
4 or on a separate document.

5 (e) Where a complaint has been made and the Department has  
6 determined that a violation has occurred, the Department shall  
7 determine if proper written notice under this Section 4 was  
8 given. If proper written notice was not provided to the  
9 contractor by the public body, the Department shall order the  
10 public body to pay any back wages, interest, penalties or fines  
11 owed by the contractor to all laborers, mechanics and other  
12 workers who performed work on the project. For the purposes of  
13 this subsection back wages shall be limited to the difference  
14 between the actual amount paid and the prevailing wages  
15 required to be paid for the project. A contractor shall not be  
16 deemed in violation of this Act if proper written notice  
17 pursuant to this Section 4 is not provided. The failure to  
18 provide written notice by a public body or other entity does  
19 not diminish the right of a laborer, worker, or mechanic to the  
20 prevailing wage rate as determined under this Act.

21 (f) ~~(b)~~ It shall also be mandatory upon the contractor to  
22 whom the contract is awarded to insert into each subcontract  
23 and into the project specifications for each subcontract a  
24 written stipulation to the effect that not less than the  
25 prevailing rate of wages shall be paid to all laborers,  
26 workers, and mechanics performing work under the contract. It

1 shall also be mandatory upon each subcontractor to cause to be  
2 inserted into each lower tiered subcontract and into the  
3 project specifications for each lower tiered subcontract a  
4 stipulation to the effect that not less than the prevailing  
5 rate of wages shall be paid to all laborers, workers, and  
6 mechanics performing work under the contract. A contractor or  
7 subcontractor who fails to comply with this subsection (f) ~~(b)~~  
8 is in violation of this Act.

9 (g) When a contractor has awarded work to a subcontractor  
10 without a contract or without a contract specification, the  
11 contractor may comply with subsection (d) by providing a  
12 subcontractor a written statement indicating that no less than  
13 the prevailing wage rate shall be paid to all laborers,  
14 mechanics and other workers performing work on the project. A  
15 contractor or subcontractor who fails to comply with this  
16 subsection (g) is in violation of this Act.

17 (h) Where a complaint has been made and the Department has  
18 determined that a violation has occurred, the Department shall  
19 determine if proper written notice under this Section 4 was  
20 given. If proper written notice was not provided to the  
21 subcontractor by the contractor, the Department shall order the  
22 contractor to pay any back wages, interest, penalties or fines  
23 owed by the subcontractor to all laborers, mechanics and other  
24 workers who performed work on the project. For the purposes of  
25 this subsection back wages shall be limited to the difference  
26 between the actual amount paid and the prevailing wages



1 required for the project. A subcontractor shall not be deemed  
2 in violation of this Act if such written notice is not  
3 provided. However, if proper written notice was not provided to  
4 the contractor by the public body under subsections (a) or (b)  
5 of this Section 4, the Department shall order the public body  
6 to pay any back wages, interest, penalties or fines owed by the  
7 subcontractor to all laborers, mechanics and other workers who  
8 performed work on the project. The failure to provide written  
9 notice by a public body or contractor does not diminish the  
10 right of a laborer, worker, or mechanic to prevailing wage rate  
11 as determined under this Act.

12 (i) ~~(e)~~ It shall also require in all such contractor's  
13 bonds that the contractor include such provision as will  
14 guarantee the faithful performance of such prevailing wage  
15 clause as provided by contract. All bid specifications shall  
16 list the specified rates to all laborers, workers and mechanics  
17 in the locality for each craft or type of worker or mechanic  
18 needed to execute the contract.

19 (j) ~~(d)~~ If the Department of Labor revises the prevailing  
20 rate of hourly wages to be paid by the public body, the revised  
21 rate shall apply to such contract. The public body or the  
22 Department of Labor shall make the revised rate of hourly wages  
23 available to the contractor and each subcontractor and the  
24 publication of the revised rate on the Department of Labor's  
25 official website shall be deemed sufficient notice. The, ~~and~~  
26 the public body shall be responsible to notify the contractor

1 and each subcontractor shall notify its employees pursuant to  
2 this Act and pay the ~~of the~~ revised rate.

3 ~~(c) Two or more investigatory hearings under this Section~~  
4 ~~on the issue of establishing a new prevailing wage~~  
5 ~~classification for a particular craft or type of worker shall~~  
6 ~~be consolidated in a single hearing before the Department. Such~~  
7 ~~consolidation shall occur whether each separate investigatory~~  
8 ~~hearing is conducted by a public body or the Department. The~~  
9 ~~party requesting a consolidated investigatory hearing shall~~  
10 ~~have the burden of establishing that there is no existing~~  
11 ~~prevailing wage classification for the particular craft or type~~  
12 ~~of worker in any of the localities under consideration.~~

13 (k) It shall be mandatory upon the contractor or  
14 construction manager to whom a contract for public works is  
15 awarded to post, at a location on the project site of the  
16 public works that is easily accessible to the workers engaged  
17 on the project, the prevailing wage rates for each craft or  
18 type of worker or mechanic needed to execute the contract or  
19 project or work to be performed. In lieu of posting on the  
20 project site of the public works, a contractor which has a  
21 business location where laborers, workers and mechanics  
22 regularly visit may: (1) post in a conspicuous location at that  
23 business the current prevailing wage rates for each county the  
24 contractor is performing work; or (2) provide such laborer,  
25 worker or mechanic engaged on the public works project a  
26 written notice indicating the prevailing wage rates for the

1 public works project. A failure to post or provide a prevailing  
2 wage rate as required by this Section is a violation of this  
3 Act.

4 (1) Beginning July 1, 2009, every public body awarding any  
5 contract for a public works or otherwise undertaking any public  
6 works shall notify the Department of Labor in writing, on a  
7 form and in a format prescribed by the Department of Labor,  
8 whenever a contract subject to the provisions of this Act has  
9 been awarded. The notification mentioned herein shall be filed  
10 with the Department of Labor within 30 days after such contract  
11 is awarded or before commencement of the public works, and  
12 shall include a list of all first-tier subcontractors.

13 (Source: P.A. 92-783, eff. 8-6-02; 93-15, eff. 6-11-03; 93-16,  
14 eff. 1-1-04; 93-38, eff. 6-1-04; revised 10-29-04.)

15 (820 ILCS 130/6) (from Ch. 48, par. 39s-6)

16 Sec. 6. Any officer, agent or representative of any public  
17 body who wilfully violates, or omits to comply with, any of the  
18 provisions of this Act, and any contractor or subcontractor, or  
19 agent or representative thereof, doing public work as  
20 aforesaid, who wilfully violates, or omits to comply with, any  
21 of the provisions of this Act ~~neglects to keep, or cause to be~~  
22 ~~kept, an accurate record of the names, occupation and actual~~  
23 ~~wages paid to each laborer, worker and mechanic employed by~~  
24 ~~him, in connection with the public work or who refuses to allow~~  
25 ~~access to same at any reasonable hour to any person authorized~~

1 ~~to inspect same under this Act,~~ is guilty of a Class A  
2 misdemeanor.

3 The Department of Labor shall inquire diligently as to any  
4 violation of this Act, shall institute actions for penalties  
5 herein prescribed, and shall enforce generally the provisions  
6 of this Act. The Attorney General shall prosecute such cases  
7 upon complaint by the Department or any interested person.

8 (Source: P.A. 94-488, eff. 1-1-06.)

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

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

20 The Department of Labor shall during the month of June of  
21 each calendar year, investigate and ascertain the prevailing  
22 rate of wages for each county in the State. If a public body  
23 does not investigate and ascertain the prevailing rate of wages  
24 during the month of June as required by the previous paragraph,  
25 then the prevailing rate of wages for that public body shall be

1 the rate as determined by the Department under this paragraph  
2 for the county in which such public body is located.

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

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

26 At any time within 30 days after the Department of Labor

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

18 The public body or Department of Labor, whichever has made  
19 such determination, is authorized ~~in its discretion~~ to hear  
20 each timely filed written objection. Two or more hearings under  
21 this Section on the issue of establishing a new prevailing wage  
22 classification for a particular craft or type of worker shall  
23 be consolidated in a single hearing before the Department. Such  
24 consolidation shall occur whether each separate hearing is  
25 conducted by a public body or the Department. The party  
26 requesting a consolidated hearing shall have the burden of

1 establishing that there is no existing prevailing wage  
2 classification for the particular craft or type of worker in  
3 any of the localities under consideration ~~filed separately or~~  
4 ~~consolidate for hearing any one or more written objections~~  
5 ~~filed with them.~~ At any such hearing the public body or  
6 Department of Labor shall introduce in evidence the  
7 investigation it instituted which formed the basis of its  
8 determination, and the public body or Department of Labor, or  
9 any interested objectors may thereafter introduce such  
10 evidence as is material to the issue. Thereafter, the public  
11 body or Department of Labor, must rule upon the written  
12 objection and make such final determination as it believes the  
13 evidence warrants, and promptly file a certified copy of its  
14 final determination with such public body and the Secretary of  
15 State, and serve a copy by personal service or registered mail  
16 on all parties to the proceedings. The final determination by  
17 the Department of Labor or a public body shall be rendered  
18 within 30 days after the conclusion of the hearing.

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

23 The provisions of the Administrative Review Law, and all  
24 amendments and modifications thereof, and the rules adopted  
25 pursuant thereto, shall apply to and govern all proceedings for  
26 the judicial review of final administrative decisions of any

1 public body or the Department of Labor hereunder. The term  
2 "administrative decision" is defined as in Section 3-101 of the  
3 Code of Civil Procedure.

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

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

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

17 (Source: P.A. 93-38, eff. 6-1-04.)

18 (820 ILCS 130/11) (from Ch. 48, par. 39s-11)

19 Sec. 11. No public works project shall be instituted unless  
20 the provisions of this Act have been complied with. The  
21 provisions of this Act shall not be applicable to Federal  
22 construction projects which require a prevailing wage  
23 determination by the United States Secretary of Labor. The  
24 Illinois Department of Labor represented by the Attorney  
25 General is empowered to sue for injunctive relief against the



1 awarding of any contract or the continuation of work under any  
2 contract for public works at a time when the prevailing wage  
3 prerequisites have not been met. Any contract for public works  
4 awarded at a time when the prevailing wage prerequisites had  
5 not been met shall be void as against public policy and the  
6 contractor is prohibited from recovering any damages for the  
7 voiding of the contract or pursuant to the terms of the  
8 contract. The contractor is limited to a claim for amounts  
9 actually paid for labor and materials supplied to the public  
10 body. Where objections to a determination of the prevailing  
11 rate of wages or a court action relative thereto is pending,  
12 the public body shall not continue work on the project unless  
13 sufficient funds are available to pay increased wages if such  
14 are finally determined or unless the Department of Labor  
15 certifies such determination of the prevailing rate of wages as  
16 correct.

17 Any laborer, worker or mechanic employed by the contractor  
18 or by any sub-contractor under him who is paid for his services  
19 in a sum less than the stipulated rates for work done under  
20 such contract, shall have a right of action for whatever  
21 difference there may be between the amount so paid, and the  
22 prevailing rate of wages required to be paid on the public  
23 works project ~~rates provided by the contract~~ together with  
24 costs and such reasonable attorney's fees as shall be allowed  
25 by the court. Such contractor or subcontractor shall also be  
26 liable to the Department of Labor for 20% of such underpayments

1 and shall be additionally liable to the laborer, worker or  
2 mechanic for punitive damages in the amount of 2% of the amount  
3 of any such penalty to the State for underpayments for each  
4 month following the date of payment during which such  
5 underpayments remain unpaid. Where a second or subsequent  
6 action to recover underpayments is brought against a contractor  
7 or subcontractor and the contractor or subcontractor is found  
8 liable for underpayments to any laborer, worker, or mechanic,  
9 the contractor or subcontractor shall also be liable to the  
10 Department of Labor for 50% of the underpayments payable as a  
11 result of the second or subsequent action, and shall be  
12 additionally liable to the laborer, worker or mechanic for  
13 punitive damages in the amount of ~~for~~ 5% of the amount of any  
14 such penalty to the State for underpayments for each month  
15 following the date of payment during which the underpayments  
16 remain unpaid. The Department shall also have a right of action  
17 on behalf of any individual who has a right of action under  
18 this Section. An action brought to recover same shall be deemed  
19 to be a suit for wages, and any and all judgments entered  
20 therein shall have the same force and effect as other judgments  
21 for wages. At the request of any laborer, workman or mechanic  
22 employed by the contractor or by any subcontractor under him  
23 who is paid less than the prevailing wage rate required by this  
24 Act, the Department of Labor may take an assignment of such  
25 wage claim in trust for the assigning laborer, workman or  
26 mechanic and may bring any legal action necessary to collect

1 such claim, and the contractor or subcontractor shall be  
2 required to pay the costs incurred in collecting such claim.

3 (Source: P.A. 94-488, eff. 1-1-06.)

4 (820 ILCS 130/11b)

5 Sec. 11b. Discharge or discipline of "whistle blowers"  
6 prohibited.

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

16 (b) Any employee or a representative of employees who  
17 believes that he has been discharged, disciplined, or otherwise  
18 discriminated against by any person in violation of subsection  
19 (a) of this Section may, within 60 ~~30~~ days after the alleged  
20 violation occurs, apply to the Director of Labor for a review  
21 of the discharge, discipline, or alleged discrimination. A copy  
22 of the application shall be sent to the person who allegedly  
23 committed the violation, who shall be the respondent. Upon  
24 receipt of an application, the Director shall cause such  
25 investigation to be made as he or she deems appropriate. The

1 investigation shall provide an opportunity for a public hearing  
2 at the request of any party to the review to enable the parties  
3 to present information relating to the alleged violation. The  
4 parties shall be given written notice of the time and place of  
5 the hearing at least 30 ~~5~~ days before the hearing. Upon  
6 receiving the report of the investigation, the Director shall  
7 make findings of fact. If the Director finds that a violation  
8 did occur, he or she shall issue a decision incorporating his  
9 or her findings and requiring the party committing the  
10 violation to take such affirmative action to abate the  
11 violation as the Director deems appropriate, including, but not  
12 limited to, the rehiring or reinstatement of the employee or  
13 representative of employees to his or her former position and  
14 compensating him or her for the time he or she was unemployed.  
15 The party committing the violation shall also be liable to the  
16 Department of Labor for a penalty of \$5,000 for each violation  
17 of this Section. If the Director finds that there was no  
18 violation, he or she shall issue an order denying the  
19 application. An order issued by the Director under this Section  
20 shall be subject to judicial review under the Administrative  
21 Review Law.

22 (c) The Director shall adopt rules implementing this  
23 Section in accordance with the Illinois Administrative  
24 Procedure Act.

25 (Source: P.A. 94-488, eff. 1-1-06.)

1 (820 ILCS 130/11a rep.)

2 Section 10. The Prevailing Wage Act is amended by repealing

3 Section 11a.