

HB0163



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0163

Introduced 1/14/2009, by Rep. Michael W. Tryon

SYNOPSIS AS INTRODUCED:

820 ILCS 130/9

from Ch. 48, par. 39s-9

Amends the Prevailing Wage Act. Provides that the publication of a prevailing wage determination shall include a notice that the determination is effective and how or where the determination is available for inspection (instead of a notice of the determination).

LRB096 00918 RLC 10925 b

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 Secretary of State at Springfield and the office of the
16 Illinois Department of Labor.

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

1 for the county in which such public body is located.

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

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

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

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

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

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

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

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

26 Any proceeding in any court affecting a determination of

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

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

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