



Sen. Gary Forby

Filed: 3/18/2009

09600SB0219sam001

LRB096 04748 RLC 22554 a

1 AMENDMENT TO SENATE BILL 219

2 AMENDMENT NO. _____. Amend Senate Bill 219 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Prevailing Wage Act is amended by changing
5 Section 4 as follows:

6 (820 ILCS 130/4) (from Ch. 48, par. 39s-4)

7 Sec. 4. (a) The public body awarding any contract for
8 public work or otherwise undertaking any public works, shall
9 ascertain the general prevailing rate of hourly wages in the
10 locality in which the work is to be performed, for each craft
11 or type of worker or mechanic needed to execute the contract,
12 and where the public body performs the work without letting a
13 contract therefor, shall ascertain the prevailing rate of wages
14 on a per hour basis in the locality, and such public body shall
15 specify in the resolution or ordinance and in the call for bids
16 for the contract, that the general prevailing rate of wages in

1 the locality for each craft or type of worker or mechanic
2 needed to execute the contract or perform such work, also the
3 general prevailing rate for legal holiday and overtime work, as
4 ascertained by the public body or by the Department of Labor
5 shall be paid for each craft or type of worker needed to
6 execute the contract or to perform such work, and it shall be
7 mandatory upon the contractor to whom the contract is awarded
8 and upon any subcontractor under him, and where the public body
9 performs the work, upon the public body, to pay not less than
10 the specified rates to all laborers, workers and mechanics
11 employed by them in the execution of the contract or such work;
12 provided, however, that if the public body desires that the
13 Department of Labor ascertain the prevailing rate of wages, it
14 shall notify the Department of Labor to ascertain the general
15 prevailing rate of hourly wages for work under contract, or for
16 work performed by a public body without letting a contract as
17 required in the locality in which the work is to be performed,
18 for each craft or type of worker or mechanic needed to execute
19 the contract or project or work to be performed. Upon such
20 notification the Department of Labor shall ascertain such
21 general prevailing rate of wages, and certify the prevailing
22 wage to such public body. The public body awarding the contract
23 shall cause to be inserted in the project specifications and
24 the contract a stipulation to the effect that not less than the
25 prevailing rate of wages as found by the public body or
26 Department of Labor or determined by the court on review shall

1 be paid to all laborers, workers and mechanics performing work
2 under the contract.

3 (b) It shall also be mandatory upon the contractor to whom
4 the contract is awarded to insert into each subcontract and
5 into the project specifications for each subcontract a written
6 stipulation to the effect that not less than the prevailing
7 rate of wages shall be paid to all laborers, workers, and
8 mechanics performing work under the contract. It shall also be
9 mandatory upon each subcontractor to cause to be inserted into
10 each lower tiered subcontract and into the project
11 specifications for each lower tiered subcontract a stipulation
12 to the effect that not less than the prevailing rate of wages
13 shall be paid to all laborers, workers, and mechanics
14 performing work under the contract. A contractor or
15 subcontractor who fails to comply with this subsection (b) is
16 in violation of this Act.

17 (c) It shall also require in all such contractor's bonds
18 that the contractor include such provision as will guarantee
19 the faithful performance of such prevailing wage clause as
20 provided by contract. All bid specifications shall list the
21 specified rates to all laborers, workers and mechanics in the
22 locality for each craft or type of worker or mechanic needed to
23 execute the contract.

24 (d) If the Department of Labor revises the prevailing rate
25 of hourly wages to be paid by the public body, the revised rate
26 shall apply to such contract, and the public body shall be

1 responsible to notify the contractor and each subcontractor, of
2 the revised rate.

3 (e) 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 (f) 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. A failure to post a prevailing
20 wage rate as required by this Section is a violation of this
21 Act.

22 (g) The Department of Labor shall establish the prevailing
23 wage classification of electric power line clearance tree
24 trimmer.

25 (Source: P.A. 95-331, eff. 8-21-07.)"