

**SB0322**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**SB0322**

Introduced 2/6/2009, by Sen. Heather Steans

**SYNOPSIS AS INTRODUCED:**

820 ILCS 130/4

from Ch. 48, par. 39s-4

Amends the Prevailing Wage Act. In provisions making it a public body's responsibility to notify contractors and subcontractors of a revised prevailing wage rate, provides that the publication of an ordinance or resolution passed by the public body that states the ascertained prevailing wage is sufficient notification to the contractor and each subcontractor.

LRB096 03829 WGH 13861 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 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  
17 the locality for each craft or type of worker or mechanic  
18 needed to execute the contract or perform such work, also the  
19 general prevailing rate for legal holiday and overtime work, as  
20 ascertained by the public body or by the Department of Labor  
21 shall be paid for each craft or type of worker needed to  
22 execute the contract or to perform such work, and it shall be  
23 mandatory upon the contractor to whom the contract is awarded

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

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

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

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

17 (d) If the Department of Labor revises the prevailing rate  
18 of hourly wages to be paid by the public body, the revised rate  
19 shall apply to such contract, and the public body shall be  
20 responsible to notify the contractor and each subcontractor, of  
21 the revised rate. The publication of an ordinance or resolution  
22 passed by the public body that states the ascertained  
23 prevailing wage is sufficient notification to the contractor  
24 and each subcontractor under this subsection (d).

25 (e) Two or more investigatory hearings under this Section  
26 on the issue of establishing a new prevailing wage

1 classification for a particular craft or type of worker shall  
2 be consolidated in a single hearing before the Department. Such  
3 consolidation shall occur whether each separate investigatory  
4 hearing is conducted by a public body or the Department. The  
5 party requesting a consolidated investigatory hearing shall  
6 have the burden of establishing that there is no existing  
7 prevailing wage classification for the particular craft or type  
8 of worker in any of the localities under consideration.

9 (f) It shall be mandatory upon the contractor or  
10 construction manager to whom a contract for public works is  
11 awarded to post, at a location on the project site of the  
12 public works that is easily accessible to the workers engaged  
13 on the project, the prevailing wage rates for each craft or  
14 type of worker or mechanic needed to execute the contract or  
15 project or work to be performed. A failure to post a prevailing  
16 wage rate as required by this Section is a violation of this  
17 Act.

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