



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1423

Introduced 2/11/2009, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

820 ILCS 130/2
820 ILCS 130/3

from Ch. 48, par. 39s-2
from Ch. 48, par. 39s-3

Amends the Prevailing Wage Act. Provides that laborers, workers, and mechanics directly employed by contractors or subcontractors in actual construction work on the site of the building or construction job shall be deemed to be employed upon public works. Provides for coverage of "the transportation of aggregate and excavated materials and equipment operated to haul to or from the site". Provides that to determine the prevailing wage rate for a laborer, worker, or mechanic engaged in the transportation of aggregate or excavated materials or the operation of equipment to haul aggregate or excavated materials to or from the site of the building or construction job, the Department of Labor shall take into consideration the applicable prevailing wage rate and the Illinois Department of Transportation's current method of establishing equipment rates. Provides that the transportation by the sellers and suppliers or the manufacture or processing of non-aggregate materials or equipment in the execution of any contract or contracts for public works with any public body shall not be deemed to be employment upon public works.

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FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning labor.

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 and 3 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. This includes any maintenance,
11 repair, assembly, or disassembly work performed on equipment
12 whether owned, leased, or rented.

13 As used in this Act, unless the context indicates
14 otherwise:

15 "Public works" means all fixed works constructed by any
16 public body, other than work done directly by any public
17 utility company, whether or not done under public supervision
18 or direction, or paid for wholly or in part out of public
19 funds. "Public works" as defined herein includes all projects
20 financed in whole or in part with bonds issued under the
21 Industrial Project Revenue Bond Act (Article 11, Division 74 of
22 the Illinois Municipal Code), the Industrial Building Revenue
23 Bond Act, the Illinois Finance Authority Act, the Illinois

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

19 "Construction" means all work on public works involving
20 laborers, workers or mechanics. This includes any maintenance,
21 repair, assembly, or disassembly work performed on equipment
22 whether owned, leased, or rented.

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

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

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

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

1 similar character on public works.

2 "Aggregate materials" includes, but is not limited to,
3 rock, gravel, sand, pebbles, dirt, soil, clay, bitumen,
4 cultured/polymer, cement, concrete, asphalt, slag, grindings,
5 and recycled materials.

6 (Source: P.A. 94-750, eff. 5-9-06; 95-341, eff. 8-21-07.)

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. This includes any
15 maintenance, repair, assembly, or disassembly work performed
16 on equipment whether owned, leased, or rented. Laborers Only
17 ~~such laborers,~~ workers and mechanics ~~as are~~ directly employed
18 by contractors or subcontractors in actual construction work on
19 the site of the building or construction job shall be deemed to
20 be employed upon public works. The site of the building or
21 construction job shall also include a facility dedicated to the
22 performance of the contract or project and located in such
23 close proximity to the actual construction location that it
24 would be reasonable to include them. Laborers, and laborers,
25 workers and mechanics engaged in the transportation of

1 aggregate and excavated materials and equipment operated to
2 haul to or from the site, ~~but not including the transportation~~
3 ~~by the sellers and suppliers or the manufacture or processing~~
4 ~~of materials or equipment, in the execution of any contract or~~
5 ~~contracts for public works with any public body~~ shall also be
6 deemed to be employed upon public works.

7 To determine the prevailing wage rate for a laborer,
8 worker, or mechanic engaged in the transportation of aggregate
9 or excavated materials or the operation of equipment to haul
10 aggregate or excavated materials to or from the site of the
11 building or construction job, the Department of Labor shall
12 take into consideration the applicable prevailing wage rate and
13 the Illinois Department of Transportation's current method of
14 establishing equipment rates.

15 The transportation by the sellers and suppliers or the
16 manufacture or processing of non-aggregate materials or
17 equipment in the execution of any contract or contracts for
18 public works with any public body shall not be deemed to be
19 employment upon public works.

20 The wage for a tradesman performing maintenance is
21 equivalent to that of a tradesman engaged in construction.

22 (Source: P.A. 95-341, eff. 8-21-07.)