

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 5, 6, and 11a as follows:

6 (820 ILCS 130/5) (from Ch. 48, par. 39s-5)

7 Sec. 5. Certified payroll.

8 (a) ~~Any while participating on public works, the~~ contractor
9 and each subcontractor who participates in public works shall:

10 (1) make and keep, for a period of not less than 3
11 years from the date of the last payment on a contract or
12 subcontract for public works, records of all laborers,
13 mechanics, and other workers employed by them on the
14 project; the records shall include each worker's name,
15 address, telephone number when available, social security
16 number, classification or classifications, the hourly
17 wages paid in each pay period, the number of hours worked
18 each day, and the starting and ending times of work each
19 day; and

20 (2) no later than the tenth day after the end of each
21 calendar month file ~~submit monthly, in person, by mail, or~~
22 ~~electronically~~ a certified payroll for the immediately
23 preceding month with ~~to~~ the public body in charge of the

1 project. The certified payroll shall consist of a complete
2 copy of the records identified in paragraph (1) of this
3 subsection (a), but may exclude the starting and ending
4 times of work each day. The certified payroll shall be
5 accompanied by a statement signed by the contractor or
6 subcontractor or an officer, employee, or agent of the
7 contractor or subcontractor which avers that: (i) he or she
8 has examined the certified payroll records required to be
9 submitted by the Act and such records are true and
10 accurate; (ii) the hourly rate paid to each worker is not
11 less than the general prevailing rate of hourly wages
12 required by this Act; and (iii) the contractor or
13 subcontractor is aware that filing a certified payroll that
14 he or she knows to be false is a Class 4 felony ~~B~~
15 ~~misdemeanor~~. A general contractor is not prohibited from
16 relying on the certification of a lower tier subcontractor,
17 provided the general contractor does not knowingly rely
18 upon a subcontractor's false certification. Any contractor
19 or subcontractor subject to this Act and any officer,
20 employee, or agent of such contractor or subcontractor
21 whose duty as such officer, employee, or agent it is to
22 file such certified payroll who willfully fails to file
23 such ~~submit~~ a certified payroll on or before the date such
24 certified payroll is required by this paragraph to be filed
25 and any person who willfully ~~or knowingly~~ files a false
26 certified payroll that is false as to any material fact is

1 in violation of this Act and guilty of a Class 4 felony ~~B~~
2 ~~misdemeanor~~. The public body in charge of the project shall
3 keep the records submitted in accordance with this
4 paragraph (2) of subsection (a) for a period of not less
5 than 3 years from the date of the last payment for work on
6 a contract or subcontract for public works. The records
7 submitted in accordance with this paragraph (2) of
8 subsection (a) shall be considered public records, except
9 an employee's address, telephone number, and social
10 security number, and made available in accordance with the
11 Freedom of Information Act. The public body shall accept
12 any reasonable submissions by the contractor that meet the
13 requirements of this Section.

14 (b) Upon 3 ~~7~~ business days' notice, the contractor and each
15 subcontractor shall make available for inspection and copying
16 at a location within this State during reasonable hours, the
17 records identified in paragraph (1) of subsection (a) of this
18 Section to the public body in charge of the project, its
19 officers and agents, ~~and to~~ the Director of Labor and his
20 deputies and agents, and to federal, State, or local law
21 enforcement agencies and prosecutors. ~~Upon 7 business days'~~
22 ~~notice, the contractor and each subcontractor shall make such~~
23 ~~records available at all reasonable hours at a location within~~
24 ~~this State.~~

25 (Source: P.A. 93-38, eff. 6-1-04; 94-515, eff. 8-10-05;
26 94-1023, eff. 7-12-06.)

1 (820 ILCS 130/6) (from Ch. 48, par. 39s-6)

2 Sec. 6. Any officer, agent or representative of any public
3 body who wilfully violates, or willfully fails ~~omits~~ to comply
4 with, any of the provisions of this Act, and any contractor or
5 subcontractor, and any officer, employee, or agent ~~or~~
6 ~~representative~~ thereof, who as such officer, employee, or
7 agent, has a duty to create, keep, maintain, or produce any
8 record or document required by this Act to be created, kept,
9 maintained, or produced who willfully fails to create, keep,
10 maintain, or produce such record or document as or when
11 required by this Act, ~~doing public work as aforesaid, who~~
12 ~~neglects to keep, or cause to be kept, an accurate record of~~
13 ~~the names, occupation and actual wages paid to each laborer,~~
14 ~~worker and mechanic employed by him, in connection with the~~
15 ~~public work or who refuses to allow access to same at any~~
16 ~~reasonable hour to any person authorized to inspect same under~~
17 ~~this Act,~~ is guilty of a Class 4 felony ~~A misdemeanor~~.

18 The Department of Labor shall inquire diligently as to any
19 violation of this Act, shall institute actions for penalties
20 herein prescribed, and shall enforce generally the provisions
21 of this Act. The Attorney General shall prosecute such cases
22 upon complaint by the Department or any interested person.

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

24 (820 ILCS 130/11a) (from Ch. 48, par. 39s-11a)

1 Sec. 11a. The Director of the Department of Labor shall
2 publish in the Illinois Register no less often than once each
3 calendar quarter a list of contractors or subcontractors found
4 to have disregarded their obligations to employees under this
5 Act. The Department of Labor shall determine the contractors or
6 subcontractors who, on 2 separate occasions within 5 years,
7 have been determined to have violated the provisions of this
8 Act. Upon such determination the Department shall notify the
9 violating contractor or subcontractor. Such contractor or
10 subcontractor shall then have 10 working days to request a
11 hearing by the Department on the alleged violations. Failure to
12 respond within the 10 working day period shall result in
13 automatic and immediate placement and publication on the list.
14 If the contractor or subcontractor requests a hearing within
15 the 10 working day period, the Director shall set a hearing on
16 the alleged violations. Such hearing shall take place no later
17 than 45 calendar days after the receipt by the Department of
18 Labor of the request for a hearing. The Department of Labor is
19 empowered to promulgate, adopt, amend and rescind rules and
20 regulations to govern the hearing procedure. No contract shall
21 be awarded to a contractor or subcontractor appearing on the
22 list, or to any firm, corporation, partnership or association
23 in which such contractor or subcontractor has an interest until
24 4 years have elapsed from the date of publication of the list
25 containing the name of such contractor or subcontractor.

26 A contractor or subcontractor convicted under Section 5 or

1 6 of this Act shall be subject to an automatic and immediate
2 debarment, thereafter prohibited from participating in any
3 public works project for 4 years, with no right to a hearing.

4 (Source: P.A. 93-38, eff. 6-1-04; 94-488, eff. 1-1-06.)

5 Section 99. Effective date. This Act takes effect January
6 1, 2012.