

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 of each calendar month
21 file ~~submit monthly, in person, by mail, or electronically~~
22 a certified payroll for the immediately preceding month
23 with ~~to~~ the public body in charge of the project. A

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

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

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

1 (Source: P.A. 93-38, eff. 6-1-04; 94-515, eff. 8-10-05;
2 94-1023, eff. 7-12-06.)

3 (820 ILCS 130/6) (from Ch. 48, par. 39s-6)

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

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

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

1 (820 ILCS 130/11a) (from Ch. 48, par. 39s-11a)

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

1 containing the name of such contractor or subcontractor.

2 A contractor or subcontractor convicted or found guilty
3 under Section 5 or 6 of this Act shall be subject to an
4 automatic and immediate debarment, thereafter prohibited from
5 participating in any public works project for 4 years, with no
6 right to a hearing.

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

8 Section 99. Effective date. This Act takes effect January
9 1, 2012.