

**SB3232**



**97TH GENERAL ASSEMBLY**

**State of Illinois**

**2011 and 2012**

**SB3232**

Introduced 2/1/2012, by Sen. David Koehler

**SYNOPSIS AS INTRODUCED:**

820 ILCS 130/11a

from Ch. 48, par. 39s-11a

Amends the Prevailing Wage Act. Deletes language providing that a contractor or subcontractor convicted or found guilty under specified provisions of the Act is subject to an automatic and immediate debarment and prohibited from participating in any public works project for 4 years with no right to a hearing. Effective immediately.

LRB097 16830 WGH 62012 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 11a as follows:

6 (820 ILCS 130/11a) (from Ch. 48, par. 39s-11a)

7 Sec. 11a. The Director of the Department of Labor shall  
8 publish in the Illinois Register no less often than once each  
9 calendar quarter a list of contractors or subcontractors found  
10 to have disregarded their obligations to employees under this  
11 Act. The Department of Labor shall determine the contractors or  
12 subcontractors who, on 2 separate occasions within 5 years,  
13 have been determined to have violated the provisions of this  
14 Act. Upon such determination the Department shall notify the  
15 violating contractor or subcontractor. Such contractor or  
16 subcontractor shall then have 10 working days to request a  
17 hearing by the Department on the alleged violations. Failure to  
18 respond within the 10 working day period shall result in  
19 automatic and immediate placement and publication on the list.  
20 If the contractor or subcontractor requests a hearing within  
21 the 10 working day period, the Director shall set a hearing on  
22 the alleged violations. Such hearing shall take place no later  
23 than 45 calendar days after the receipt by the Department of

1 Labor of the request for a hearing. The Department of Labor is  
2 empowered to promulgate, adopt, amend and rescind rules and  
3 regulations to govern the hearing procedure. No contract shall  
4 be awarded to a contractor or subcontractor appearing on the  
5 list, or to any firm, corporation, partnership or association  
6 in which such contractor or subcontractor has an interest until  
7 4 years have elapsed from the date of publication of the list  
8 containing the name of such contractor or subcontractor.

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

14 (Source: P.A. 97-571, eff. 1-1-12.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.