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1   AMENDMENT TO HOUSE BILL 922

2   AMENDMENT NO. _____. Amend House Bill 922 by replacing

3   everything after the enacting clause with the following:

4   "Section 5. The Prevailing Wage Act is amended by changing

5   Sections 5 and 11a as follows:

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

7   Sec. 5. Certified payroll.

8   (a) Any contractor and each subcontractor who participates

9   in public works shall:

10   (1) make and keep, for a period of not less than 10 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

1   wages paid in each pay period, the number of hours worked

2   each day, and the starting and ending times of work each

3   day; and

4   (2) no later than the tenth day of each calendar month

5   file a certified payroll for the immediately preceding

6   month with the public body in charge of the project. A

7   certified payroll must be filed for only those calendar

8   months during which construction on a public works project

9   has occurred. The certified payroll shall consist of a

10   complete copy of the records identified in paragraph (1) of

11   this subsection (a), but may exclude the starting and

12   ending times of work each day. The certified payroll shall

13   be accompanied by a statement signed by the contractor or

14   subcontractor or an officer, employee, or agent of the

15   contractor or subcontractor which avers that: (i) he or she

16   has examined the certified payroll records required to be

17   submitted by the Act and such records are true and

18   accurate; (ii) the hourly rate paid to each worker is not

19   less than the general prevailing rate of hourly wages

20   required by this Act; and (iii) the contractor or

21   subcontractor is aware that filing a certified payroll that

22   he or she knows to be false is a Class A misdemeanor. A

23   general contractor is not prohibited from relying on the

24   certification of a lower tier subcontractor, provided the

25   general contractor does not knowingly rely upon a

26   subcontractor's false certification. Any contractor or

1   subcontractor subject to this Act and any officer,
2   employee, or agent of such contractor or subcontractor
3   whose duty as such officer, employee, or agent it is to
4   file such certified payroll who willfully fails to file
5   such a certified payroll on or before the date such
6   certified payroll is required by this paragraph to be filed
7   and any person who willfully files a false certified
8   payroll that is false as to any material fact is in
9   violation of this Act and guilty of a Class A misdemeanor.
10   The public body in charge of the project shall keep the
11   records submitted in accordance with this paragraph (2) of
12   subsection (a) for a period of not less than 10 3 years
13   from the date of the last payment for work on a contract or
14   subcontract for public works. The records submitted in
15   accordance with this paragraph (2) of subsection (a) shall
16   be considered public records, except an employee's
17   address, telephone number, and social security number, and
18   made available in accordance with the Freedom of
19   Information Act. The public body shall accept any
20   reasonable submissions by the contractor that meet the
21   requirements of this Section.
22   (b) Upon 7 business days' notice, the contractor and each
23 subcontractor shall make available for inspection and copying
24 at a location within this State during reasonable hours, the
25 records identified in paragraph (1) of subsection (a) of this
26 Section to the public body in charge of the project, its

1   officers and agents, the Director of Labor and his deputies and

2   agents, and to federal, State, or local law enforcement

3   agencies and prosecutors.

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

5   (820 ILCS 130/11a) (from Ch. 48, par. 39s-11a)

6   Sec. 11a. The Director of the Department of Labor shall

7   publish in the Illinois Register no less often than once each

8   calendar quarter a list of contractors or subcontractors found

9   to have disregarded their obligations to employees under this

10   Act. The Department of Labor shall determine the contractors or

11   subcontractors who, on 2 separate occasions within 10 5 years,

12   have been determined to have violated the provisions of this

13   Act. Upon such determination the Department shall notify the

14   violating contractor or subcontractor. Such contractor or

15   subcontractor shall then have 10 working days to request a

16   hearing by the Department on the alleged violations. Failure to

17   respond within the 10 working day period shall result in

18   automatic and immediate placement and publication on the list.

19   If the contractor or subcontractor requests a hearing within

20   the 10 working day period, the Director shall set a hearing on

21   the alleged violations. Such hearing shall take place no later

22   than 45 calendar days after the receipt by the Department of

23   Labor of the request for a hearing. The Department of Labor is

24   empowered to promulgate, adopt, amend and rescind rules and

25   regulations to govern the hearing procedure. No contract shall

1   be awarded to a contractor or subcontractor appearing on the
2   list, or to any firm, corporation, partnership or association
3   in which such contractor or subcontractor has an interest until
4   4 years have elapsed from the date of publication of the list
5   containing the name of such contractor or subcontractor.

6   A contractor or subcontractor convicted or found guilty
7   under Section 5 or 6 of this Act shall be subject to an
8   automatic and immediate debarment, thereafter prohibited from
9   participating in any public works project for 4 years, with no
10   right to a hearing.
11   (Source: P.A. 97-571, eff. 1-1-12.)".