

1 AN ACT concerning wages.

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
5 changing Section 11 as follows:

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

7 Sec. 11. No public works project shall be instituted
8 unless the provisions of this Act have been complied with.
9 The provisions of this Act shall not be applicable to Federal
10 construction projects which require a prevailing wage
11 determination by the United States Secretary of Labor. The
12 Illinois Department of Labor represented by the Attorney
13 General is empowered to sue for injunctive relief against the
14 awarding of any contract or the continuation of work under
15 any contract for public works at a time when the prevailing
16 wage prerequisites have not been met. Any contract for
17 public works awarded at a time when the prevailing wage
18 prerequisites had not been met shall be void as against
19 public policy and the contractor is prohibited from
20 recovering any damages for the voiding of the contract or
21 pursuant to the terms of the contract. The contractor is
22 limited to a claim for amounts actually paid for labor and
23 materials supplied to the public body. Where objections to a
24 determination of the prevailing rate of wages or a court
25 action relative thereto is pending, the public body shall not
26 continue work on the project unless sufficient funds are
27 available to pay increased wages if such are finally
28 determined or unless the Department of Labor certifies such
29 determination of the prevailing rate of wages as correct.

30 Any laborer, worker or mechanic employed by any the
31 contractor or ~~by-any~~ sub-contractor ~~under-him~~ who is paid for

1 his or her services in a sum less than the stipulated rates
2 for work done under such contract, shall have a right of
3 action against his or her employer for whatever difference
4 there may be between the amount so paid, and the rates
5 provided by the contract together with costs and such
6 reasonable attorney's fees as shall be allowed by the court.
7 Such contractor or subcontractor shall also be liable to the
8 Department of Labor for 20% of such underpayments and shall
9 be additionally liable to the laborer, worker or mechanic for
10 punitive damages in the amount of 2% of the amount of any
11 such penalty to the State for underpayments for each month
12 following the date of payment during which such underpayments
13 remain unpaid. The Department shall also have a right of
14 action on behalf of any individual who has a right of action
15 under this Section. An action brought to recover same shall
16 be deemed to be a suit for wages, and any and all judgments
17 entered therein shall have the same force and effect as other
18 judgments for wages. At the request of any laborer, workman
19 or mechanic employed by any the contractor or ~~by~~--any
20 subcontractor ~~under-him~~ who is paid less than the prevailing
21 wage rate required by this Act, the Department of Labor may
22 take an assignment of such wage claim in trust for the
23 assigning laborer, workman or mechanic and may bring any
24 legal action necessary against the employee's employer to
25 collect such claim, and the contractor or subcontractor shall
26 be required to pay the costs incurred in collecting such
27 claim.

28 (Source: P.A. 86-799.)