

AN ACT concerning employment.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Prevailing Wage Act is amended by changing Section 5 as follows:

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

Sec. 5. Certified payroll.

(a) While participating on public works, the ~~The contractor and each subcontractor or the officer of the public body in charge of the project shall:~~

(1) make and keep, for a period of not less than 3 years, true and accurate records of all laborers, mechanics, and other workers employed by them on the project; the records shall include each worker's the name, address, telephone number when available, social security number, classification or classifications, and occupation of all laborers, workers and mechanics employed by them, in connection with said public work. The records shall also show the actual hourly wages paid in each pay period, to each employee and the number of hours worked each day, and in each work week by each employee. While participating on public works, each contractor's payroll records shall include the starting and ending times of work each day; and for each employee

(2) submit monthly, in person, by mail, or electronically a certified payroll to the public body in charge of the project. The certified payroll shall consist of a complete copy of the records identified in paragraph (1) of this subsection (a). The certified payroll shall be accompanied by a statement signed by the contractor or subcontractor which avers that: (i) such records are true and accurate; (ii) the hourly rate paid to each worker is

not less than the general prevailing rate of hourly wages required by this Act; and (iii) the contractor or subcontractor is aware that filing a certified payroll that he or she knows to be false is a Class B misdemeanor. A general contractor is not prohibited from relying on the certification of a lower tier subcontractor, provided the general contractor does not knowingly rely upon a subcontractor's false certification. Any contractor or subcontractor subject to this Act who fails to submit a certified payroll or knowingly files a false certified payroll is in violation of this Act and guilty of a Class B misdemeanor. The public body in charge of the project shall keep the records submitted in accordance with this paragraph (2) of subsection (a) for a period of not less than 3 years. The records submitted in accordance with this paragraph (2) of subsection (a) shall be considered public records, except an employee's address, telephone number, and social security number, and made available in accordance with the Freedom of Information Act. The public body shall accept any reasonable submissions by the contractor that meet the requirements of this Section.

(b) Upon 2 business days' notice, the contractor and each subcontractor shall make available for inspection the records identified in paragraph (1) of subsection (a) of this Section
~~The record shall be open at all reasonable hours to the inspection of the public body in charge of the project awarding the contract,~~ its officers and agents, and to the Director of Labor and his deputies and agents. Upon 2 business days' notice, the contractor and each subcontractor shall make such records available at all reasonable hours at a location within this State.

~~Any contractor or subcontractor that maintains its principal place of business outside of this State shall make the required records or accurate copies of those records available within this State at all reasonable hours for inspection.~~

Public Act 094-0515

HB0188 Enrolled

LRB094 05673 RLC 35722 b

(Source: P.A. 92-783, eff. 8-6-02; 93-38, eff. 6-1-04.)

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