



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB4938

by Rep. Jay Hoffman

#### SYNOPSIS AS INTRODUCED:

820 ILCS 130/2.2 new  
820 ILCS 130/2.3 new  
820 ILCS 130/5.1  
820 ILCS 130/11

from Ch. 48, par. 39s-11

Amends the Prevailing Wage Act. Provides that, if a laborer, mechanic, or other worker, to whom the prevailing rate of wages is required to be paid, is classified in 2 or more trade titles for any amount of time during a day on which the individual is employed on a public works project, the individual shall receive the prevailing rate of wages that is the highest among those trade titles for all hours worked that day. Provides that a laborer, mechanic, or other worker, to whom the prevailing wage is required to be paid, may be paid at an apprentice rate of pay if the laborer is enrolled in an apprenticeship and training program. Provides for the withholding of payments for violations of the Act. Makes other changes. Effective immediately.

LRB104 19472 SPS 32920 b

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 5.1 and 11 and by adding Sections 2.2 and 2.3 as  
6 follows:

7 (820 ILCS 130/2.2 new)

8 Sec. 2.2. Multiple classifications. Except as provided in  
9 Section 2.3, if a laborer, mechanic, or other worker, to whom  
10 the prevailing rate of wages is required to be paid, is  
11 classified in 2 or more trade titles for any amount of time  
12 during a day on which the individual is employed on a public  
13 works project, the individual shall receive the prevailing  
14 rate of wages that is the highest among those trade titles for  
15 all hours worked that day.

16 (820 ILCS 130/2.3 new)

17 Sec. 2.3. Apprentices. A laborer, mechanic, or other  
18 worker, to whom the prevailing wage is required to be paid, may  
19 be paid at an apprentice rate of pay, including hourly cash  
20 wages plus full journeyman annualized fringe benefits as set  
21 forth in this Act, if the laborer is enrolled in an  
22 apprenticeship and training program approved by and registered

1 with the United States Department of Labor's Bureau of  
2 Apprenticeship and Training. The cash wage portion of the  
3 prevailing rate of wages for an apprentice shall be at the rate  
4 established by the apprenticeship and training program. Any  
5 laborer, mechanic, or other worker who is not properly  
6 registered as an apprentice or who is working out of the ratio  
7 established by the apprenticeship and training program shall  
8 be paid as a journeyman. A laborer, mechanic, or other worker  
9 shall only be paid at an apprentice rate of pay for work  
10 performed under one trade title classification on a project.  
11 If a laborer, mechanic, or other worker is classified in any  
12 other trade title during the project or an associated project  
13 subject to this Act, then the individual shall be paid as a  
14 journeyman in that other trade.

15 (820 ILCS 130/5.1)

16 Sec. 5.1. Electronic database. The Department shall  
17 develop and maintain an electronic database capable of  
18 accepting and retaining certified payrolls submitted under  
19 this Act no later than April 1, 2020. The database shall accept  
20 certified payroll forms provided by the Department that are  
21 fillable and designed to accept electronic signatures.  
22 Beginning January 1, 2022, the Department shall make  
23 accessible to the public on its website by the 16th day of each  
24 month following the month the work was performed the following  
25 information from certified payrolls submitted under this Act:

1 each worker's (i) classification or classifications, (ii)  
2 skill level, such as apprentice or journeyman, (iii) gross  
3 wages paid in each pay period, (iv) number of hours worked each  
4 day, (v) starting and ending times of work each day, (vi)  
5 hourly wage rate, (vii) hourly overtime wage rate, ~~and~~ (viii)  
6 hourly fringe benefit rate, and (ix) the first and last name of  
7 each payee. The database shall be searchable by contractor  
8 name, project name, county in which the work was performed,  
9 and contracting public body.

10 (Source: P.A. 102-332, eff. 8-6-21.)

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

12 Sec. 11. No public works project shall be instituted  
13 unless the provisions of this Act have been complied with. The  
14 provisions of this Act shall not be applicable to federal  
15 construction projects that require a prevailing wage  
16 determination by the United States Secretary of Labor, except  
17 as described in Section 2. The Illinois Department of Labor  
18 represented by the Attorney General is empowered to sue for  
19 injunctive relief against the awarding of any contract or the  
20 continuation of work under any contract for public works at a  
21 time when the prevailing wage prerequisites have not been met.  
22 Any contract for public works awarded at a time when the  
23 prevailing wage prerequisites had not been met shall be void  
24 as against public policy and the contractor is prohibited from  
25 recovering any damages for the voiding of the contract or

1 pursuant to the terms of the contract. The contractor is  
2 limited to a claim for amounts actually paid for labor and  
3 materials supplied to the public body. If the Department of  
4 Labor determines that a violation has occurred, in addition to  
5 any other remedies available under this Act and any other law,  
6 the Department shall notify the Comptroller of the violation  
7 and, until the matter is resolved to the satisfaction of the  
8 Department of Labor, the Comptroller shall withhold any and  
9 all payments associated with the work. Any withholding made in  
10 accordance this Section is not subject to any penalty for late  
11 payment under the State Prompt Payment Act. Where objections  
12 to a determination of the prevailing rate of wages or a court  
13 action relative thereto is pending, the public body shall not  
14 continue work on the project unless sufficient funds are  
15 available to pay increased wages if such are finally  
16 determined or unless the Department of Labor certifies such  
17 determination of the prevailing rate of wages as correct.

18 Any laborer, worker or mechanic employed by the contractor  
19 or by any sub-contractor under him who is paid for his services  
20 in a sum less than the prevailing rates for work done under  
21 such contract, shall have a right of action for whatever  
22 difference there may be between the amount so paid, and the  
23 rates provided by the contract together with costs and such  
24 reasonable attorney's fees as shall be allowed by the court.  
25 Such contractor or subcontractor shall also be liable to the  
26 Department of Labor for 20% of such underpayments and shall be

1 additionally liable to the laborer, worker or mechanic for  
2 punitive damages in the amount of 2% of the amount of any such  
3 penalty to the State for underpayments for each month  
4 following the date of payment during which such underpayments  
5 remain unpaid. Where a second or subsequent action to recover  
6 underpayments is brought against a contractor or subcontractor  
7 and the contractor or subcontractor is found liable for  
8 underpayments to any laborer, worker, or mechanic, the  
9 contractor or subcontractor shall also be liable to the  
10 Department of Labor for 50% of the underpayments payable as a  
11 result of the second or subsequent action, and shall be  
12 additionally liable for 5% of the amount of any such penalty to  
13 the State for underpayments for each month following the date  
14 of payment during which the underpayments remain unpaid. The  
15 Department shall also have a right of action on behalf of any  
16 individual who has a right of action under this Section. An  
17 action brought to recover same shall be deemed to be a suit for  
18 wages, and any and all judgments entered therein shall have  
19 the same force and effect as other judgments for wages. The  
20 action shall be brought within 5 years from the date of the  
21 failure to pay the wages or compensation. At the request of any  
22 laborer, workman or mechanic employed by the contractor or by  
23 any subcontractor under him who is paid less than the  
24 prevailing wage rate required by this Act, the Department of  
25 Labor may take an assignment of such wage claim in trust for  
26 the assigning laborer, workman or mechanic and may bring any

1 legal action necessary to collect such claim, and the  
2 contractor or subcontractor shall be required to pay the costs  
3 incurred in collecting such claim.

4 All moneys owed to the Department under this Act shall be  
5 remitted to the Employee Classification Fund, and the  
6 Department may use those funds for the purposes identified in  
7 Section 50 of the Employee Classification Act.

8 (Source: P.A. 103-48, eff. 1-1-24; 104-23, eff. 6-30-25;  
9 104-160, eff. 8-14-25; revised 9-12-25.)

10 Section 97. Severability. The provisions of this Act are  
11 severable under Section 1.31 of the Statute on Statutes.

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