

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 9 as follows:

6 (820 ILCS 130/9) (from Ch. 48, par. 39s-9)

7 Sec. 9. To effectuate the purpose and policy of this Act  
8 each public body shall, during the month of June of each  
9 calendar year, investigate and ascertain the prevailing rate of  
10 wages as defined in this Act and publicly post or keep  
11 available for inspection by any interested party in the main  
12 office of such public body its determination of such prevailing  
13 rate of wage and shall promptly file, no later than July 15 of  
14 each year, a certified copy thereof in the office of the  
15 Illinois Department of Labor.

16 The Department of Labor shall during the month of June of  
17 each calendar year, investigate and ascertain the prevailing  
18 rate of wages for each county in the State. If a public body  
19 does not investigate and ascertain the prevailing rate of wages  
20 during the month of June as required by the previous paragraph,  
21 then the prevailing rate of wages for that public body shall be  
22 the rate as determined by the Department under this paragraph  
23 for the county in which such public body is located. The

1 Department shall publish on its official website a prevailing  
2 wage schedule for each county in the State, no later than  
3 August 15 of each year, based on the prevailing rate of wages  
4 investigated and ascertained by the Department during the month  
5 of June. Nothing prohibits the Department from publishing  
6 prevailing wage rates more than once per year.

7       Where the Department of Labor ascertains the prevailing  
8 rate of wages, it is the duty of the Department of Labor within  
9 30 days after receiving a notice from the public body  
10 authorizing the proposed work, to conduct an investigation to  
11 ascertain the prevailing rate of wages as defined in this Act  
12 and such investigation shall be conducted in the locality in  
13 which the work is to be performed. The Department of Labor  
14 shall send a certified copy of its findings to the public body  
15 authorizing the work and keep a record of its findings  
16 available for inspection by any interested party in the office  
17 of the Department of Labor at Springfield.

18       The public body except for the Department of Transportation  
19 with respect to highway contracts shall within 30 days after  
20 filing with the Department of Labor, or the Department of Labor  
21 shall within 30 days after filing with such public body,  
22 publish in a newspaper of general circulation within the area  
23 that the determination is effective, a notice of its  
24 determination and shall promptly mail a copy of its  
25 determination to any employer, and to any association of  
26 employers and to any person or association of employees who

1 have filed their names and addresses, requesting copies of any  
2 determination stating the particular rates and the particular  
3 class of workers whose wages will be affected by such rates.

4 At any time within 30 days after the Department of Labor  
5 has published on its official web site a prevailing wage  
6 schedule, any person affected thereby may object in writing to  
7 the determination or such part thereof as they may deem  
8 objectionable by filing a written notice with the public body  
9 or Department of Labor, whichever has made such determination,  
10 stating the specified grounds of the objection. It shall  
11 thereafter be the duty of the public body or Department of  
12 Labor to set a date for a hearing on the objection after giving  
13 written notice to the objectors at least 10 days before the  
14 date of the hearing and said notice shall state the time and  
15 place of such hearing. Such hearing by a public body shall be  
16 held within 45 days after the objection is filed, and shall not  
17 be postponed or reset for a later date except upon the consent,  
18 in writing, of all the objectors and the public body. If such  
19 hearing is not held by the public body within the time herein  
20 specified, the Department of Labor may, upon request of the  
21 objectors, conduct the hearing on behalf of the public body.

22 The public body or Department of Labor, whichever has made  
23 such determination, is authorized in its discretion to hear  
24 each written objection filed separately or consolidate for  
25 hearing any one or more written objections filed with them. At  
26 such hearing the public body or Department of Labor shall

1 introduce in evidence the investigation it instituted which  
2 formed the basis of its determination, and the public body or  
3 Department of Labor, or any interested objectors may thereafter  
4 introduce such evidence as is material to the issue.  
5 Thereafter, the public body or Department of Labor, must rule  
6 upon the written objection and make such final determination as  
7 it believes the evidence warrants, and promptly file a  
8 certified copy of its final determination with such public  
9 body, and serve a copy by personal service or registered mail  
10 on all parties to the proceedings. The final determination by  
11 the Department of Labor or a public body shall be rendered  
12 within 30 days after the conclusion of the hearing.

13 If proceedings to review judicially the final  
14 determination of the public body or Department of Labor are not  
15 instituted as hereafter provided, such determination shall be  
16 final and binding.

17 The provisions of the Administrative Review Law, and all  
18 amendments and modifications thereof, and the rules adopted  
19 pursuant thereto, shall apply to and govern all proceedings for  
20 the judicial review of final administrative decisions of any  
21 public body or the Department of Labor hereunder. The term  
22 "administrative decision" is defined as in Section 3-101 of the  
23 Code of Civil Procedure.

24 Appeals from all final orders and judgments entered by the  
25 court in review of the final administrative decision of the  
26 public body or Department of Labor, may be taken by any party

1 to the action.

2 Any proceeding in any court affecting a determination of  
3 the Department of Labor or public body shall have priority in  
4 hearing and determination over all other civil proceedings  
5 pending in said court, except election contests.

6 In all reviews or appeals under this Act, it shall be the  
7 duty of the Attorney General to represent the Department of  
8 Labor, and defend its determination. The Attorney General shall  
9 not represent any public body, except the State, in any such  
10 review or appeal.

11 (Source: P.A. 98-173, eff. 1-1-14.)

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