

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 Sections 2, 4, 7, 8, 9, and 10 as follows:

6 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

7 Sec. 2. This Act applies to the wages of laborers,  
8 mechanics and other workers employed in any public works, as  
9 hereinafter defined, by any public body and to anyone under  
10 contracts for public works.

11 As used in this Act, unless the context indicates  
12 otherwise:

13 "Public works" means all fixed works constructed for  
14 public use by any public body, other than work done directly  
15 by any public utility company, whether or not done under  
16 public supervision or direction, or paid for wholly or in  
17 part out of public funds. "Public works" as defined herein  
18 includes all projects financed in whole or in part with bonds  
19 issued under the Industrial Project Revenue Bond Act (Article  
20 11, Division 74 of the Illinois Municipal Code), the  
21 Industrial Building Revenue Bond Act, the Illinois  
22 Development Finance Authority Act, the Illinois Sports  
23 Facilities Authority Act, or the Build Illinois Bond Act, and  
24 all projects financed in whole or in part with loans or other  
25 funds made available pursuant to the Build Illinois Act.

26 "Construction" means all work on public works involving  
27 laborers, workers or mechanics.

28 "Locality" means the county where the physical work upon  
29 public works is performed, except (1) that if there is not  
30 available in the county a sufficient number of competent  
31 skilled laborers, workers and mechanics to construct the

1 public works efficiently and properly, "locality" includes  
2 any other county nearest the one in which the work or  
3 construction is to be performed and from which such persons  
4 may be obtained in sufficient numbers to perform the work and  
5 (2) that, with respect to contracts for highway work with the  
6 Department of Transportation of this State, "locality" may at  
7 the discretion of the Secretary of the Department of  
8 Transportation be construed to include two or more adjacent  
9 counties from which workers may be accessible for work on  
10 such construction.

11 "Public body" means the State or any officer, board or  
12 commission of the State or any political subdivision or  
13 department thereof, or any institution supported in whole or  
14 in part by public funds,~~---authorized---by---law---to---construct~~  
15 ~~public---works---or---to---enter---into---any---contract---for---the~~  
16 ~~construction---of---public---works,~~ and includes every county,  
17 city, town, village, township, school district, irrigation,  
18 utility, reclamation improvement or other district and every  
19 other political subdivision, district or municipality of the  
20 state whether such political subdivision, municipality or  
21 district operates under a special charter or not.

22 The terms "general prevailing rate of hourly wages",  
23 "general prevailing rate of wages" or "prevailing rate of  
24 wages" when used in this Act mean the hourly cash wages plus  
25 fringe benefits for training and apprenticeship programs  
26 approved by the U.S. Department of Labor, Bureau of  
27 Apprenticeship and Training, health and welfare, insurance,  
28 vacations and pensions paid generally, in the locality in  
29 which the work is being performed, to employees engaged in  
30 work of a similar character on public works.

31 (Source: P.A. 91-105, eff. 1-1-00; 91-935, eff. 6-1-01;  
32 92-16, eff. 6-28-01.)

33 (820 ILCS 130/4) (from Ch. 48, par. 39s-4)

1           Sec. 4. (a) The public body awarding any contract for  
2 public work or otherwise undertaking any public works, shall  
3 ascertain the general prevailing rate of hourly wages in the  
4 locality in which the work is to be performed, for each craft  
5 or type of worker or mechanic needed to execute the contract,  
6 and where the public body performs the work without letting a  
7 contract therefor, shall ascertain the prevailing rate of  
8 wages on a per-hour basis in the locality, and such public  
9 body shall specify in the resolution or ordinance and in the  
10 call for bids for the contract, that the general prevailing  
11 rate of wages in the locality for each craft or type of  
12 worker or mechanic needed to execute the contract or perform  
13 such work, also the general prevailing rate for legal holiday  
14 and overtime work, as ascertained by the public body or by  
15 the Department of Labor shall be paid for each craft or type  
16 of worker needed to execute the contract or to perform such  
17 work, and it shall be mandatory upon the contractor to whom  
18 the contract is awarded and upon any subcontractor under him,  
19 and where the public body performs the work, upon the public  
20 body, to pay not less than the specified rates to all  
21 laborers, workers and mechanics employed by them in the  
22 execution of the contract or such work; provided, however,  
23 that if the public body desires that the Department of Labor  
24 ascertain the prevailing rate of wages, it shall notify the  
25 Department of Labor to ascertain the general prevailing rate  
26 of hourly wages for work under contract, or for work  
27 performed by a public body without letting a contract as  
28 required in the locality in which the work is to be  
29 performed, for each craft or type of worker or mechanic  
30 needed to execute the contract or project or work to be  
31 performed. Upon such notification the Department of Labor  
32 shall ascertain such general prevailing rate of wages, and  
33 certify the prevailing wage to such public body. The public  
34 body awarding the contract shall cause to be inserted in the

1 contract a stipulation to the effect that not less than the  
2 prevailing rate of wages as found by the ~~public body or~~  
3 Department of Labor or determined by the court on review  
4 shall be paid to all laborers, workers and mechanics  
5 performing work under the contract. It shall also require in  
6 all such contractor's bonds that the contractor include such  
7 provision as will guarantee the faithful performance of such  
8 prevailing wage clause as provided by contract. All bid  
9 specifications shall list the specified rates to all  
10 laborers, workers and mechanics in the locality for each  
11 craft or type of worker or mechanic needed to execute the  
12 contract.

13 (b) If the Department of Labor revises the prevailing  
14 rate of hourly wages to be paid by the public body, the  
15 revised rate shall apply to such contract, and the public  
16 body shall be responsible to notify the contractor and each  
17 subcontractor, of the revised rate.

18 (c) Two or more investigatory hearings under this  
19 Section on the issue of establishing a new prevailing wage  
20 classification for a particular craft or type of worker shall  
21 be consolidated in a single hearing before the Department.  
22 Such consolidation shall occur whether each separate  
23 investigatory hearing is conducted by a public body or the  
24 Department. The party requesting a consolidated investigatory  
25 hearing shall have the burden of establishing that there is  
26 no existing prevailing wage classification for the particular  
27 craft or type of worker in any of the localities under  
28 consideration.

29 (Source: P.A. 92-783, eff. 8-6-02.)

30 (820 ILCS 130/7) (from Ch. 48, par. 39s-7)

31 Sec. 7. The finding of the ~~public body awarding the~~  
32 ~~contract or authorizing the work or the~~ Department of Labor  
33 ascertaining and declaring the general prevailing rate of

1 hourly wages shall be final for all purposes of the contract  
 2 for public work then being considered, unless reviewed under  
 3 the provisions of this Act. Nothing in this Act, however,  
 4 shall be construed to prohibit the payment to any laborer,  
 5 worker or mechanic employed on any public work, as aforesaid,  
 6 of more than the prevailing rate of wages; provided further  
 7 that nothing in this Act shall be construed to limit the  
 8 hours of work which may be performed by any person in any  
 9 particular period of time.

10 (Source: P.A. 81-992.)

11 (820 ILCS 130/8) (from Ch. 48, par. 39s-8)

12 Sec. 8. In the event the ~~public-body-authorizing-the-work~~  
 13 ~~er--the~~ Department of Labor is unable to ascertain the  
 14 prevailing rate of wage of any class of work required to be  
 15 performed under the proposed contract, it is the duty of the  
 16 Department of Labor ~~where--the---determination---of---said~~  
 17 ~~prevailing--rate--has--been--referred--to-it-to-so-notify-the~~  
 18 ~~public-body-authorizing-the-proposed-work,~~ and it is the duty  
 19 ~~of-the-public-body-in--either--case~~ to state the fact of  
 20 inability to ascertain said prevailing rate ~~in--its~~  
 21 ~~resolution,~~ ordinance or notice for bids in which event the  
 22 clause specifying the prevailing wage as to such class of  
 23 work may be excluded from the contract unless such wage may  
 24 be determined by the court on appeal as provided by this Act.

25 (Source: Laws 1957, p. 2662.)

26 (820 ILCS 130/9) (from Ch. 48, par. 39s-9)

27 Sec. 9. ~~To-effectuate-the-purpose-and-policy-of-this-Act~~  
 28 ~~each--public--body--shall,~~ during the month of June of each  
 29 calendar year, investigate and ascertain the prevailing rate  
 30 of wages as defined in this Act and publicly post or keep  
 31 available for inspection by any interested party in the main  
 32 office ~~of--such--public--body--its--determination--of--such~~

1 prevailing-rate-of-wage-and-shall-promptly-file--a--certified  
2 copy--thereof--in--the--office--of--the-Secretary-of-State-at  
3 Springfield.

4 The Department of Labor shall during the month of June of  
5 each calendar year, investigate and ascertain the prevailing  
6 rate of wages for each county in the State. If-a-public-body  
7 does--not--investigate--and--ascertain-the-prevailing-rate-of  
8 wages-during-the-month-of-June-as-required--by--the--previous  
9 paragraph,--then-the-prevailing-rate-of-wages-for-that-public  
10 body-shall-be-the-rate-as-determined-by-the-Department--under  
11 this--paragraph--for--the-county-in-which-such-public-body-is  
12 located.

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

24 The--public---body---except---for---the---Department---of  
25 Transportation-with-respect-to-highway-contracts-shall-within  
26 30--days--after--filing--with--the-Secretary-of-State,--or-the  
27 Department-of-Labor-shall-within-30-days--after--filing--with  
28 such---public---body,--publish--in--a--newspaper--of--general  
29 circulation--within--the--area--that--the--determination---is  
30 effective,--a--notice-of-its-determination-and-shall-promptly  
31 mail-a-copy-of-its-determination-to-any-employer,--and-to--any  
32 association--of-employers-and-to-any-person-or-association-of  
33 employees--who--have--filed--their---names---and---addresses,--  
34 requesting-copies-of-any-determination-stating-the-particular

1 rates-and-the-particular-class-of-workers-whose-wages-will-be  
2 affected-by-such-rates.

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

23 The public-body-or Department of Labor,--whichever--has  
24 made--such--determination, is authorized in its discretion to  
25 hear each written objection filed separately or consolidate  
26 for hearing any one or more written objections filed with it  
27 them. At such hearing the public-body-or Department of Labor  
28 shall introduce in evidence the investigation and it  
29 instituted-which-formed-the-basis-of-its--determination,--and  
30 the--public--body--or--Department-of-Labor,--or any interested  
31 objectors may thereafter introduce such evidence as is  
32 material to the issue. Thereafter, the public--body--or  
33 Department of Labor, must rule upon the written objection and  
34 make such final determination as it believes the evidence

1 warrants, and promptly file ~~a certified copy of its final~~  
2 ~~determination with such public body and the Secretary of~~  
3 State, and serve a copy by personal service or registered  
4 mail on all parties to the proceedings. The final  
5 determination by the Department of Labor ~~a public body~~ shall  
6 be rendered within 10 days after the conclusion of the  
7 hearing.

8 If proceedings to review judicially the final  
9 determination of the ~~public body of~~ Department of Labor are  
10 not instituted as hereafter provided, such determination  
11 shall be final and binding.

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

19 Appeals from all final orders and judgments entered by  
20 the court in review of the final administrative decision of  
21 the ~~public body of~~ Department of Labor, may be taken by any  
22 party to the action.

23 Any proceeding in any court affecting a determination of  
24 the Department of Labor ~~or public body~~ shall have priority in  
25 hearing and determination over all other civil proceedings  
26 pending in said court, except election contests.

27 In all reviews or appeals under this Act, it shall be the  
28 duty of the Attorney General to represent the Department of  
29 Labor, and defend its determination. The Attorney General  
30 shall not represent any public body, except the State, in any  
31 such review or appeal.

32 (Source: P.A. 83-201.)

33 (820 ILCS 130/10) (from Ch. 48, par. 39s-10)



1           Sec. 10.    The ~~presiding-officer-of-the-public-body,~~ or  
2   ~~his-or-her-authorized-representative-and-the~~ Director of the  
3   Department of Labor, or his or her authorized representative  
4   may administer oaths, take or cause to be taken the  
5   depositions of witnesses, and require by subpoena the  
6   attendance and testimony of witnesses, and the production of  
7   all books, records, and other evidence relative to the matter  
8   under investigation or hearing. Such subpoena shall be signed  
9   and issued by ~~such-presiding-officer-or-his-or-her-authorized~~  
10   ~~representative,~~ or the Director or his or her authorized  
11   representative.

12           In case of failure of any person to comply with any  
13   subpoena lawfully issued under this section or on the refusal  
14   of any witness to produce evidence or to testify to any  
15   matter regarding which he or she may be lawfully  
16   interrogated, it is the duty of any circuit court, upon  
17   application of ~~such--presiding--officer--or--his---or---her~~  
18   ~~authorized--representative,~~ or the Director or his or her  
19   authorized representative, to compel obedience by proceedings  
20   for contempt, as in the case of disobedience of the  
21   requirements of a subpoena issued by such court or a refusal  
22   to testify therein. ~~Such-presiding-officer-and~~ The Director  
23   may certify to official acts.

24   (Source: P.A. 83-334.)