



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0188

Introduced 1/12/2005, by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

820 ILCS 130/5

from Ch. 48, par. 39s-5

Amends the Prevailing Wage Act. Provides that while participating on public works, each contractor and subcontractor shall submit weekly a certified payroll to the public body in charge of the project. Provides that any contractor or subcontractor subject to the Act who fails to submit a certified payroll or knowingly files a false certified payroll is in violation of the Act and is guilty of a Class B misdemeanor. Provides that the public body shall keep these records for at least 3 years. Provides that these payroll records are public records subject to disclosure under the Freedom of Information Act. Effective immediately.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 5 as follows:

6 (820 ILCS 130/5) (from Ch. 48, par. 39s-5)

7 Sec. 5. Certified payroll.

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

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

25 (2) submit weekly a certified payroll to the public
26 body in charge of the project. The certified payroll shall
27 consist of a complete copy of the records identified in
28 paragraph (1) of this subsection (a). The certified payroll
29 shall be accompanied by a statement signed by the
30 contractor or subcontractor which avers that: (i) such
31 records are true and accurate; (ii) the hourly rate paid to
32 each worker is not less than the general prevailing rate of

1 hourly wages required by this Act; and (iii) the contractor
2 or subcontractor is aware that filing a certified payroll
3 that he or she knows to be false is a Class B misdemeanor.
4 A general contractor is not prohibited from relying on the
5 certification of a lower tier subcontractor, provided the
6 general contractor does not knowingly rely upon a
7 subcontractor's false certification. Any contractor or
8 subcontractor subject to this Act who fails to submit a
9 certified payroll or knowingly files a false certified
10 payroll is in violation of this Act and guilty of a Class B
11 misdemeanor. The public body in charge of the project shall
12 keep the records submitted in accordance with this
13 paragraph (2) of subsection (a) for a period of not less
14 than 3 years. The records shall be considered public
15 records and made available in accordance with the Freedom
16 of Information Act.

17 (b) The contractor and each subcontractor shall make
18 available for inspection the records identified in paragraph
19 (1) of subsection (a) of this Section ~~record shall be open at~~
20 ~~all reasonable hours~~ to the ~~inspection of the~~ public body in
21 charge of the project ~~awarding the contract,~~ its officers and
22 agents, and to the Director of Labor and his deputies and
23 agents. The contractor and each subcontractor shall make such
24 records available at all reasonable hours at a location within
25 this State.

26 (c) For the purpose of verifying the accuracy of the
27 records submitted pursuant to paragraph (2) of subsection (a)
28 of this Section, the contractor and each subcontractor shall
29 make its workers available at the site of the public works
30 project for interview by the public body in charge of the
31 project, its officers and agents, and the Director of Labor and
32 his or her deputies and agents ~~Any contractor or subcontractor~~
33 ~~that maintains its principal place of business outside of this~~
34 ~~State shall make the required records or accurate copies of~~
35 ~~those records available within this State at all reasonable~~
36 ~~hours for inspection.~~

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

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