

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

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

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

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

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

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