



Adopted in House Comm. on Feb 17, 2005

09400HB0188ham001

LRB094 05673 RLC 41369 a

1 AMENDMENT TO HOUSE BILL 188

2 AMENDMENT NO. _____. Amend House Bill 188 by replacing
3 everything after the enacting clause with the following:

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~~

1 (2) submit monthly, in person, by mail, or
2 electronically a certified payroll to the public body in
3 charge of the project. The certified payroll shall consist
4 of a complete copy of the records identified in paragraph
5 (1) of this subsection (a). The certified payroll shall be
6 accompanied by a statement signed by the contractor or
7 subcontractor which avers that: (i) such records are true
8 and accurate; (ii) the hourly rate paid to each worker is
9 not less than the general prevailing rate of hourly wages
10 required by this Act; and (iii) the contractor or
11 subcontractor is aware that filing a certified payroll that
12 he or she knows to be false is a Class B misdemeanor. A
13 general contractor is not prohibited from relying on the
14 certification of a lower tier subcontractor, provided the
15 general contractor does not knowingly rely upon a
16 subcontractor's false certification. Any contractor or
17 subcontractor subject to this Act who fails to submit a
18 certified payroll or knowingly files a false certified
19 payroll is in violation of this Act and guilty of a Class B
20 misdemeanor. The public body in charge of the project shall
21 keep the records submitted in accordance with this
22 paragraph (2) of subsection (a) for a period of not less
23 than 3 years. The records submitted in accordance with this
24 paragraph (2) of subsection (a) shall be considered public
25 records, except an employee's address, telephone number,
26 and social security number, and made available in
27 accordance with the Freedom of Information Act.

28 (b) Upon 2 business days' notice, the contractor and each
29 subcontractor shall make available for inspection the records
30 identified in paragraph (1) of subsection (a) of this Section
31 ~~The record shall be open at all reasonable hours to the~~
32 ~~inspection of the public body in charge of the project awarding~~
33 ~~the contract,~~ its officers and agents, and to the Director of
34 Labor and his deputies and agents. Upon 2 business days'

1 notice, the contractor and each subcontractor shall make such
2 records available at all reasonable hours at a location within
3 this State.

4 ~~Any contractor or subcontractor that maintains its~~
5 ~~principal place of business outside of this State shall make~~
6 ~~the required records or accurate copies of those records~~
7 ~~available within this State at all reasonable hours for~~
8 ~~inspection.~~

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."