

HB0985



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0985

Introduced 2/8/2007, by Rep. Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

820 ILCS 130/4

from Ch. 48, par. 39s-4

Amends the Prevailing Wage Act. Provides that the public body or the Department of Labor shall make the revised prevailing rate of hourly wages available to the contractor and each subcontractor (rather than the public body being responsible to notify the contractor and each subcontractor of the revised rate). Effective immediately.

LRB095 04734 RLC 24793 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 4 as follows:

6 (820 ILCS 130/4) (from Ch. 48, par. 39s-4)

7 Sec. 4. (a) The public body awarding any contract for
8 public work or otherwise undertaking any public works, shall
9 ascertain the general prevailing rate of hourly wages in the
10 locality in which the work is to be performed, for each craft
11 or type of worker or mechanic needed to execute the contract,
12 and where the public body performs the work without letting a
13 contract therefor, shall ascertain the prevailing rate of wages
14 on a per hour basis in the locality, and such public body shall
15 specify in the resolution or ordinance and in the call for bids
16 for the contract, that the general prevailing rate of wages in
17 the locality for each craft or type of worker or mechanic
18 needed to execute the contract or perform such work, also the
19 general prevailing rate for legal holiday and overtime work, as
20 ascertained by the public body or by the Department of Labor
21 shall be paid for each craft or type of worker needed to
22 execute the contract or to perform such work, and it shall be
23 mandatory upon the contractor to whom the contract is awarded

1 and upon any subcontractor under him, and where the public body
2 performs the work, upon the public body, to pay not less than
3 the specified rates to all laborers, workers and mechanics
4 employed by them in the execution of the contract or such work;
5 provided, however, that if the public body desires that the
6 Department of Labor ascertain the prevailing rate of wages, it
7 shall notify the Department of Labor to ascertain the general
8 prevailing rate of hourly wages for work under contract, or for
9 work performed by a public body without letting a contract as
10 required in the locality in which the work is to be performed,
11 for each craft or type of worker or mechanic needed to execute
12 the contract or project or work to be performed. Upon such
13 notification the Department of Labor shall ascertain such
14 general prevailing rate of wages, and certify the prevailing
15 wage to such public body. The public body awarding the contract
16 shall cause to be inserted in the project specifications and
17 the contract a stipulation to the effect that not less than the
18 prevailing rate of wages as found by the public body or
19 Department of Labor or determined by the court on review shall
20 be paid to all laborers, workers and mechanics performing work
21 under the contract.

22 (b) It shall also be mandatory upon the contractor to whom
23 the contract is awarded to insert into each subcontract and
24 into the project specifications for each subcontract a written
25 stipulation to the effect that not less than the prevailing
26 rate of wages shall be paid to all laborers, workers, and

1 mechanics performing work under the contract. It shall also be
2 mandatory upon each subcontractor to cause to be inserted into
3 each lower tiered subcontract and into the project
4 specifications for each lower tiered subcontract a stipulation
5 to the effect that not less than the prevailing rate of wages
6 shall be paid to all laborers, workers, and mechanics
7 performing work under the contract. A contractor or
8 subcontractor who fails to comply with this subsection (b) is
9 in violation of this Act.

10 (c) It shall also require in all such contractor's bonds
11 that the contractor include such provision as will guarantee
12 the faithful performance of such prevailing wage clause as
13 provided by contract. All bid specifications shall list the
14 specified rates to all laborers, workers and mechanics in the
15 locality for each craft or type of worker or mechanic needed to
16 execute the contract.

17 (d) If the Department of Labor revises the prevailing rate
18 of hourly wages to be paid by the public body, the revised rate
19 shall apply to such contract. The, and the public body or the
20 Department of Labor shall make the revised prevailing rate of
21 hourly wages available to ~~be responsible to notify~~ the
22 contractor and each subcontractor, ~~of the revised rate.~~

23 (e) Two or more investigatory hearings under this Section
24 on the issue of establishing a new prevailing wage
25 classification for a particular craft or type of worker shall
26 be consolidated in a single hearing before the Department. Such

1 consolidation shall occur whether each separate investigatory
2 hearing is conducted by a public body or the Department. The
3 party requesting a consolidated investigatory hearing shall
4 have the burden of establishing that there is no existing
5 prevailing wage classification for the particular craft or type
6 of worker in any of the localities under consideration.

7 (f) It shall be mandatory upon the contractor or
8 construction manager to whom a contract for public works is
9 awarded to post, at a location on the project site of the
10 public works that is easily accessible to the workers engaged
11 on the project, the prevailing wage rates for each craft or
12 type of worker or mechanic needed to execute the contract or
13 project or work to be performed. A failure to post a prevailing
14 wage rate as required by this Section is a violation of this
15 Act.

16 (Source: P.A. 92-783, eff. 8-6-02; 93-15, eff. 6-11-03; 93-16,
17 eff. 1-1-04; 93-38, eff. 6-1-04; revised 10-29-04.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.