

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
5 changing Sections 4 and 9 as follows:

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

7 Sec. 4. The public body awarding any contract for public
8 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
14 wages on a per hour basis in the locality, and such public
15 body shall specify in the resolution or ordinance and in the
16 call for bids for the contract, that the general prevailing
17 rate of wages in the locality for each craft or type of
18 worker or mechanic needed to execute the contract or perform
19 such work, also the general prevailing rate for legal holiday
20 and overtime work, as ascertained by the public body or by
21 the Department of Labor shall be paid for each craft or type
22 of worker needed to execute the contract or to perform such
23 work, and it shall be mandatory upon the contractor to whom
24 the contract is awarded and upon any subcontractor under him,
25 and where the public body performs the work, upon the public
26 body, to pay not less than the specified rates to all
27 laborers, workers and mechanics employed by them in the
28 execution of the contract or such work; provided, however,
29 that if the public body desires that the Department of Labor
30 ascertain the prevailing rate of wages, it shall notify the
31 Department of Labor to ascertain the general prevailing rate

1 of hourly wages for work under contract, or for work
2 performed by a public body without letting a contract as
3 required in the locality in which the work is to be
4 performed, for each craft or type of worker or mechanic
5 needed to execute the contract or project or work to be
6 performed. Upon such notification the Department of Labor
7 shall ascertain such general prevailing rate of wages, and
8 certify the prevailing wage to such public body. The public
9 body awarding the contract shall cause to be inserted in the
10 contract a stipulation to the effect that not less than the
11 prevailing rate of wages as found by the public body or
12 Department of Labor or determined by the court on review
13 shall be paid to all laborers, workers and mechanics
14 performing work under the contract. It shall also require in
15 all such contractor's bonds that the contractor include such
16 provision as will guarantee the faithful performance of such
17 prevailing wage clause as provided by contract. All bid
18 specifications shall list the specified rates to all
19 laborers, workers and mechanics in the locality for each
20 craft or type of worker or mechanic needed to execute the
21 contract. If the Department of Labor revises the prevailing
22 rate of hourly wages to be paid by the public body, the
23 revised rate shall apply to such contract, and the public
24 body shall be responsible to notify the contractor and each
25 subcontractor, of the revised rate. Two or more investigatory
26 hearings under this Section on the issue of establishing a
27 new prevailing wage classification for a particular craft or
28 type of worker shall be consolidated in a single hearing
29 before the Department. Such consolidation shall occur
30 whether each separate investigatory hearing is conducted by a
31 public body or the Department.

32 (Source: P.A. 86-799.)

33 (820 ILCS 130/9) (from Ch. 48, par. 39s-9)

1 Sec. 9. To effectuate the purpose and policy of this Act
2 each public body shall, during the month of June of each
3 calendar year, investigate and ascertain the prevailing rate
4 of wages as defined in this Act and publicly post or keep
5 available for inspection by any interested party in the main
6 office of such public body its determination of such
7 prevailing rate of wage and shall promptly file a certified
8 copy thereof in the office of the Secretary of State at
9 Springfield.

10 The Department of Labor shall during the month of June of
11 each calendar year, investigate and ascertain the prevailing
12 rate of wages for each county in the State. If a public body
13 does not investigate and ascertain the prevailing rate of
14 wages during the month of June as required by the previous
15 paragraph, then the prevailing rate of wages for that public
16 body shall be the rate as determined by the Department under
17 this paragraph for the county in which such public body is
18 located.

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

30 The public body except for the Department of
31 Transportation with respect to highway contracts shall within
32 30 days after filing with the Secretary of State, or the
33 Department of Labor shall within 30 days after filing with
34 such public body, publish in a newspaper of general

1 circulation within the area that the determination is
2 effective, a notice of its determination and shall promptly
3 mail a copy of its determination to any employer, and to any
4 association of employers and to any person or association of
5 employees who have filed their names and addresses,
6 requesting copies of any determination stating the particular
7 rates and the particular class of workers whose wages will be
8 affected by such rates.

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

28 The public body or Department of Labor, whichever has
29 made such determination, is authorized in its discretion to
30 hear each written objection filed separately or consolidate
31 for hearing any one or more written objections filed with
32 them. An objector may petition the Department of Labor to
33 consolidate objections filed with the Department of Labor or
34 a public body in 2 or more counties and to have those

1 objections heard by the Department of Labor in a single
2 hearing location in accordance with the provisions of this
3 Section. At such hearing the public body or Department of
4 Labor shall introduce in evidence the investigation it
5 instituted which formed the basis of its determination, and
6 the public body or Department of Labor, or any interested
7 objectors may thereafter introduce such evidence as is
8 material to the issue. Thereafter, the public body or
9 Department of Labor, must rule upon the written objection and
10 make such final determination as it believes the evidence
11 warrants, and promptly file a certified copy of its final
12 determination with such public body and the Secretary of
13 State, and serve a copy by personal service or registered
14 mail on all parties to the proceedings. The final
15 determination by a public body shall be rendered within 10
16 days after the conclusion of the hearing.

17 If proceedings to review judicially the final
18 determination of the public body or Department of Labor are
19 not instituted as hereafter provided, such determination
20 shall be final and binding.

21 The provisions of the Administrative Review Law, and all
22 amendments and modifications thereof, and the rules adopted
23 pursuant thereto, shall apply to and govern all proceedings
24 for the judicial review of final administrative decisions of
25 any public body or the Department of Labor hereunder. The
26 term "administrative decision" is defined as in Section 3-101
27 of the Code of Civil Procedure.

28 Appeals from all final orders and judgments entered by
29 the court in review of the final administrative decision of
30 the public body or Department of Labor, may be taken by any
31 party to the action.

32 Any proceeding in any court affecting a determination of
33 the Department of Labor or public body shall have priority in
34 hearing and determination over all other civil proceedings

1 pending in said court, except election contests.

2 In all reviews or appeals under this Act, it shall be the
3 duty of the Attorney General to represent the Department of
4 Labor, and defend its determination. The Attorney General
5 shall not represent any public body, except the State, in any
6 such review or appeal.

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.