

1 AMENDMENT TO SENATE BILL 1975

2 AMENDMENT NO. _____. Amend Senate Bill 1975, AS AMENDED,
3 by replacing the title with the following:

4 "AN ACT concerning labor."; and

5 by inserting after Section 5 the following:

6 "Section 7. The Prevailing Wage Act is amended by
7 changing Sections 4 and 5 as follows:

8 (820 ILCS 130/4) (from Ch. 48, par. 39s-4)

9 Sec. 4. The public body awarding any contract for public
10 work or otherwise undertaking any public works, shall
11 ascertain the general prevailing rate of hourly wages in the
12 locality in which the work is to be performed, for each craft
13 or type of worker or mechanic needed to execute the contract,
14 and where the public body performs the work without letting a
15 contract therefor, shall ascertain the prevailing rate of
16 wages on a per hour basis in the locality, and such public
17 body shall specify in the resolution or ordinance and in the
18 call for bids for the contract, that the general prevailing
19 rate of wages in the locality for each craft or type of
20 worker or mechanic needed to execute the contract or perform
21 such work, also the general prevailing rate for legal holiday

1 and overtime work, as ascertained by the public body or by
2 the Department of Labor shall be paid for each craft or type
3 of worker needed to execute the contract or to perform such
4 work, and it shall be mandatory upon the contractor to whom
5 the contract is awarded and upon any subcontractor under him,
6 and where the public body performs the work, upon the public
7 body, to pay not less than the specified rates to all
8 laborers, workers and mechanics employed by them in the
9 execution of the contract or such work; provided, however,
10 that if the public body desires that the Department of Labor
11 ascertain the prevailing rate of wages, it shall notify the
12 Department of Labor to ascertain the general prevailing rate
13 of hourly wages for work under contract, or for work
14 performed by a public body without letting a contract as
15 required in the locality in which the work is to be
16 performed, for each craft or type of worker or mechanic
17 needed to execute the contract or project or work to be
18 performed. Upon such notification the Department of Labor
19 shall ascertain such general prevailing rate of wages, and
20 certify the prevailing wage to such public body. The public
21 body awarding the contract shall cause to be inserted in the
22 contract a stipulation to the effect that not less than the
23 prevailing rate of wages as found by the public body or
24 Department of Labor or determined by the court on review
25 shall be paid to all laborers, workers and mechanics
26 performing work under the contract. It shall also require in
27 all such contractor's bonds that the contractor include such
28 provision as will guarantee the faithful performance of such
29 prevailing wage clause as provided by contract. All bid
30 specifications shall list the specified rates to all
31 laborers, workers and mechanics in the locality for each
32 craft or type of worker or mechanic needed to execute the
33 contract. If the Department of Labor revises the prevailing
34 rate of hourly wages to be paid by the public body, the

1 revised rate shall apply to such contract, and the public
2 body shall be responsible to notify the contractor and each
3 subcontractor, of the revised rate. Two or more investigatory
4 hearings under this Section on the issue of establishing a
5 new prevailing wage classification for a particular craft or
6 type of worker shall be consolidated in a single hearing
7 before the Department. Such consolidation shall occur
8 whether each separate investigatory hearing is conducted by a
9 public body or the Department. The party requesting a
10 consolidated investigatory hearing shall have the burden of
11 establishing that there is no existing prevailing wage
12 classification for the particular craft or type of worker in
13 any of the localities under consideration.

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

15 (820 ILCS 130/5) (from Ch. 48, par. 39s-5)

16 Sec. 5. The contractor and each subcontractor or the
17 officer of the public body in charge of the project shall
18 keep or cause to be kept, an accurate record showing the
19 names and occupation of all laborers, workers and mechanics
20 employed by them, in connection with said public work, and
21 showing also the actual hourly wages paid to each of such
22 persons, which record shall be open at all reasonable hours
23 to the inspection of the public body awarding the contract,
24 its officers and agents, and to the Director of Labor and his
25 deputies and agents. Any contractor or subcontractor that
26 maintains its principal place of business outside of this
27 State shall make the required records or accurate copies of
28 those records available within this State at all reasonable
29 hours for inspection.

30 (Source: P.A. 81-992.)"; and

31 by replacing Section 99 with the following:

32 "Section 99. Effective date. This Act takes effect upon

1 becoming law, except that the provisions amending the State
2 Finance Act, the Day Labor Services Act, and the Child Labor
3 Law take effect on January 1, 2003."