

# SB1647



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB1647

Introduced 2/15/2019, by Sen. Jason A. Barickman

#### SYNOPSIS AS INTRODUCED:

820 ILCS 130/4	from Ch. 48, par. 39s-4
820 ILCS 130/9	from Ch. 48, par. 39s-9

Amends the Prevailing Wage Act. Provides that a prevailing wage determined at the time of bid submission shall continue for the duration of the contract.

LRB101 09148 JLS 54242 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 Sections 4 and 9 as follows:

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

7 (Text of Section before amendment by P.A. 100-1177)

8 Sec. 4. Ascertaining prevailing wage.

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

1 execute the contract or to perform such work, and it shall be  
2 mandatory upon the contractor to whom the contract is awarded  
3 and upon any subcontractor under him, and where the public body  
4 performs the work, upon the public body, to pay not less than  
5 the specified rates to all laborers, workers and mechanics  
6 employed by them in the execution of the contract or such work;  
7 provided, however, that if the public body desires that the  
8 Department of Labor ascertain the prevailing rate of wages, it  
9 shall notify the Department of Labor to ascertain the general  
10 prevailing rate of hourly wages for work under contract, or for  
11 work performed by a public body without letting a contract as  
12 required in the locality in which the work is to be performed,  
13 for each craft or type of worker or mechanic needed to execute  
14 the contract or project or work to be performed. Upon such  
15 notification the Department of Labor shall ascertain such  
16 general prevailing rate of wages, and certify the prevailing  
17 wage to such public body.

18 (a-1) The public body or other entity awarding the contract  
19 shall cause to be inserted in the project specifications and  
20 the contract a stipulation to the effect that not less than the  
21 prevailing rate of wages as found by the public body or  
22 Department of Labor or determined by the court on review shall  
23 be paid to all laborers, workers and mechanics performing work  
24 under the contract.

25 (a-2) When a public body or other entity covered by this  
26 Act has awarded work to a contractor without a public bid,

1 contract or project specification, such public body or other  
2 entity shall comply with subsection (a-1) by providing the  
3 contractor with written notice on the purchase order related to  
4 the work to be done or on a separate document indicating that  
5 not less than the prevailing rate of wages as found by the  
6 public body or Department of Labor or determined by the court  
7 on review shall be paid to all laborers, workers, and mechanics  
8 performing work on the project.

9 (a-3) Where a complaint is made and the Department of Labor  
10 determines that a violation occurred, the Department of Labor  
11 shall determine if proper written notice under this Section 4  
12 was given. If proper written notice was not provided to the  
13 contractor by the public body or other entity, the Department  
14 of Labor shall order the public body or other entity to pay any  
15 interest, penalties or fines that would have been owed by the  
16 contractor if proper written notice were provided. The failure  
17 by a public body or other entity to provide written notice does  
18 not relieve the contractor of the duty to comply with the  
19 prevailing wage rate, nor of the obligation to pay any back  
20 wages, as determined under this Act. For the purposes of this  
21 subsection, back wages shall be limited to the difference  
22 between the actual amount paid and the prevailing rate of wages  
23 required to be paid for the project. The failure of a public  
24 body or other entity to provide written notice under this  
25 Section 4 does not diminish the right of a laborer, worker, or  
26 mechanic to the prevailing rate of wages as determined under

1 this Act.

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

16 (b-1) When a contractor has awarded work to a subcontractor  
17 without a contract or contract specification, the contractor  
18 shall comply with subsection (b) by providing a subcontractor  
19 with a written statement indicating that not less than the  
20 prevailing rate of wages shall be paid to all laborers,  
21 workers, and mechanics performing work on the project. A  
22 contractor or subcontractor who fails to comply with this  
23 subsection (b-1) is in violation of this Act.

24 (b-2) Where a complaint is made and the Department of Labor  
25 determines that a violation has occurred, the Department of  
26 Labor shall determine if proper written notice under this

1 Section 4 was given. If proper written notice was not provided  
2 to the subcontractor by the contractor, the Department of Labor  
3 shall order the contractor to pay any interest, penalties, or  
4 fines that would have been owed by the subcontractor if proper  
5 written notice were provided. The failure by a contractor to  
6 provide written notice to a subcontractor does not relieve the  
7 subcontractor of the duty to comply with the prevailing wage  
8 rate, nor of the obligation to pay any back wages, as  
9 determined under this Act. For the purposes of this subsection,  
10 back wages shall be limited to the difference between the  
11 actual amount paid and the prevailing rate of wages required  
12 for the project. However, if proper written notice was not  
13 provided to the contractor by the public body or other entity  
14 under this Section 4, the Department of Labor shall order the  
15 public body or other entity to pay any interest, penalties, or  
16 fines that would have been owed by the subcontractor if proper  
17 written notice were provided. The failure by a public body or  
18 other entity to provide written notice does not relieve the  
19 subcontractor of the duty to comply with the prevailing wage  
20 rate, nor of the obligation to pay any back wages, as  
21 determined under this Act. For the purposes of this subsection,  
22 back wages shall be limited to the difference between the  
23 actual amount paid and the prevailing rate of wages required  
24 for the project. The failure to provide written notice by a  
25 public body, other entity, or contractor does not diminish the  
26 right of a laborer, worker, or mechanic to the prevailing rate

1 of wages as determined under this Act.

2 (c) A public body or other entity shall also require in all  
3 contractor's and subcontractor's bonds that the contractor or  
4 subcontractor include such provision as will guarantee the  
5 faithful performance of such prevailing wage clause as provided  
6 by contract or other written instrument. All bid specifications  
7 shall list the specified rates to all laborers, workers and  
8 mechanics in the locality for each craft or type of worker or  
9 mechanic needed to execute the contract.

10 (d) If the Department of Labor revises the prevailing rate  
11 of hourly wages to be paid by the public body or other entity,  
12 the revised rate shall apply to such contract, and the public  
13 body or other entity shall be responsible to notify the  
14 contractor and each subcontractor, of the revised rate.

15 The public body or other entity shall discharge its duty to  
16 notify of the revised rates by inserting a written stipulation  
17 in all contracts or other written instruments that states the  
18 prevailing rate of wages are revised by the Department of Labor  
19 and are available on the Department's official website. This  
20 shall be deemed to be proper notification of any rate changes  
21 under this subsection.

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

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

6 (f) It shall be mandatory upon the contractor or  
7 construction manager to whom a contract for public works is  
8 awarded to post, at a location on the project site of the  
9 public works that is easily accessible to the workers engaged  
10 on the project, the prevailing wage rates for each craft or  
11 type of worker or mechanic needed to execute the contract or  
12 project or work to be performed. In lieu of posting on the  
13 project site of the public works, a contractor which has a  
14 business location where laborers, workers, and mechanics  
15 regularly visit may: (1) post in a conspicuous location at that  
16 business the current prevailing wage rates for each county in  
17 which the contractor is performing work; or (2) provide such  
18 laborer, worker, or mechanic engaged on the public works  
19 project a written notice indicating the prevailing wage rates  
20 for the public works project. A failure to post or provide a  
21 prevailing wage rate as required by this Section is a violation  
22 of this Act.

23 (Source: P.A. 96-437, eff. 1-1-10; 97-964, eff. 1-1-13.)

24 (Text of Section after amendment by P.A. 100-1177)

25 Sec. 4. Ascertaining prevailing wage.



1           (a) The prevailing rate of wages paid to individuals  
2 covered under this Act shall not be less than the rate that  
3 prevails for work of a similar character on public works in the  
4 locality in which the work is performed under collective  
5 bargaining agreements or understandings between employers or  
6 employer associations and bona fide labor organizations  
7 relating to each craft or type of worker or mechanic needed to  
8 execute the contract or perform such work, and collective  
9 bargaining agreements or understandings successor thereto,  
10 provided that said employers or members of said employer  
11 associations employ at least 30% of the laborers, workers, or  
12 mechanics in the same trade or occupation in the locality where  
13 the work is being performed.

14           (b) If the prevailing rates of wages and fringe benefits  
15 cannot reasonably and fairly be applied in any locality because  
16 no such agreements or understandings exist, the Department of  
17 Labor shall determine the rates and fringe benefits for the  
18 same or most similar work in the nearest and most similar  
19 neighboring locality in which such agreements or  
20 understandings exist. The Department of Labor shall keep a  
21 record of its findings available for inspection by any  
22 interested party in the office of the Department of Labor.

23           (c) In the event it is determined, after a written  
24 objection is filed and hearing is held in accordance with  
25 Section 9 of this Act, that less than 30% of the laborers,  
26 workers, or mechanics in a particular trade or occupation in

1 the locality where the work is performed receive a collectively  
2 bargained rate of wage, then the average wage paid to such  
3 laborers, workers, or mechanics in the same trade or occupation  
4 in the locality for the 12-month period preceding the  
5 Department of Labor's annual determination shall be the  
6 prevailing rate of wage.

7 (d) The public body awarding any contract for public work  
8 or otherwise undertaking any public works shall specify in the  
9 call for bids for the contract, or where the public body  
10 performs the work without letting the contract in a written  
11 instrument provided to the contractor, that the general  
12 prevailing rate of wages in the locality for each craft or type  
13 of worker or mechanic needed to execute the contract or perform  
14 such work, also the general prevailing rate for legal holiday  
15 and overtime work, as ascertained by the Department of Labor  
16 shall be paid for each craft or type of worker needed to  
17 execute the contract or to perform such work, and it shall be  
18 mandatory upon the contractor to whom the contract is awarded  
19 and upon any subcontractor under him, and where the public body  
20 performs the work, upon the public body, to pay not less than  
21 the specified rates to all laborers, workers and mechanics  
22 employed by them in the execution of the contract or such work.  
23 Compliance with this Act is a matter of statewide concern, and  
24 a public body may not opt out of any provisions herein.

25 (e) The public body or other entity awarding the contract  
26 shall cause to be inserted in the project specifications and

1 the contract a stipulation to the effect that not less than the  
2 prevailing rate of wages as found by the Department of Labor or  
3 determined by the court on review shall be paid to all  
4 laborers, workers and mechanics performing work under the  
5 contract.

6 (f) When a public body or other entity covered by this Act  
7 has awarded work to a contractor without a public bid, contract  
8 or project specification, such public body or other entity  
9 shall comply with subsection (e) by providing the contractor  
10 with written notice on the purchase order related to the work  
11 to be done or on a separate document indicating that not less  
12 than the prevailing rate of wages ascertained by the Department  
13 of Labor or determined by the court on review shall be paid to  
14 all laborers, workers, and mechanics performing work on the  
15 project.

16 (g) Where a complaint is made and the Department of Labor  
17 determines that a violation occurred, the Department of Labor  
18 shall determine if proper written notice under this Section 4  
19 was given. If proper written notice was not provided to the  
20 contractor by the public body or other entity, the Department  
21 of Labor shall order the public body or other entity to pay any  
22 interest, penalties or fines that would have been owed by the  
23 contractor if proper written notice were provided. The failure  
24 by a public body or other entity to provide written notice does  
25 not relieve the contractor of the duty to comply with the  
26 prevailing wage rate, nor of the obligation to pay any back

1 wages, as determined under this Act. For the purposes of this  
2 subsection, back wages shall be limited to the difference  
3 between the actual amount paid and the prevailing rate of wages  
4 required to be paid for the project. The failure of a public  
5 body or other entity to provide written notice under this  
6 Section 4 does not diminish the right of a laborer, worker, or  
7 mechanic to the prevailing rate of wages as determined under  
8 this Act.

9 (h) It shall also be mandatory upon the contractor to whom  
10 the contract is awarded to insert into each subcontract and  
11 into the project specifications for each subcontract a written  
12 stipulation to the effect that not less than the prevailing  
13 rate of wages shall be paid to all laborers, workers, and  
14 mechanics performing work under the contract. It shall also be  
15 mandatory upon each subcontractor to cause to be inserted into  
16 each lower tiered subcontract and into the project  
17 specifications for each lower tiered subcontract a stipulation  
18 to the effect that not less than the prevailing rate of wages  
19 shall be paid to all laborers, workers, and mechanics  
20 performing work under the contract. A contractor or  
21 subcontractor who fails to comply with this subsection is in  
22 violation of this Act.

23 (i) When a contractor has awarded work to a subcontractor  
24 without a contract or contract specification, the contractor  
25 shall comply with subsection (h) by providing a subcontractor  
26 with a written statement indicating that not less than the

1 prevailing rate of wages shall be paid to all laborers,  
2 workers, and mechanics performing work on the project. A  
3 contractor or subcontractor who fails to comply with this  
4 subsection is in violation of this Act.

5 (j) Where a complaint is made and the Department of Labor  
6 determines that a violation has occurred, the Department of  
7 Labor shall determine if proper written notice under this  
8 Section 4 was given. If proper written notice was not provided  
9 to the subcontractor by the contractor, the Department of Labor  
10 shall order the contractor to pay any interest, penalties, or  
11 fines that would have been owed by the subcontractor if proper  
12 written notice were provided. The failure by a contractor to  
13 provide written notice to a subcontractor does not relieve the  
14 subcontractor of the duty to comply with the prevailing wage  
15 rate, nor of the obligation to pay any back wages, as  
16 determined under this Act. For the purposes of this subsection,  
17 back wages shall be limited to the difference between the  
18 actual amount paid and the prevailing rate of wages required  
19 for the project. However, if proper written notice was not  
20 provided to the contractor by the public body or other entity  
21 under this Section 4, the Department of Labor shall order the  
22 public body or other entity to pay any interest, penalties, or  
23 fines that would have been owed by the subcontractor if proper  
24 written notice were provided. The failure by a public body or  
25 other entity to provide written notice does not relieve the  
26 subcontractor of the duty to comply with the prevailing wage

1 rate, nor of the obligation to pay any back wages, as  
2 determined under this Act. For the purposes of this subsection,  
3 back wages shall be limited to the difference between the  
4 actual amount paid and the prevailing rate of wages required  
5 for the project. The failure to provide written notice by a  
6 public body, other entity, or contractor does not diminish the  
7 right of a laborer, worker, or mechanic to the prevailing rate  
8 of wages as determined under this Act.

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

17 (l) Any prevailing rate determined by a public body or the  
18 Department at the time of bid submission shall be the rate  
19 applicable for the duration of the contract awarded by the  
20 public body. ~~If the Department of Labor revises the prevailing~~  
21 ~~rate of hourly wages to be paid by the public body or other~~  
22 ~~entity, the revised rate shall apply to such contract, and the~~  
23 ~~public body or other entity shall be responsible to notify the~~  
24 ~~contractor and each subcontractor, of the revised rate.~~

25 ~~The public body or other entity shall discharge its duty to~~  
26 ~~notify of the revised rates by inserting a written stipulation~~

1 ~~in all contracts or other written instruments that states the~~  
2 ~~prevailing rate of wages are revised by the Department of Labor~~  
3 ~~and are available on the Department's official website. This~~  
4 ~~shall be deemed to be proper notification of any rate changes~~  
5 ~~under this subsection.~~

6 (m) Two or more investigatory hearings under this Section  
7 on the issue of establishing a new prevailing wage  
8 classification for a particular craft or type of worker shall  
9 be consolidated in a single hearing before the Department. The  
10 party requesting a consolidated investigatory hearing shall  
11 have the burden of establishing that there is no existing  
12 prevailing wage classification for the particular craft or type  
13 of worker in any of the localities under consideration.

14 (n) It shall be mandatory upon the contractor or  
15 construction manager to whom a contract for public works is  
16 awarded to post, at a location on the project site of the  
17 public works that is easily accessible to the workers engaged  
18 on the project, the prevailing wage rates for each craft or  
19 type of worker or mechanic needed to execute the contract or  
20 project or work to be performed. In lieu of posting on the  
21 project site of the public works, a contractor which has a  
22 business location where laborers, workers, and mechanics  
23 regularly visit may: (1) post in a conspicuous location at that  
24 business the current prevailing wage rates for each county in  
25 which the contractor is performing work; or (2) provide such  
26 laborer, worker, or mechanic engaged on the public works

1 project a written notice indicating the prevailing wage rates  
2 for the public works project. A failure to post or provide a  
3 prevailing wage rate as required by this Section is a violation  
4 of this Act.

5 (Source: P.A. 100-1177, eff. 6-1-19.)

6 (820 ILCS 130/9) (from Ch. 48, par. 39s-9)

7 (Text of Section before amendment by P.A. 100-1177)

8 Sec. 9. To effectuate the purpose and policy of this Act  
9 each public body shall, during the month of June of each  
10 calendar year, investigate and ascertain the prevailing rate of  
11 wages as defined in this Act and publicly post or keep  
12 available for inspection by any interested party in the main  
13 office of such public body its determination of such prevailing  
14 rate of wage and shall promptly file, no later than July 15 of  
15 each year, a certified copy thereof in the office of the  
16 Illinois Department of Labor.

17 The Department of Labor shall during the month of June of  
18 each calendar year, investigate and ascertain the prevailing  
19 rate of wages for each county in the State. If a public body  
20 does not investigate and ascertain the prevailing rate of wages  
21 during the month of June as required by the previous paragraph,  
22 then the prevailing rate of wages for that public body shall be  
23 the rate as determined by the Department under this paragraph  
24 for the county in which such public body is located. The  
25 Department shall publish on its official website a prevailing



1 wage schedule for each county in the State, no later than  
2 August 15 of each year, based on the prevailing rate of wages  
3 investigated and ascertained by the Department during the month  
4 of June. Nothing prohibits the Department from publishing  
5 prevailing wage rates more than once per year.

6 Where the Department of Labor ascertains the prevailing  
7 rate of wages, it is the duty of the Department of Labor within  
8 30 days after receiving a notice from the public body  
9 authorizing the proposed work, to conduct an investigation to  
10 ascertain the prevailing rate of wages as defined in this Act  
11 and such investigation shall be conducted in the locality in  
12 which the work is to be performed. The Department of Labor  
13 shall send a certified copy of its findings to the public body  
14 authorizing the work and keep a record of its findings  
15 available for inspection by any interested party in the office  
16 of the Department of Labor at Springfield.

17 The public body except for the Department of Transportation  
18 with respect to highway contracts shall within 30 days after  
19 filing with the Department of Labor, or the Department of Labor  
20 shall within 30 days after filing with such public body,  
21 publish in a newspaper of general circulation within the area  
22 that the determination is effective, a notice of its  
23 determination and shall promptly mail a copy of its  
24 determination to any employer, and to any association of  
25 employers and to any person or association of employees who  
26 have filed their names and addresses, requesting copies of any

1 determination stating the particular rates and the particular  
2 class of workers whose wages will be affected by such rates. If  
3 the Department of Labor ascertains the prevailing rate of wages  
4 for a public body, the public body may satisfy the newspaper  
5 publication requirement in this paragraph by posting on the  
6 public body's website a notice of its determination with a  
7 hyperlink to the prevailing wage schedule for that locality  
8 that is published on the official website of the Department of  
9 Labor.

10 At any time within 30 days after the Department of Labor  
11 has published on its official web site a prevailing wage  
12 schedule, any person affected thereby may object in writing to  
13 the determination or such part thereof as they may deem  
14 objectionable by filing a written notice with the public body  
15 or Department of Labor, whichever has made such determination,  
16 stating the specified grounds of the objection. It shall  
17 thereafter be the duty of the public body or Department of  
18 Labor to set a date for a hearing on the objection after giving  
19 written notice to the objectors at least 10 days before the  
20 date of the hearing and said notice shall state the time and  
21 place of such hearing. Such hearing by a public body shall be  
22 held within 45 days after the objection is filed, and shall not  
23 be postponed or reset for a later date except upon the consent,  
24 in writing, of all the objectors and the public body. If such  
25 hearing is not held by the public body within the time herein  
26 specified, the Department of Labor may, upon request of the

1 objectors, conduct the hearing on behalf of the public body.

2 The public body or Department of Labor, whichever has made  
3 such determination, is authorized in its discretion to hear  
4 each written objection filed separately or consolidate for  
5 hearing any one or more written objections filed with them. At  
6 such hearing, the public body or Department of Labor shall  
7 introduce in evidence the investigation it instituted which  
8 formed the basis of its determination, and the public body or  
9 Department of Labor, or any interested objectors may thereafter  
10 introduce such evidence as is material to the issue.  
11 Thereafter, the public body or Department of Labor, must rule  
12 upon the written objection and make such final determination as  
13 it believes the evidence warrants, and promptly file a  
14 certified copy of its final determination with such public  
15 body, and serve a copy by personal service or registered mail  
16 on all parties to the proceedings. The final determination by  
17 the Department of Labor or a public body shall be rendered  
18 within 30 days after the conclusion of the hearing.

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

23 The provisions of the Administrative Review Law, and all  
24 amendments and modifications thereof, and the rules adopted  
25 pursuant thereto, shall apply to and govern all proceedings for  
26 the judicial review of final administrative decisions of any

1 public body or the Department of Labor hereunder. The term  
2 "administrative decision" is defined as in Section 3-101 of the  
3 Code of Civil Procedure.

4 Appeals from all final orders and judgments entered by the  
5 court in review of the final administrative decision of the  
6 public body or Department of Labor, may be taken by any party  
7 to the action.

8 Any proceeding in any court affecting a determination of  
9 the Department of Labor or public body shall have priority in  
10 hearing and determination over all other civil proceedings  
11 pending in said court, except election contests.

12 In all reviews or appeals under this Act, it shall be the  
13 duty of the Attorney General to represent the Department of  
14 Labor, and defend its determination. The Attorney General shall  
15 not represent any public body, except the State, in any such  
16 review or appeal.

17 (Source: P.A. 100-2, eff. 6-16-17; 100-154, eff. 8-18-17;  
18 100-863, eff. 8-14-18.)

19 (Text of Section after amendment by P.A. 100-1177)

20 Sec. 9. To effectuate the purpose and policy of this Act  
21 the Department of Labor shall, during the month of June of each  
22 calendar year, investigate and ascertain the prevailing rate of  
23 wages for each county in the State and shall publish the  
24 prevailing wage schedule ascertained on its official website no  
25 later than July 15 of each year. If the prevailing rate of

1 wages is based on a collective bargaining agreement, any  
2 increases directly ascertainable from such collective  
3 bargaining agreement shall also be published on the website.  
4 Further, if the prevailing rate of wages is based on a  
5 collective bargaining agreement, the explanation of classes on  
6 the prevailing wage schedule shall be consistent with the  
7 classifications established under the collective bargaining  
8 agreement.

9 At any time within 30 days after the Department of Labor  
10 has published on its official web site a prevailing wage  
11 schedule, any person affected thereby may object in writing to  
12 the determination or such part thereof as they may deem  
13 objectionable by filing a written notice with the Department of  
14 Labor stating the specified grounds of the objection. A person  
15 filing an objection alleging that the actual percentage of  
16 laborers, workers, or mechanics that receive a collectively  
17 bargained rate of wage is below the required 30% shall have the  
18 burden of establishing such and shall support the allegation  
19 with competent evidence. During the pendency of any objection  
20 and until final determination thereof, the work in question  
21 shall proceed under the rate established by the Department. It  
22 shall be the duty of the Department of Labor to set a date for a  
23 hearing on the objection after giving written notice to the  
24 objectors at least 10 days before the date of the hearing and  
25 said notice shall state the time and place of such hearing.  
26 Such hearing by the Department of Labor shall be held within 45

1 days after the objection is filed, and shall not be postponed  
2 or reset for a later date except upon the consent, in writing,  
3 of all the objectors and the Department of Labor.

4 The Department of Labor may hear each written objection  
5 filed separately or consolidate for hearing any one or more  
6 written objections filed. At such hearing, the Department of  
7 Labor shall introduce in evidence the investigation it  
8 instituted which formed the basis of its determination, and the  
9 Department of Labor, or any interested objectors may thereafter  
10 introduce such evidence as is material to the issue.  
11 Thereafter, the Department of Labor, must rule upon the written  
12 objection and make such final determination as it believes the  
13 evidence warrants and serve a copy by personal service,  
14 registered mail, or electronic mail on all parties to the  
15 proceedings. The final determination by the Department of Labor  
16 shall be rendered within 30 days after the conclusion of the  
17 hearing.

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

22 The provisions of the Administrative Review Law, and all  
23 amendments and modifications thereof, and the rules adopted  
24 pursuant thereto, shall apply to and govern all proceedings for  
25 the judicial review of final administrative decisions of the  
26 Department of Labor. The term "administrative decision" is

1 defined as in Section 3-101 of the Code of Civil Procedure.

2 Appeals from all final orders and judgments entered by the  
3 court in review of the final administrative decision of the  
4 Department of Labor, may be taken by any party to the action.

5 Any proceeding in any court affecting a determination of  
6 the Department of Labor shall have priority in hearing and  
7 determination over all other civil proceedings pending in said  
8 court, except election contests.

9 In all reviews or appeals under this Act, it shall be the  
10 duty of the Attorney General to represent the Department of  
11 Labor, and defend its determination.

12 Notwithstanding the provisions of this Section, any  
13 prevailing rate determined by a public body or the Department  
14 at the time of bid submission shall be the rate applicable for  
15 the duration of the contract awarded by the public body.

16 (Source: P.A. 100-2, eff. 6-16-17; 100-154, eff. 8-18-17;  
17 100-863, eff. 8-14-18; 100-1177, eff. 6-1-19.)

18 Section 95. No acceleration or delay. Where this Act makes  
19 changes in a statute that is represented in this Act by text  
20 that is not yet or no longer in effect (for example, a Section  
21 represented by multiple versions), the use of that text does  
22 not accelerate or delay the taking effect of (i) the changes  
23 made by this Act or (ii) provisions derived from any other  
24 Public Act.