

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 Section 4 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. The party requesting a
32 consolidated investigatory hearing shall have the burden of
33 establishing that there is no existing prevailing wage
34 classification for the particular craft or type of worker in

1 any of the localities under consideration.

2 Notwithstanding any other provision of this Act, separate
3 classifications for landscape plantsman, landscape driver,
4 and landscape equipment operator shall be recognized under
5 this Act, and the prevailing rate of hourly wages for those
6 classifications shall be the rates that prevail in the
7 landscape industry as determined by the U.S. Department of
8 Labor.

9 (Source: P.A. 92-783, eff. 8-6-02.)

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