

1 AN ACT concerning prevailing wages.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Procurement Code is amended by
5 changing Section 25-60 as follows:

6 (30 ILCS 500/25-60)

7 Sec. 25-60. Prevailing wage requirements; retaliatory
8 discharge of "whistleblowers" prohibited.

9 (a) All services furnished under service contracts of
10 \$2,000 or more or \$200 or more per month and under printing
11 contracts shall be subject to the following prevailing wage
12 requirements:

13 (1) Not less than the general prevailing wage rate
14 of hourly wages for work of a similar character in the
15 locality in which the work is produced shall be paid by
16 the successful vendor to its employees who perform the
17 work on the State contracts. The bidder or offeror, in
18 order to be considered to be a responsible bidder or
19 offeror for the purposes of this Code, shall certify to
20 the purchasing agency that wages to be paid to its
21 employees are no less, and fringe benefits and working
22 conditions of employees are not less favorable, than
23 those prevailing in the locality where the contract is to
24 be performed. Prevailing wages and working conditions
25 shall be determined by the Director of the Illinois
26 Department of Labor.

27 (2) Whenever a collective bargaining agreement is
28 in effect between an employer, other than a governmental
29 body, and service or printing employees as defined in
30 this Section who are represented by a responsible
31 organization that is in no way influenced or controlled

1 by the management, that agreement and its provisions
2 shall be considered as conditions prevalent in that
3 locality and shall be the minimum requirements taken into
4 consideration by the Director of Labor.

5 (3) Collective bargaining agreements between State
6 employees and the State of Illinois shall not be taken
7 into account by the Department of Labor in determining
8 the prevailing wage rate.

9 (b) As used in this Section, "services" means janitorial
10 cleaning services, window cleaning services, food services,
11 and security services. "Printing" means and includes all
12 processes and operations involved in printing, including but
13 not limited to letterpress, offset, and gravure processes,
14 the multilith method, photographic or other duplicating
15 process, the operations of composition, platemaking,
16 presswork, and binding, and the end products of those
17 processes, methods, and operations. As used in this Code
18 "printing" does not include photocopiers used in the course
19 of normal business activities, photographic equipment used
20 for geographic mapping, or printed matter that is commonly
21 available to the general public from contractor inventory.

22 (c) The terms "general prevailing rate of hourly wages",
23 "general prevailing rate of wages", or "prevailing rate of
24 wages" when used in this Section shall have the meanings
25 ascribed to those terms in Section 2 of the Prevailing Wage
26 Act (820 ILCS 130/2). ~~mean-the-hourly-cash-wages-plus--fringe~~
27 ~~benefits--for--health--and-welfare,--insurance,--vacations,--and~~
28 ~~pensions-paid-generally,--in-the-locality-in-which-the-work-is~~
29 ~~being-performed,--to-employees-engaged-in-work--of--a--similar~~
30 ~~character.~~

31 (d) "Locality" shall have the meaning established by
32 rule.

33 (e) This Section does not apply to services furnished
34 under contracts for professional or artistic services.

1 (f) This Section does not apply to vocational programs
2 of training for physically or mentally handicapped persons or
3 to sheltered workshops for the severely disabled.

4 (g) No person shall discharge, discipline, in any other
5 way discriminate against, or cause to be discharged,
6 disciplined, or discriminated against any employee or any
7 authorized representative of employees by reason of the fact
8 that the employee or representative (i) has filed,
9 instituted, or caused to be filed or instituted any
10 proceeding alleging a violation of this Section, (ii) has
11 testified or is about to testify in any proceeding resulting
12 from the administration or enforcement of this Section, or
13 (iii) offers any evidence of any violation of this Section.

14 (h) Any employee or a representative of employees who
15 believes that he or she has been discharged, disciplined, or
16 otherwise discriminated against by any person in violation of
17 subsection (g) may, within 30 days after the alleged
18 violation occurs, apply to the Director of Labor for a review
19 of the discharge, discipline, or alleged discrimination. A
20 copy of the application shall be sent to the person who
21 allegedly committed the violation, who shall be the
22 respondent. Upon receipt of an application, the Director
23 shall cause an investigation to be made as he or she deems
24 appropriate. The investigation shall provide an opportunity
25 for a public hearing at the request of any party to the
26 review to enable the parties to present information relating
27 to the alleged violation. The parties shall be given written
28 notice of the time and place of the hearing at least 5 days
29 before the hearing. Upon receiving the report of the
30 investigation, the Director or his or her designee shall make
31 findings of fact. If the Director or his or her designee
32 finds that a violation did occur, he or she shall issue a
33 decision incorporating his or her findings and requiring the
34 party committing the violation to take such affirmative

1 action to abate the violation as the Director deems
2 appropriate, including, but not limited to, the rehiring or
3 reinstatement of the employee or representative of employees
4 to his or her former position and compensating him or her for
5 the time he or she was unemployed. If the Director finds that
6 there was no violation, he or she shall issue an order
7 denying the application. An order issued by the Director or
8 his or her designee under this Section shall be subject to
9 judicial review under the Administrative Review Law.

10 (i) The Director of Labor shall adopt rules implementing
11 subsection (h) in accordance with the Illinois Administrative
12 Procedure Act.

13 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)