

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 Section 5 as follows:

6 (820 ILCS 130/5) (from Ch. 48, par. 39s-5)

7 Sec. 5. Certified payroll.

8 (a) While participating on public works, the contractor and  
9 each subcontractor shall:

10 (1) make and keep, for a period of not less than 3  
11 years, records of all laborers, mechanics, and other  
12 workers employed by them on the project; the records shall  
13 include each worker's name, address, telephone number when  
14 available, social security number, classification or  
15 classifications, the hourly wages paid in each pay period,  
16 the number of hours worked each day, and the starting and  
17 ending times of work each day; and

18 (2) submit monthly, in person, by mail, or  
19 electronically a certified payroll to the public body in  
20 charge of the project. The certified payroll shall consist  
21 of a complete copy of the records identified in paragraph  
22 (1) of this subsection (a), but may exclude the starting  
23 and ending times of work each day. The certified payroll  
24 shall be accompanied by a statement signed by the  
25 contractor or subcontractor which avers that: (i) such  
26 records are true and accurate; (ii) the hourly rate paid to  
27 each worker is not less than the general prevailing rate of  
28 hourly wages required by this Act; and (iii) the contractor  
29 or subcontractor is aware that filing a certified payroll  
30 that he or she knows to be false is a Class B misdemeanor.  
31 A general contractor is not prohibited from relying on the  
32 certification of a lower tier subcontractor, provided the

1 general contractor does not knowingly rely upon a  
2 subcontractor's false certification. Any contractor or  
3 subcontractor subject to this Act who fails to submit a  
4 certified payroll or knowingly files a false certified  
5 payroll is in violation of this Act and guilty of a Class B  
6 misdemeanor. The public body in charge of the project shall  
7 keep the records submitted in accordance with this  
8 paragraph (2) of subsection (a) for a period of not less  
9 than 3 years. The records submitted in accordance with this  
10 paragraph (2) of subsection (a) shall be considered public  
11 records, except an employee's address, telephone number,  
12 and social security number, and made available in  
13 accordance with the Freedom of Information Act. The public  
14 body shall accept any reasonable submissions by the  
15 contractor that meet the requirements of this Section.

16 (b) Upon 2 business days' notice, the contractor and each  
17 subcontractor shall make available for inspection the records  
18 identified in paragraph (1) of subsection (a) of this Section  
19 to the public body in charge of the project, its officers and  
20 agents, and to the Director of Labor and his deputies and  
21 agents. Upon 2 business days' notice, the contractor and each  
22 subcontractor shall make such records available at all  
23 reasonable hours at a location within this State.

24 (Source: P.A. 93-38, eff. 6-1-04; 94-515, eff. 8-10-05.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.