



Rep. Dave Vella

**Filed: 3/21/2025**

10400HB1054ham001

LRB104 03164 SPS 23935 a

1 AMENDMENT TO HOUSE BILL 1054

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1054 by replacing  
3 everything after the enacting clause with the following:

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) Any contractor and each subcontractor who participates  
9 in public works shall:

10 (1) make and keep, for a period of not less than 3  
11 years from the date of the last payment made before  
12 January 1, 2014 (the effective date of Public Act 98-328)  
13 and for a period of 5 years from the date of the last  
14 payment made on or after January 1, 2014 (the effective  
15 date of Public Act 98-328) on a contract or subcontract  
16 for public works, records of all laborers, mechanics, and

1 other workers employed by them on the project; the records  
2 shall include (i) the worker's name, (ii) the worker's  
3 address, (iii) the worker's telephone number when  
4 available, (iv) the last 4 digits of the worker's social  
5 security number, (v) the worker's gender, (vi) the  
6 worker's race, (vii) the worker's ethnicity, (viii)  
7 veteran status, (ix) the worker's classification or  
8 classifications, (x) the worker's skill level, such as  
9 apprentice or journeyman, (xi) the worker's gross and net  
10 wages paid in each pay period, (xii) the worker's number  
11 of hours worked each day, (xiii) the worker's starting and  
12 ending times of work each day, (xiv) the worker's hourly  
13 wage rate, (xv) the worker's hourly overtime wage rate,  
14 (xvi) the worker's hourly fringe benefit rates, (xvii) the  
15 name and address of each fringe benefit fund, (xviii) the  
16 plan sponsor of each fringe benefit, if applicable, and  
17 (xix) the plan administrator of each fringe benefit, if  
18 applicable; and

19 (2) no later than the 15th day of each calendar month  
20 file a certified payroll for the immediately preceding  
21 month with the public body in charge of the project until  
22 the Department of Labor activates the database created  
23 under Section 5.1 at which time certified payroll shall  
24 only be submitted to that database, except for projects  
25 done by State agencies that opt to have contractors submit  
26 certified payrolls directly to that State agency. A State

1 agency that opts to directly receive certified payrolls  
2 must submit the required information in a specified  
3 electronic format to the Department of Labor no later than  
4 10 days after the certified payroll was filed with the  
5 State agency. A certified payroll must be filed for only  
6 those calendar months during which construction on a  
7 public works project has occurred. The certified payroll  
8 shall consist of a complete copy of the records identified  
9 in paragraph (1) of this subsection (a), but may exclude  
10 the starting and ending times of work each day. The  
11 certified payroll shall be accompanied by a statement  
12 signed by the contractor or subcontractor or an officer,  
13 employee, or agent of the contractor or subcontractor  
14 which avers that: (i) he or she has examined the certified  
15 payroll records required to be submitted by the Act and  
16 such records are true and accurate; (ii) the hourly rate  
17 paid to each worker is not less than the general  
18 prevailing rate of hourly wages required by this Act; and  
19 (iii) the contractor or subcontractor is aware that filing  
20 a certified payroll that he or she knows to be false is a  
21 Class A misdemeanor. A general contractor is not  
22 prohibited from relying on the certification of a lower  
23 tier subcontractor, provided the general contractor does  
24 not knowingly rely upon a subcontractor's false  
25 certification. Any contractor or subcontractor subject to  
26 this Act and any officer, employee, or agent of such

1 contractor or subcontractor whose duty as such officer,  
2 employee, or agent it is to file such certified payroll  
3 who willfully fails to file such a certified payroll on or  
4 before the date such certified payroll is required by this  
5 paragraph to be filed and any person who willfully files a  
6 false certified payroll that is false as to any material  
7 fact is in violation of this Act and guilty of a Class A  
8 misdemeanor. The public body in charge of the project  
9 shall keep the records submitted in accordance with this  
10 paragraph (2) of subsection (a) before January 1, 2014  
11 (the effective date of Public Act 98-328) for a period of  
12 not less than 3 years, and the records submitted in  
13 accordance with this paragraph (2) of subsection (a) on or  
14 after January 1, 2014 (the effective date of Public Act  
15 98-328) for a period of 5 years, from the date of the last  
16 payment for work on a contract or subcontract for public  
17 works or until the Department of Labor activates the  
18 database created under Section 5.1, whichever is less.  
19 After the activation of the database created under Section  
20 5.1, the Department of Labor rather than the public body  
21 in charge of the project shall keep the records and  
22 maintain the database. The records submitted in accordance  
23 with this paragraph (2) of subsection (a) shall be  
24 considered public records, except an employee's address,  
25 telephone number, social security number, race, ethnicity,  
26 and gender, and made available in accordance with the

1 Freedom of Information Act. The public body shall accept  
2 any reasonable submissions by the contractor that meet the  
3 requirements of this Section.

4 A contractor, subcontractor, or public body may retain  
5 records required under this Section in paper or electronic  
6 format.

7 (b) Upon 7 business days' notice, the contractor and each  
8 subcontractor shall make available for inspection and copying  
9 at a location within this State during reasonable hours, the  
10 records identified in paragraph (1) of subsection (a) of this  
11 Section to the public body in charge of the project, its  
12 officers and agents, the Director of Labor and his deputies  
13 and agents, and to federal, State, or local law enforcement  
14 agencies and prosecutors.

15 (c) A contractor or subcontractor who remits contributions  
16 to fringe benefit funds that are jointly maintained and  
17 jointly governed by one or more employers and one or more labor  
18 organizations in accordance with the federal Labor Management  
19 Relations Act shall make and keep certified payroll records  
20 that include the information required under items (i) through  
21 (viii) of paragraph (1) of subsection (a) only. However, the  
22 information required under items (ix) through (xv) of  
23 paragraph (1) of subsection (a) shall be required for any  
24 contractor or subcontractor who remits contributions to a  
25 fringe benefit fund that is not jointly maintained and jointly  
26 governed by one or more employers and one or more labor

1 organizations in accordance with the federal Labor Management  
2 Relations Act.

3 (d) Any contractor or subcontractor subject to this Act  
4 and any officer, employee, or agent of the contractor or  
5 subcontractor whose duty as the officer, employee, or agent is  
6 to file the certified payroll, who the Department of Labor  
7 finds has failed to file the certified payroll for any public  
8 works project as required under this Act, is subject to a civil  
9 penalty, payable to the Department of Labor, of up to \$1,000  
10 for a first offense and up to \$2,000 for a second or subsequent  
11 offense no more than 5 years after the first offense. A second  
12 or subsequent offense that occurs more than 5 years after the  
13 first offense shall be considered a first offense. Each month  
14 in which a violation of this Section occurs shall constitute a  
15 separate offense.

16 A finding of an offense by the Department of Labor for  
17 failure to file the certified payroll may be challenged if a  
18 request for administrative hearing is received no later than  
19 10 business days after receipt of the notice of the offense.  
20 The Department of Labor shall have the burden of establishing  
21 good cause for its action. Good cause exists if the Department  
22 of Labor establishes that the contractor or subcontractor  
23 participated in a public works project under this Act and  
24 failed to submit a certified payroll to the Department of  
25 Labor's electronic database no later than 15 calendar days  
26 after the immediately preceding month that the public works

1 was performed by the contractor or subcontractor. Any  
2 mitigating evidence that a contractor or subcontractor  
3 attempted to timely submit certified payrolls to the  
4 Department of Labor's electronic database but failed due to  
5 technical issues shall be considered. A contractor or  
6 subcontractor's lack of knowledge of the requirements of this  
7 Section shall not be considered as mitigating evidence.

8 All hearings held under this Section shall comply with the  
9 Illinois Administrative Procedure Act and the Department of  
10 Labor's rules for administrative hearings. The final  
11 administrative decision by the Department of Labor shall be  
12 rendered after the conclusion of the hearing. A final  
13 administrative decision made under this Section is subject to  
14 the Administrative Review Law. If a final administrative  
15 decision issued by the Department of Labor requires a  
16 contractor or subcontractor to pay a civil penalty, and the  
17 subcontractor or contractor has not: (i) made the required  
18 payment within 35 days after the issuance of the final  
19 administrative decision; or (ii) timely filed a complaint  
20 seeking review of the final administrative decision within 35  
21 days after the issuance of the final administrative decision  
22 in a court of competent jurisdiction, the Department of Labor,  
23 by and through the Office of the Attorney General, may file a  
24 verified petition against the contractor or subcontractor to  
25 enforce the final administrative decision and to collect any  
26 amounts due in the circuit court of any county where an office

1 of the Department of Labor is located.

2 (Source: P.A. 100-1177, eff. 6-1-19; 101-31, eff. 6-28-19.)".