



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

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ATTORNEY GENERAL

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**By First Class Mail**

I am reaching out to all public bodies in the State to make sure that you are aware of the requirements of the Illinois Prevailing Wage Act ("Act"), 820 ILCS section 130/0.01, *et seq.* As you know, this is an important law that impacts all public bodies in Illinois. Ensuring compliance with the Act is one of my top priorities. As part of this outreach, I wanted to provide you with information concerning your duties and responsibilities, as a public body, under the Act. Described below are some of the Act's general requirements relating to public bodies, and some of the more important duties and obligations it imposes. I hope that you will pass this information along to your leaders and staff members involved in public works projects.

**Payment of Prevailing Wage**

- The Act requires that all laborers, workers and mechanics employed by or on behalf of a public body in the construction of public works be paid the general prevailing rate of hourly wages (including allotments for training and approved apprenticeship programs, health and welfare, insurance, vacation and pension benefits) for work of a similar character in the locality in which the work is performed. See 820 ILCS § 130/3. The Act contains all relevant definitions, including those for the terms "public body", "public works" and "general prevailing rate of hourly wages", which will assist you in understanding its requirements and your responsibilities. See 820 ILCS § 130/2.
- The Illinois Department of Labor publishes the current prevailing wage rate. See <http://www.state.il.us/agency/idol/rates/rates.htm>. The rate is revised regularly and such revisions take effect immediately. It is your responsibility as a public body to ascertain the prevailing rate of wages and notify contractors and subcontractors whenever it is revised. See 820 ILCS §130/4(a), (d).

- The Act requires that a public body shall keep all Certified Payrolls submitted pursuant to the Act for at least three years. See 820 ILCS §130/5(a)(2). The retention of these monthly Certified Payroll submissions for three years by public bodies is crucial to the State of Illinois' efforts to enforce the Act and will be of particular interest to the Attorney General's office in the coming months.

#### **Failure to Comply With The Act's Requirements**

- No public works project may be instituted unless the provisions of the Act have been met. The Illinois Department of Labor is empowered to sue for injunctive relief against the awarding of any public works contract, or continuation of work under any such contract, if it is not in compliance with the Act's prerequisites. Contracts that are not in compliance with the Act's prerequisites are void as against public policy. See 820 ILCS §130/11.

Please note that this is not a complete list of all relevant requirements and prerequisites under the Act. For a full understanding of all of the Act's requirements and prerequisites, as well as the text of the Act and all related regulations, please see the Illinois Department of Labor's website at [www.state.il.us/agency/idol/laws/Law130.htm](http://www.state.il.us/agency/idol/laws/Law130.htm).

In the coming weeks, my office will be reaching out to many public bodies to survey compliance with the Act and to address any issues that you may have. If you have any questions regarding this letter or my office's work in this area, please contact Jon Rosenblatt, Labor Counsel at the Office of the Attorney General, at (312) 814-4720. As always, if you have general questions about the Prevailing Wage Act or the Department of Labor's enforcement of this law, you should directly contact the Illinois Department of Labor's Prevailing Wage Division at (217) 782-1710 (the Illinois Department of Labor's full contact list is available at <http://www.state.il.us/agency/idol/Facts/contact.htm>). My staff and I look forward to working with you to ensure compliance with this important law.

Sincerely,



Lisa Madigan