

EMPLOYMENT OF ILLINOIS WORKERS ON PUBLIC WORKS ACT

REQUIREMENTS

- Requires contractors to use at least 90% Illinois laborers on public works projects
- Projects have to receive State funds or be administered by the State.



WHEN IT APPLIES

- Applies in period of excessive unemployment
- 2 consecutive calendar months that the Illinois unemployment rate exceeds 5%
- IDOL announced Act went into effect July 1

SPECIFICS

- Does not apply to emergencies
- “Illinois Laborer” is a person who has lived in Illinois for at least 30 days and intends to become a resident
- Contractor can have up to 3 regularly-employed non-resident executive or technical experts on a project
- Enforced and investigated by IDOL
- Minimum fines: \$1,000 per violation (each worker/each day)
- Maximum fines: \$15,000 per violation
- Interested parties can also file lawsuits in circuit court

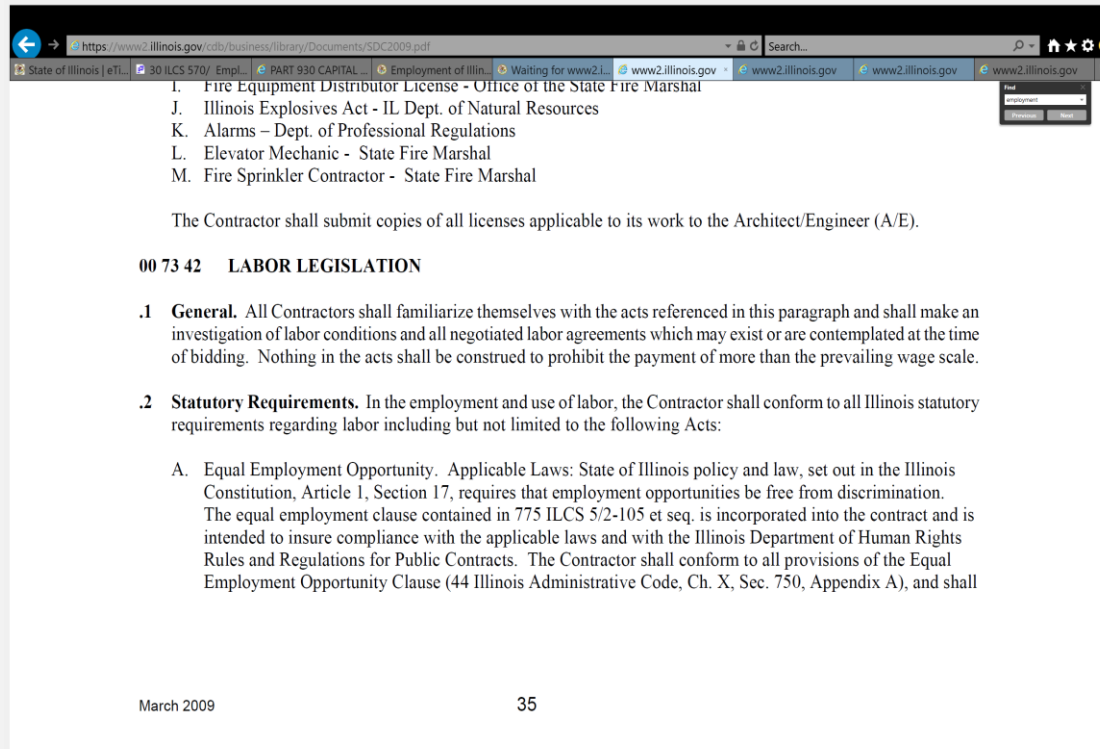


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WAIVER PROCESS

- Still work in progress
- Waivers sent to IDOL for determination
- Generally, waiver will be allowed if contractor shows:
 - Not enough Illinois workers available
 - Illinois workers not able to do the work

WHERE TO FIND IN THE STANDARD DOCUMENTS



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- I. Fire Equipment Distributor License - Office of the State Fire Marshal
- J. Illinois Explosives Act - IL Dept. of Natural Resources
- K. Alarms – Dept. of Professional Regulations
- L. Elevator Mechanic - State Fire Marshal
- M. Fire Sprinkler Contractor - State Fire Marshal

The Contractor shall submit copies of all licenses applicable to its work to the Architect/Engineer (A/E).

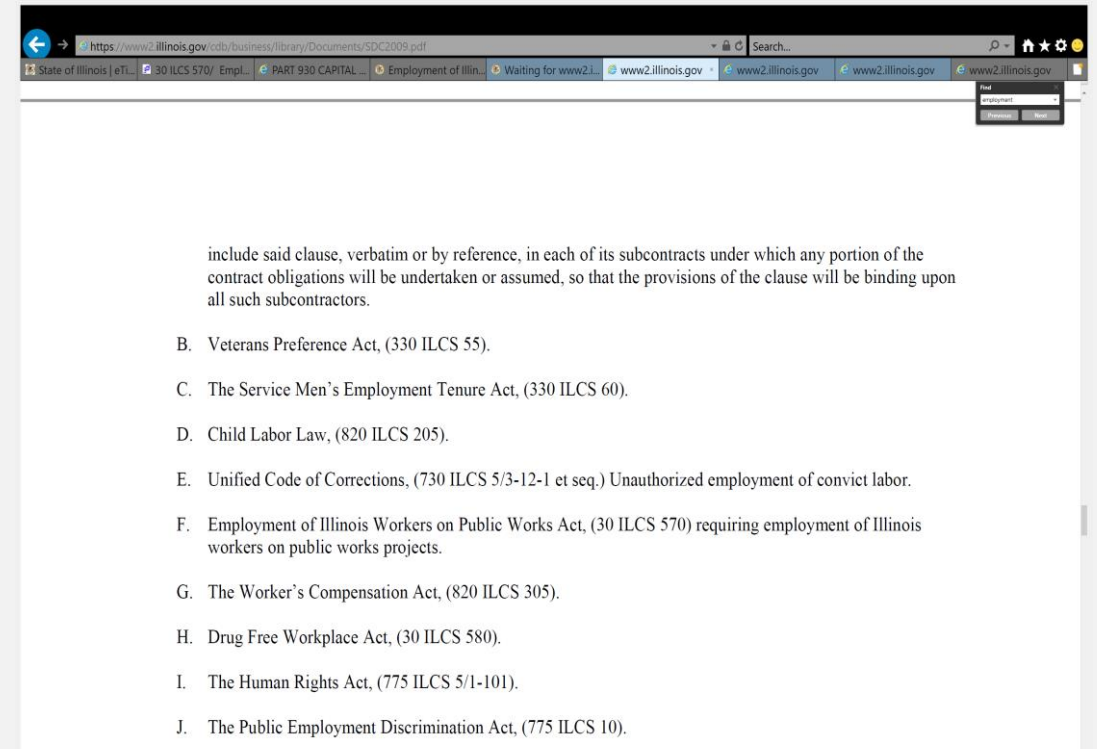
00 73 42 LABOR LEGISLATION

.1 General. All Contractors shall familiarize themselves with the acts referenced in this paragraph and shall make an investigation of labor conditions and all negotiated labor agreements which may exist or are contemplated at the time of bidding. Nothing in the acts shall be construed to prohibit the payment of more than the prevailing wage scale.

.2 Statutory Requirements. In the employment and use of labor, the Contractor shall conform to all Illinois statutory requirements regarding labor including but not limited to the following Acts:

- A. Equal Employment Opportunity. Applicable Laws: State of Illinois policy and law, set out in the Illinois Constitution, Article 1, Section 17, requires that employment opportunities be free from discrimination. The equal employment clause contained in 775 ILCS 5/2-105 et seq. is incorporated into the contract and is intended to insure compliance with the applicable laws and with the Illinois Department of Human Rights Rules and Regulations for Public Contracts. The Contractor shall conform to all provisions of the Equal Employment Opportunity Clause (44 Illinois Administrative Code, Ch. X, Sec. 750, Appendix A), and shall

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include said clause, verbatim or by reference, in each of its subcontracts under which any portion of the contract obligations will be undertaken or assumed, so that the provisions of the clause will be binding upon all such subcontractors.

- B. Veterans Preference Act, (330 ILCS 55).
- C. The Service Men's Employment Tenure Act, (330 ILCS 60).
- D. Child Labor Law, (820 ILCS 205).
- E. Unified Code of Corrections, (730 ILCS 5/3-12-1 et seq.) Unauthorized employment of convict labor.
- F. Employment of Illinois Workers on Public Works Act, (30 ILCS 570) requiring employment of Illinois workers on public works projects.
- G. The Worker's Compensation Act, (820 ILCS 305).
- H. Drug Free Workplace Act, (30 ILCS 580).
- I. The Human Rights Act, (775 ILCS 5/1-101).
- J. The Public Employment Discrimination Act, (775 ILCS 10).

WHERE TO FIND IN SUPPLEMENT

whichever is later. The Contractor shall promptly notify the State in writing or any additional or substitute subcontractors meeting the above criteria hired during the term of this contract (names, addresses, expected contract amount and CDB ID nos.). Upon request by the CPO, the Contractor shall provide CDB a copy of each subcontractor's subcontract. No work can be performed by these subcontractors until the Certifications and Disclosures have been reviewed and approved by the State Purchasing Officer.

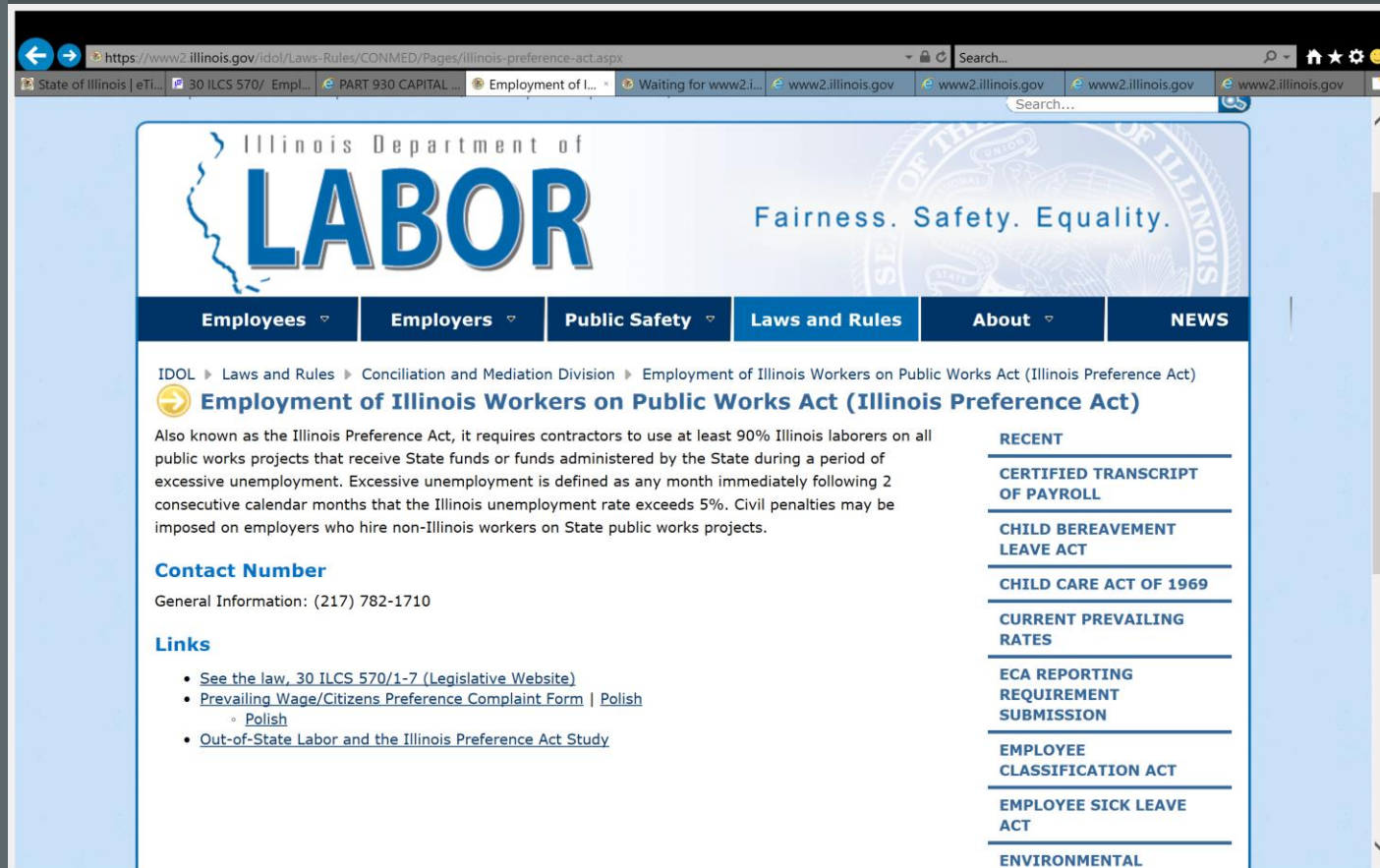
00 21 55 USE OF ILLINOIS LABOR

- .1 30 ILCS 570 mandates that during a period of excessive unemployment at least 90% of the total labor hours on State construction projects must be performed by persons who have resided in Illinois for at least thirty (30) days and intend to become or remain Illinois residents. (30 ILCS 570/3). 'A period of excessive unemployment' means any month immediately following 2 consecutive calendar months during which the level of unemployment in the State of Illinois has exceeded 5% as measured by the United States Bureau of Labor Statistics in its monthly publication of employment and unemployment figures. (30 ILCS 570/1).
- .2 Contractors are required to incorporate the above provisions into all subcontracts for subcontractors who will have workers at the project site.
- .3 To verify that this requirement is being met, contractors must submit Certified Payroll forms for themselves and their subcontractors each month for the duration of the contract/subcontract.
 - A. The Certified Payroll form(s) must include the name and address of each worker on the project site during the time period covered by the form.
 - B. For subcontractors, the contractor will include the beginning and ending dates of the subcontract on the Certified Payroll form.
 - C. If Certified Payroll forms are not submitted timely, payment may be reduced or withheld until Certified Payroll submittals are brought up to date.

00 43 30 BUY ILLINOIS PROGRAM

- .1 **General.** The Buy Illinois Program encourages contractors to incorporate products manufactured, Subject to approval by the State Purchasing Officer, that are manufactured in Illinois.

ADDITIONAL INFORMATION



The screenshot shows the Illinois Department of Labor website. The header features the department's logo with the word "LABOR" in large blue letters, and the tagline "Fairness. Safety. Equality." to the right. Below the header is a navigation menu with tabs for Employees, Employers, Public Safety, Laws and Rules (which is currently selected), About, and NEWS. The main content area displays the breadcrumb trail: IDOL > Laws and Rules > Conciliation and Mediation Division > Employment of Illinois Workers on Public Works Act (Illinois Preference Act). The title of the page is "Employment of Illinois Workers on Public Works Act (Illinois Preference Act)". The text explains that also known as the Illinois Preference Act, it requires contractors to use at least 90% Illinois laborers on all public works projects that receive State funds or funds administered by the State during a period of excessive unemployment. Excessive unemployment is defined as any month immediately following 2 consecutive calendar months that the Illinois unemployment rate exceeds 5%. Civil penalties may be imposed on employers who hire non-Illinois workers on State public works projects. On the right side, there is a "RECENT" section listing several acts: CERTIFIED TRANSCRIPT OF PAYROLL, CHILD BEREAVEMENT LEAVE ACT, CHILD CARE ACT OF 1969, CURRENT PREVAILING RATES, ECA REPORTING REQUIREMENT SUBMISSION, EMPLOYEE CLASSIFICATION ACT, EMPLOYEE SICK LEAVE ACT, and ENVIRONMENTAL. At the bottom left, there is a "Contact Number" section with the general information: (217) 782-1710, and a "Links" section with three bullet points: "See the law, 30 ILCS 570/1-7 (Legislative Website)", "Prevailing Wage/Citizens Preference Complaint Form | Polish" (with a sub-link "Polish"), and "Out-of-State Labor and the Illinois Preference Act Study".

Illinois Department of
LABOR

Fairness. Safety. Equality.

Employees ▾ Employers ▾ Public Safety ▾ **Laws and Rules** ▾ About ▾ NEWS

IDOL > Laws and Rules > Conciliation and Mediation Division > Employment of Illinois Workers on Public Works Act (Illinois Preference Act)

Employment of Illinois Workers on Public Works Act (Illinois Preference Act)

Also known as the Illinois Preference Act, it requires contractors to use at least 90% Illinois laborers on all public works projects that receive State funds or funds administered by the State during a period of excessive unemployment. Excessive unemployment is defined as any month immediately following 2 consecutive calendar months that the Illinois unemployment rate exceeds 5%. Civil penalties may be imposed on employers who hire non-Illinois workers on State public works projects.

Contact Number

General Information: (217) 782-1710

Links

- [See the law, 30 ILCS 570/1-7 \(Legislative Website\)](#)
- [Prevailing Wage/Citizens Preference Complaint Form | Polish](#)
 - [Polish](#)
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RECENT

- [CERTIFIED TRANSCRIPT OF PAYROLL](#)
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- [CURRENT PREVAILING RATES](#)
- [ECA REPORTING REQUIREMENT SUBMISSION](#)
- [EMPLOYEE CLASSIFICATION ACT](#)
- [EMPLOYEE SICK LEAVE ACT](#)
- [ENVIRONMENTAL](#)