



# DISTRICT NEWS ALERTS

## Prevailing Wage Act Changes

by Jim Sinclair, IAFFD Counsel

**T**wo changes to the Prevailing Wage Act took effect January 1, 2010 of which districts need to be aware. Public Act 96-437 [House Bill 163] requires that when a public body such as a fire protection district enters into a contract for work covered by the Prevailing Wage Act without a public bid, contract or project specification, it is required to provide the contractor with a written notice that the work must be performed in accordance with the prevailing wage laws. This would apply, for example, to an oral [unwritten] contract for work such as painting or minor building repairs. If the required notice is not given by the district and it is subsequently determined that a violation of the Prevailing Wage Act has occurred, the district will be required by the Illinois Department of Labor to pay any interest, penalties or fines that would

otherwise have been the responsibility of the contractor. This creates a potential liability for districts where they have work which falls under the Prevailing Wage Act performed based on an oral contract and the contractor fails to pay his employees in compliance with the annual prevailing wage determination of the district and state law. This public act also requires that any bond which is required from a contractor or subcontractor on a public project (generally any project with a cost of \$5,000 or more) contain a provision that guarantees faithful performance under the Prevailing Wage Act.

Public Act 96-186 [House Bill 952] amends the Prevailing Wage Act to include "demolition" work within the definition of what constitutes "public work" under the provisions of the law. "Public works" is now defined by Section 2 of the Act to mean "all

fixed works constructed or demolished by any public body, other than work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds" and "construction" is defined as "all work on public works involving laborers, workers or mechanics...[including] any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased or rented." These broad definitions have the potential to encompass much of the work performed for fire protection districts by independent contractors.

Districts need to take care in complying with these new provisions in particular as the spring maintenance and construction season begins. ■



## Come Join Us...

### VOLUNTEERS NEEDED

at the

### Illinois State Fair - Fire Safety Tent on Opening Day



Volunteers are needed to assist the IAFFD on August 13, 2010 for a fun-filled day of teaching children about fire prevention and safety. The Illinois Fire Services Association and the Offices of the Illinois State Fire Marshal offer one of the best education exhibits at the Illinois State Fair offering several games, demonstrations and activities that ultimately save lives! Be a part of this important purpose by sparing a few hours of your time and working with others that share the common interest in helping children understand the fire hazards and much more.

Work hours are divided into two shifts: 9am-1pm & 1pm-5pm. Fair admittance, parking permits and lunch provided. To volunteer, contact Cheri Breneman at IAFFD (800-524-6620) by July 25.