

Illinois Prevailing Wage Law



Ogletree Deakins is one of the nation's largest labor and employment law firms, representing management in all types of employment-related legal matters.



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The Prevailing Wage Law attorneys in Ogletree Deakins' Chicago office regularly counsel employers, owners, and developers on prevailing wage laws, including the Illinois Prevailing Wage Act (IL PWA).

PREVAILING WAGE ISSUES

Employers and contractors accustomed to working under and complying with federal prevailing wage laws in other jurisdictions will find that landscape significantly different under the IL PWA. Ogletree Deakins attorneys effectively assist clients in navigating this distinctive landscape and regularly advise clients on the following questions:

- What is a public works project under the IL PWA?
- What is a public body under the IL PWA?
- What are a contractor's obligations to advise subcontractors of the application of the IL PWA and what remedies or liabilities apply in the absence of such notice?
- How does the Illinois Department of Labor establish the applicable prevailing wage and benefits figures, and how can those determinations be challenged?
- Why are the prevailing rates in Illinois not subject to decrease over time based on the data utilized by the federal government for Davis-Bacon Act determinations?
- Why can't a contractor satisfy the Illinois prevailing rates by aggregating the required wage and fringe rates, and how are those separate requirements calculated and satisfied?
- How can an employer take credit for its internal benefit programs and expenditures?
- How does the IL PWA treat truck drivers who are employed by material suppliers as opposed to those who are employed as contractors' drivers in terms of hauling materials on and off a work site?
- How is landscaping work treated for IL PWA purposes?
- What recordkeeping, reporting, and posting requirements apply to IL PWA work?

KNOWLEDGEABLE AND TIMELY GUIDANCE

Our prevailing wage attorneys counsel clients having compliance and litigation matters touching on these and other prevailing wage issues under the IL PWA. We are committed to providing full-service representation to our clients on all of their Illinois prevailing wage law matters.

Our attorneys have successfully represented contractors and subcontractors on prevailing wage compliance audits and investigations, and on payment withholdings by public owners from contractors. We have successfully defended employers against claims by private individuals under the IL PWA. We provide advice and representation to employers at all levels seeking to do public work or publicly-funded work in Illinois within the framework of the IL PWA.

Finally, our Chicago attorneys have a wealth of knowledge and experience in analyzing and advising employers regarding Project Labor Agreement (PLAs), which are contracts mandated by state and other public entities on publicly funded work, and which require the use of union labor on a job. Employers that perform public construction in Illinois often find that they must enter into these agreements with local trade unions and abide by their terms in order to obtain and perform public construction.

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