

Comments of the LiUNA Chicago Laborers' District Council on the Illinois Power Agency's Implementation of the Illinois Prevailing Wage Act's Requirements Pursuant to PA 102-0662

Question 1.

How will the Illinois Power Agency ("IPA") ensure that renewable energy project applicants and/or their construction contractors file certified transcripts of payroll ("CTP") with the Illinois Department of Labor ("IDOL") through the Certified Payroll Portal on a monthly basis, as is required by the Prevailing Wage Act? Will the IPA require such applicants and contractors to provide it with copies of their CTP filings and, if so, what will be the penalty for non-compliance? It is our belief that without a robust compliance procedure, many applicants and contractors will flout the law – not just failing to file CTP, but failing to pay workers the prevailing wage – with little fear of consequence.

Question 2.

Will the IPA require renewable energy project applicants and/or their construction contractors to identify themselves by an IPA project identification number when submitting their CTP to IDOL? In order to discourage applicants and/or their construction contractors from flouting the law, and encourage the utmost transparency in the implementation of PA 102-0662, we believe a mechanism which identifies the project for which a CTP is submitted as being under an IPA grant would be beneficial to all involved .

Question 3.

In *Valerio v. Moore Landscapes, LLC*, 2021 IL 126139, the Illinois Supreme Court ruled that every public body issuing a public works contract must make it explicit that the Illinois Prevailing Wage Act applies to all construction wages and benefits. What steps will the IPA take to ensure that all contractors and subcontractors performing work under the renewable energy project contract are aware of all requirements under the PWA, including but not limited to, all wage requirements and notice and record keeping duties? Will IPA use the following model language provided by IDOL?

This contract calls for the construction of a "public work," within the meaning of the Illinois Prevailing Wage Act, 820 ILCS 130/.01 et seq. ("the Act"). The Act requires contractors and subcontractors to pay laborers, workers and mechanics performing services on public works projects no less than the current "prevailing rate of wages" (hourly cash wages plus amount for fringe benefits) in the county where the work is performed. The Department publishes the prevailing wage rates on its website at <http://labor.illinois.gov/>. The Department revises the prevailing wage rates and the contractor/subcontractor has an obligation to check the Department's web site for revisions to prevailing wage rates. For information regarding current prevailing wage rates, please refer to the Illinois Department of Labor's website. All contractors and subcontractors rendering services under this

contract must comply with all requirements of the Act, including but not limited to, all wage requirements and notice and record keeping duties.

Question 4.

Will an IPA grant applicant be eligible to receive a project grant if they do not comply with all relevant requirements of the Illinois Prevailing Wage Act? Will any applicants not in compliance be allowed to apply for additional IPA grants while in non-compliance status? We are greatly concerned that grant applicants who refuse to comply with the PWA will nonetheless submit applications for, and perhaps receive, grants on other projects.