

PUBLIC EMPLOYEES, INCLUDING LIBRARY EMPLOYEES, ARE NOT ENTITLED TO PREVAILING WAGES,
AND THE IDOL'S RECENTLY REVISED "PREVAILING WAGE LANDSCAPE FAQ"

In light of recent amendments to and revisions of the Illinois Prevailing Wage Act (820 ILCS 130/1 *et seq.*), questions have been raised regarding whether library employees who perform functions covered by the Prevailing Wage Act must be paid prevailing wages when they perform those functions. As discussed more fully below, the answer is no, library employees who perform functions covered by the Prevailing Wage Act do not have to be paid prevailing wages when they perform those functions.

The Act itself provides little or no guidance on this issue and, in fact, suggests that library employees who perform functions it covers may have to be paid prevailing wages when they perform these functions where it states that: "a wage of no less than the general prevailing hourly rate...shall be paid to all laborers, workers and mechanics employed by or on behalf of any and all public bodies engaged in public works." 820 ILCS 130/1.

The "Definitions" section of the General Administrative Rules governing the Prevailing Wage Act, however, sheds some light on this issue and, in fact, states that "Employee ... means laborers, mechanics and other workers employed in any public works ... by anyone under contracts for public works." 56 Ill. Admin. Code Section 100.22. In other words, this definition suggests that only employees of contractors and subcontractors on public works projects must be paid prevailing wages and that public employees do not have to be paid prevailing wages when they perform functions covered by the Act.

The Illinois Supreme Court, however, has fully resolved this issue and has held that public employees, including library employees, who perform functions covered by the Prevailing Wage Act do not have to be paid prevailing wages when they perform these functions. See Bradley v. Casey, 415 Ill. 576, 581-582 (1953); see



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also City of Monmouth v. Lorenz, 30 Ill.2d 60 (1964); Seyhold v. City of Chicago, 7 Ill.App.3d 932 (1st Dist. 1972).

The IDOL's recent interpretation of provisions of the Prevailing Wage Act have also raised questions regarding landscaping work and the payment of prevailing wages. As a result, the Illinois Department of Labor has issued a new final Questions and Answers regarding Landscaping which are posted on the IDOL website (<http://www.illinois.gov/idol/FAQs/Pages/Landscaping.aspx>). We suggest that you review the new final Questions and Answers regarding Landscaping to determine if any landscaping your Library is or may be performing is covered by the Act and requires payment of prevailing wages.

If you have questions regarding the foregoing matters or other questions regarding the Prevailing Wage Act, you should contact your library attorney.

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