

# Illinois Continues to Expand its Prevailing Wage Law: Removing & Disposing of Community “Poop” to a Private “Toilet” is Now Covered!?!

## Labor & Employment Law Update

By Jeffrey Risch on July 12, 2023

Yep. You read that right. Not really sure how else to describe this little nugget. As Illinois continues to do all it can to help labor organizations, the latest assist is a real stomach turner.

HB2845 amends the IL Prevailing Wage Act (IPWA) to expressly include “the removal, hauling, and transportation of biosolids, lime sludge, and lime residue from a water treatment plant or facility and the disposal of biosolids, lime sludge, and lime residue removed from a water treatment plant or facility at a landfill” as covered work. The amendment passed the Illinois House and Senate recently and upon the signature of Governor Pritzker (which will happen any day now), it will become law sometime this summer.

In addition to covering work that has no rational or reasonable relationship to actual “construction,” another major consequence of the amendment is that for the first time ever the IPWA will specifically cover private work performed away from any public construction project, facility or work site. In other words, HB2845 will require work performed at a private landfill --- located away from a public construction project, facility or work site --- to be paid at the prevailing wage rate covered by the applicable area wide union contract. Additionally, for the first time ever, HB2845 will also require the hauling and transportation of non-construction materials (i.e. human waste) to be covered work under the IPWA.

Through HB2845, Illinois will now mandate the application of union area-wide construction contracts’ wage and benefit scales to be paid on work that:

- has nothing at all to do with construction work;
- is performed on purely private land for a purely private purpose (i.e. farming);
- and

- involves the hauling and transportation of non-construction materials.

Make no mistake. HB2845 was a test balloon. Contractors, public bodies, developers, elected officials and taxpayers throughout Illinois should brace for additional prevailing wage legislation (which will undoubtedly become law) with the purpose of mandating union contractual terms onto otherwise private work or projects that have nothing to do with actual construction.

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