



A Message from  
Illinois Attorney General

**Kwame Raoul**

Construction workers in Illinois face unique challenges that make it easier for them to be victims of wage theft and other laws. To ensure that workers employed in the construction industry do not fall prey to these issues, I have emphasized efforts to investigate employers who violate Illinois laws. Workers should know that Illinois has legal protections for construction workers, such as the right to be paid at prevailing wage rates for labor performed on public works projects, minimum wage and overtime requirements, and laws ensuring that workers are not misclassified as independent contractors.

As Attorney General, I initiated efforts to create a permanent and dedicated team of attorneys to enforce laws that protect workers in Illinois. The Illinois Attorney General's Workplace Rights Bureau enforces these and other existing workplace protection laws, including laws that apply to those who work in construction trades.

If you have questions about a practice going on in your workplace, I urge you to contact the Workplace Rights Bureau at 1-844-740-5076 (7-1-1 relay service).

Kwame Raoul  
Attorney General

**Remedies for Violations:**

- You have three years to recover unpaid minimum wages or overtime plus damages up to three times the amount of the underpayment.
- If you have not been paid prevailing wages on a qualifying project, you have up to five years to recover the underpayment plus interest.

**An employer CANNOT retaliate against you for complaining about not being paid correctly.**

If you believe your rights have been violated:  
Contact the Workplace Rights Bureau of the Office  
of the Illinois Attorney General  
844-740-5076

or

**Contact the Illinois Department of Labor  
312-793-2800, (TTY: 1-800-526-0844)**

Individuals with hearing or speech disabilities can reach us by using the 7-1-1 relay service.

**IMPORTANT:**

Your immigration status is irrelevant to your rights under these laws. ANY worker can file a complaint.

The Attorney General's office may request that federal immigration officials to protect workers from deportation and other immigration actions if they are assisting in an investigation in violations of worker protection laws.

[www.IllinoisAttorneyGeneral.gov](http://www.IllinoisAttorneyGeneral.gov)

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# Employment Rights of Construction Workers



**Workplace Rights Bureau**

## Right to Prevailing Wages

Workers who perform construction work on public works projects, including maintenance or demolition, must be paid at the hourly prevailing rate of pay for the county where the work is performed. Prevailing wages are higher than the minimum wage.

Work compensated at a prevailing wage rate includes labor performed on fixed works that are:

- Constructed by a public body; or
- Paid in whole or in part with public funds; or
- Undertaken by an institution supported in whole or in part by public funds.

In addition to a higher cash wage, prevailing wage rates include benefits for training and apprenticeship programs, health and welfare plans, insurance, vacations, and pensions. Prevailing wage rates for each county and occupation are published at the Illinois Department of Labor's website [labor.illinois.gov](http://labor.illinois.gov).

Common examples of public works projects where workers should be earning the prevailing wage rate are construction projects on public roads, public schools and government buildings and some landscaping work. If you are not sure if you should be earning prevailing wage rates, contact the Attorney General's Workplace Rights Bureau or the Illinois Department of Labor.

## Right to Minimum Wage

All workers, whether or not the project is a public works project, have the right to be paid at least the statutory minimum wage. The Illinois minimum wage has been increasing and will see an increase each year until 2025.

Some local jurisdictions, including Chicago and Cook County, may have higher minimum wage rates than the Illinois minimum wage rate. Employees should check with their local governments to see if they have a higher minimum wage rate than the Illinois minimum wage.

Current and scheduled state minimum wage rates are listed in the table below.

Date	Min.Wage	OT Rate
1/1/2022	\$12.00	\$18.00
1/1/2023	\$13.00	\$19.50
1/1/2024	\$14.00	\$21.00
1/1/2025	\$15.00	\$22.50

## Right to Overtime

All hourly employees who work more than 40 hours in a workweek must be paid overtime pay of at least 1.5 times their normal hourly rate (also known as "time-and-a-half") for every hour worked beyond 40. Employees paid a salary are often exempt from overtime if they hold managerial, administrative, or professional roles. However, many salaried employees are still eligible for overtime. The overtime eligibility was changed as of July 2024 to employees paid less than \$43,888. It will then rise again to \$58,656 effective January 2025. Workers who are paid a fixed salary and are not exempt may be victims of a fixed-salary scheme and may be owed overtime.

## Contractor Responsibility to Subcontracted Workers

Workers who are employed by a subcontractor on a construction project are entitled to be paid for their work at the rate agreed to by the parties. If a subcontracted worker is not paid by the subcontractor, the general contractor, construction manager, or prime contractor is responsible for ensuring that those workers are paid and can be held liable if they are not paid.

## Misclassification

Contractors often attempt to misclassify construction workers as independent contractors instead of employees, denying them the right to prevailing wages or minimum wages, unemployment insurance, and other benefits. All workers employed in construction are considered employees unless three things are true:

All workers are considered employees unless three things are true:

- the worker is free from control or direction over the work;
- the work is different from the services usually provided by the contractor; and
- the worker is engaged in an independently established trade or business.

Workers who are misclassified as independent contractors are entitled to receive all compensation from their employer that they lost as a result of the misclassification, including reimbursement of prevailing wages or minimum and overtime wages. An employer also may be required to reimburse the worker for improper deductions taken for tools, uniforms, and other costs, and to make unemployment insurance contributions on the worker's behalf.

## Examples of Wage Violations

The Workplace Rights Bureau has investigated and stopped many instances of employers failing to pay for time worked.

**Pre/Post-Shift Work and Travel Time:** Employers must compensate workers for all time worked, including work performed before the start or at the end of a scheduled shift and time spent loading and unloading tools or materials to or from a vehicle. Travel at the beginning of the day or the end of the day must be compensated if the worker completed additional work prior to or after the time traveled.

**Unlawful Deductions:** Deductions from wages must be authorized at the time the deduction is made. For example, recurring deductions for uniforms or equipment from a paycheck violate the law unless the worker agrees to the deduction in writing every time they get their paycheck.

**Falsifying Payroll:** Employers sometimes falsify their payroll or pay employees in cash to hide that they are paying the prevailing wage for only a part of the hours worked, while failing to properly compensate employees for the remainder of their hours.