

Prevailing Wage

We know prevailing wage law. Our top priority is for our clients to avoid litigation or enforcement actions. To that end, our attorneys focus on proactive measures and continue to work closely with employers across the construction industry, including union and non-union contractors of all sizes, general contractors, developers, project managers, local units of government, architects, engineers, surveyors, and more. We regularly conduct comprehensive internal audits of a company's prevailing wage practices on a routine basis. We stand ready, willing, and able to provide a focused strategy to effectively and efficiently protect a company's interests.

Prevailing wage requirements have been around for decades. Beginning with the Federal Davis Bacon Act, and subsequent "Related Acts," to local and state prevailing wage ordinances and statutes, prevailing wage law compliance is extraordinarily complex and ever changing (particularly in pro-union areas of the country such as Illinois and California). Audits are increasing. Lawsuits are increasing. The administrative headaches, burdens and pitfalls associated with prevailing wage projects are increasing.

Be assured that we regularly counsel clients on how to proactively avoid the common, as well as the more nuanced, prevailing wage mistakes. We have represented thousands of employers in all aspects of government audit and administrative hearing, and private litigation, with respect to prevailing wage laws. We actively and successfully defend all types of prevailing wage audits, claims and lawsuits on a local, state, and national level.

We offer companies a full line of services, including:

- Education, consultation, and compliance training
- Litigation defense
- Government audit and investigation representation
- Internal compliance audits
- Prevailing wage opinion letters

Experience

Secured a Victory for Multiple Chicago Area Road Contractors Pursuant to the Illinois Prevailing Wage Act

Represents Construction Clients in Defense of Petitions for Enforcement Administrative Subpoenas Under Prevailing Wage Act

PROFESSIONALS

Beverly P. Alfon
Partner

John R. Hayes
Partner

Steven W. Jados
Partner

Jeffrey A. Risch
Partner

Timm W. Schowalter
Partner

Sara Zorich
Partner

Successfully Defended a Construction Contractor under the Illinois Prevailing Wage Act

Firm News

SmithAmundsen Promotes Nine Attorneys to Partner
Firm News, March 14, 2022

SmithAmundsen Welcomes Labor & Employment Attorney Timm W. Schowalter as Partner in St. Louis
December 27, 2021

In the Media

3 Wage And Hour Tips For Weathering Natural Emergencies – Law360 Interviews and Quotes Heather Bailey
Media Mention, *Law360*, June 1, 2021

How Employment Regulation Might Shift Under the Biden Administration, and What Businesses and Workers Need to Know -- *Business Insider* Interviews and Quotes Beverly Alfon
Media Mention, *Business Insider*, January 21, 2021

Prevailing Wage Order Leaves Questions for Businesses -- Jeff Risch Quoted in *The Center Square*
Media Mention, *The Center Square*, September 10, 2019

Prevailing Wage Law -- *Cook County Record* Quotes Jeff Risch
Media Mention, *Cook County Record*, June 28, 2019

Alerts

COVID-19 Employer Updates – Where Do We Stand Now?
SmithAmundsen Labor & Employment Alert, February 10, 2022

OSHA's COVID-19 Vaccination Mandate is Dead, Now What?
SmithAmundsen COVID-19 Alert, January 25, 2022

Federal Contractors' Alert: Your Vaccine Mandate Has Been Halted....Again
SmithAmundsen COVID-19 Alert, January 24, 2022

OSHA ETS: What Health Care Providers Need to Know
SmithAmundsen Labor & Employment Alert, June 18, 2021

STIMULUS 2.0: The Consolidated Appropriations Act 2021 – Key Provisions for Employers
SmithAmundsen Labor & Employment Alert, December 22, 2020

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CDC Now Provides Two Options for Shortened Quarantine Time
SmithAmundsen Labor & Employment Alert, December 3, 2020

Employees Entitled to Leave Because Camp is Closed? Yes.
SmithAmundsen Labor & Employment Alert, July 2, 2020

ATTENTION Paycheck Protection Program Loan Recipients: REVISED Forgiveness Application Issued
SmithAmundsen Labor & Employment Alert, June 23, 2020

Key Takeaways for PPP Borrowers: The Forgiveness Application is Finally Out!!
SmithAmundsen Labor & Employment Alert, May 18, 2020

Why You Need to Pay Attention to How the Feds Are Approaching the Meat and Poultry Processing Industry
SmithAmundsen Labor & Employment Alert, April 28, 2020

Illinois Department of Labor Launches Prevailing Wage Electronic Database – April 1, 2020
SmithAmundsen Labor & Employment Alert, April 13, 2020

Missouri Mandates Social Distancing and St. Louis County and City Order “Stay At Home”
SmithAmundsen Labor & Employment Alert, March 23, 2020

Families First Coronavirus Response Act: What It Means For Employers
SmithAmundsen Labor & Employment Alert, March 15, 2020

Events

SmithAmundsen's Eighth Annual Labor & Employment Fall Seminar
Event, Live-stream, September 21, 2022

NEW U.S. DOL Davis-Bacon Rule – What the Construction Industry Needs to Know!
Event, SmithAmundsen; Webcast, May 12, 2022

L&E Legal Updates + Business Succession Planning
Independent Pharmacy Cooperative Conference 2022, Seminar; San Diego, CA, April 14, 2022

2022 Prevailing Wage 101 and More: Recent Changes for Illinois Employers
Naperville, IL, March 16, 2022

Prevailing Wage Law: An Understanding of the Davis-Bacon Act
Webcast, March 9, 2022

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Dealing with the Illinois Department of Labor in 2022
Associated Builders and Contractors Illinois Legal Series 2022, Webcast, March 3, 2022

How to be the Employer Everyone Wants to Work for in 2022: Recruitment, Retention and More
SmithAmundsen's Complimentary Indiana Labor & Employment Conference; Indianapolis, IN, March 3, 2022

Prevailing Wage Updates for 2022 and Beyond
Illinois Chamber of Commerce, Webcast, February 24, 2022

COVID-19 Testing: What Employers Need to Know
SmithAmundsen Webcast, January 10, 2022

The Very Latest on Vaccine Mandates for the Illinois Employer: Focusing on the Manufacturing Industry
Illinois Chamber of Commerce, Webcast, December 8, 2021

Eighth Annual New Laws Forum 2021
Illinois Chamber of Commerce, Lisle, IL; Webcast, December 1, 2021

OSHA's Vaccine Mandate: What Does It Really Mean For Private Employers?
Valley Industrial Association; Webcast, November 17, 2021

Vaccine Mandates- Their Impact on Your Business and What to Expect
2021 NAMA Fly-In NE VOICE Advocacy Summit, Seminar; Washington, DC, November 16, 2021

Responding to EEOC & IDHR Charges of Discrimination
Illinois Chamber of Commerce, Webcast, November 16, 2021

New COVID-19 Vaccine Mandates & Related Developments
The Horton Group; Webcast, November 16, 2021

Rules, Tools, and Q&A - COVID Vaccine & Testing Mandate for the Workplace
Connor & Gallagher OneSource; Webcast, November 11, 2021

COVID-19 Lawsuits: What Businesses Can Do to Diminish Risks & Avoid Liabilities
Illinois Chamber of Commerce, Webcast, November 2, 2021

Biden Vaccine Mandates: What Employers Need to Know
Illinois Chamber of Commerce, Webcast, October 28, 2021

New Illinois Equal Pay & Criminal Conviction Restrictions: Is Your Organization Ready?
Illinois Chamber of Commerce, Seminar; Naperville, IL, October 27, 2021

Seventh Annual Labor & Employment Fall Seminar
SmithAmundsen; Oak Brook, IL, September 29, 2021

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New COVID-19 Vaccine Mandates & Related Developments
The Horton Group; Webcast, September 17, 2021

NEW Illinois Law Changes Coming: New Equal Pay & Related Reporting Mandates
Illinois Chamber of Commerce, Webcast, September 16, 2021

Illinois/Missouri: Big Changes in 2020 & 2021 and What's Shaping Up for 2021
Illinois Chamber of Commerce; St. Louis, MO, September 16, 2021

Illinois/Indiana: Big Changes in 2020 & 2021 and What's Shaping Up in 2021
Illinois Chamber of Commerce, Webcast, September 14, 2021

Local, State & Federal Wage and Hour Law Update 2021 – 2022
Illinois Chamber of Commerce, Webcast, September 8, 2021

Overview to Stay Compliant Within Employment Laws
Lorman, Webcast, September 1, 2021

Recruiting & Retaining Employees in 2021
Illinois Manufacturers' Association, Webcast, August 31, 2021

Illinois/Wisconsin: Big Changes in 2020 & 2021 and What's Shaping Up in 2021
Illinois Chamber of Commerce, Webcast, August 25, 2021

New HR Forms for 2021-2022: What Every HR Manager Must Know!
Illinois Chamber of Commerce, Webcast, August 19, 2021

NAMA Show - Diverse and Inclusive Workplaces: How to Effectuate a Culture That
Benefits Everyone, Including the Employer
New Orleans Ernest N. Morial Convention Center; New Orleans, Louisiana,
August 18, 2021

NAMA Show - An Interactive Legal Workshop on Liability and HR Issues Facing
Employers Today
New Orleans Ernest N. Morial Convention Center; New Orleans, Louisiana,
August 17, 2021

Recruiting & Retaining Employees in 2021: Being Creative while Avoiding Legal
Pitfalls
SmithAmundsen, Webcast, August 10, 2021

New Pay Data Reporting Obligations & Criminal Conviction Restrictions Impacting
Illinois Employers
Illinois Chamber of Commerce, Seminar; Naperville, IL, June 3, 2021

Mask Mandate Mayhem! A Briefing for Confused Employers
SmithAmundsen, Webcast, May 24, 2021

The Biden Administration: What Businesses Need to Know
Clear Law Institute, Webcast, May 19, 2021

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What You Need to Know as You Transition Your Team Back to the Office
AssuredPartners, Webcast, May 12, 2021

Negotiate, Persuade, and Close the Candidate
Lorman Education Services; Webcast, May 5, 2021

NEW Illinois LEGAL MANDATES for Employers: Prohibition re Criminal Convictions
& Equal Pay Certification Obligations
Connor & Gallagher OneSource, Webcast, April 29, 2021

NEW Illinois Law Prohibiting Use of Criminal Convictions: An Employer's Guide
SmithAmundsen, Webcast, April 29, 2021

Model Employee Policies Handbook Update - What's Changed for Illinois
Employers?
Illinois Chamber of Commerce, Seminar; Naperville, IL, April 21, 2021

2021 Educational Series: "2021 Labor & Employment Laws Updates Impacting
Trucking Employers"
Mid-West Truckers Association, Inc., Webcast, April 12, 2021

Prevailing Wage Updates for 2021 and Beyond
Illinois Chamber of Commerce, Webcast, March 31, 2021

Illinois Prevailing Wage Act
Illinois Electronic Security Association, Dinner-Meeting; Addison, IL, March 24,
2021

American Rescue Plan: What Employers Must Know Now
SmithAmundsen, Webcast, March 23, 2021

Gearing up for President Biden's Emergency COVID-19 Workplace Rules
Illinois Chamber of Commerce, Webcast, March 23, 2021

Prevailing Wage Law: An Understanding of the Davis-Bacon Act
Lorman Education Services, Webcast, March 18, 2021

2021 Chicago Association of Spring Manufacturers, Inc. Legal Update
Chicago Association of Spring Manufacturers, Inc., Dinner Meeting; Oak Brook, IL,
March 18, 2021

Major Labor & Employment Changes Today and Tomorrow under the Biden
Administration
SmithAmundsen, Webcast, March 17, 2021

COVID-19 Vaccine in the Workplace
Aurora Regional Chamber of Commerce, Webcast, March 10, 2021

To Mandate Vaccines or Not: What Employers Need to Understand
Illinois Landscape Contactors Association, Webcast, March 3, 2021

To Mandate Vaccines or Not: What Employers Need to Understand
Illinois Chamber of Commerce, Webcast, March 2, 2021

Labor Law Hot Topics and COVID-19 – What It Means for Employers
Illinois Lumber and Material Dealers Association; Webcast, February 25, 2021

Terminating the Problem Employee
Illinois Chamber of Commerce, Webcast, February 23, 2021

A New Era of Workplace Regulation on Illinois Employers
Illinois Manufacturers' Association, Webcast, February 16, 2021

COVID-19 Vaccinations and Employer Responsibilities
Illinois Association Chamber of Commerce Executives, Webcast, February 11, 2021

The Legal Implications of Managing a Remote Workforce
AssuredPartners, Webcast, February 10, 2021

Berwyn Development Corporation Seminar on COVID-19 Vaccination and
Required Testing
Berwyn Development Corporation, Webcast, February 2, 2021

Drafting and Litigating Restrictive Employment Covenants
Illinois Chamber of Commerce; Webcast, January 28, 2021

COVID Safety & Health Concerns in the Workplace
Employee Benefits Association of Northern Illinois, Webcast, January 27, 2021

Mandatory Vaccines and Other Options for Employers During this Year's Cold &
Flu Season
Rockford Chamber of Commerce, Webcast, January 13, 2021

How Employees Can Better Manage this Year's Cold & Flu Season
Illinois Chamber of Commerce, Webcast, December 4, 2020

Election 2020 and the Merit Shop: How Should Merit Shop Contractors Prepare
for Upcoming DOL Policy and Regulatory Actions?
Associated Builders and Contractors' Legal and Policy Forecast Conference;
Webcast, December 3, 2020

7th Annual New Laws Virtual Forum for Illinois Employers
Illinois Chamber of Commerce, Webcast, December 2, 2020

To Mandate Vaccines or Not: What Employees Need to Understand
Illinois Chamber of Commerce, Webcast, November 18, 2020

Reasonable Suspicion Training for Managers
Waubensee Community College, Webcast, November 11, 2020

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Impact of the 2020 Election on the Workplace
Illinois Chamber of Commerce, Webcast, November 10, 2020

Business Owner's Guide to Preventing Gender Bias in the Workplace
Lorman Education Services, Webcast, November 3, 2020

BIPA: The Ongoing Threat of Employee Class Actions and Recent Developments
SmithAmundsen, Webcast, October 29, 2020

Chicago Fair Workweek Ordinance: Separating Fact from Fiction
Illinois Chamber of Commerce, Webcast, October 28, 2020

Sexual Harassment and Discrimination in the Workplace for Employers – *Are You Prepared Both Proactively & Reactively for the Illinois Workplace Transparency Act?*
SmithAmundsen, Webcast, October 22, 2020

The Illinois Prevailing Wage Certified Transcript of Payroll
Illinois Chamber of Commerce, Webcast, October 21, 2020

Illinois Mandatory Anti-Sexual Harassment Prevention Training
Chicago Healthcare Risk Management Society, Webcast, October 15, 2020

Illinois Minimum Wage & Overtime During these Unprecedented Times
Illinois Chamber of Commerce, Webcast, October 13, 2020

Train the Trainer: Anti Sexual Harassment Training Mandatory in Illinois
Illinois Chamber of Commerce, Webcast, October 8, 2020

Trends & Technical Issues Impacting Employment Based Immigration in Light of COVID-19 and the Election Year
Illinois Chamber of Commerce, Webcast, October 6, 2020

Illinois Mandatory Anti-Sexual Harassment Prevention Training
Chicago Healthcare Risk Management Society, Webcast, September 24, 2020

The 7 Deadly Sins of Documenting Discipline
Clear Law Institute, Webcast, September 16, 2020

How to Confront and Discipline Employees in the Age of COVID-19
Illinois Chamber of Commerce, Webcast, September 15, 2020

Conducting an Internal HR Audit in 2020 and Beyond
Illinois Chamber of Commerce, Webcast, September 10, 2020

COVID-19 Executive Orders, Back-to-School and Other Concerns
Finishing Contractors Association of Illinois, Webcast, September 1, 2020

Illinois Mandatory Anti-Sexual Harassment Training
Lorman Education Services, Webcast, August 27, 2020

Race, Religion, and Politics in the Workplace: What Employers Need to Know
SmithAmundsen, Webcast, August 19, 2020

What Employers Need to Know Related to COVID-19 and Childcare
Illinois Chamber of Commerce, Webcast, August 17, 2020

Re-Opening the Economy: Preparing to Return to the Workplace
The Chamber of Manitowoc County; Webcast, May 19, 2020

How Family First Coronavirus Response Act and CARES Impact Your Business
Aurora Regional Chamber of Commerce, Webcast, April 15, 2020

COVID-19 FINANCIAL ASSISTANCE: What Money is Available and How Can My
Business Get It?
Associated Builders and Contractors of Illinois, Webcast, April 9, 2020

COVID-19 and the Remote Workforce: What Employers Need to Know
Illinois Chamber of Commerce, Webinar, April 9, 2020

The Current and Potential Effects of the Coronavirus on Employers, Employees,
and the Workplace
Clear Law Institute, Webcast, April 6, 2020

Human Resources Legal Advice You Need to Know Now
American Bus Association & USLAW Network, Webcast, April 3, 2020

COVID-19 Webinar Series: The Latest Local, State and Federal Mandates
Impacting the Workplace
Presented by SmithAmundsen COVID-19 Task Force, March 18, 2020

Prevailing Wage Act- What Employers Need to Know
Illinois Chamber of Commerce, Webcast, February 18, 2020

Prevailing Wage for 2020 and Beyond
Illinois Chamber of Commerce, Seminar; Naperville, IL, February 5, 2020

The Illinois Construction Industry Legal Power Seminar – Fifth Annual
Critical Legal Updates Impacting the Construction Industry: What You Need to
Know for 2020
SmithAmundsen; Oak Brook, IL, January 23, 2020

Overview of New and Updated Illinois Laws
IL Chamber of Commerce New Laws Forum; Lisle, IL, December 4, 2019

Construction Industry Conference
Illinois CPA Society; Chicago, IL, October 30, 2019

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Increase of Minimum Wage and Impact on Small Business
Illinois Valley Chamber of Commerce and Economic Development; Peru, IL,
October 9, 2019

Preparing for Tomorrow's Problems Today: Marijuana, Wellness, Benefits and
More
SmithAmundsen; Lombard, IL, September 25, 2019

New Illinois Sexual Harassment and Discrimination Legal Updates
Lorman Education Services; Webinar, September 18, 2019

How to Document and Terminate in YOUR Industry
SmithAmundsen, Webinar, August 21, 2019

Latest Labor Law Developments
Illinois Chamber of Commerce; Webinar, August 6, 2019

EEOC Pay Data Collection
Illinois Chamber of Commerce; Webinar, July 23, 2019

EEOC Pay Data Collection and Other Equal Pay Issues
SmithAmundsen, Webinar, July 18, 2019

The Truth About Project Labor Agreements
Associated Builders and Contractors, Inc. -- Illinois Chapter; Webinar, May 21;
June 5; June 18

Institute for Law and the Workplace Employment Law Conference
Chicago, IL; Chicago-Kent College of Law, June 4, 2019

Illinois Prevailing Wage Law Under The New Administration
Illinois Chamber of Commerce, Webinar, April 30, 2019

Illinois' New Minimum Wage Law: What Employers Must Know Beyond the \$15.00
Illinois Chamber of Commerce, Webinar, April 18, 2019

Help Your Employers Navigate the New Minimum Wage Law & Reimbursement
Law
Illinois Association Chamber of Commerce Executives; Webinar, April 8, 2019

Illinois' NEW Minimum Wage Law: What Employers Must Know Beyond the \$15
St. Charles Chamber of Commerce, Seminar; St. Charles, IL, April 4, 2019

Illinois' New Minimum Wage Law: What Employers Must Know Beyond the \$15.00
Illinois Chamber of Commerce, Webinar, April 4, 2019

Upcoming Changes to Illinois Prevailing Wage Law?
Illinois Chamber of Commerce; Glen Ellyn, IL., March 21, 2019

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How to Survive a Department of Labor Wage and Hour Audit
GRC Educators, Webinar, October 1, 2018

Prevailing Wage in Illinois - What's Changed for Employers?
Illinois Chamber of Commerce; Springfield, IL, July 19, 2017

Prevailing Wage in Illinois
Illinois Chamber of Commerce; Naperville, IL, May 18, 2017

DOL Final Wage and Hour Rules: What you need to know before Dec. 1st
EBANI, Seminar; Rockford, IL, September 28, 2016

Landscape Work Under IL Prevailing Wage
Illinois Chamber of Commerce, Webinar, May 4, 2016

Prevailing Wage Law - Completing the Certified Transcript of Payroll
Illinois Chamber of Commerce, Webinar, April 28, 2016

Preventing Wage & Hour Liabilities in the Health Care Industry
Indiana Health Care Association, French Lick, IN, April 20, 2016

New DOL Wage & Hour Rules
Illinois Chamber of Commerce, Webinar, January 19, 2016

Complying with Illinois Wage and Hour Laws
Lorman Education Services, Webinar, January 13, 2016

Published Works

Politicians Aim To Force Unionization In The Private Sector
The Illinois Manufacturer Magazine, August 2, 2021

New HR Laws Impacting Illinois Manufacturers
The Illinois Manufacturer Magazine, April 30, 2021

Illinois Employment Forms-Online Version
Illinois Chamber of Commerce, March 2021

It's Worth a Shot – The COVID-19 Vaccine from an Employer's Perspective
USLAW Magazine, March 16, 2021

COVID Fatigue? What You May Have Missed Related to Employment Laws
InTouch Magazine – NAMA, Summer 2020

Coronavirus... Tornadoes... Data Breach... Oh My! Is Your Workplace Prepared for a Pandemic or Other Catastrophe?
InTouch Magazine – NAMA, Spring 2020

Déjà Vu!- US Department of Labor Takes a Second Bite at the Apple to Increase White Collar Salaries

InTouch Magazine – NAMA, Summer 2019

Illinois Employment Law Handbook - 5th Edition

Illinois Chamber of Commerce, 2019

New Year's Resolution for Operators Should Include an HR Checklist!

InTouch Magazine – NAMA, Winter 2019

Illinois Employment Law Handbook, 4th Edition

Illinois Chamber of Commerce, 2016

Blog Posts

Local and State Employment Law Updates: Wage Posters

Labor & Employment Law Update, March 11, 2022

Local and State Employment Law Updates: A Mass Issuance of New Labor Posters

Labor & Employment Law Update, March 7, 2022

Federal Judge Finds Periodic Inspection and Testing of Fire or Security Systems Does Not Fall Under the Illinois Prevailing Wage Act

Labor & Employment Law Update, February 24, 2022

Local and State Law Updates: From Minimum Wage to Medical Marijuana

Labor & Employment Law Update, February 23, 2022

Local and State Law Updates: New Posters and Revised Legislation

Labor & Employment Law Update, January 27, 2022

Local and State Law Updates: California and Oregon Issue New Posters

Labor & Employment Law Update, January 21, 2022

Illinois Prevailing Wage Pay Data Now Online for Anyone to View and “Complain”

Labor & Employment Law Update, December 13, 2021

IDOL on the PROWL: Looking At Non-Union Contractors to Debar for Technical Violations of the Illinois Prevailing Wage Act

Labor & Employment Law Update, May 7, 2021

Construction Contractors Beware: Think Twice Before Paying Prevailing Wage Assessments!

Labor & Employment Law Update, April 2, 2021

PREVAILING WAGE REMINDER: Local, State and Federal Prevailing Wage Obligations Vary Greatly

Labor & Employment Law Update, February 25, 2021

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Illinois Department of Labor Launches Prevailing Wage Electronic Database –
April 1, 2020

Labor & Employment Law Update, April 13, 2020

State Comptroller Wants to Enforce the Illinois Prevailing Wage Act???

Labor & Employment Law Update, August 16, 2019

In Case it was Ever in Doubt, the Illinois Prevailing Wage Act Now Expressly
Adopts UNION SCALE to Establish Prevailing Wage in the “Construction” Industry

Labor & Employment Law Update, June 18, 2019

Prevailing Wage Law: An Effective Sword of Labor Unions to Hurt their Enemies in
the Public Bid Process

Labor & Employment Law Update, April 25, 2019

Critical Illinois Prevailing Wage Law Change Impacting Contractors

Labor & Employment Law Update, February 26, 2019

Overtime Required for Prevailing Wage Cash Fringe Benefits???

Labor & Employment Law Update, January 17, 2014

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