

STATE OF ILLINOIS – DEPARTMENT OF LABOR
160 N. LASALLE ST., STE. C-1300
CHICAGO, ILLINOIS 60601

IN THE MATTER OF:)	
)	
MIDWEST REGION of the LABORERS')	
INTERNATIONAL UNION OF NORTH AMERICA,)	
)	
PETITIONER(S),)	STATE FILE NO. 2018-H-AS09-1976
)	
v.)	DATE OF NOTICE: <u>9/21/17</u>
)	
JOSEPH BEYER, ACTING DIRECTOR OF THE)	CERT. MAIL/RETURN RECEIPT:
ILLINOIS DEPARTMENT OF LABOR, and)	
THE ILLINOIS DEPARTMENT OF LABOR,)	<u>7017 1450 0000 6514 6078</u>
)	
RESPONDENTS.)	
)	

NOTICE OF HEARING

PLEASE TAKE NOTICE that Joseph Beyer, Acting Director of the Illinois Department of Labor, and the Illinois Department of Labor [hereinafter, "Respondents"] have received from the Midwest Region of the Laborers' International Union of North America, [hereinafter, "Petitioner(s)"] written objections to the prevailing wage determinations posted by the Department on its website on August 15, 2017, effective September 1, 2017, and a request for hearing on those objections pursuant to Section 9 of the Prevailing Wage Act [hereinafter, "IPWA" or "Act"], 820 ILCS 130/0.01 et seq.

Pursuant to the PWA, Article 10 of the Illinois Administrative Procedure Act, 5 ILCS 100/10-5 et seq., and 56 Ill. Admin. Code 120.100 et seq., Respondents will convene a hearing on:

DATE: OCTOBER 26, 2017
TIME: 10:00 A.M.
PLACE: ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

ADMINISTRATIVE LAW JUDGE:

CLAUDIA D. MANLEY
CHIEF ADMINISTRATIVE LAW JUDGE
ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

The hearing involves the written objections and hearing request filed by Petitioner(s), attached hereto and made a part hereof (Exhibit A).

The parties and their respective representatives must be prepared to proceed at the hearing. The parties must present all information, documents, records or witnesses necessary to substantiate their position(s) at the hearing.

Pursuant to 56 Illinois Administrative Code 120.640, the administrative law judge shall issue a Decision and Order. In the event no timely or proper exceptions are filed, the findings, conclusions, recommendations and order of the administrative law judge shall automatically become the decision and order of the Director of Labor.

The proceedings are subject to judicial review in accordance with the provisions of the Administrative Review Law, 735 ILCS 5/3-101 et seq. The Director of Labor's determination on the objections is final and binding unless a party to this proceeding applies for and obtains judicial review of the final administrative decision in accordance with the provisions of the Administrative Review Law.

A handwritten signature in black ink, appearing to read "Joseph Beyer". The signature is written in a cursive style with a large initial "J" and "B".

Joseph Beyer
Acting Director of Labor



TERRY O'SULLIVAN
General President

ARMAND E. SABITONI
General Secretary-Treasurer

Vice Presidents:

TERRENCE M. HEALY

RAYMOND M. POCINO

JOSEPH S. MANCINELLI

ROCCO DAVIS

Special Assistant to the
General President

VINCENT R. MASINO

DENNIS L. MARTIRE

ROBERT E. RICHARDSON

RALPH E. COLE

JOHN F. PENN

OSCAR DE LA TORRE

SERGIO RASCON

ROBERT F. ABBOTT

SAMUEL STATEN, JR.

PAUL V. HOGROGIAN

THEODORE T. GREEN

General Counsel

HEADQUARTERS:

905 16th Street, NW

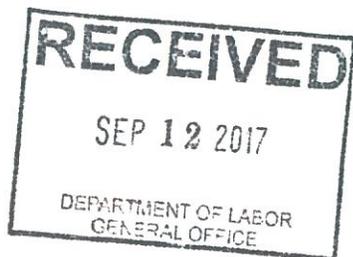
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20006-1765

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www.liuna.org



2018-14-AS09-1976
LiUNA!

MIDWEST REGIONAL OFFICE

1 North Old State Capitol Plaza • Suite 525 • Springfield, IL 62701

Phone: (217) 522-3381 • Fax: (217) 522-6588

August 12, 2017

Illinois Department of Labor
900 S. Spring Street
Springfield, IL 62701

Illinois Department of Labor
Attn: Joe Beyer, Acting Director
900 S. Spring Street
Springfield, IL 62701

Re: *Petition Challenging Prevailing Rates Posted August 15,
2017*

Dear Mr. Beyer:

I represent the 93 Illinois counties of the Midwest Region of the Laborers' International Union of North America, hereafter "Petitioner." I am writing on Petitioner's behalf to provide written notice objecting to the Illinois Department of Labor's 2017 Prevailing Wage Rates, posted August 15, 2017. Notice is provided pursuant to 820 ILCS Section 130/9 and is solely limited to 130/9.

Petitioner is a labor union representing workers in Illinois; petitioner's Collective Bargaining Agreements have established prevailing wage rates for the craft of Laborers and Asbestos Workers on public projects and as Laborer members are employed at the posted prevailing wage, Laborers are financially affected by those rates.

Petitioner has assembled summaries of the errors and omissions in the 2017 prevailing wage rates published by the Department. I have attached the summaries as Exhibits A. & B.

Petitioner request a section 9 investigatory hearing solely to establish the proper prevailing wage rates for the Laborer and Asbestos Worker classifications for the counties and regions as identified in Exhibits A & B. Petitioner further objects, by this letter, that the Department of Labor has no statutory authority to post an effective date for the 2017 rates of "September 1, 2017" but believes that the Department has lost jurisdiction to consider this specific issue as it is currently under consideration in the St. Clair County Circuit Court case of *Oller v. IDOL, Chaviano (in his personal capacity), Hui (in her personal capacity and Kersey (in his personal capacity) 17 MR 134.*

EXHIBIT A

Feel the Power

So we may prepare for the hearing, please forward to me the information the Department of Labor relied upon in making the 2017 wage rate determinations.

Thank you for your attention to this matter. Please contact me if you have any questions.

Best regards,

A handwritten signature in black ink, appearing to read "Ellen Schanzle-Haskins", with a long horizontal flourish extending to the right.

Ellen Schanzle-Haskins General Counsel
Laborers' International Union
of North America, Midwest Region
1 North Old State Capitol Plaza, Ste. 525
Springfield, Illinois 62701
(217) 522-3381
ARDC#2473518

Posted 2017 Prevailing Wage Rates per IDOL

“This schedule contains the prevailing wage rates required to be paid for work performed on or after September 1, 2017 on public works projects in each County. Pursuant to 820 ILCS 130/4, public bodies in each County that have active public works projects are responsible for notifying all contractors and subcontractors working on those public works projects of the change (if any) to rates that were previously in effect. The failure of a public body to provide such notice does not relieve contractors or subcontractors of their obligations under the Prevailing Wage Act, including the duty to pay the relevant prevailing wage in effect at the time work subject to the Act is performed.”

According to the method that IDOL has traditionally used for establishing the prevailing wage rate, the correct wage for Laborers in the Southwestern Illinois Laborers District Council as of Aug 1, 2017 should be:

\$53.24

The rate published by the IDOL for Laborers in the counties that make up the Southwestern Illinois Laborers District Council are as follows. These rates were published by IDOL on Aug 16, 2017 and are inaccurate with respect to the rate prevailing in these counties for Laborers:

		Base wage		H/W	Pension	Training	Total Prevailing
wage:							
Bond	26.45	6.30	18.29	.80		51.84	
Calhoun	30.59	6.30	14.15	.80		51.84	
Clinton	26.46	6.72	17.86	.80		51.84	
Greene	30.59	6.30	14.15	.80		51.84	
Jersey	30.59	6.30	14.15	.80		51.84	
Macoupin	30.13	6.30	14.61	.80		51.84	
Madison NW	30.59	6.30	14.15	.80		51.84	
Madison SE	30.79	8.00	12.25	.80		51.84	
Monroe	27.63	6.72	16.69	.80		51.84	
Montgomery	25.55	6.30	19.19	.80		51.84	
Randolph	28.49	6.72	15.83	.80		51.84	
St Clair N	30.79	8.00	12.25	.80		51.84	
St Clair S	28.49	6.72	15.83	.80		51.84	
Washington	28.49	6.72	15.83	.80		51.84	

These published rates reflect our old contract that expired July 31, 2017 and are incorrect for the new contract that took effect Aug 1, 2017

2017 Prevailing wage rates for the twelve counties that make up the Southwestern Illinois Laborers District Council with what should be the correct rate:

September 8, 2017

Research into the 2017 calculations used to determine the prevailing wage for Laborers involved in the performance of work on public works projects has yielded the following determination for the base pay of employees performing duties associated with the craft of Construction Laborer. These conclusions are consistent with the history of past determinations. And are as follows:

	Base wage	HW	Pension	Training	Total Prevailing wage:
Bond	26.50	6.30	19.64	.80	53.24
Calhoun	30.59	6.30	15.45	.80	53.24
Clinton	28.05	6.30	18.08	.80	53.24
Greene	30.59	6.30	15.45	.80	53.24
Jersey	30.59	6.30	15.45	.80	53.24
Macoupin	30.13	6.30	16.01	.80	53.24
Madison NW	30.59	6.30	15.45	.80	53.24
Madison SE	30.79	8.25	13.37	.80	53.24
Monroe	27.66	7.03	17.25	.80	53.24
Montgomery	25.74	6.30	20.40	.80	53.24
Randolph	28.63	7.03	16.78	.80	53.24
St Clair N	30.79	8.25	13.40	.80	53.24
St Clair S	28.63	7.03	16.79	.80	53.24
Washington	28.65	7.03	16.79	.80	53.24

Exhibit B

County	Classification	Objection
Stark	Asbestos abt-gen W region bld	The base rate should be \$29.80 the Foreman rate \$30.80 the H/W \$8.52
Stark	Laborer E region bld	The base rate should be \$29.94 the Foreman rate \$30.94 the H/W \$7.80 and a pension rate of \$13.81.
Stark	Laborer E Region HWY	The base rate should be \$32.03
Stark	Laborer W Region HWY	The base rate should be \$28.16 the Foreman rate \$28.91 the H/W \$8.52 and a pension rate of \$13.73
Stephenson	Asbestos abt-gen All region bld	The base rate should be \$40.63 the Foreman rate \$41.63 the H/W \$8.52 and a pension of \$17.92
Stephenson	Laborer All region Bld	The base rate should be \$32.78 the Foreman rate \$33.78 the H/W \$8.52 and a pension of \$17.92
Stephenson	Laborer All region HWY	The base rate should be \$37.88 the Foreman rate \$38.63 the H/W \$8.52 and a pension rate of 17.92
Stephenson	Laborer All Region skilled Hwy	The base rate should be \$37.88 the Foreman rate \$38.63 the H/W \$8.52 and a pension rate of 17.92
Warren	Laborer All Region HWY	The base rate should be \$28.16 the Foreman rate \$28.91 the H/W \$8.52 and a pension rate of \$13.73
Whiteside	Asbestos abt-gen All region bld	The base rate should be \$40.63 the Foreman rate \$41.63 the H/W \$8.52 and a pension of \$17.92
Whiteside	Laborer All region Bld	The base rate should be \$32.78 the Foreman rate \$33.78 the H/W \$8.52 and a pension of \$17.92
Whiteside	Laborer All HWY	The base rate should be \$37.88 the Foreman rate \$38.63 the H/W \$8.52 and a pension rate of 17.92
Whiteside	Laborer All HWY Skilled	The base rate should be \$40.63 the Foreman rate \$41.38 the H/W \$8.52 and a pension rate of \$17.92
Dekalb	Asbestos abt-gen all region BLD	The base rate should be \$37.75 the Foreman rate \$38.75 the H/W \$8.52 and a pension of \$17.79
Dekalb	Laborer All region bld	The base rate should be \$32.84 the Foreman rate \$33.84 the H/W \$8.52 and a pension of \$17.79
Dekalb	Laborer All region HWY	The base rate should be \$35.00 the Foreman rate \$35.75 the H/W \$8.52 and a pension of \$20.73
Dakalb	Laborer All Region HWY skilled	The base rate should be \$37.75 the Foreman rate \$38.50 the H/W \$8.52 and a pension of \$20.73
Woodford	Laborer All Region BLD	The base rate should be \$29.94 the Foreman rate \$30.94 the H/W \$7.80 and a pension rate of \$13.81.
Ogle	Asbestos abt-gen All region bld	The base rate should be \$40.63 the Foreman rate \$41.63 the H/W \$8.52 and a pension of \$17.92
Ogle	Laborer All Region Bld	The base rate should be \$32.78 the Foreman rate \$33.78 the H/W \$8.52 and a Pension of \$17.92

Ogle	Laborer All Region HWY	The base rate should be \$37.88 the Foreman rate \$38.63 the H/W \$8.52 and a pension rate of \$17.92
Ogle	Laborer All Region skilled Hwy	The base rate should be \$40.63 the Foreman rate \$41.38 the H/W \$8.52 and a pension rate of \$17.92
Putnam	Asbestos abt-gen All region bid	The base rate should be \$31.02 the Foreman rate \$33.02 the H/W \$8.52 and a pension of \$14.01
Putnam	Laborer All Region All type	The base rate should be \$30.02 the Foreman rate \$32.02 the H/W \$8.52 and a pension of \$14.01
Putnam	Laborer All Region All type Skill	The base rate should be \$30.02 the Foreman rate \$32.02 the H/W \$8.52 and a pension of \$14.01
Henderson	Laborer All Region HWY	The base rate should be \$28.16 the Foreman rate \$28.91 the H/W \$8.52 and a pension of \$13.73.
Iriquois	Laborer All Region HWY skilled	The base rate should be \$36.21 the Foreman rate \$37.21 the H/W \$8.52 and a pension of \$17.70
JoDaviess	Asbestos abt-gen All region bid	The base rate should be \$40.63 the Foreman rate \$41.63 the H/W \$8.52 and a pension of \$17.92
JoDaviess	Laborer All Region Bid	The base rate should be \$32.78 the Foreman rate \$33.78 the H/W \$8.52 and a Pension of \$17.92
JoDaviess	Laborer All Region HWY	The base rate should be \$37.88 the Foreman rate \$38.63 the H/W \$8.52 and a pension rate of \$17.92
JoDaviess	Laborer All Region skilled Hwy	The base rate should be \$40.63 the Foreman rate \$41.38 the H/W \$8.52 and a pension rate of \$17.92
Kankakee	Laborer All Region HWY skilled	The base rate should be \$36.21 the Foreman rate \$37.21 the H/W \$8.52 and a pension of \$17.70
Knox	Laborer All Region HWY	The base rate should be \$28.16 the Foreman rate \$28.91 the H/W \$8.52 and a pension of \$13.73.
LaSalle	Asbestos abt-gen All region bid	The base rate should be \$31.02 the Foreman rate \$33.02 the H/W \$8.52 and a pension of \$14.01
LaSalle	Laborer All Region All type	The base rate should be \$30.02 the Foreman rate \$32.02 the H/W \$8.52 and a pension of \$14.01
LaSalle	Laborer All Region All type Skill	The base rate should be \$30.22 the Foreman rate \$32.22 the H/W \$8.52 and a pension of \$14.01
Lee	Asbestos abt-gen All region bid	The base rate should be \$40.63 the Foreman rate \$41.63 the H/W \$8.52 and a pension of \$17.92
Lee	Laborer All Region Bid	The base rate should be \$32.78 the Foreman rate \$33.78 the H/W \$8.52 and a Pension of \$17.92
Lee	Laborer All Region HWY	The base rate should be \$37.88 the Foreman rate \$38.63 the H/W \$8.52 and a pension rate of \$17.92
Lee	Laborer All Region skilled Hwy	The base rate should be \$40.63 the Foreman rate \$41.38 the H/W \$8.52 and a pension rate of \$17.92
Carroll	Asbestos abt-gen All region bid	The base rate should be \$40.63 the Foreman rate \$41.63 the H/W \$8.52 and a pension of \$17.92

Carroll	Laborer All Region Bld	The base rate should be \$32.78 the Foreman rate \$33.78 the H/W \$8.52 and a Pension of \$17.92
Carroll	Laborer All Region HWY	The base rate should be \$37.88 the Foreman rate \$38.63 the H/W \$8.52 and a pension rate of \$17.92
Carroll	Laborer All Region skilled Hwy	The base rate should be \$40.63 the Foreman rate \$41.38 the H/W \$8.52 and a pension rate of \$17.92
Winnebago	Asbestos abt-gen all region BLD	The base rate should be \$37.75 the Foreman rate \$38.75 the H/W \$8.52 and a pension of \$17.79
Winnebago	Laborer All region bld	The base rate should be \$32.84 the Foreman rate \$33.84 the H/W \$8.52 and a pension of \$17.79
Winnebago	Laborer All region HWY	The base rate should be \$35.00 the Foreman rate \$35.75 the H/W \$8.52 and a pension of \$20.73
Winnebago	Laborer All Region HWY skilled	The base rate should be \$37.75 the Foreman rate \$38.50 the H/W \$8.52 and a pension of \$20.73

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I Ann Harrison, a non-attorney, affirm, certify or on oath state, that I served notice of the attached Notice of Hearing upon all parties to this case, or their agents appointed to receive service of process, by enclosing a copy of the Notice of Hearing in Case No. 2018-H-AS09-1976 and a copy of the Certificate of Service in an envelope addressed to each party or party's agent at the respective address shown on the Certificate of Service, having caused each envelope to be served by U.S. mail certified mail return receipt requested and at 100 W. Randolph Street, Chicago, Illinois on the 21 day of September, 2017 prior to 4:30 p.m. and placed on the Illinois Department of Labor's official website at and placed on the Illinois Department of Labor's official website at www.state.il.us/agency/idol/

Midwest Region of Laborers
c/o Ellen Schanzle-Haskins
LIUNA
1 N. Old State Capitol Plaza, Ste. 525
Springfield, IL 62701
eschanzle-haskins@midwestlaborers.org

Via messenger:

Joseph Beyer
Director
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601

Benno Weisberg
Illinois Department of Labor
General Counsel
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601

Ann Harrison

Subscribed and Sworn to this 21 day of September, 2017

[Signature]
Notary Public

