

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

IN THE MATTER OF:	)	
	)	
ILLINI ASPHALT CORPORATION,	)	
	)	
PETITIONER(S),	)	STATE FILE NO. 2018-H-AS09-1977
	)	
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 6085</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 Illini Asphalt Corporation, [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 24, 2017  
**TIME:** 9:00 A.M.  
**PLACE:** ILLINOIS DEPARTMENT OF LABOR  
160 NORTH LASALLE STREET, SUITE C-1300  
CHICAGO, ILLINOIS 60601

**ADMINISTRATIVE LAW JUDGE:**

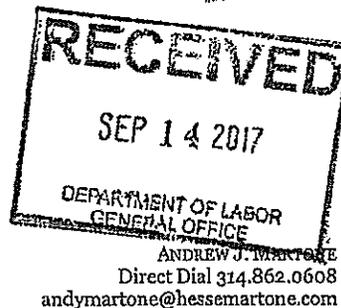
**CLAUDIA D. MANLEY**  
CHIEF ADMINISTRATIVE LAW JUDGE  
ILLINOIS DEPARTMENT OF LABOR  
160 NORTH LASALLE STREET, SUITE C-1300  
CHICAGO, ILLINOIS 60601

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

208-H-1509-1977



HESSE | MARTONE  
Attorneys & Counselors



September 14, 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 Wage Rates Effective September 1, 2017*

Dear Mr. Beyer:

This Firm represents the Illini Asphalt Corporation ("IAC"), hereafter "Petitioner." I am writing on Petitioner's behalf to provide written notice objecting to the Illinois Department of Labor's Prevailing Wage Rates Effective September 1, 2017. Notice is provided pursuant to 820 ILCS §§ 130/4 and 130/9.

IAC is a construction industry employer in Illinois; petitioner pays prevailing wage rates on public projects and is financially affected by those rates.

Petitioner has assembled a table of the errors and omissions in the prevailing wage rates published by the Department effective July 10, 2017. I have attached the table as Exhibit A.

Petitioner requests an investigatory hearing to establish the proper prevailing wage rates for the counties, regions, and types of work identified in Exhibit A.

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

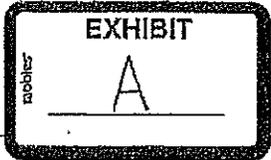
Thank you for your attention to this matter. Please contact me if you have any questions.

Sincerely,

Andrew J. Martone

AJM/sgs  
enclosure

# EXHIBIT A



County	Classification	Objection
Alexander	Truck Driver-All Region, O&C	Classes 1 through 3 should be replaced with the following classes: 1. 25.82-25.82-1.5-1.5-2.0-7.08-8.16-0.00-0.00; 2. 16.81-16.81-1.5-1.5-2.0-7.08-3.83-0.00-0.00
Franklin	Truck Driver-All Region, O&C	Classes 1 through 3 should be replaced with the following classes: 1. 25.82-25.82-1.5-1.5-2.0-7.08-8.16-0.00-0.00; 2. 16.81-16.81-1.5-1.5-2.0-7.08-3.83-0.00-0.00
Gallatin	Truck Driver-All Region, O&C	Classes 1 through 3 should be replaced with the following classes: 1. 25.82-25.82-1.5-1.5-2.0-7.08-8.16-0.00-0.00; 2. 16.81-16.81-1.5-1.5-2.0-7.08-3.83-0.00-0.00
Hamilton	Truck Driver-All Region, O&C	Classes 1 through 3 should be replaced with the following classes: 1. 25.82-25.82-1.5-1.5-2.0-7.08-8.16-0.00-0.00; 2. 16.81-16.81-1.5-1.5-2.0-7.08-3.83-0.00-0.00
Hardin	Truck Driver-All Region, O&C	Classes 1 through 3 should be replaced with the following classes: 1. 25.82-25.82-1.5-1.5-2.0-7.08-8.16-0.00-0.00;

		2. 16.81-16.81-1.5- 1.5-2.0-7.08-3.83- 0.00-0.00
Jackson	Truck Driver-All Region, O&C	Classes 1 through 3 should be replaced with the following classes: 1. 25.82-25.82-1.5- 1.5-2.0-7.08-8.16- 0.00-0.00; 2. 16.81-16.81-1.5- 1.5-2.0-7.08-3.83- 0.00-0.00
Johnson	Truck Driver-All Region, O&C	Classes 1 through 3 should be replaced with the following classes: 1. 25.82-25.82-1.5- 1.5-2.0-7.08-8.16- 0.00-0.00; 2. 16.81-16.81-1.5- 1.5-2.0-7.08-3.83- 0.00-0.00
Massac	Truck Driver-All Region, O&C	Classes 1 through 3 should be replaced with the following classes: 1. 25.82-25.82-1.5- 1.5-2.0-7.08-8.16- 0.00-0.00; 2. 16.81-16.81-1.5- 1.5-2.0-7.08-3.83- 0.00-0.00
Perry	Truck Driver-All Region, O&C	Classes 1 through 3 should be replaced with the following classes: 1. 25.82-25.82-1.5- 1.5-2.0-7.08-8.16- 0.00-0.00; 2. 16.81-16.81-1.5- 1.5-2.0-7.08-3.83- 0.00-0.00
Pope	Truck Driver-All Region, O&C	Classes 1 through 3 should be replaced with the following classes:

		<ol style="list-style-type: none"> <li>1. 25.82-25.82-1.5-1.5-2.0-7.08-8.16-0.00-0.00;</li> <li>2. 16.81-16.81-1.5-1.5-2.0-7.08-3.83-0.00-0.00</li> </ol>
Pulaski	Truck Driver-All Region, O&C	<p>Classes 1 through 3 should be replaced with the following classes:</p> <ol style="list-style-type: none"> <li>1. 25.82-25.82-1.5-1.5-2.0-7.08-8.16-0.00-0.00;</li> <li>2. 16.81-16.81-1.5-1.5-2.0-7.08-3.83-0.00-0.00</li> </ol>
Randolph	Truck Driver-All Region, O&C	<p>Classes 1 through 5 should be replaced with the following classes:</p> <ol style="list-style-type: none"> <li>1. 25.82-25.82-1.5-1.5-2.0-7.08-8.16-0.00-0.00;</li> <li>2. 16.81-16.81-1.5-1.5-2.0-7.08-3.83-0.00-0.00</li> </ol>
Saline	Truck Driver-All Region, O&C	<p>Classes 1 through 3 should be replaced with the following classes:</p> <ol style="list-style-type: none"> <li>1. 25.82-25.82-1.5-1.5-2.0-7.08-8.16-0.00-0.00;</li> <li>2. 16.81-16.81-1.5-1.5-2.0-7.08-3.83-0.00-0.00</li> </ol>
Union	Truck Driver-All Region, O&C	<p>Classes 1 through 3 should be replaced with the following classes:</p> <ol style="list-style-type: none"> <li>1. 25.82-25.82-1.5-1.5-2.0-7.08-8.16-0.00-0.00;</li> <li>2. 16.81-16.81-1.5-1.5-2.0-7.08-3.83-0.00-0.00</li> </ol>

White	Truck Driver-All Region, O&C	There should be separate O&C rates with the following classes: 1. 25.82-25.82-1.5- 1.5-2.0-7.08-8.16- 0.00-0.00; 2. 16.81-16.81-1.5- 1.5-2.0-7.08-3.83- 0.00-0.00
Williamson	Truck Driver-All Region, O&C	Classes 1 through 3 should be replaced with the following classes: 1. 25.82-25.82-1.5- 1.5-2.0-7.08-8.16- 0.00-0.00; 2. 16.81-16.81-1.5- 1.5-2.0-7.08-3.83- 0.00-0.00

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", written over a horizontal line.

Joseph Beyer  
Acting Director of Labor

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-AS09-1977 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/

Illini Asphalt Corp.  
c/o Andrew J. Martone  
Hesse Martone  
13354 Manchester Rd., Ste. 100  
St. Louis, MO 63131  
andymartone@hessemartone.com

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

Rosemary Echeverry-Vazquez  
Notary Public

