

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

IN THE MATTER OF:	)	
	)	
TEAMSTERS LOCAL 731,	)	
	)	STATE FILE NO. 2018-H-AS10-2037
PETITIONER(S),	)	
	)	
v.	)	DATE OF NOTICE: <u>10/24/2017</u>
	)	
JOSEPH BEYER, ACTING DIRECTOR OF THE	)	CERT. MAIL/RETURN RECEIPT:
ILLINOIS DEPARTMENT OF LABOR, and	)	
THE ILLINOIS DEPARTMENT OF LABOR,	)	<u>7017 2400 0080 6302 5056</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 Teamsters Local 731 [hereinafter, "Petitioner(s)"] written objections to the prevailing wage determinations posted by the Department on its website on August 15, 2017, rates effective September 1, 2017 or thereafter 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:** NOVEMBER 21, 2017  
**TIME:** 10:00 A.M.  
**PLACE:** ILLINOIS DEPARTMENT OF LABOR  
160 NORTH LASALLE STREET, SUITE C-1300  
CHICAGO, ILLINOIS 60601

**ADMINISTRATIVE LAW JUDGE:**

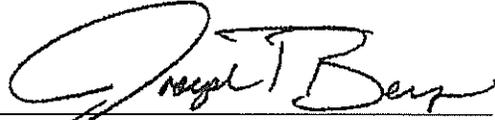
**CLAUDIA D. MANLEY**  
CHIEF ADMINISTRATIVE LAW JUDGE  
ILLINOIS DEPARTMENT OF LABOR  
160 NORTH LASALLE STREET, SUITE C-1300  
CHICAGO, ILLINOIS 60601

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.

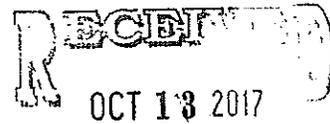
A handwritten signature in black ink, appearing to read "Joseph Beyer". The signature is written in a cursive style with a large initial "J" and "B".

Joseph Beyer  
Acting Director of Labor

STATE OF ILLINOIS- DEPARTMENT OF LABOR  
CONCILIATION/MEDIATION DIVISION  
160 N. LASALLE ST. STE. C-1300  
CHICAGO, IL 60601

IN THE MATTER OF: )  
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TEAMSTERS LOCAL 731 )  
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)  
Petitioners, )  
)  
)  
Vs. )  
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)  
JOE BEYER, DIRECTOR OF )  
THE ILLINOIS DEPARTMENT OF )  
LABOR and the ILLINOIS )  
DEPARTMENT OF LABOR, )  
)  
)  
Respondents. )

STATE FILE NO.,  
*2018-H-AS10-2037*



Illinois Department of Labor  
CHICAGO OFFICE  
HEARINGS SECTION

**NOTICE OF FILING**

TO:

Joe Beyer  
Director of the Illinois Department of Labor  
160 N. LaSalle Street, Suite C-1300  
Chicago, IL. 60601

Illinois Department of Labor  
AND c/o Joe Beyer, Director  
160 N. LaSalle Street, Suite C-  
1300  
Chicago, IL. 60601

PLEASE TAKE NOTICE that on this 13<sup>th</sup> day of October, 2017. The undersigned filed the attached Objections and Request for Section 9 Hearing, a copy of which is herewith served upon you.

Respectfully submitted,  
Teamster Local No. 731

Dated: October 13, 2017

By: /s/ Terrance B. McGann  
One of its attorneys

Terrance B. McGann  
McGann, Ketterman, & Rioux  
111 East Wacker Drive, Suite 2600  
Chicago, IL 60601  
(312) 251-9700

**EXHIBIT A**

STATE OF ILLINOIS- DEPARTMENT OF LABOR  
CONCILIATION/MEDIATION DIVISION  
160 N. LASALLE ST. STE. C-1300  
CHICAGO, IL 60601

IN THE MATTER OF: )  
 )  
TEAMSTERS LOCAL 731 ) STATE FILE NO.,  
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Petitioners, )  
 )  
Vs. )  
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JOE BEYER, DIRECTOR OF )  
THE ILLINOIS DEPARTMENT OF )  
LABOR and the ILLINOIS )  
DEPARTMENT OF LABOR, )  
 )  
Respondents. )

**OBJECTION AND REQUEST FOR SECTION 9 HEARING**

Petitioners Teamsters Local Union No. 731 (“Teamsters”), by and through their attorney, Terrance McGann, of the law firm of McGann, Ketterman, & Rioux, seek to formally object to the Prevailing Wage determination effective published by the Illinois Department of Labor (“Department”) on September 25, 2017 and request a hearing on these objections pursuant to Section 9 of the Illinois Prevailing Wage Act (820 JLCS § 130/9). In support, the Teamsters state further:

1. The Teamsters are a national labor organization consisting of members of Local Teamsters Unions.
2. Teamsters Local Union No. 731 represents employees in Cook County.

3. Section 9 of the Illinois Prevailing Wage Act states: "The Department of Labor shall ... investigate and ascertain the prevailing rate of wages for each county in the State." 820 ILCS § 130/9
4. As part of the Section 9 Wage determination process, the Teamsters submitted Prevailing Wage Certification Forms to the Department. These materials included the rates and fringe benefits paid to Traffic Safety Workers.
5. On September 25, 2017 the Department published Prevailing Wage Schedules on its website.
6. 56 Ill. Adm. Code 100.22 defines the "prevailing hourly rate of wages" as "the hourly cash wages plus fringe benefits ... most frequently (numerically most occurring), in the county in which the public works is performed, to employees engaged on public works."
7. The Teamsters represent most traffic safety workers engaged in public works in Cook County; therefore, the rate of wages contained in the 2016 allocations (*see Attachment 1*), which were in effect at the time the teamsters submitted the Prevailing Wage Certification Forms, are the numerically most occurring hourly cash wages plus fringe benefits.
8. The prevailing wage rates on the Department's website on September 25, 2017 for the traffic safety worker trade do not reflect the 2016 allocations as they should.
9. The prevailing base wage for Traffic Safety Worker published by the Department is \$33.50, while it ought to be \$34.25 because this is the base wage for a traffic safety worker according to the 2016 allocations.

10. The Prevailing foreman wage for Traffic Safety Worker published by the Department is \$39.50, while it ought to be \$35.85 because this is the foreman wage for a traffic safety worker according to the 2016 allocations.

WHEREFORE, for the reasons set forth above, the Petitioner, Teamsters Local No. 731, objects to the Traffic Safety Worker Foreman Prevailing Wage determinations posted on the Department's official website in September of 2017 and respectfully requests a hearing on these objections pursuant to 820 ILCS § 130/9.

October 13, 2017

Respectfully submitted,

Teamsters Local No. 731

By: /s/ Terrance B. McGann  
One of its attorneys

Terrance B. McGann  
McGann, Ketterman, & Rioux  
111 East Wacker Drive, Suite 2600  
Chicago, IL 60601  
(312) 251-9700

**TEAMSTERS****LOCAL 731**

EXCAVATING, GRADING, ASPHALT, PRIVATE SCAVENGERS AND RECYCLERS, AUTOMOBILE SALESROOM GARAGE ATTENDANTS,  
LINEN AND LAUNDRY AND MACHINERY, SCRAP IRON, STEEL AND METAL TRADE CHAUFFEURS, HANDLERS, HELPERS AND ALLOY FABRICATORS Local Union No. 731

Terrence J. Hancock, President  
John J. Lisner, Secretary-Treasurer

1000 Burr Ridge Pkwy., Suite 300 • Burr Ridge, IL 60527  
(630) 887-4100 Fax (630) 887-4114

June 7, 2016

**NOTICE OF HOURLY WAGE AND FRINGE BENEFIT INCREASES  
EFFECTIVE JULY 1, 2016**

**TRAFFIC SAFETY WORKER COLLECTIVE BARGAINING ASSOCIATION AGREEMENT**

Dear Employer:

Pursuant to Article VI – Wages, of the current collective bargaining agreement by and between Teamsters Local Union No. 731 and the Traffic Safety Worker Collective Bargaining Association, effective July 1, 2016, the following hourly wage and benefit fund rates shall apply on behalf of each work classification covered by said labor agreement.

**EFFECTIVE JULY 1, 2016 – CONTRACTUAL WAGE/BENEFIT INCREASE OF \$1.50 PER HOUR**

**■ ■ ■ ALLOCATION SCHEDULE ■ ■ ■**

**HOURLY WAGE IMPROVEMENT OF \$0.75 PER HOUR  
FRINGE BENEFIT FUND IMPROVEMENT OF \$0.75 PER HOUR**

**LISTED BELOW ARE THE CLASSIFICATIONS  
AND NEW HOURLY WAGE RATES EFFECTIVE JULY 1, 2016**

<u>CLASSIFICATION</u>	<u>STRAIGHT-TIME HOURLY RATE</u>	<u>OVERTIME HOURLY RATE</u>	<u>DOUBLE-TIME HOURLY RATE</u>
Traffic Safety Worker 1	\$34.25	\$51.375	\$68.50
Crew Leader (TSW 1)	\$35.85	\$53.775	\$71.70
Mechanical Service Personnel Shoring, Shielding & Road Plate	\$34.25	\$51.375	\$68.50
Delivery Personnel	\$34.25	\$51.375	\$68.50
TSWII/Permanent Marking	\$35.25	\$52.875	\$70.50
TSWII/Crew Leader	\$36.85	\$55.275	\$73.70

**BENEFIT FUND ALLOCATION BREAKDOWN EFFECTIVE JULY 1, 2016**

■ **ADDITIONAL AMOUNT TO BE ALLOCATED TO THE HEALTH AND WELFARE BENEFIT FUND CONTRIBUTION AMOUNT..... \$0.75 per hour**  
(equivalent to an additional increase of \$30.00 per week)

■ **CURRENT BENEFIT FUND SCHEDULE:**

HEALTH/WELFARE FUND..... \$30.00 (equivalent to \$270.00 per week)  
401(k) PLAN (no additional increase)..... \$290.00 per week  
TASK FORCE/LMCC (no additional increase)..... \$20.00 per week  
TRAINING FUND (no additional increase)..... \$20.00 per week

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■ **TOTAL BENEFIT AMOUNT.....\$15.00 per hour**  
(equivalent to \$600.00 per week)

Should you have any questions regarding the wage segment as contained herein, please feel free to contact the Office of the Union.

If you have any concerns regarding the benefit fund contribution rates contained herein, kindly contact the Fund Administrator at (630) 887-4150.

Thank you in advance for your cooperation.

The Executive Board  
Teamsters Local Union No. 731

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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-AS10-2037 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 24 day of October, 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/

TEAMSTERS LOCAL 731  
c/o Terrance McGann  
McGann, Ketterman & Rioux  
111 E. Wacker Dr., Ste. 2600  
Chicago, IL 60601  
tmggann@mkrlaborlaw.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 24 day of October, 2017

Rosemary Echeverry-Vazquez  
Notary Public

