

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

IN THE MATTER OF:)	
)	
PATRICK SERZYNSKI, as a member of the)	
INTERNATIONAL BROTHERHOOD OF)	
ELECTRICAL WORKERS, LOCAL 150,)	
)	
PETITIONER(S),)	STATE FILE NO. 2018-H-AS09-1975
)	
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 1950 0000 6514 6061</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 Patrick Serzynski, as member of the International Brotherhood of Electrical Workers, Local 150 [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 and a request for hearing on those objections pursuant to Section 9 of the Prevailing Wage Act [hereinafter, "PWA" 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 18, 2017
TIME: 10:00 A.M.
PLACE: ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

ADMINISTRATIVE LAW JUDGE:

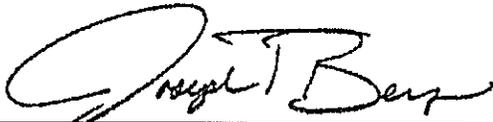
CLAUDIA D. MANLEY
CHIEF ADMINISTRATIVE LAW JUDGE
ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

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

2018-H-1509-1975

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

IN THE MATTER OF:)
)
)
PATRICK SERZYNSKI, as a member of)
the INTERNATIONAL BROTHERHOOD)
OF ELECTRICAL WORKERS)
LOCAL 150)
)
Petitioners,)
)
)
v.)
)
)
JOSEPH BEYER, DIRECTOR OF)
THE ILLINOIS DEPARTMENT OF)
LABOR and the ILLINOIS)
DEPARTMENT OF LABOR,)
)
)
Respondents.)

RECEIVED
SEP 07 2017
Illinois Department of Labor
CHICAGO OFFICE

NOTICE OF FILING

To: Joseph Beyer
Director of the Illinois Department of Labor
160 N. LaSalle Street, Suite C-1300
Chicago, Illinois 60601

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

Illinois Department of Labor
900 S. Spring Street
Springfield, Illinois 62704

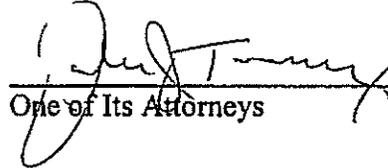
PLEASE TAKE NOTICE that on this 7th day of September, 2017, the undersigned filed the attached Objections and Request for Section 9 Hearing, a copy of which is herewith served upon you.

EXHIBIT A

Respectfully submitted,

PATRICK SERZYNSKI, as a member of
the INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS
LOCAL 150

By:



One of Its Attorneys

John J. Toomey
ARNOLD AND KADJAN, LLP
35 E. Wacker Drive, Suite 600
Chicago, Illinois 60601
(312) 236-0415

1. PATRICK SERZYNSKI ("Serzynski) is a member of the International Brotherhood of Electrical Workers and its constituent, IBEW Local 150.
2. The IBEW is a national labor organization consisting of the members of Local Electrical and Communication Unions.
3. IBEW Local 150 is a local labor organization and an affiliate of the IBEW which represents electrical and communication workers including the classification of communication technician in Lake County, Illinois.
4. Section 9 of the Illinois Prevailing Wage Act states: "The Department of Labor shall during the month of June of each calendar year, investigate and ascertain the prevailing rate of wages for each county in the State." 820 ILCS § 130/9.
5. Historically, and as part of the Section 9 Wage determination process, IBEW Local 150 submitted Prevailing Wage Certification Forms to the Department in June, 2017. These materials listed the wage rates and fringe benefits paid to the following Prevailing Wage Classifications: Electrician and Communication Technician in Lake County, Illinois.
6. Historically, the Department abided by its statutory obligation to ascertain the prevailing rates in the month of June, and would then post the Prevailing Wage rates for each established classification consistent with the materials provided by IBEW Local 150 described above July 15 of each year effective back to the first date of June of the submission year, now August 15, as amended by HB 3044.
7. In 2017 IBEW Local 150 obtained Prevailing Wage Certification Forms from the Department's official website and submitted electronically the appropriate forms on June 23, 2017 for the classifications of (Electrician) and (Communication Technician).

8. On August 15, 2017, the Department posted on its website the following regarding the 2017 prevailing wage determinations to be effective September 1, 2017 for the Electrician classification. (See attached Exhibit A as highlighted).

9. The rates for both classifications were certified as submitted, except the Electrician Health and Welfare rate is ten cents (10¢) below the submitted rate of \$14.10 per hour.

10. The Department published the 2016 prevailing wage rates in May of 2017 only after being ordered to do so as part of several ongoing cases against the Department in the Circuit Court of Cook County, and in St. Clair County, Illinois.

11. The Department published the 2016 prevailing wage rates with an effective date of June 5, 2017.

12. Under HB 3044 "nothing permits the Department from publishing prevailing rates more than once a year".

13. The Department historically has published the prevailing wage rates with an effective date of June 1 of that corresponding year. However, that effective date has been changed to September 1, 2017.

14. The information provided by IBEW Local 150 for the 2017 prevailing wage rates for Electrician was applicable to the time period of June 1, 2017 through June 3, 2018.

15. The Department's published rate will result in the loss of wages for IBEW Local 150 members as certain collective bargaining agreements between IBEW Local 150 and various employers provide that IBEW Local 150 members will be paid for the period according to the submitted wage and benefit package which is ten cents (10¢) per hour higher than the rate certified by the Department to be effective September 1, 2017.

16. The rates as submitted to the Department of Labor by IBEW Local 150 compared to the certified rate reflect that Health and Welfare is 10¢ per hour below the submitted rate. All other categories, except Health and Welfare are correct for the classification of Electrician, Lake County, Illinois:

	<u>Base Wage</u>	<u>Foreman Wage</u>	<u>MFOT</u>	<u>OSA</u>	<u>OSH</u>	<u>H/W</u>	<u>Pension</u>	<u>Vacation</u>	<u>Training</u>	<u>Total</u>
Certified	\$40.00	\$44.00	1.5	1.5	2	14.00	19.74	4.00	.65	\$78.39
Submitted	\$40.00	\$44.00	1.5	1.5	2	14.10	19.74	4.00	.65	<u>\$78.49</u>
									Difference	\$.10
										per hour

WHEREFORE, for the reasons set forth above the Petitioner, PATRICK SERZYNSKI, as a member of the IBEW Local 150, objects to the Prevailing Wage determination posted on the Department's official website on August 15, 2017 and respectfully request a hearing on these objections pursuant to 820 ILCS § 130/9 as it is the rate in effect since July 1, 2017 and is the rate in effect on the effective date September 1, 2017.

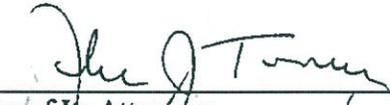
a) Or, alternatively, as HB 3044 permits the Department to publish prevailing rates more than once per year, that the submitted rate as reflected in Paragraph 16 be published October 1, 2017 as the prevailing rate for the classification of Electrician in Lake County, Illinois.

September 6, 2017

Respectfully submitted,

PATRICK SERZYNSKI, as a member of the
INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS
LOCAL 150

By:



One of Its Attorneys

John J. Toomey
ARNOLD AND KADJAN, LLP
35 E. Wacker Drive, Suite 600
Chicago, Illinois 60601
(312) 236-0415

CERTIFICATE OF SERVICE

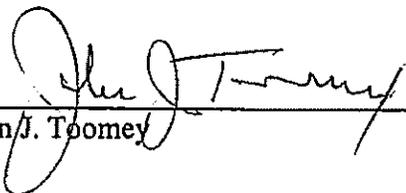
The Undersigned certifies that he caused copies of the foregoing Notice of Filing and Objections and Request for Section 9 Hearing to be served upon the following persons, via hand delivery, this 7th day of September, 2017.

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

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

and to the following by First Class U.S. Mail, postage prepaid to:

Illinois Department of Labor
900 S. Spring Street
Springfield, Illinois 62704



John J. Toomey

SEP 07 2017
Illinois Department of Labor
CHICAGO, ILLINOIS

EXHIBIT A

Prevailing Wage rates for
 Lake County effective
 Sept. 1, 2017

Trade Title	Region	Type	Class	Base Wage	Fore-man Wage	M-F OT	OSA	OSH	H/W	Pension	Vacation	Training
ASBESTOS ABT-GEN	ALL	ALL		41.20	42.20	1.5	1.5	2	14.65	12.32	0.00	0.50
ASBESTOS ABT-MEC	ALL	BLD		37.46	39.96	1.5	1.5	2	11.62	11.06	0.00	0.72
BOILERMAKER	ALL	BLD		48.49	52.86	2	2	2	6.97	19.61	0.00	0.90
BRICK MASON	ALL	BLD		45.38	49.92	1.5	1.5	2	10.45	16.68	0.00	0.90
CARPENTER	ALL	ALL		46.35	48.35	1.5	1.5	2	11.79	18.87	0.00	0.63
CEMENT MASON	ALL	ALL		44.98	46.98	2	1.5	2	10.00	20.88	0.00	0.50
CERAMIC TILE FNISHER	ALL	BLD		37.81	37.81	1.5	1.5	2	10.55	10.12	0.00	0.65
COMMUNICATION TECH	ALL	BLD		36.54	38.94	1.5	1.5	2	11.72	13.23	2.17	0.55
ELECTRIC PWR EQMT OP	ALL	ALL		0.00	0.00	0	0	0	0.00	0.00	0.00	0.00
ELECTRIC PWR EQMT OP	ALL	HWY		41.45	56.38	1.5	1.5	2	5.50	12.87	0.00	0.73
ELECTRIC PWR GRNDMAN	ALL	ALL		30.33	53.29	1.5	1.5	2	5.00	9.40	0.00	0.30
ELECTRIC PWR GRNDMAN	ALL	HWY		32.00	56.38	1.5	1.5	2	5.50	9.92	0.00	0.66
ELECTRIC PWR LINEMAN	ALL	ALL		45.36	51.48	1.5	1.5	2	5.00	14.06	0.00	0.45
ELECTRIC PWR LINEMAN	ALL	HWY		49.67	56.38	1.5	1.5	2	5.50	15.40	0.00	0.88
ELECTRIC PWR TRK DRV	ALL	ALL		30.34	51.48	1.5	1.5	2	5.00	9.40	0.00	0.30
ELECTRIC PWR TRK DRV	ALL	HWY		33.14	56.38	1.5	1.5	2	5.50	10.29	0.00	0.59
ELECTRICIAN	ALL	BLD		40.00	44.00	1.5	1.5	2	14.00	19.74	4.00	0.65
ELEVATOR CONSTRUCTOR	ALL	BLD		51.94	58.43	2	2	2	14.43	14.96	4.16	0.90
FENCE ERECTOR	ALL	ALL		39.58	41.58	1.5	1.5	2	13.40	13.90	0.00	0.40
GLAZIER	ALL	BLD		42.45	43.95	1.5	1.5	2	14.04	20.14	0.00	0.94
HT/FROST INSULATOR	ALL	BLD		50.50	53.00	1.5	1.5	2	12.12	12.96	0.00	0.72
IRON WORKER	ALL	ALL		47.33	49.33	2	2	2	14.15	22.39	0.00	0.35
LABORER	ALL	ALL		41.20	41.95	1.5	1.5	2	14.65	12.32	0.00	0.50
LATHER	ALL	ALL		46.35	48.35	1.5	1.5	2	11.79	18.87	0.00	0.63
MACHINIST	ALL	BLD		45.35	47.85	1.5	1.5	2	7.26	8.95	1.85	0.00

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-AS09-1975 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/

Patrick Serzynski/IBEW#150
c/o John Toomey
Arnold & Kadjan LLP
35 E. Wacker Dr., Ste. 600
Chicago, IL 60601
itoomey100@hotmail.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

[Signature]
Notary Public

