

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

IN THE MATTER OF: )  
)  
INTERNATIONAL BROTHERHOOD OF )  
ELECTRICAL WORKERS, LOCAL 34 and PAUL )  
FLYNN as member of INTERNATIONAL )  
BROTHERHOOD OF ELECTRICAL WORKERS, )  
LOCAL 34, )  
)  
PETITIONER(S), )  
)  
v. )  
)  
JOSEPH BEYER, DIRECTOR OF THE )  
ILLINOIS DEPARTMENT OF LABOR, and )  
THE ILLINOIS DEPARTMENT OF LABOR, )  
)  
RESPONDENTS. )  
)

STATE FILE NO. 2019-H-PK09-2262

DATE OF NOTICE: September 28, 2018

CERT. MAIL/RETURN RECEIPT:

7017 2620 0001 0467 5785

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that Joseph Beyer, Director of the Illinois Department of Labor, and the Illinois Department of Labor [hereinafter, "Respondents"] have received from International Brotherhood of Electrical Workers, Local 34 and Paul Flynn as member of International Brotherhood of Electrical Workers, Local 34, [hereinafter, "Petitioner(s)"] written objections to the prevailing wage determinations posted by the Department on its website on August 15, 2018, 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 9, 2018  
**TIME:** 1:00 P.M.  
**PLACE:** ILLINOIS DEPARTMENT OF LABOR  
160 NORTH LASALLE STREET, SUITE C-1300  
CHICAGO, ILLINOIS 60601

**ADMINISTRATIVE LAW JUDGE:**

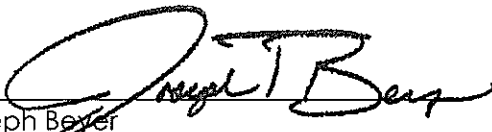
**CLAUDIA MANLEY**  
CHIEF ADMINISTRATIVE LAW JUDGE  
ILLINOIS DEPARTMENT OF LABOR  
160 NORTH LASALLE STREET, SUITE C-1300  
CHICAGO, ILLINOIS 60601

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.

  
\_\_\_\_\_  
Joseph Beyer  
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: )  
)  
INTERNATIONAL BROTHERHOOD OF )  
ELECTRICAL WORKERS LOCAL 34 and )  
PAUL FLYNN as member of )  
INTERNATIONAL BROTHERHOOD OF )  
ELECTRICAL WORKERS LOCAL 34 )  
)  
Petitioners, )  
)  
)  
JOE BEYER, DIRECTOR OF )  
THE ILLINOIS DEPARTMENT OF )  
LABOR AND THE ILLINOIS )  
DEPARTMENT OF LABOR )  
)  
Respondents. )

STATE FILE NO.:

2019-H-PROG-1262

**OBJECTION AND REQUEST FOR SECTION 9 HEARING**

International Brotherhood of Electrical Workers Local 34 and Paul Flynn as member of International Brotherhood of Electrical Workers Local 34. (“Petitioners”), by and through their attorneys, Cavanagh & O’Hara LLP, seek to formally object to the Prevailing Wage determination published by the Illinois Department of Labor (“IDOL”) on August 15, 2018, and request a hearing on these objections pursuant to Section 9 of the Illinois Prevailing Wage Act (820 ILCS 130/9)(“IPWA”), and in support thereof states as follows:

1. International Brotherhood of Electrical Workers Local 34 is a labor organization which represents employees who work on public works projects in various counties throughout Illinois. Paul Flynn is a member of International Brotherhood of Electrical Workers Local 34
2. Section 9 of the IPWA states: “The Department of Labor shall... investigate and ascertain the prevailing rate of wages for each county in the State.” 820 ILCS 130/9.

3. The Petitioners submitted prevailing wage survey information to the IDOL in June 2018. The material submitted to the IDOL included wage rates and fringe benefits paid to the classifications of Electrician and Electronic System Tech (and all applicable related classifications).

4. The regulations to the IPWA define the “prevailing hourly rate of wages” as “the hourly cash wages plus fringe benefits ... most frequently (numerically occurring), in the county in which the public works is performed, to employees engaged in public works.” 56 Ill. Adm. Code 100.22.

5. Petitioners represent workers in Illinois and have negotiated collective bargaining agreements (“CBA’s”) with various employers and/or employer organizations. The wages and fringe benefits rates in the Petitioners’ CBA’s are the most frequently numerically occurring wages and fringe benefit amounts paid to employees engaged in public works in the geographic counties covered by Petitioners. Accordingly, the Petitioners’ CBA’s have historically been considered by the IDOL during its investigation of the prevailing wage rates for the classifications of Electrician and Electronic System Tech on public projects.

6. On August 15, 2018, the IDOL published prevailing wage schedules on its website. The prevailing wage schedules contain numerous errors and omissions due to (i) errors in data/information submitted during the survey process, (ii) errors in IDOL’s investigation and review of the survey submissions and determination of the “prevailing” wage rate (that resulted in erroneously inflated and decreased wage and fringe rates), and (iii) errors related to minimizing or, in many instances, wholly disregarding the Petitioners’ submissions concerning the “prevailing” wage in the applicable geographic areas and the applicable classifications.

7. The errors related to the IDOL's minimization or disregard of the Petitioners' "prevailing" wage survey submissions stem from the systematically flawed methodology used by the IDOL. The IDOL's methodology is flawed because it did not result in the IDOL basing the posted prevailing wage rates on the most frequently numerically occurring wages and fringe benefits in each county or, if applicable, the geographic area of each county. Significantly, the end result is that many of the IDOL's posted "prevailing" wage rates are based on a *de minimis* or *insignificant* amount of reported hours rather than the most frequently occurring wages and fringe benefits paid to employees engaged in public works.

8. Petitioners have assembled a spreadsheet that identifies the known errors and omissions in the prevailing wage rates published by the IDOL on August 15, 2018. The spreadsheet is attached hereto and incorporated herein as **Exhibit A**.

9. Petitioners represent numerous individuals who perform work on public projects under the classifications defined by the IPWA and are paid at the posted prevailing wage. Therefore, the Petitioners' members are financially affected by the prevailing wage rates.

10. Therefore, Petitioners request an investigatory hearing to establish the correct prevailing wage rates for the classifications, counties, regions and types of work identified in **Exhibit A** (including but not limited to, correcting the prevailing wage rates that were published by the IDOL on August 15, 2018).


WHEREFORE, for the reasons set forth above, the Petitioners object to the prevailing wage determinations posted on the IDOL's official website on August 15, 2018, and respectfully request a hearing on these objections pursuant to 820 ILCS 130/9.

Dated: September 10, 2018

Respectfully submitted,

International Brotherhood of Electrical  
Workers Local 34 and Paul Flynn as  
member of International Brotherhood of  
Electrical Workers Local 34

By: \_\_\_\_\_

  
Cavanagh & O'Hara LLP

John T. Long  
2319 West Jefferson St.  
Springfield, Illinois 62702  
(217)544-1771 – Telephone  
(217)544-9894 – Facsimile  
[johnlong@cavanagh-ohara.com](mailto:johnlong@cavanagh-ohara.com)

and

*Additional Counsel*

Cavanagh & O'Hara LLP  
Jacob Blickhan  
2319 West Jefferson St.  
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(217)544-1771 – Telephone  
(217)544-9894 – Facsimile  
[jacobblickhan@cavanagh-ohara.com](mailto:jacobblickhan@cavanagh-ohara.com)

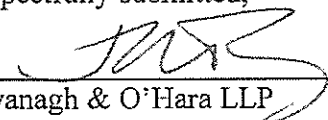
**CERTIFICATE OF SERVICE**

The undersigned certifies that he caused copies of the foregoing Objection and Request for Section 9 Hearing to be served on the following persons, via UPS Next Day (a private delivery service), on this 10<sup>th</sup> day of September, 2018.

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

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

Respectfully submitted,

By:   
Cavanagh & O'Hara LLP  
John T. Long  
2319 West Jefferson St.  
Springfield, Illinois 62702  
(217)544-1771 – Telephone  
(217)544-9894 – Facsimile  
[johnlong@cavanagh-ohara.com](mailto:johnlong@cavanagh-ohara.com)

# Exhibit A



## Electrician Classification

### Correct Rates for Adams, Brown, Pike, Hancock, Schuyler, South McDonough

base wage	foreman	OT, M-F	OT, Sat	OT, Sun	OT, Hol.	H/W	Pension	Vac	Training	Other Fringes
\$30.41	\$32.91	1.5	1.5	2	2	\$7.30	\$9.62	0	\$0.80	\$0.00

IDOL Current Posted Rate

### Adams, Brown, Pike, and Schuyler Counties

Base Wage	Foreman	OT, M-F	OT, Sat	OT, Sun	OT, Hol.	H/W	Pension	Vac	Training	Other Fringes
\$29.91	None	1.5	1.5	1.5	1.5	\$7.10	\$9.11	0	\$0.80	\$0.00

### Hancock County

\$29.91	none	1.5	1.5	1.5	1.5	0	0	0	0	\$17.01
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McDonough County South is Completely missing

### Correct Rates for Knox, Warren, Henderson, South Mercer, and North McDonough

Base Wage	Foreman	OT, M-F	OT, Sat	OT, Sun	OT, Hol.	H/W	Pension	Vac	Training	Other Fringes
\$32.00	\$34.50	1.5	1.5	2	2	\$7.35	\$11.73	0	\$0.80	\$0.00

IDOL Current Posted Rate

### Knox County

\$36.51	\$38.51	1.5	1.5	2	2	\$7.35	\$11.73	0	\$0.80	0
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### What Should Be North McDonough

\$36.51	\$38.51	1.5	1.5	2	2	\$7.65	\$11.73	0	\$0.80	0
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### South Mercer- Marked South East on IDOL website

\$30.60	None	1.5	1.5	2	2	\$7.35	\$11.69	0	\$0.80	0
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Warren and Henderson Counties have no discrepancies

### Correct Rates for Peoria, Fulton, Tazewell, North Mason, South Stark, West Woodford, and West Marshall Counties

Base Wage	Foreman	OT, M-F	OT, Sat	OT, Sun	OT, Hol.	H/W	Pension	Vac	Training	Other Fringes
\$36.51	\$39.01	1.5	1.5	2	2	\$7.65	\$12.74	0	\$0.80	0

IDOL Current Posted Rate

### Fulton County

\$35.21	None	1.5	1.5	2	2	0	0	0	0	\$29.79
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Stark County South and Woodford County West have no discrepancies

### Peoria County

\$36.51	\$38.51	1.5	1.5	2	2	\$7.65	\$12.92	0	\$1.52	0
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### Tazewell County

\$36.51	None	1.5	1.5	2	2	\$7.65	\$12.74	0	\$0.80	0
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### Marshall County West

\$35.71	None	1.5	1.5	2	2	\$2.56	\$0.72	\$3.14	\$0.00	\$10.17
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### Mason County North

\$35.71	None	1.5	1.5	2	2	\$7.55	\$12.21	0	\$0.80	0
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Green Text Box signifies Correct Rates

Yellow Text Box signifies Incorrect Rates

**Electronic Sys. Tech Classification**

**Correct Rates Adams, Brown, Pike, Schuyler, Hancock, McDonough, Henderson, Warren, Knox, South Mercer, Fulton, Peoria, Tazewell, South Stark, Marshal, Woodford, and Mason Counties**

Base wage	Foreman	OT, M-F	OT, Sat	OT, Sun	OT, Hol.	H/W	Pension	Vac	Training	Other Fringes
\$28.25	\$30.25	1.5	1.5	2	2	\$7.35	\$12.00	0	\$0.40	0

**IDOL Current Posted Rates**

There are no discrepancies in Adams, Hancock, Schuyler, McDonough, Henderson, Warren, Fulton Counties

There are also no discrepancies in the rates posted for Marshall, Stark, and Woodford, however, IBEW 34's Jurisdiction is for West Marshall, South Stark, and West Woodford

Mason County should have a North and South- IBEW 34's Jurisdiction covers the North Half of Mason County

**Brown, Pike, and, Mason Counties**

Base Wage	Foreman	OT, M-F	OT, Sat	OT, Sun	OT, Hol.	H/W	Pension	Vac	Training	Other Fringes
\$28.00	None	1.5	1.5	2	2	\$7.10	\$10.13	\$1.31	\$0.40	\$0.01

**Knox and Mercer Counties**

\$28.00	None	1.5	1.5	2	2	\$7.10	\$11.44	0	\$0.40	0
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**Peoria County**

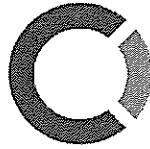
\$28.25	None	1.5	1.5	2	2	\$7.35	\$11.15	0	\$0.40	0
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**Tazewell County**

\$28.02	None	1.5	1.5	2	2	0	\$2.24	0	0	\$16.70
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Green Text Box signifies Correct Rates

Yellow Text Box signifies Incorrect Rates



# Cavanagh | O'Hara LLP

ATTORNEYS AT LAW

September 10, 2018

Sent Via UPS Next Day

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

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

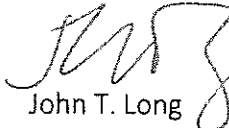
**Re: Objections and Request for Section 9 Hearing**

Dear Mr. Beyer,

This office represents International Brotherhood of Electrical Workers Local 34 and Paul Flynn. Please find enclosed with this correspondence a Petition of Objections and Request for Section 9 Hearing pursuant to the Illinois Prevailing Wage Act (820 ILCS 130/9). As such, please consider the Petition enclosed hereto a written notice of objection (pursuant 820 ILCS 130/9) concerning the Illinois Department of Labor's determination of the 2018 Prevailing Wage Rates, posted August 15, 2018.

Should you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,



John T. Long

cc: IBEW Local 34

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I C.Y. Jackson 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. 2019-H-PK09-2262 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 28<sup>th</sup> day of September, 2018 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/

IBEW, Local 34  
c/o John T. Long, Esq.  
Cavanagh & O'Hara LLP  
2319 W. Jefferson St.  
Springfield, IL 62702  
mailto:jtoomey100@hotmail.com|johnlong@cavanagh-ohara.com

Via messenger:

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

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

C.Y. Jackson

Subscribed and Sworn to this 26<sup>th</sup> day of Sept., 2018

Laura Kotelman  
Notary Public

