

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

IN THE MATTER OF:)	
)	
INTERNATIONAL UNION OF ELEVATOR CONSTRUCTORS, LOCAL NO. 3)	
)	
PETITIONER(S),)	STATE FILE NO. 2019-H-PK09-2286
)	
v.)	DATE OF NOTICE: <u>September 28, 2018</u>
)	
JOSEPH BEYER, DIRECTOR OF THE ILLINOIS DEPARTMENT OF LABOR, and THE ILLINOIS DEPARTMENT OF LABOR,)	CERT. MAIL/RETURN RECEIPT:
)	<u>7017 2620 0001 0467 6782</u>
)	
RESPONDENTS.)	
)	

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 Eric Patrick, as member of the International Union of Elevator Constructors Local No., 3, [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:

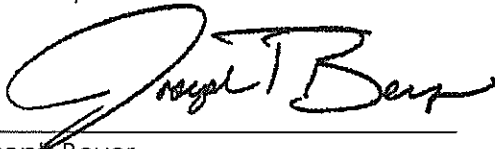
CLAUDIA MANLEY
CHIEF ADMINISTRATIVE LAW JUDGE
ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

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.

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

Joseph Beyer
Director of Labor

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

IN THE MATTER OF:

INTERNATIONAL UNION OF ELEVATOR)
CONSTRUCTORS LOCAL NO. 3)
) STATE FILE NO.: 2019-H-PK09-2286
Petitioner,)
)
v.)
)
JOSEPH BEYER, DIRECTOR OF THE)
ILLINOIS DEPARTMENT OF LABOR and)
the ILLINOIS DEPARTMENT OF LABOR,)
)
Respondent.)

EXHIBIT A

OBJECTIONS AND REQUEST FOR SECTION 9 HEARING

Petitioner, International Union of Elevator Constructors Local No. 3 (“Local 3”), by and through its attorney, Matthew J. Gierse, of the law firm of Hartnett Gladney Hetterman, LLC, seeks to formally object to the Prevailing Wage determination published by the Illinois Department of Labor (“the Department”) on its website on August 15, 2018, and requests a hearing on these objections pursuant to Sections 4 and 9 of the Illinois Prevailing Wage Act (820 ILCS § 130/4, 9). In support, Local 3 states as follows:

1. Local 3 is a labor organization which has and does bargain on behalf of and represents elevator constructor workers in a total of 35 Illinois Counties, 27 of these counties include: Alexander, Calhoun, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Marion, Massac, Montgomery, Pope, Pulaski, Randolph, Richland, Saline, Union, Wabash, Wayne, White, and Williamson (collectively these 27 counties are hereafter referred to as “the Objected to Counties”).

2. Local 3 members perform the work mentioned in the Elevator Constructor classification in all of the Objected to Counties, and are therefore affected by the prevailing wage rate schedule established by the Department.

3. Because the vast majority of workers performing this work in the Elevator Constructor classification have historically been covered by Local 3's collective bargaining agreements with contractors in the Objected to Counties, these collective bargaining agreements have historically set the prevailing rate for the Elevator Constructor classifications in the Objected to Counties.

4. As of January 1, 2018, Elevator Constructors who perform elevator constructor work and who are covered by collective bargaining agreements that Local 3 has with contractors in the Objected Counties receive \$48.54 an hour in wages, with a total benefit package of \$36.53 an hour (\$15.43/Welfare, \$16.61/Pension, \$3.88/Vacation, and \$0.61/Training). The Foreman performing this work in this classification receives \$54.61 an hour in wages with the same aforementioned benefit package totaling \$36.54 an hour, along with an additional vacation contribution of \$0.49 an hour (for a total vacation contribution of \$4.37 an hour).

5. In the Prevailing Wage schedules that the Department published on August 15, 2018, for Jersey County, the Department incorrectly set for the Elevator Constructor classification a wage rate of only \$46.04 an hour, a Foreman wage rate of only \$51.80 an hour, a health and welfare benefit contribution rate of only \$14.43 an hour, a pension benefit contribution rate of only \$8.96 an hour, a vacation benefit contribution rate of only \$3.68 an hour, and a training contribution rate of only \$0.60 an hour.

6. In the Prevailing Wage schedules that the Department published on August 15, 2018, for Macoupin, Montgomery, and Randolph Counties, the Department incorrectly set for the

Elevator Constructor classification a vacation benefit contribution rate of only \$1.75 an hour. Additionally, in Randolph County the Department incorrectly set for the Elevator Constructor classification a pension benefit contribution rate of only \$9.71 an hour.

7. In the Prevailing Wage schedules that the Department published on August 15, 2018, the Department failed to list an Elevator Constructor classification in the following counties: Alexander, Calhoun, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Lawrence, Marion, Massac, Pope, Pulaski, Richland, Saline, Union, Wabash, Wayne, White, and Williamson (collectively these 23 counties are hereafter referred to as “No Classification Counties”).

8. Local 3 members perform elevator constructor work within the Elevator Constructor classification in the No Classification Counties and therefore, the schedules published by the Department on August 15, 2018, are incorrect and an Elevator Constructor classification should be established and recognized in each of these No Classification Counties receiving the same wages and benefits provided for in Local 3’s collective bargaining agreements with contractors in these counties and which is set forth above in paragraph 4.

9. Therefore, because Local 3 has and does establish the prevailing rate of wages and benefits for workers who perform work in the Elevator Constructor classification in the Objected to Counties, the wage rates and benefit packages set by the Department for this classification in the Objected to Counties is grossly below the prevailing wage rate set by Local 3 in its collective bargaining agreements.

10. In summary, Local 3 seeks the following:

- A. The Elevator Constructor classification in all of the Objected to Counties should receive (in addition to the other benefits provided for in the prevailing wage

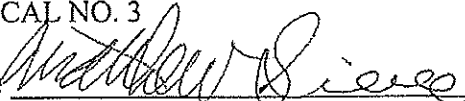
determination schedules) a wage rate of \$48.54 an hour with a Foreman wage of \$54.61 an hour, a health and welfare benefit contribution rate of \$15.43 an hour, a pension benefit contribution rate of \$16.61 an hour, a vacation benefit rate of \$3.88 an hour, and a training benefit rate of \$0.61 an hour.

- B. The classification of Elevator Constructor should be created and recognized in each of the No Classification Counties and should receive the same wages and benefits as set forth in Local 3's collective bargaining agreements, which is recognized in other Illinois Counties (such as Bond, Greene, Madison, Monroe, Perry, St. Clair, and Washington). This classification of Elevator Constructor should at least receive a wage rate of \$48.54 an hour with a Foreman wage of \$54.61 an hour, a health and welfare benefit contribution rate of \$15.43 an hour, a pension benefit contribution rate of \$16.61 an hour, a vacation benefit rate of \$3.88 an hour, and a training benefit rate of \$0.61 an hour, along with other appropriate benefits as set forth in Local 3's collective bargaining agreements.

For the reasons set forth above and pursuant to 820 ILCS §§ 130/4, 9, the Petitioner, International Union of Elevator Constructors Local No. 3, objects to the Prevailing Wage determination published on the Department's official website on August 15, 2018, and respectfully requests a hearing on these objections and for an investigatory hearing for the establishment of an Elevator Constructor classification in the aforementioned No Classification Counties.

Respectfully submitted,

INTERNATIONAL UNION OF
ELEVATOR CONSTRUCTORS,
LOCAL NO. 3

By: 
One of its attorneys

MATTHEW J. GIERSE, IL Bar #6307819
Hartnett Gladney Hetterman, LLC
4399 Laclede Avenue
Saint Louis, Missouri 63108
Telephone: (314) 531-1054
Facsimile: (314) 531-1131
mgierse@hghllc.net

CERTIFICATE OF SERVICE

THE UNDERSIGNED hereby certifies that a copy of the foregoing was served via U.S.

Mail, expedited delivery, on September 13, 2018, to the following:

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

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

and to the following by certified mail:

Mr. Joe Beyer
Director of the Department of Labor
Illinois Department of Labor
900 S. Spring Street
Springfield, IL 62704

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



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-PK09-2286 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 28th 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/

IUEC, Local 3
c/o Matthew Gierse, Esq.
Hartnett Gladney Hetterman LLC
4399 Laclede Ave.
St. Louis, MO 63108
mgierse@hghllc.net

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 26th day of Sept., 2018

Laura Kotelma
Notary Public