

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

IN THE MATTER OF:)

INT'L UNION OF BRICKLAYERS AND)
ALLIED CRAFTWORKERS, LOCAL 21)

PETITIONER(S),)

v.)

JOSEPH BEYER, DIRECTOR OF THE)
ILLINOIS DEPARTMENT OF LABOR, and)
THE ILLINOIS DEPARTMENT OF LABOR,)

RESPONDENTS.)

STATE FILE NO. 2019-H-PK09-2289

DATE OF NOTICE: September 28, 2018

CERT. MAIL/RETURN RECEIPT:

7017 2620 0001 0467 5891

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 Union Of Bricklayers And Allied Craftworkers, Local 21, [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:

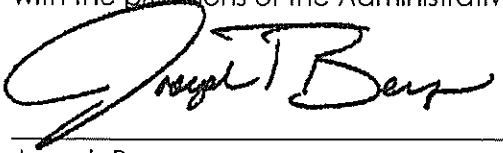
CLAUDIA MANLEY
ADMINISTRATIVE LAW JUDGE
ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

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, IL 60601**

IN THE MATTER OF:

Administrative District Council 1 of Illinois of)	
of the International Union of Bricklayers and Allied)	
Craftworkers and its Local 21)	
)	
Petitioners,)	
)	
and,)	
)	
JOE BEYER, Director of the Illinois Department)	
of Labor and the Illinois Department of Labor)	
)	
Respondents)	
)	

EXHIBIT A

2019-H-PR09-2289

WRITTEN OBJECTIONS AND REQUEST FOR SECTION 9 HEARING

Now comes Ronald M. Willis, as the attorney for Administrative District Council 1 of Illinois of the International Union of Bricklayers and Allied Craftworkers Union and its Local 21 (herein collectively referred to as "Petitioners") and submits these written objections to the prevailing wage schedule and certain of the rates the Illinois Department of Labor ("Department") published on its official website to be effective as prevailing wage rates August 15, 2018. The classifications to which these objections are addressed are the classifications of Brick Mason, Ceramic Tile Finisher, Ceramic Tile Mason, Marble Finisher, Marble Mason, Terrazzo Finisher, Terrazzo Mason, Tuckpointer ("herein referred to as "Affected Classifications") in the eight (8) Counties of Cook, DeKalb, DuPage, Kane, Kankakee, Lake, McHenry, and Will County

("Affected Counties"). The objections are based on the position that the Department's published rates identified below in the Affected Classifications in the Affected Counties require technical correction and/or do not reflect the correct prevailing wage rates for the Month of June 2018 for purpose of the Illinois Prevailing Wage Act.

Petitioners' members perform the work in the classifications mentioned herein on public works and are, therefore, affected by the prevailing wage rates established by the Department for the Affected Classifications. Petitioner has submitted completed survey forms reflecting the prevailing wage rates for June 2018 for the Affected Classifications in the Affected Counties, and the Department has historically used the work performed by and wages paid to Petitioners' members in the Affected Classifications, when working on public works jobs, in establishing the prevailing wage rates on public works in the State of Illinois in the Affected Classification in the Affected Counties.

The Petitioners states the following prevailing wage rates most recently published on August 15, 2018, by the Department to be effective August 15, 2018, for certain of the Affected Classifications in certain of the Affected Counties do not reflect the prevailing wage rate, as more fully set forth below:

1. The Foreman's Wage and Training Rate for the Classification of Brick Mason in Cook County are incorrect, and the correct Prevailing Wage Rates for the Foreman's Wage and Training Rate are:

	Foreman Wage	Training Rate
Brick Mason	\$50.81	\$.92

2. The Foreman Wage, OT Rate Monday/Friday, and Training Rate for the Classification Ceramic Tile Finisher in Cook County are incorrect, and the correct Prevailing Wage

Rates for Foreman Wage, OT Rate Monday/Friday, and Training Rate for the Classification Ceramic Tile Finisher are:

	Foreman Wage	O/T Mon-Fri	Training Rate
Ceramic Tile Finisher	\$39.56	1.5	\$.77

3. The Foreman Wage, Pension Rate, and Training Rate for the Classification Terrazzo Finisher in Cook County are incorrect, and the correct Prevailing Wage Rates for Foreman Wage, Pension Rate, and Training Rate for the Classification Terrazzo Finisher are:

	Foreman Wage	Pension Rate	Training Rate
Terrazzo Finisher	\$41.54	\$13.71	\$.86

4. The Foreman Wage, Pension Rate, and Training Rate for the Classification Terrazzo Mason in Cook County are incorrect, and the correct Prevailing Wage Rates for Foreman Wage, Pension Rate, and Training Rate for the Classification Terrazzo Mason are:

	Foreman Wage	Pension Rate	Training Rate
Terrazzo Mason	\$48.88	\$15.17	\$.89

5. The Foreman Wage, OT Rate Monday/Friday, and Training Rate for the Classification Ceramic Tile Mason in Cook County are incorrect, and the correct Prevailing Wage Rates for Foreman Wage, OT Rate Monday/Friday, and Training Rate for the Classification Ceramic Tile Mason are:

	Foreman Wage	O/T Mon-Fri	Training Rate
Ceramic Tile Mason	\$50.49	1.5	\$.90

6. The Foreman Wage and Training Rate for the Classification Tuckpointer in Cook County are incorrect, and the correct Prevailing Wage Rates for Foreman Wage and Training Rate for the Classification Tuckpointer are:

	Foreman Wage	Training Rate
Tuckpointer	\$47.00	\$.93

7. The Foreman's Wage and Training Rate for the Classification of Brick Mason in DeKalb County are incorrect, and the correct Prevailing Wage Rates for the Foreman's Wage and Training Rate are:

	Foreman Wage	Training Rate
Brick Mason	\$50.81	\$.92

8. The Base Wage, Foreman Wage, Pension Rate, and Training Rate for the Classification Ceramic Tile Finisher in DeKalb County are incorrect, and the correct Prevailing Wage Rates for Foreman Wage, Pension Rate, and Training Rate for the Classification Ceramic Tile Finisher are:

	Base Wage	Foreman Wage	Pension Rate	Training Rate
Ceramic Tile Finisher	\$39.56	\$39.56	\$12.02	\$.77

9. The classification of Marble Finisher in DeKalb County was omitted from the published prevailing wage rates and the correct prevailing Wage Rates for the Classification of Marble Finisher in DeKalb County are:

Base Wage	Foreman Wage	O/T M-F	OT Sat	OT Sun	OT Hol	H/W	Pension	Training
\$34.65	\$47.70	1.5	1.5	2.0	2.0	\$10.65	\$16.46	\$.49

10. The Foreman Wage and Training Rate for the Classification Tuckpointer in DeKalb County are incorrect, and the correct Prevailing Wage Rates for Foreman Wage and Training Rate for the Classification Tuckpointer are:

	Foreman Wage	Training Rate
Tuckpointer	\$47.00	\$.93

11. The Base Wage, Foreman Wage, Pension Rate, and Training Rate for the Classification Brick Mason in DuPage County are incorrect, and the correct Prevailing Wage Rates for Foreman Wage, Pension Rate, and Training Rate for the Classification Ceramic Tile Finisher are:

	Base Wage	Foreman Wage	Pension Rate	Training Rate
Brick Mason	\$46.19	\$50.81	\$17.92	\$.92

12. The Pension Rate and Training Rate for the Classification Terrazzo Finisher in DuPage County are incorrect, and the correct Prevailing Wage Rates for Pension Rate and Training Rate for the Classification Terrazzo Finisher are:

	Pension Rate	Training Rate
Terrazzo Finisher	\$13.71	\$.86

13. The Pension Rate and Training Rate for the Classification Terrazzo Mason in DuPage County are incorrect, and the correct Prevailing Wage Rates for Pension Rate and Training Rate for the Classification Terrazzo Mason are:

	Pension Rate	Training Rate
Terrazzo Mason	\$15.17	\$.89

14. The Foreman Wage and Training Rate for the Classification Tuckpointer in DuPage County are incorrect, and the correct Prevailing Wage Rates for Foreman Wage and Training Rate for the Classification Tuckpointer are:

	Foreman Wage	Training Rate
Tuckpointer	\$47.00	\$.93

15. The Pension Rate and Training Rate for the Classification Terrazzo Finisher in Kane County are incorrect, and the correct Prevailing Wage Rates for Pension Rate and Training Rate for the Classification Terrazzo Finisher are:

	Pension Rate	Training Rate
Terrazzo Finisher	\$13.71	\$.86

16. The Pension Rate and Training Rate for the Classification Terrazzo Mason in Kane County are incorrect, and the correct Prevailing Wage Rates for Pension Rate and Training Rate for the Classification Terrazzo Mason are:

	Pension Rate	Training Rate
Terrazzo Mason	\$15.17	\$.89

17. The Base Wage, Foreman Wage, H/W Rate, Pension Rate, and Training Rate for the Classification Marble Finisher in Kankakee County are incorrect, and the correct Prevailing Wage Rates for Base Wage, Foreman Wage, H/W Rate, Pension Rate, and Training Rate for the Classification Ceramic Tile Finisher are:

	Base Wage	Foreman Wage	H/W Rate	Pension Rate	Training Rate
Marble Finisher	\$34.65	\$47.70	\$10.65	\$16.46	\$.49

18. The Base Wage, Foreman Wage, H/W Rate, Pension Rate, and Training Rate for the Classification Marble Mason in Kankakee County are incorrect, and the correct

Prevailing Wage Rates for Base Wage, Foreman Wage, H/W Rate, Pension Rate, and Training Rate for the Classification Marble Mason are:

	Base Wage	Foreman Wage	H/W Rate	Pension Rate	Training Rate
Marble Mason	\$45.43	\$49.97	\$10.65	\$17.39	\$.61

19. The Foreman's Wage and Training Rate for the Classification of Brick Mason in Lake County are incorrect, and the correct Prevailing Wage Rates for the Foreman's Wage and Training Rate for the Classification Brick Mason are:

	Foreman Wage	Training Rate
Brick Mason	\$50.81	\$.92

20. The Foreman Wage, OT Rate Monday/Friday, and Training Rate for the Classification Ceramic Tile Finisher in Lake County are incorrect, and the correct Prevailing Wage Rates for Foreman Wage, OT Rate Monday/Friday, and Training Rate for the Classification Ceramic Tile Finisher are:

	Foreman Wage	O/T Mon-Fri	Training Rate
Ceramic Tile Finisher	\$39.56	1.5	\$.77

21. The Pension Rate and Training Rate for the Classification of Terrazzo Finisher in Lake County are incorrect, and the correct Prevailing Wage Rates for the Pension Rate and Training Rate for the Classification Terrazzo Finisher are:

	Pension Rate	Training Rate
Terrazzo Finisher	\$13.71	\$.86

22. The Foreman Wage, OT Rate Monday/Friday, and Training Rate for the Classification Ceramic Tile Mason in Lake County are incorrect, and the correct Prevailing Wage Rates for Foreman Wage, OT rate Monday/Friday, and Training Rate for the Classification Ceramic Tile Masson are:

	Foreman Wage	O/T Mon-Fri	Training Rate
Ceramic Tile Mason	\$50.49	1.5	\$.90

23. The Foreman Wage and Training Rate for the Classification Tuckpointer in Lake County are incorrect, and the correct Prevailing Wage Rates for Foreman Wage and Training Rate for the Classification Tuckpointer are:

	Foreman Wage	Training Rate
Tuckpointer	\$47.00	\$.93

24. The Training Rate for the Classification of Brick Mason in McHenry County is incorrect, and the correct Prevailing Wage Rates for the Training Rate for the Classification Brick Mason is:

	Training Rate
Brick Mason	\$.92

25. The Foreman Wage, OT Rate Monday/Friday, and Training Rate for the Classification Ceramic Tile Finisher in McHenry County are incorrect, and the correct Prevailing Wage Rates for Foreman Wage, OT Rate Monday/Friday, and Training Rate for the Classification Ceramic Tile Finisher are:

	Foreman Wage	O/T Mon-Fri	Training Rate
Ceramic Tile Finisher	\$39.56	1.5	\$.77

26. The Foreman Wage, OT Rate Monday/Friday, and Training Rate for the Classification Ceramic Tile Mason in McHenry County are incorrect, and the correct Prevailing Wage Rates for Foreman Wage, OT Rate Monday/Friday, and Training Rate for the Classification Ceramic Tile Masson are:

	Foreman Wage	O/T Mon-Fri	Training Rate
Ceramic Tile Mason	\$50.49	1.5	\$.90

27. The Foreman Wage and Training Rate for the Classification Tuckpointer in McHenry County are incorrect, and the correct Prevailing Wage Rates for Foreman Wage and Training Rate for the Classification Tuckpointer are:

	Foreman Wage	Training Rate
Tuckpointer	\$47.00	\$.93

28. The Base Wage, Foreman Wage, H/W Rate, Pension Rate, and Training Rate for the Classification Brick Mason in Will County are incorrect, and the correct Prevailing Wage Rates for Base Wage, Foreman Wage, Pension Rate, and Training Rate for the Classification Brick Mason are:

	Base Wage	Foreman Wage	H/W Rate	Pension Rate	Training Rate
Brick Mason	\$46.19	\$50.81	\$10.65	\$17.92	\$.92

29. The Base Wage, Foreman Wage, H/W Rate, Pension Rate, Training Rate, Other Fringe Benefits for the Classification Marble Mason in Will County are incorrect, and the correct Prevailing Wage Rates for Base Wage, Foreman Wage, Pension Rate, Training Rate, and Other Fringe Benefits for the Classification Marble Mason are:

	Base Wage	Foreman Wage	H/W Rate	Pension Rate	Training Rate
Marble Mason	\$45.43	\$49.94	\$10.65	\$17.39	\$.61

30. The Pension Rate and Training Rate for the Classification of Terrazzo Finisher in Will County are incorrect, and the correct Prevailing Wage Rates for the Pension Rate and Training Rate for the Classification Terrazzo Finisher are:

	Pension Rate	Training Rate
Terrazzo Finisher	\$13.71	\$.86

31. The Pension Rate and Training Rate for the Classification of Terrazzo Mason in Will County are incorrect. and the correct Prevailing Wage Rates for the Pension Rate and Training Rate for the Classification Terrazzo Mason are:

	Pension Rate	Training Rate
Terrazzo Mason	\$15.17	\$.89

Based upon these written objections, Petitioners request that an investigatory hearing be ordered and held in accordance with Sections 4 and Section 9 of the Illinois Prevailing Wage Act, 820 ILCS §130/4, 9 to correct the typographical errors and/or other errors in the setting of the August 15, 2018 Prevailing Wage Rates and/or to establish correct Prevailing Wage Rates for the above-mentioned Affected Classifications in the above-mentioned Affected Counties.

Respectfully submitted


Ronald M. Willis

Dated September 12, 2018

Ronald M. Willis
Barry M. Bennett
DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH
8 S. Michigan Avenue, 19th Floor
Chicago, IL 60613
312-372-1361
312-372-6599 (Fax)
RWillis@laboradvocates.com

CERTIFICATE OF SERVICE

I, Ronald M. Willis, an attorney, hereby certify that I caused a copy of WRITTEN OBJECTIONS AND REQUEST FOR SECTION 9 HEARING filed by Administrative District Council 1 of Illinois of the International Bricklayers and Allied Craftworkers and its Local 21

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-PK09-2289 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/

INT'L UNION OF BRICKLAYERS AND
ALLIED CRAFTWORKERS, LOCAL 21
c/o Ronald M. Willis
Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich
8 S. Michigan Ave., 19th floor
Chicago, IL 60613
rwillis@laboradvocates.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 26th day of Sept., 2018

Laura Kotelman
Notary Public

