

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

IN THE MATTER OF:)

PIPE FITTERS ASSOCIATION, LOCAL 597, U.A.)

PETITIONER(S),)

v.)

STATE FILE NO. 2019-H-PK08-2240

MICHAEL D. KLEINIK, ACTING DIRECTOR OF THE)
ILLINOIS DEPARTMENT OF LABOR, and)
THE ILLINOIS DEPARTMENT OF LABOR,)

RESPONDENTS.)

ORDER

THIS MATTER COMING on to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01-12 and Notice of Hearing and the parties' Joint Motion for Entry of A Consent Decree and Intervenor's Motion to Withdraw; and, 56 Illinois Administrative Code 120.540, 20.301 and 120.320, all parties having been duly advised in the premises issues this order;

IT IS HEREBY ORDERED:

1. The International Union of Operating Engineers, Local #150 is granted leave to withdraw its Petition to Intervene.
2. The Joint Motion for Entry of a Consent Decree is granted. The Consent Decree is hereby entered and is attached hereto and made a part hereof. The parties waive any further procedural steps before the undersigned.
3. This matter is closed.

DATE: April 15, 2019

/s/ Claudia D. Manley

Claudia D. Manley
Chief Administrative Law Judge

Claudia D. Manley
Chief Administrative Law Judge
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601
V: 312-793-1805
DOL.hearings@illinois.gov

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

IN THE MATTER OF:)	
)	
PIPE FITTERS ASSOCIATION, LOCAL 597)	STATE FILE NO. 2019-H-
U.A.)	PK08-2240
)	
Petitioner(s),)	
)	
v.)	
)	
MICHAEL D. KLEINIK, ACTING DIRECTOR)	
OF THE ILLINOIS DEPARTMENT OF)	
LABOR and THE ILLINOIS DEPARTMENT)	
OF LABOR,)	
)	
Respondents .)	

CONSENT DECREE

Pursuant to 56 Ill. Admin. Code 120.540, the Petitioner, Pipe Fitters Association, Local 597 U.A. (hereinafter “Union” or “Petitioner”) and Respondents Michael D. Kleinik, Acting Director of the Illinois Department of Labor and the Illinois Department of Labor (“IDOL”) (“Respondents”), jointly agree to resolve Petitioner’s Section 9 Petition under the Illinois Prevailing Wage Act (820 ILCS § 130/4, 9) as follows:

WHEREAS, on or around April 27, 2018, Petitioner filed a request for hearing pursuant to Section 9 of the Illinois Prevailing Wage Act seeking to have certain prevailing wage rates posted for the Pipefitter trade by the IDOL changed;

WHEREAS, on or around October 17, 2018, Chief Administrative Law Judge (ALJ) Claudia D. Manley issued an order that, among other things set a deadline of November 2, 2018 for any third party to file a petition to intervene in this matter;

WHEREAS, on November 2, 2018, Stanley Simrayh and the International Union of Operating Engineers, Local 150 (Local 150), filed a petition to intervene in the matter and, on or around December 19, 2018, ALJ Manley entered and continued the petition to intervene;

WHEREAS, no other party filed a petition to intervene in this matter;

WHEREAS, as of the date of this Decree, Petitioner and Respondents have reached agreement on all of the rates included in Petitioner's Section 9 filing with the exception of Petitioner's claim that certain additional rates should be established for the Pipefitter trade in the Northeast portion of Woodford County, Illinois;

WHEREAS, Petitioner has represented to Respondents that the work performed by its members constitute the majority of work in the Steamfitter trade in the Northeast portion of the County (as defined below) and has conferred with Local 150, as well as with Steamfitters Local 353, whose collectively bargained rates are the basis of the published rates for the Northwest portion of Woodford County, and confirmed that neither Local 150 nor Local 353 object to having the rates set forth below established as the prevailing wage rates for the Northeast portion of Woodford County;

NOW, it is ORDERED, ADJUDGED, and DECREED that:

- 1) In light of the above, it is determined that Respondents will establish prevailing wage rates for the Northeast portion of Woodford County. The Northeast portion of Woodford County shall constitute that portion of the county which includes the territory north of Route 116 to the northern portion of Woodford County and the territory east of Route 251 to the eastern most portion of Woodford County.

2) It is further determined that Respondents will publish the following rates as the prevailing wage rates for the Pipefitter trade in Northeast portion of Woodford County:

- Base Wage at \$48.50,
- Foreman Wage at \$51.50.
- H/W at \$10.05.
- Pension at \$18.85.
- Training at \$2.54.
- OT M-F at 1.5
- OT Saturday at 1.5
- OT Sunday at 2
- OT Holiday at 2

3) The determinations set forth in this Consent Decree shall be implemented and enforced by IDOL effective upon entry of the Order approving this Consent Decree.

4) The Decision and Order disposing of this proceeding shall have the same force and effect as an Order made after a full hearing.

5) The parties waive:

- a. Further procedural steps before the Administrative Law Judge; and
- b. Any right to challenge or contest the validity of this Consent Decree or the Decision and Order entered in accordance herewith.

DATED this 10th day of April 2019

The undersigned apply for and consent to the entry of this Consent Order and Judgment this 10th day of April, 2019:

For the Petitioner:

/s/ Matthew D. Grabell
One of Petitioner's Attorneys
Matthew D. Grabell
Johnson & Krol, LLC
311 S. Wacker Dr., Suite 1050
Chicago, IL 60606
(312) 757-5469
grabell@johnsonkrol.com

For the Respondents:

/s/ Benno Weisberg
One of Respondent's Attorneys
Benno Weisberg
Illinois Department of Labor
160 N. LaSalle – 13th Floor
Chicago, IL 60601
(312) 793-1966
Benno.weisberg@illinois.gov

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I Claudia Manley, an attorney, affirm, certify or on oath state, that I served notice of the attached Order upon all parties to this case, or their agents appointed to receive service of process, by enclosing a copy of the Order in Case No. 2019-H-PK08-2240 and a copy of the Certificate of Service addressed to each party or party's agent via email address shown on the Certificate of Service, having caused each to be served via email from 100 W. Randolph Street, Chicago, Illinois on the 15th day of April, 2019 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/

Petitioner(s) Attorney:

Matthew Grabell
matthew@johnsonkrol.com

Joseph E. Mallon
joe@johnsonkrol.com

Respondent Attorney:

c/o Benno Weisberg
benno.weisberg@illinois.gov

Intervenor Attorney:

Melissa Binetti
mbinetti@iiffc.org
Kara Principe
kprincipe@iiffc.org

/s/ Claudia D. Manley

Claudia D. Manley, Admin. Law Judge
Illinois Department of Labor