

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 601 and |) | |
| JARRETT CLEM as a member of |) | |
| INTERNATIONAL BROTHERHOOD OF |) | |
| ELECTRICAL WORKERS LOCAL 601, |) | STATE FILE NO. 2019-H- |
| INTERNATIONAL BROTHERHOOD OF |) | PK09-2270 |
| ELECTRICAL WORKERS LOCAL 197 and |) | |
| RICHARD VEITENGRUBER as member of |) | & |
| INTERNATIONAL BROTHERHOOD OF |) | |
| ELECTRICAL WORKERS LOCAL 197, |) | STATE FILE NO. 2019-H- |
| |) | PK09-2267 |
| 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 INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 601 and JARRETT CLEM as a member of INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 601, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 197 and RICHARD VEITENGRUBER as member of INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 197 (collectively “Petitioners”) 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, in part, Petitioners' Section 9 Petitions under the Illinois Prevailing Wage Act (820 ILCS § 130/4, 9) as follows:

WHEREAS, in September 2018, Petitioners filed separate requests for hearing pursuant to Section 9 of the Illinois Prevailing Wage Act seeking to have certain prevailing wage rates posted for the classifications of Electrician and Electronic System Technician 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, Operating Engineers Local 150 filed a petition to intervene in the matter and, on or around November 13, 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, Petitioners and Respondents have reached agreement on all of the rates included in Petitioners' Section 9 filing for the Classification of Electrician and Electronic Systems Technician for McLean County;

WHEREAS, Petitioners have represented to Respondents that the work performed by their members constitute the majority of work in the trades of Electrician and Electronic System Technician in McLean County. Petitioners have further confirmed that Petitioners are the only impacted unions whose collectively bargained rates are the basis of the published rates for McLean County in the trade of Electrician and Electronic System Technician;

WHEREAS, the Parties have conferred with counsel for Operating Engineers Local 150, who has confirmed that Local 150 has no objection to IDOL's making the revisions set forth in this Consent Decree.

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

- 1) The Department will establish prevailing wage rates for the Electrician trade in the “West” region of McLean County. In addition, the Department shall convert the prevailing wage rates currently published on the Department’s website for the Electrician trade to the prevailing wage rates for the “East” region of McLean County. The “East” region of McLean County shall constitute that portion of the county consisting of the following townships: Cropsey, Anchor, Cheneys Grove, and Bellflower. The “West” region of McLean County shall constitute the remainder of McLean County.

- 2) It is further determined that Respondents will publish the following rates as the prevailing wage rates for the **Electrician** trade in the “West” region of McLean County:
 - Base Wage at \$36.57
 - Foreman Wage at \$40.23
 - H/W at \$7.26
 - Pension at \$11.32
 - Training at \$1.00
 - Vacation at \$0
 - Overtime rate at 1.5x for Saturday
 - Overtime rate at 2x for Sunday
 - Overtime rate at 2x for Holidays

- 3) The Department will establish Electronic Systems Technician prevailing wage rate for the “East” portion of McLean County. In addition, the Department shall convert the prevailing wage rates currently published on the Department’s website for the Electronic Systems Technician trade to the prevailing wage rates for the “West” region of McLean County. The “East” region of McLean County shall constitute that portion of the county consisting of the following townships: Cropsey, Anchor, Cheneys Grove, and Bellflower. The “West” region of McLean County shall constitute the remainder of McLean County.

4) It is further determined that Respondents will publish the following rates as the prevailing wage rates for the **Electronic Systems Technician** trade in “East” region of McLean County:

- Base Wage at \$31.31
- Foreman Wage at \$33.31
- H/W at \$7.05
- Pension at \$9.24
- Training at \$.40
- Vacation at \$0
- Overtime rate at 1.5x for Saturday
- Overtime rate at 2x for Sunday
- Overtime rate at 2x for Holidays

5) 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.

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

7) This Consent Decree resolves all issues and disputes raised by the petition filed by IBEW 197 and Richard Veitengruber. According, IBEW 197 and Richard Veitengruber request to withdraw their petition is granted.

8) The petition filed by IBEW 601 and Jarrett Clem is resolved with respect to McLean County, but the petition will remain pending until the remaining issues and disputes are resolved or it is withdrawn.

9) With respect to the matters agreed to herein, 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 31st day of May, 2019

The undersigneds apply for and consent to the entry of this Consent Order and Judgment this 31st day of May, 2019:

For the Petitioners:

s/ John T. Long
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For the Respondents:

s/ Benno Weisberg
One of Respondent's Attorneys
Benno Weisberg
Illinois Department of Labor
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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-PK09-2270 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 3rd day of June, 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:

c/o John Long
johnlong@cavanagh-ohara.com

Respondent Attorney:

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

/s/ Claudia D. Manley

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