

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

IN THE CONSOLIDATED MATTERS OF:)
)
ASSOCIATED GENERAL CONTRACTORS)
OF ILLINOIS, SOUTHERN ILLINOIS BUILDERS)
ASSOCIATION, CENTRAL ILLINOIS BUILDERS)
OF AGC,)
)
PETITIONER(S),) STATE FILE NO. 2019-H-PK08-2298
)
v.)
)
JOSEPH BEYER, DIRECTOR OF THE)
ILLINOIS DEPARTMENT OF LABOR, and)
THE ILLINOIS DEPARTMENT OF LABOR,)
)
RESPONDENTS.)
)

AND

PATRICK GLEASON AS MEMBER OF)
INTERNATIONAL BROTHERHOOD OF)
TEAMSTERS LOCAL 26, TEAMSTERS JOINT)
COUNCIL 25, AND INTERNATIONAL)
BROTHERHOOD OF TEAMSTERS LOCALS 26,)
50, 371, 525, 627, 722, 916, 179, 301, 325,)
330, 673, 786, AND 731,)
)
)
PETITIONER(S),) STATE FILE NO. 2019-H-PK09-2295
)
v.)
)
JOSEPH BEYER, 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 56 Illinois Administrative Code 120.130, Notice of Hearing and case management/status conference and Petitioners' Patrick Gleason et. al ("Gleason") Motion to Sever and Consolidate and Potential Intervenors' Petition(s) to Intervene and the parties Agreed Motion to Continue the Hearing; all parties having been duly advised in the premises issues this order;

Gleason in case, **2019-H-PK09-2295**, filed objections to prevailing rates the Illinois Department of Labor ("IDOL") established in the **Counties enumerated in the Written Objection and Request for Section 9 Hearing, including Exhibit A in the State of Illinois excluding Cook, DeKalb, DuPage, Grundy, Kane, Kendall, Lake, McHenry and Will for truck drivers involving all classes. Associated General Contractors et al of Illinois et. al ("AGCI")**, case 2019 H-PK-09-2298 have similarly filed an objection involving the same rates, classifications and counties involved in 2019 H-PK-09-2295. Petitioners in both object to Respondents rates

and methodology establishing said rates. Both Petitioners intend to challenge Respondents' rates and methodology.

The two cases raise **common issues and questions of law and fact** because the Petitioners have **challenged identical rates, identical classifications in identical counties**.

56 Ill. Adm. Code 120.310 provides:

In the interest of convenient, expeditious and complete determination of matters, the Administrative Law Judge may consolidate or sever hearing proceedings involving any number or parties or issues and may join or sever parties for the complete administration of justice.

AGCI neither objected nor agreed to Gleason's Motion to Sever and Consolidate, however, AGCI was notified of the Motion by Gleason. AGCI did not file a response objecting to same.

IT IS HEREBY ORDERD:

1. Matter **2019-H-PK09-2298** involve objections to prevailing rates Respondents have established in the **Counties enumerated in the Written Objection and Request for Section 9 Hearing, including Exhibit A filed by Gleason in the State of Illinois excluding Cook, DeKalb, DuPage, Grundy, Kane, Kendall, Lake, McHenry and Will for truck drivers involving all classes**. These issues contained in the case of **2019-H-PK09-2295** only are **severed** and **consolidated** into the objection filed in **2019-H-PK09-2298**.
2. The **Petition to Intervene** filed by **Patrick Gleason as member of International Brotherhood of Teamsters, Local 25 et al.** in **2019-H-PK09-2316** is **withdrawn**.
3. The **Written Agreed Motion to Continue the Hearing** scheduled for **January 29, 30 and 31 2019** is **granted**. The hearing dates of **January 29, 30 and 31** are **stricken**. All discovery deadlines, dates and cutoffs, excluding the Petition to Intervene deadline, are stricken.
4. The **telephonic status conference** scheduled on **January 22, 2019** at **11:30 a.m.** will **remain**. At this time, all outstanding issues will be discussed as well as any pending motions. The undersigned will initiate the conference at previously provided attorney phone numbers.

DATE: 1/9/19

/s/ Claudia D. Manley

Claudia D. Manley
Chief Administrative Law Judge

Claudia D. Manley
Chief Administrative Law Judge
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 C.Y. Jackson, a non-attorney, affirm, certify or on oath state, that I served notice of the attached Order(s) upon all parties to this case, or their agents appointed to receive service of process, by enclosing a copy of the Order(s) in Case No. 2019-H-PK08-2298, 2019-H-PK09-2295 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 to be served via email from 100 W. Randolph Street, Chicago, Illinois on the 9th day of January, 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/

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Illinois Department of Labor
c/o Benno Weisberg
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/s/ C. Y. Jackson
C.Y. Jackson, Office Specialist