

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

IN THE MATTER OF:)	
)	
CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS)	
)	
PETITIONER(S),)	STATE FILE NO. 2020-H-RB12-2325
)	
v.)	DATE OF NOTICE: <u>December 11, 2019</u>
)	
MICHAEL D. KLEINIK, DIRECTOR OF THE)	CERT. MAIL/RETURN RECEIPT:
ILLINOIS DEPARTMENT OF LABOR, and)	
THE ILLINOIS DEPARTMENT OF LABOR,)	
)	
RESPONDENTS.)	<u>9489 0090 0027 6162 5438 49</u>
)	

NOTICE OF HEARING

PLEASE TAKE NOTICE that Michael D. Kleinik, Director of the Illinois Department of Labor, and the Illinois Department of Labor [hereinafter, "Respondents"] have received from Chicago Regional Council Of Carpenters [hereinafter, "Petitioner(s)"] written objections to the prevailing wage determinations posted by the Department on its website on November 1, 2019, 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: JANUARY 10, 2020
TIME: 9:00 A.M.
PLACE: ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

ADMINISTRATIVE LAW JUDGE:

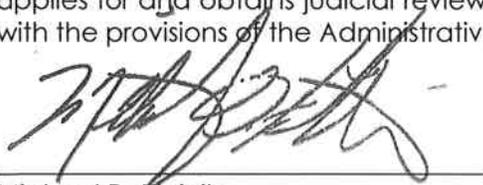
RAYMOND CYRUS
ADMINISTRATIVE LAW JUDGE
ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

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 'Michael D. Kleinik', written over a horizontal line.

Michael D. Kleinik
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:)
)
CHICAGO REGIONAL COUNCIL OF)
CARPENTERS) STATE FILE NO.:
)
Petitioners,)
)
vs.)
)
MICHAEL D. KLEINIK, DIRECTOR OF)
THE ILLINOIS DEPARTMENT OF)
LABOR and the ILLINOIS)
DEPARTMENT OF LABOR,)
)
Respondents.)

**OBJECTION TO CLASSIFICATION AND
REQUEST FOR SECTION 9 HEARING**

Petitioner, the Chicago Regional Council of Carpenters ("Union"), by and through their attorney, Terrance McGann, of the law firm of McGann, Ketterman, & Rioux, seek to formally object to the lack of different classifications in the Prevailing Wage determinations published by the Illinois Department of Labor ("Department") on November 1, 2019 and request a hearing on this objection pursuant to Section 9 of the Illinois Prevailing Wage Act (820 ILCS § 130/9). In support, the Carpenters state further:

1. The Union represents employees across Northern and Central Illinois.
2. Section 9 of the Illinois Prevailing Wage Act states: "The Department of Labor shall ... investigate and ascertain the prevailing rate of wages for each county in the State." 820 ILCS § 130/9.

EXHIBIT A

3. As part of the Section 9 Wage determination process, the Union will submit Prevailing Wage surveys to the Department. These materials will include the wage rates and fringe benefits paid to residential carpenters.

4. On November 1, 2019 the Department published Prevailing Wage Schedules on its website.

5. The Illinois Administrative Code defines the “prevailing hourly rate of wages” as “the hourly cash wages plus fringe benefits ... most frequently (numerically most occurring), in the county in which the public works is performed, to employees engaged on public works.” 56 Ill. Adm. Code 100.22.

6. The Union represents most carpenters engaged in public works in the following counties: Boone, Bureau, Carroll, Cook, De Kalb, DuPage, Grundy, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Lake, La Salle, Lee, Marshall, McHenry, Mercer, Ogle, Putnam, Rock Island, Stark, Stephenson, Whiteside, Will, Winnebago; therefore, the prevailing rate of wages should be based on the wages set forth in the carpenters’ collective bargaining agreements, as they are the numerically most occurring hourly cash wages plus fringe benefits.

7. Section 9 of the Illinois Prevailing Wage Act states: “[I]f the prevailing rate of wages is based on a collective bargaining agreement, the explanation of classes on the prevailing wage schedule shall be consistent with the classifications established under the collective bargaining agreement.” 820 ILCS 130/9.

8. Different classifications and wage rates for residential and commercial work are contained in the carpenters’ collective bargaining agreements.

9. The prevailing wage rate posted on the Department's website on November 1, 2019 for the carpenter trade only reflects the higher commercial rate and does not reflect the residential rate.

WHEREFORE, for the reasons set forth above, the Petitioner, Chicago Regional Council of Carpenters, objects to the lack of a residential prevailing wage classification for the carpenter trade posted on the Department's official website on November 1, 2019 and respectfully requests a hearing on this objection pursuant to 820 ILCS § 130/9.

December 2, 2019

Respectfully submitted,

Chicago Regional Council of Carpenters

By: /s/ Terrance B. McGann
One of its attorneys

Terrance B. McGann
McGann, Ketterman, & Rioux
111 East Wacker Drive, Suite 2600
Chicago, IL 60601
(312) 251-9700

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

IN THE MATTER OF:)
)
CHICAGO REGIONAL COUNCIL OF)
CARPENTERS)
)
Petitioners,)
)
vs.)
)
MICHAEL D. KLEINIK, DIRECTOR OF)
THE ILLINOIS DEPARTMENT OF)
LABOR and the ILLINOIS)
DEPARTMENT OF LABOR,)
)
Respondents.)

STATE FILE NO.:



NOTICE OF FILING

TO:

Michael D. Kleinik
Director of the Illinois Department of Labor AND c/o Michael D. Kleinik
160 N. LaSalle Street, Suite C-1300
Chicago, IL. 60601

Illinois Department of Labor
160 N. LaSalle Street, Suite C-1300
Chicago, IL. 60601

PLEASE TAKE NOTICE that on this 2nd day of December, 2019 the undersigned filed the attached Objections and Request for Section 9 Hearing, a copy of which is herewith served upon you.

Respectfully submitted,
Chicago Regional Council of Carpenters

Dated: December 2, 2019

McGann, Ketterman, & Rioux
111 East Wacker Drive, Suite 2600
Chicago, IL 60601
(312) 251-9700

By: /s/ Terrance B. McGann
One of its attorneys

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I Anitra Terry, 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. 2020-H-RB12-2325 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 11th day of December, 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/

CHICAGO REGIONAL COUNCIL OF CARPENTERS
c/o Terry McGann, Esq.
McGann, Ketterman and Rioux
111 E. Wacker Dr., Ste. 2600
Chicago, IL 60601

Via messenger:

Michael D. Kleinik
Director of Labor
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601

Illinois Department of Labor
c/o Yolanda Carrillo
General Counsel
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601



Subscribed and Sworn to this 11th day of December, 2019

Crystal Y. Jackson
Notary Public

