

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

IN THE MATTER OF:	)	
	)	
OPERATIVE PLASTERERS' & CEMENT MASONS	)	
INTERNATIONAL ASSOCIATION, LOCAL #11	)	
	)	
PETITIONER(S),	)	STATE FILE NO. 2020-H-RP08-2323
	)	
v.	)	DATE OF NOTICE: <u>August 16, 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 6140 7908 90</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 Operative Plasterers' & Cement Masons International Association, Local #11 [hereinafter, "Petitioner(s)"] written objections to the prevailing wage determinations posted by the Department on its website on August 13, 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:** SEPTEMBER 19, 2019  
**TIME:** 9:00 A.M.  
**PLACE:** ILLINOIS DEPARTMENT OF LABOR  
160 NORTH LASALLE STREET, SUITE C-1300  
CHICAGO, ILLINOIS 60601

**ADMINISTRATIVE LAW JUDGE:**

**CLAUDIA D. MANLEY**  
**CHIEF 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.



Michael D. Kleinik  
Director of Labor

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. 2020-H-RP08-2323 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 16<sup>th</sup> day of August, 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/

OPERATIVE PLASTERERS' & CEMENT MASONS  
INTERNATIONAL ASSOCIATION, LOCAL #11  
c/o Patrick Ryan, Esq.  
Baum Sigman  
200 W. Adams St., Ste. 2200  
Chicago, IL 60606  
pryan@baumsigman.com

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 Audrey Cosgrove, Esq.  
160 N. LaSalle St., Ste. C-1300  
Chicago, IL 60601

Subscribed and Sworn to this 16 day of August, 2019  
C.Y. Jackson

[Signature]  
Notary Public



**BAUM SIGMAN AUERBACH & NEUMAN, LTD.**  
Attorneys and Counsellors

200 West Adams Street, Suite 2200  
Chicago, IL 60606-5231  
312.236.4316  
Fax 312.236.0241

2020-H-RP08-2323

RECEIVED

August 13, 2019

AUG 13 2019

**Patrick N. Ryan**  
Admitted in IL and WI

Illinois Department of Labor  
CHICAGO OFFICE

Direct Dial 312-216-2573  
pryan@baumsigman.com

**Via Hand Delivery and Email: [Michael.Kleinik@illinois.gov](mailto:Michael.Kleinik@illinois.gov)**  
Director Michael D. Kleinik  
Illinois Dept. of Labor  
160 N. LaSalle Street, C-1300  
Chicago, IL 60601

**RE: Article 9 Challenge to Department's Prevailing Wage Determination  
Operative Plasterers' & Cement Masons' International Assoc. Local No. 11  
Our File No. 28231**

Dear Director Kleinik:

We are the attorneys for the Operative Plasterers' & Cement Masons' International Association Local No. 11 ("Local 11" or "Union"). This letter is sent pursuant to the Illinois Prevailing Wage Act, 820 ILCS 130/9, as the written notice required to challenge certain Prevailing Wage Determinations posted by the Illinois Department of Labor as of July 15, 2019.

Specifically, the Cement Mason classifications for Iroquois and Kankakee Counties do not include prevailing wage rates for "Highway" work, only for "Building." In the other Counties for which Local 11 files prevailing wage surveys, the rates cover "All" work, and Local 11's collective bargaining agreement applies to both building and highway work.

Accordingly, Local 11 is challenging and objects to the absence of wage and fringe benefit rates for the "Cement Mason" title for "Highway" work in the Counties of Iroquois and Kankakee. It is Local 11's position that the prevailing rates are those set forth in its applicable collective bargaining agreement (rate sheet effective June 1, 2019 attached), which are the rates paid by all Local 11 signatory employers on public works projects, both building and highway projects, in these Counties since June 1, 2019.

It is our hope that this matter can be quickly resolved, as there should be little dispute that Cement Masons perform substantial public highway work in these Counties. Otherwise, the Union hereby requests that the Department set a date for hearing on its objections. At such hearing, the Union will present evidence of the wages and benefits paid by its signatory employers on prevailing wage highway projects in these Counties during the relevant time frame.

**EXHIBIT A**

**BAUM SIGMAN AUERBACH & NEUMAN, LTD.**  
Attorneys and Counsellors



Director Michael D. Kleinik  
August 13, 2019  
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If you have any questions or would like to discuss this matter further prior to any hearing, please feel free to contact me.

Very truly yours,

**BAUM SIGMAN AUERBACH & NEUMAN, LTD.**



Patrick N. Ryan

PNR/kp

Enclosure

cc: Art Sturms (via email, w/enclosure)

131111L Prevailing Wage/section 9 challenge 08-13-19 pnr.kp.wpd

**OPERATIVE PLASTERERS AND CEMENT MASONS  
ASSOCIATION OF NORTHERN ILLINOIS LOCAL 11 – AREA 37**

Main Office  
1102 Rail Drive, Woodstock, IL 60098  
Telephone (815) 337-7290 – Fax (815) 337-7291

Please be advised that there will be an adjustment to the wage package for **CEMENT MASONS of LOCAL 11 AREA 37 (Iroquois & Kankakee Counties)** effective **JUNE 1, 2019** and extending through **MAY 31, 2020**.

<u>Per Hour</u>		<u>Residential (75%)</u>	<u>Remit to:</u>
Wage	\$44.45	\$33.34	
Health & Welfare	\$10.85	\$10.85	Construction Industry Fund
Retirement	\$10.69	\$10.69	Construction Industry Fund
Pension	\$ 6.95	\$ 6.95	Fox Valley Fund
Industry Adv.	\$ .11	\$ .11	Fox Valley Fund
Apprentice	\$ .50	\$ .50	Fox Valley Fund
Safety Training	\$ .01	\$ .01	Fox Valley Fund
Training Trust Fund	<u>\$ 0.09</u>	<u>\$ 0.09</u>	Fox Valley Fund
<b>TOTAL:</b>	<b>\$73.65</b>	<b>\$62.54</b>	

*Foreman's wages plus \$1.50 minimum*

<u>After Tax Deductions:</u>		<u>Residential:</u>	
<u>Journeyman:</u>			Fox Valley
\$2.21 per hour Local Working Dues		\$1.88 per hour Local Working Dues	
\$0.74 per hour International Working Dues		\$0.63 per hour International Working Dues	
\$7.00 per hour Vacation Savings*		\$7.00 per hour Vacation Savings*	

*Apprentices, all rates (including Residential) See Below for Local & International Dues Check-off rates*

\* Effective for all hours worked after June 1, 2019 a vacation fund has been approved by members of Local 11, Area 37. This is an "after tax" deduction. Contractors are to deduct \$7.00 an hour for straight time hours; \$10.50 for hours worked at time and one half; and \$14.00 per hour for double-time hours, which are to be submitted to our administrator along with the above listed fringe benefits.

**APPRENTICE BASE WAGE RATES:**

	<u>50 %</u>	<u>60%</u>	<u>70 %</u>	<u>80 %</u>	<u>90 %</u>
Wage	\$22.23	\$26.67	\$31.12	\$35.56	\$40.01
Health & Welfare	\$10.85	\$10.85	\$10.85	\$10.85	\$10.85
Retirement	\$10.69	\$10.69	\$10.69	\$10.69	\$10.69
Pension	\$ 6.95	\$ 6.95	\$ 6.95	\$ 6.95	\$ 6.95
Industry Adv.	\$ 0.11	\$ 0.11	\$ 0.11	\$ 0.11	\$ 0.11
Apprentice	\$ 0.50	\$ 0.50	\$ 0.50	\$ 0.50	\$ 0.50
Safety Training	\$ 0.01	\$ 0.01	\$ 0.01	\$ 0.01	\$ 0.01
Training Trust Fund	<u>\$ 0.09</u>	<u>\$ 0.09</u>	<u>\$ 0.09</u>	<u>\$ 0.09</u>	<u>\$ 0.09</u>
<b>TOTAL</b>	<b>\$51.43</b>	<b>\$55.87</b>	<b>\$60.32</b>	<b>\$64.76</b>	<b>\$69.21</b>
	<b>Deductions</b>				
Local Working Dues	\$ 1.54	\$ 1.68	\$ 1.81	\$ 1.94	\$ 2.08
Int'l Working Dues	\$ 0.51	\$ 0.56	\$ 0.60	\$ 0.65	\$ 0.69

Construction Industry Fund: Construction Industry Welfare & Retirement Fund  
P.O. Box 33770  
Detroit, MI 48232-3770

Fox Valley Fund: Fox Valley & Vicinity Construction Workers Benefit Funds  
*Includes all Working Dues and Vacation Savings*  
75 Remittance Drive, Suite 3163  
Chicago, IL 60675-3163