

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

IN THE MATTER OF:)	
)	
IRONWORKERS LOCAL 46 AND)	
SHANE AUSTIN as a MEMBER of)	
IRONWORKERS LOCAL 46,)	
)	
PETITIONER(S),)	STATE FILE NO. 2020-H-RP08-2324
)	
v.)	DATE OF NOTICE: <i>August 15, 2019</i>
)	
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 7909 06</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 Ironworkers Local 46 And Shane Austin as a member of Ironworkers Local 46 [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 16, 2019
TIME: 9:00 A.M.
PLACE: ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

ADMINISTRATIVE LAW JUDGE:

MICHAEL HAGGERTY
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", is written over a horizontal line. The signature is stylized and cursive.

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-RP08-2324 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 16th 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/

IRONWORKERS LOCAL 46 AND SHANE AUSTIN
c/o John T. Long, Esq.
Cavanagh & O'Hara, LLP
2319 W. Jefferson St.
Springfield, IL 62702
johnlong@cavanagh-ohara.com
jacobblickhan@cavanagh-ohara.com

Via messenger:

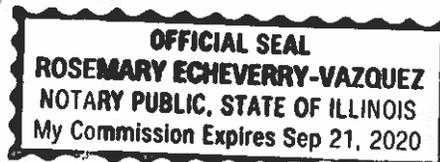
Michael D. Kleinik
Director of Labor
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601

Illinois Department of Labor
c/o Audrey Cosgrove, Esq.
Asst. General Counsel
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601

C. Y. Jackson

Subscribed and Sworn to this 16 day of August, 2019

[Signature]
Notary Public





Cavanagh | O'Hara LLP
ATTORNEYS AT LAW

August 12, 2019

Sent Via UPS Next Day

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

RECEIVED

AUG 13 2019

Illinois Department of Labor
CHICAGO OFFICE

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

Re: Objections and Request for Section 9 Hearing

Dear Mr. Kleinik,

This office represents Ironworkers Local 46 and Shane Austin. Please find enclosed with this correspondence a Petition of Objections and Request for Section 9 Hearing pursuant to the Illinois Prevailing Wage Act (820 ILCS 130/9). As such, please consider the Petition enclosed hereto a written notice of objection (pursuant 820 ILCS 130/9) concerning the Illinois Department of Labor's determination of the 2018 Prevailing Wage Rates, posted July 15, 2019.

An additional copy of the Petition is also enclosed. Please returned a file-stamped or received-stamped copy to the undersigned in the self-addressed stamped envelope.

Should you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,


John T. Long 

cc: Ironworkers Local 46

EXHIBIT A

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

IN THE MATTER OF:)
)
IRONWORKERS LOCAL 46, and)
SHANE AUSTIN, as a member of)
IRONWORKERS LOCAL 46,)
)
Petitioners,)
)
)
MICHAEL KLEINIK, DIRECTOR OF)
THE ILLINOIS DEPARTMENT OF)
LABOR AND THE ILLINOIS)
DEPARTMENT OF LABOR,)
)
Respondents.)

STATE FILE NO.:

2020 - H - RP08 - 2324

OBJECTION AND REQUEST FOR SECTION 9 HEARING

IRONWORKERS LOCAL 46 and SHANE AUSTIN, as a member of IRONWORKERS LOCAL 46, (“Petitioners”), by and through their attorneys, Cavanagh & O’Hara LLP, seek to formally object to the Prevailing Wage determination published by the Illinois Department of Labor (“IDOL”) on July 15, 2019, and request a hearing on these objections pursuant to Section 9 of the Illinois Prevailing Wage Act (820 ILCS 130/9)(“IPWA”), and in support thereof states as follows:

1. IRONWORKERS LOCAL 46 is a labor organization which represents employees who work on public works projects in various counties throughout Illinois. SHANE AUSTIN is a member of IRONWORKERS LOCAL 46.
2. Section 9 of the IPWA states: “The Department of Labor shall... investigate and ascertain the prevailing rate of wages for each county in the State.” 820 ILCS 130/9.

3. The Petitioners submitted prevailing wage survey information to the IDOL in June 2019. The material submitted to the IDOL included wage rates and fringe benefits paid to the classification of iron worker (and all applicable related classifications) in the counties covered by IRONWORKERS LOCAL 46.

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

5. Petitioners represent workers in Illinois and have negotiated collective bargaining agreements (“CBA’s”) with various employers and/or employer organizations. The wages and fringe benefits rates in the Petitioners’ CBA’s are the most frequently numerically occurring wages and fringe benefit amounts paid to employees engaged in public works in the counties covered by Petitioners’ geographic jurisdiction.

6. On July 15, 2019, the IDOL published prevailing wage schedules on its website. The posted prevailing wage rates do not reflect the correct rates in the iron worker classification for the following counties: Effingham, Fayette, and Fulton counties.

7. Specifically, the posted rates do not reflect that IRONWORKERS LOCAL 46 has collective bargaining agreements that cover work performed in Effingham, Fayette, and Fulton counties as described in the attached map of IRONWORKERS LOCAL 46’s geographic jurisdiction. The attached map is labeled as **Exhibit A**. Upon information and belief, the prevailing rates in Effingham, Fayette, and Fulton counties have been established based upon wage survey responses from local unions that only cover a portion/part of the subject counties.

8. In order to correct the posted prevailing wage rates, IRONWORKERS LOCAL 46 and SHANE AUSTIN, as a member of IRONWORKERS LOCAL 46, submit that the following corrections are appropriate to ensure that the prevailing wage rates for the applicable counties include the wage and fringe benefit rates negotiated under IRONWORKERS LOCAL 46's collective bargaining agreements:

- a. That a "West" geographic region be created for Effingham County for the separate classifications of Building and Heavy/Highway Iron Worker and that the currently posted prevailing wages for the county be posted as the "East" prevailing wage rates. The posted rates for the "West" region shall be based upon the Wage Addenda attached hereto as Exhibits B and C.
- b. That a "North" geographic region be created for Fayette County for the separate classifications of Building and Heavy/Highway Iron Worker and that the currently posted prevailing wages for the county be posted as the "South" prevailing wage rates. The posted rates for the "North" region shall be based upon the Wage Addenda attached hereto as Exhibits B and C.
- c. That a "South" geographic region be created for Fulton County for the separate classifications of Building and Heavy/Highway Iron Worker and that the currently posted prevailing wages for the county be posted as the "North" prevailing wage rates. The posted rates for the "South" region shall be based upon the Wage Addenda attached hereto as Exhibits B and C.

9. Petitioners represent numerous individuals who perform work on public projects under the classifications defined by the IPWA and are paid at the posted prevailing wage. Therefore, the Petitioners' members are financially affected by the prevailing wage rates.

10. Therefore, Petitioners request an investigatory hearing to establish the correct prevailing wage rates for the classifications, counties, regions and types of work described herein (including but not limited to, correcting the prevailing wage rates for the above-specified counties that were published by the IDOL on July 15, 2019).

WHEREFORE, for the reasons set forth above, the Petitioners object to the prevailing wage determinations posted on the IDOL's official website on July 15, 2019, and respectfully request a hearing on these objections pursuant to 820 ILCS 130/9.

Dated: August 12, 2019

Respectfully submitted,

IRON WORKERS LOCAL 46 and SHANE
AUSTIN, as a member of IRON
WORKERS LOCAL 46

By: 
Cavanagh & O'Hara LLP
John T. Long
2319 West Jefferson St.
Springfield, Illinois 62702
(217)544-1771 – Telephone
(217)544-9894 – Facsimile
johnlong@cavanagh-ohara.com

and

Additional Counsel
Cavanagh & O'Hara LLP
Jacob Blickhan
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(217)544-1771 – Telephone
(217)544-9894 – Facsimile
jacobblickhan@cavanagh-ohara.com

CERTIFICATE OF SERVICE

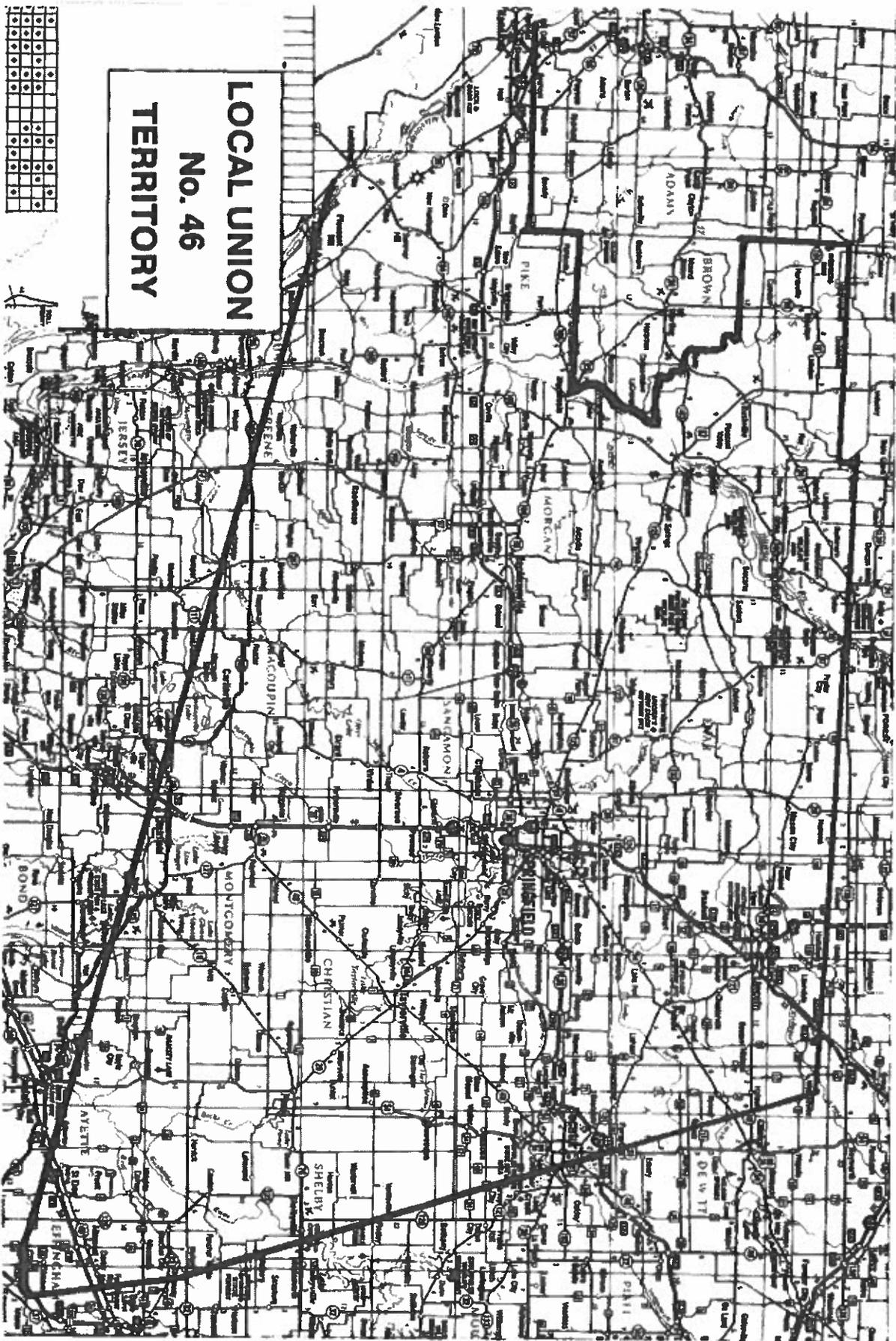
The undersigned certifies that he caused copies of the foregoing Objection and Request for Section 9 Hearing to be served on the following persons, via UPS Next Day (a private delivery service), on this 12th day of August, 2019.

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

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

Respectfully submitted,

By: 
Cavanagh & O'Hara LLP
John T. Long
2319 West Jefferson St.
Springfield, Illinois 62702
(217)544-1771 – Telephone
(217)544-9894 – Facsimile
johnlong@cavanagh-ohara.com



tabbles

EXHIBIT

A

**ARTICLE VI
WAGE RATES**

**ADDENDUM A
BETWEEN CENTRAL ILLINOIS BUILDERS OF AGC AND OTHER EMPLOYERS
AND INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL AND ORNAMENTAL
IRON WORKERS LOCAL UNION NO. 46**

May 1, 2018 to April 30, 2020

The following minimum hourly wage rates shall apply to the classifications as indicated: Structural, Ornamental, Reinforcing, Machinery Mover, Rigger, Machinery Erector, Welder, Fence Erector, Sheeter.

Effective: 05/01/19
Journeyman..... \$ 32.02
Foreman - not less than \$2.00 per hour more than the above listed Journeyman rates.
General Foreman - not less than \$2.30 per hour more than the above listed Journeyman rates.

In addition to the above wage rate the following fringe benefit rate schedule shall apply to all classifications for each hour worked.

	<u>05/01/19</u>	<u>8/1/19 - 4/30/20</u>
Health and Welfare Fund.....	\$10.30	\$10.57
Pension Fund.....	\$ 9.40	\$ 9.65
Annuity Fund.....	\$ 6.20	\$ 5.68
Joint Apprenticeship Training Fund (JATC).	\$.70	\$.70
IMPACT.....	\$.20	\$.20
Industry Advancement Fund.....	<u>\$.21</u>	<u>\$.21</u>
Total Package	\$59.03	\$59.03

Deductions:

1. Dues Check Off.....3.5% of Total Package Paid to the Ironworker (Excluding IAF)
2. International Organizing .25% x \$ 32.02 per hour worked.
3. Iron Workers Target Program \$ 0.20 per hour worked.
4. Iron Workers Local 46 Vacation Fund \$ 0.85 per hour worked. Effective August 1, 2019, Iron Workers Vacation Fund \$ 1.00 per hour worked.

IN WITNESS WHEREOF, the parties have hereunto affixed their hands this 4th day of April, 2019.

CENTRAL ILLINOIS BUILDERS OF
AGC



Roger D. Huebner
Executive Vice President
On behalf of those firms who have assigned
bargaining rights to the Association.

INTERNATIONAL ASSOCIATION
OF BRIDGE, STRUCTURAL, AND
ORNAMENTAL IRON WORKERS
LOCAL UNION NO. 46



Shane Austin
Business Representative

EXHIBIT

B

