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

IN THE MATTER OF:
PLUMBERS AND PIPEFITTERS LOCAL 101,

PETITIONER(S),

v.

MICHAEL D. KLEINIK, DIRECTOR OF THE
ILLINOIS DEPARTMENT OF LABOR, and
THE ILLINOIS DEPARTMENT OF LABOR,

RESPONDENTS.

STATE FILE NO. 2021-H-RP07-2328

DATE OF NOTICE: 8/6/2020

CERT. MAIL/RETURN RECEIPT:
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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 the Plumbers and Pipefitters, Local 101, [hereinafter, “Petitioner(s)”] written objections to the prevailing wage determinations posted by the Department on its website on July 15, 2020, 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 8, 2020
TIME: 4:00 P.M.
PLACE: ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

ADMINISTRATIVE LAW JUDGE:

MOSHE LIBERMAN
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
July 31, 2020

Director Michael D. Kleinik
Illinois Department of Labor
Springfield Office
900 South Spring Street
Springfield, IL 62704

Sent via U.S. Mail, Facsimile (217-782-0596) and Email: Michael.Kleinik@illinois.gov

Dear Director Kleinik:

My office is legal counsel to Plumbers and Pipefitters Local IOI ("Local JO1"). This letter constitutes a Section 9 Written Objection and Request for Hearing pursuant to 820 ILCS 130/9, regarding the Wage Classification for "pipefitter" in the County of Monroe.

The basis for the objection is as follows:

1. On July 15, 2020, the Illinois Department of Labor ("Department") posted a prevailing wage determination for Monroe County (the "Determination") which contained the following wage rates for the classification of "pipefitter."

   - Base: $40.50
   - Foreman: $44.50
   - Health/Welfare: $8.29
   - Pension: $10.00
   - Training: $1.55

2. The above rates are those reflected in the collective bargaining agreement negotiated for the pipefitter classification by Plumbers and Steamfitters Local 439 ("Local 439").

3. Local 101 and Local 439 each have jurisdiction over separate portions of Monroe County in regard to the performance of pipefitting work. Specifically, Local 439 has jurisdiction over the Western portion of Monroe County, and Local 101 has jurisdiction over the Eastern portion of Monroe County.

4. Locals 101 and 439 have defined the Western portion of Monroe County as all portions of the county west of a line which begins at the point where Highway 158 enters Monroe County from St. Clair County; such line shall extend due south until it intersects with Highway 3; from that point, the line follows Highway 3 until it exits Monroe County near the town of Red Bud. The parties have defined the Eastern portion of Monroe County as all portions of Monroe County not contained in the Western portion of the county, as defined above.

5. Work performed by members of Local 101 constitutes the majority of the work in the pipefitting trade performed in the Eastern portion of Monroe County.
6. The wage rates for "pipefitters" contained in the Determination set forth in paragraph 1, above, are accurate for the Western portion of Monroe County, which is the jurisdiction of Local 439.

7. The wage rates for "pipefitters" contained in the Determination set forth in paragraph 1, above, are not accurate for the Eastern portion of Monroe County, which is the jurisdiction of Local 101.

8. The wage rates for the "pipefitter" classification for the Eastern portion of Monroe County should be:

   - Base: $40.55
   - Foreman: $43.05
   - Health/Welfare: $10.20
   - Pension: $6.30
   - Training: $1.25

These rates are contained in the collective bargaining agreement negotiated by Local 101.

9. Local 101 has conferred with Local 439 and Local 439 does not object to the change in the Depalimeet's Determination as set forth below.

For the above reasons, Local 101 requests the following changes to the "pipefitter" Determination for Monroe County:

1. Monroe County should be divided into Western and Eastern portions, as defined in paragraph 4, above.

2. The existing "pipefitter" Determination as set forth in paragraph 1, above, should be the determination for the Western portion of Monroe County.

3. The "pipefitter" wage rate negotiated in Local 101's collective bargaining agreement, as set forth in paragraph 8, above, should be the prevailing wage for the "pipefitter" classification in the Eastern portion of Monroe County.

If the above-requested changes are not made, Local 101 respectfully requests a hearing on this matter pursuant to 820 [LCS 130/9].

Very truly yours,

GREG A. CAMPBELL
EXHIBIT A
STATE OF ILLINOIS

COUNTY OF COOK

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I, Blanca Rodriguez, 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 and Attachments in Case No. 2021-RP-07-2328 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 Notice of Hearing or on the Certificate of Service, having caused each envelope to be served by U.S. mail certified mail return receipt requested and regular mail with postage prepaid at 100 W. Randolph Street, Chicago, Illinois on the 6th day of August, 2020 prior to 4:30 p.m.

Greg Campbell
Hammond and Shinners P.C.
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Shayne Aldridge
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HAND DELIVERY:

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Illinois Department of Labor
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Illinois Department of Labor