

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

IN THE MATTER OF:)

AC PAVEMENT STRIPING COMPANY,)
MARKING SPECIALISTS CORPORATION,)
and MAINTENANCE COATINGS)
COMPANY,)

Petitioners,)

IDOL FILE NO.: 2022-H-RP08-2333
2022-H-RP08-2335

v.)

JANE R. FLANAGAN, ACTING DIRECTOR OF)
THE ILLINOIS DEPARTMENT OF LABOR, and)
THE ILLINOIS DEPARTMENT OF LABOR,)

Respondents)

and)

STANLEY SIMRAYH and THE)
INTERNATIONAL UNION OF OPERATING)
ENGINEERS, LOCAL 150, AFL-CIO,)

Intervenors.)

CONSENT DECREE

Petitioners, AC PAVEMENT STRIPING COMPANY, MARKING SPECIALISTS CORPORATION, and MAINTENANCE COATINGS COMPANY, Respondents JANE R. FLANAGAN, ACTING DIRECTOR OF THE ILLINOIS DEPARTMENT OF LABOR and the ILLINOIS DEPARTMENT OF LABOR, Intervenors STANLEY SIMRAYH, as a member of the INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 150 AFL-CIO ("Local 150") and LOCAL 150, resolve the above-captioned matter pursuant to 56 Ill. Admin. Code 120.540 as follows:

1. This matter arises under the Illinois Prevailing Wage Act ("IPWA"), as amended, 820 ILCS 130/0.01, *et seq.*
2. Pursuant to its annual rate determination, the Department published a rate for Traffic Safety Worker on July 15, 2021.

3. Pursuant to Sections 4 and 9 of the IPWA, Petitioners timely filed written objections to the prevailing wage rates effective July 15, 2021 and August 16, 2021 pertaining to the Traffic Safety Worker classifications or descriptions, published by the Illinois Department of Labor (“IDOL” or “Department”) on its website for various counties identified herein.
4. Pursuant to Section 4 and Section 9 of the IPWA, the Department scheduled a hearing on Petitioner’s objections, issued a Notice of Hearing to Petitioners and provided notice of the hearing to the public by posting the date, time, location, and other pertinent information regarding the Section 4 and 9 hearing on Petitioner’s objections on IDOL’s official website.
5. It is determined that in the counties of Cook, DuPage, Kane, Lake, McHenry, and Will, the prevailing wage classifications and rate determinations published (posted) by the Department shall include a new classification. The Department shall recognize two classifications: Traffic Safety Worker I and Traffic Safety Worker II, consistent with classifications established under the applicable collective bargaining agreement—which is the area-wide collective bargaining agreement by and between Teamsters Local Union Nos. 179, 301, 330, 673, 701 and/or 731, on the one hand, and the Traffic Safety Worker Collective Bargaining Association, on the other—and as set forth as follows:
 - a. Traffic Safety Worker I - work associated with the delivery, installation, pick-up and servicing of safety devices during periods of roadway construction, including such work as set-up and maintenance of barricades, barrier wall reflectors, drums, cones, delineators, signs, crash attenuators, glare screen and other such items, and the layout and application or removal of conflicting and/or temporary roadway markings utilized to control traffic in construction zones, as well as flagging for these operations.
 - b. Traffic Safety Worker II - work associated with the installation and removal of permanent pavement markings and/or pavement markers including both installations performed by hand and installations performed by truck.
6. For enforcement purposes in the counties of Cook, DuPage, Kane, Lake, McHenry, and Will, the Traffic Safety Worker I and II classifications published (posted) by the Department:
 - a. shall not include work done by heavy equipment that has traditionally been covered exclusively within the classification of Operating Engineer – Highway.
 - b. shall not be construed to encroach upon work that has historically been within the classification of Operating Engineer.
7. The prevailing wage and fringe benefit rates applicable to the Traffic Safety Worker I and Traffic Safety Worker II classifications shall be those rates as set forth in the area-wide collective bargaining agreement by and between Teamsters Local Union Nos. 179, 301, 330, 673, 701 and/or 731, on the one hand, and the Traffic Safety Worker Collective Bargaining Association, on the other for the annual rate determination period effective upon publication by the Department, no later than May 1, 2022, through the next subsequent rate determination by the

Department. That said, such rates for the counties of Cook, DuPage, Kane, Lake, McHenry, and Will, as of the effective date of this Consent Decree, are the following:

	Base	Fore-man	OT M-F	OT Sa	OT Su	OT Hol	H/W	Pen	Vac	Trng	Other Ins
TSW I	38.50	40.10	1.5	1.5	2.0	2.0	8.90	8.90	0.00	0.90	0.00
TSW II	39.50	41.10	1.5	1.5	2.0	2.0	8.90	8.90	0.00	0.90	0.00

8. The rate determinations shall apply effective upon publication by the Department, no later than May 1, 2022, through the next subsequent rate determination by the Department. Subsequent rate determination periods shall be subject to Section 4(a) and Section 9 rate ascertainment and determinations.
9. The determinations set forth in this Consent Decree shall be implemented and enforced by the Department effective upon entry of the Order approving this Consent Decree.
10. The Decision and Order disposing of this proceeding shall have the same force and effect as an Order made after a full hearing.
11. The parties waive:
 - a. Further procedural steps before the Administrative Law Judge; and
 - b. Any right to challenge or contest the validity of this Consent Decree or the Decision and Order entered in accordance herewith.

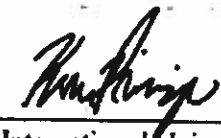
Dated: April 1, 2022.

s/Yolanda Carrillo

Illinois Department of Labor



AC Pavement Striping Company; Marking Specialists Corporation; and Maintenance Coatings Company



International Union of Operating Engineers, Local 150

Date: 4/5/22



John A. O'Neera, Administrative Law Judge
Illinois Department of Labor

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 Karen Lewis, a non-attorney, affirm, certify or on oath state, that I served notice of the attached final Decision or Order upon all parties to this case, or their agents appointed to receive service of process, by enclosing a copy of the Consent Decree Case No. **2022-H-RP08-2333 and 2022-H-RP08-2335** and a copy of the Certificate of Service to each party or party's agent at their respective email address shown on the final Decision or Order or on the Certificate of Service, having caused each to be served by email on **April 5, 2022**, prior to 4:30 p.m.

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/s/ Karen Lewis
Karen Lewis, Office Specialist
Illinois Department of Labor