

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

IN THE MATTER OF: )  
)  
CATHY JONES AND SCOTT JONES, )  
)  
PETITIONER(S), )  
)  
v. ) STATE FILE NO. 2018-H-PK07-1914  
)  
JOSEPH BEYER, DIRECTOR OF THE )  
ILLINOIS DEPARTMENT OF LABOR and )  
the ILLINOIS DEPARTMENT OF LABOR, )  
)  
RESPONDENT. )  
)

ORDER

**THIS MATTER COMING** on to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01-12 and Notice of Hearing issued thereunder; and, Prehearing Conference pursuant to 56 Illinois Administrative Code 120.400 (a) (1-6), all parties having been duly advised in the premises, the undersigned issues this order;

**FINDINGS:**

Petitioner represented that, due to the Illinois Department of Labor's alleged failure to post 2016 prevailing wage rates in July 2016 as required by statute, four consolidated causes of action were instituted in the Circuit Court of Cook County. The judge presiding issued an order requiring the Department to post 2016 prevailing wage rates by 5:00 p.m. no later than May 26, 2017. According to the parties, IDOL posted the rates on its website on May 26, 2017 but provided in that posting that the rates became effective June 5, 2017.

Petitioner motioned to stay this matter pending the outcome of a Rule to Show Cause filed against the Illinois Department of Labor in this unnamed matter. The Rule to Show Cause is being heard by the Circuit Court on August 24, 2017. Petitioner argues that the Circuit Court of Cook County is adjudicating the same issues brought herein. Petitioner further moved to stay the outcome pending the outcome of any appellate court proceedings. Respondent holds the same position as Petitioner.

The parties have no objection to consolidating this matter with 2018-H-PK07-1915 should that matter proceed forward.

**IT IS HEREBY ORDERED:**

1. Respondents' Motion to Extend Answer Date is entered and continued.
2. Petitioners' attorney(s) shall file an appearance by **August 30, 2017**.
3. All parties and the undersigned have agreed to accept service via email.
4. If not withdrawn by **August 30, 2017**, this matter will be consolidated with **2018-H-PK07-1915**.
5. Petitioner shall file on or before **August 30, 2017** a position statement as to which counties are encompassed in its Request for Hearing. Respondents shall file a position statement in response on or before **September 6, 2017**.

6. Respondents shall provide to all parties and the undersigned any and all appropriate orders and pleadings involving the unnamed Circuit Court matter, including but not limited to the Complaint, the Court's final order regarding the complaint, the Rule to Show Cause, and the status/order as to the outcome of the Rule to Show Cause. Respondents shall further provide any orders staying this matter before the Illinois Department of Labor. Respondents are placed under a continuing duty to provide the undersigned with necessary documents/status as it should change.
7. The Motion to Stay this matter is entered and continued until such time as the undersigned has the opportunity to review the appropriate pleadings and rule.
8. A telephonic status conference is scheduled for **September 12, 2017 at 11:30 a.m.** The undersigned will initiate the conference call. The same phone numbers previously provided will be utilized.

DATE: 8/23/17

*/s/ Claudia D. Manley*  
Claudia D. Manley  
Chief Administrative Law Judge

Claudia D. Manley  
Chief Administrative Law Judge  
Illinois Department of Labor  
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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 Claudia Manley an attorney, affirm, certify or on oath state, that I served notice of the attached Order upon all parties to this case, or their agents appointed to receive service of process, by enclosing a copy of the Order in Case No. 2018-H-PK-07-1914 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 Order or on the Certificate of Service, having caused each envelope to be served by U.S. mail with postage prepaid at 100 W. Randolph Street, Chicago, Illinois on the 23<sup>rd</sup> day of August, 2017 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/

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/s/ Claudia D. Manley