

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

IN THE MATTER OF: )  
)  
BERNIE JIRICEK, as a Member of Local 126 )  
of the INTERNATIONAL ASSOCIATION OF )  
MACHINISTS and AEROSPACE WORKERS, )  
and LOCAL 126 OF THE INTERNATIONAL )  
ASSOCIATION OF MACHINISTS AND )  
AEROSPACE WORKERS, )  
)  
)  
PETITIONER(S), ) STATE FILE NO. 2018-H-AS09-1992  
)  
v. ) DATE OF NOTICE: 9/27/2017  
)  
)  
JOSEPH BEYER, ACTING DIRECTOR OF THE ) CERT. MAIL/RETURN RECEIPT:  
ILLINOIS DEPARTMENT OF LABOR, and )  
THE ILLINOIS DEPARTMENT OF LABOR, ) 7017 1450 0000 6514 7570  
)  
)  
RESPONDENTS. )  
)  
)

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that Joseph Beyer, Acting Director of the Illinois Department of Labor, and the Illinois Department of Labor [hereinafter, "Respondents"] have received from Bernie Jiricek, as a Member of Local 126 of the International Association of Machinists and Aerospace Workers, and Local 126 of the International Association of Machinists and Aerospace Workers [hereinafter, "Petitioner(s)"] written objections to the prevailing wage determinations posted by the Department on its website on August 15, 2017, effective September 1, 2017, 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:** OCTOBER 18, 2017  
**TIME:** 11:00 A.M.  
**PLACE:** ILLINOIS DEPARTMENT OF LABOR  
160 NORTH LASALLE STREET, SUITE C-1300  
CHICAGO, ILLINOIS 60601

**ADMINISTRATIVE LAW JUDGE:**

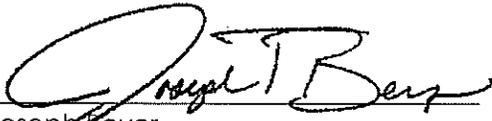
CLAUDIA D. MANLEY  
CHIEF ADMINISTRATIVE LAW JUDGE  
ILLINOIS DEPARTMENT OF LABOR  
160 NORTH LASALLE STREET, SUITE C-1300  
CHICAGO, ILLINOIS 60601

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.

A handwritten signature in black ink, appearing to read "Joseph Beyer". The signature is written in a cursive style with a large initial "J" and "B".

Joseph Beyer  
Acting Director of Labor

2018-11-1509-1992

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

IN THE MATTER OF: )  
)  
BERNIE JIRICEK, as a Member of Local 126 )  
of the International Association of Machinists and )  
Aerospace Workers, and LOCAL 126 OF THE )  
INTERNATIONAL ASSOCIATION OF )  
MACHINISTS AND AEROSPACE WORKERS, )  
)  
Objectors, )  
)  
v. )  
)  
JOE BEYER, Director of Labor, and the )  
ILLINOIS DEPARTMENT OF )  
LABOR, )  
)  
)  
Respondents. )

RECEIVED

SEP 07 2017

Illinois Department of Labor  
CHICAGO OFFICE

**NOTICE OF OBJECTION AND REQUEST FOR SECTION 9 HEARING**

Objectors, BERNIE JIRICEK, as a Member of Local 126 of the International Association of Machinists and Aerospace Workers (“Jiricek”), and LOCAL 126 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS (“Local 126”) (collectively, Jiricek and Local 126 referred to as “Objectors”), by and through their undersigned counsel, hereby object to the Illinois Department of Labor’s (“Department”) August 15, 2017 Prevailing Wage Schedule and request a hearing thereon pursuant to Section 9 of the Prevailing Wage Act, 820 ILCS 130/9 (“Section 9”). In support of their objection and request for hearing, the Objectors state as follows:

1. On August 15, 2017, Joe Beyer, as Director of Labor, and the Illinois Department of Labor published on the Department’s official web site a Prevailing Wage Schedule (the

“August Prevailing Wage Schedule”) setting forth the prevailing rate of wages for work performed on or after September 1, 2017 on public works projects in each County within the State of Illinois.

2. Pursuant to Section 9, at any time within thirty (30) days after the Department has published on its official web site a prevailing wage schedule, any person affected thereby may object in writing to the determination or such part thereof as they deem objectionable.

3. Jiricek is a Member of the International Association of Machinists and Aerospace Workers (the “International”) and its constituent, Local 126.

4. The International is a national labor organization consisting of members of local machinist and aerospace worker labor organizations.

5. Local 126 is a local machinist and aerospace worker labor organization and affiliate of the International.

6. Local 126 is the representative of individuals who are employed and capable of being employed to perform work falling under the classification of Machinist on public works projects throughout the Illinois Counties of: Boone, Bureau, Cook, DeKalb, DuPage, Ford, Grundy, Iroquois, Kane, Kankakee, Kendall, Lake, LaSalle, Lee, Livingston, Marshall, McHenry, Ogle, Putnam, Stephenson, Will, Winnebago, and Woodford (the “Covered Counties”).

7. Jiricek is employed and capable of being employed to perform work as a Machinist on public works projects in the Covered Counties.

8. Jiricek is affected by the August Prevailing Wage Schedule to the extent that the August Prevailing Wage Schedule applies to public works projects that involve the performance of work falling under the classification of Machinist in the Covered Counties.

9. In June, pursuant to Section 9, as amended by HB3044, the Department is required to investigate and ascertain the prevailing wage rates throughout the State.

10. Section 9 does not specify for what period of time the Department must ascertain the prevailing rate of wages when it conducts its June investigation, and further, Section 9 explicitly authorizes the Department to publish prevailing wage rates more than once per year.

11. On August 15, 2017, the Department published the August Prevailing Wage Schedule.

12. The August Prevailing Wage Schedule sets the following wage rates for the performance of work under the classification of Machinist on public works projects in the Illinois Counties indicated:

o Boone

- Base Wage: \$45.35
- Foreman Wage: \$47.85
- H/W: \$7.26
- Pension: \$8.95
- Vacation: \$1.85
- Training: \$0.00

o Bureau

- Base Wage: \$45.35
- Foreman Wage: \$47.85
- H/W: \$7.26
- Pension: \$8.95
- Vacation: \$1.85
- Training: \$0.00

o Cook

- Base Wage: \$46.35
- Foreman Wage: \$48.85
- H/W: \$7.05
- Pension: \$8.95
- Vacation: \$1.85
- Training: \$1.32

○ DeKalb

- Base Wage: \$45.35
- Foreman Wage: \$47.85
- H/W: \$7.26
- Pension: \$8.95
- Vacation: \$1.85
- Training: \$0.00

○ DuPage

- Base Wage: \$45.35
- Foreman Wage: \$47.85
- H/W: \$7.26
- Pension: \$8.95
- Vacation: \$1.85
- Training: \$0.00

○ Ford

- Base Wage: \$45.35
- Foreman Wage: \$47.85
- H/W: \$7.26
- Pension: \$8.95
- Vacation: \$1.85
- Training: \$0.00

○ Grundy

- Base Wage: \$45.35
- Foreman Wage: \$47.85
- H/W: \$7.26
- Pension: \$8.95
- Vacation: \$1.85
- Training: \$0.00

○ Iroquois

- Base Wage: \$45.35
- Foreman Wage: \$47.85
- H/W: \$7.26
- Pension: \$8.95
- Vacation: \$1.85
- Training: \$0.00

○ Kane

- Base Wage: \$45.35
- Foreman Wage: \$47.85
- H/W: \$7.26
- Pension: \$8.95
- Vacation: \$1.85
- Training: \$0.00

○ Kankakee

- Base Wage: \$45.35
- Foreman Wage: \$47.85
- H/W: \$7.26
- Pension: \$8.95
- Vacation: \$1.85
- Training: \$0.00

○ Kendall

- Base Wage: \$45.35
- Foreman Wage: \$47.85
- H/W: \$7.26
- Pension: \$8.95
- Vacation: \$1.85
- Training: \$0.00

○ Lake

- Base Wage: \$45.35
- Foreman Wage: \$47.85
- H/W: \$7.26
- Pension: \$8.95
- Vacation: \$1.85
- Training: \$0.00

○ La Salle

- Base Wage: \$45.35
- Foreman Wage: \$47.85
- H/W: \$7.26
- Pension: \$8.95
- Vacation: \$1.85
- Training: \$0.00

○ Lee

- Base Wage: \$45.35
- Foreman Wage: \$47.85
- H/W: \$7.26
- Pension: \$8.95
- Vacation: \$1.85
- Training: \$0.00

○ Livingston

- Base Wage: \$45.35
- Foreman Wage: \$47.85
- H/W: \$7.26
- Pension: \$8.95
- Vacation: \$1.85
- Training: \$0.00

○ Marshall

- Base Wage: \$45.35
- Foreman Wage: \$47.85
- H/W: \$7.26
- Pension: \$8.95
- Vacation: \$1.85
- Training: \$0.00

○ McHenry

- Base Wage: \$45.35
- Foreman Wage: \$47.85
- H/W: \$7.26
- Pension: \$8.95
- Vacation: \$1.85
- Training: \$0.00

○ Ogle

- Base Wage: \$45.35
- Foreman Wage: \$47.85
- H/W: \$7.26
- Pension: \$8.95
- Vacation: \$1.85
- Training: \$0.00

○ Putnam

- Base Wage: \$45.35

- Foreman Wage: \$47.85
  - H/W: \$7.26
  - Pension: \$8.95
  - Vacation: \$1.85
  - Training: \$0.00
- Stephenson
    - Base Wage: \$45.35
    - Foreman Wage: \$47.85
    - H/W: \$7.26
    - Pension: \$8.95
    - Vacation: \$1.85
    - Training: \$0.00
- Will
    - Base Wage: \$45.35
    - Foreman Wage: \$47.85
    - H/W: \$7.26
    - Pension: \$8.95
    - Vacation: \$1.85
    - Training: \$0.00
- Winnebago
    - Base Wage: \$45.35
    - Foreman Wage: \$47.85
    - H/W: \$7.26
    - Pension: \$8.95
    - Vacation: \$1.85
    - Training: \$0.00
- Woodford
    - Base Wage: \$45.35
    - Foreman Wage: \$ 47.85
    - H/W: \$7.26
    - Pension: \$8.95
    - Vacation: \$1.85
    - Training: \$0.00

13. Pursuant to the August Prevailing Wage Schedule, the rates set forth under Paragraph 12 did not go into effect September 1, 2017.

14. Therefore, when the Department undertook the function of investigating and ascertaining the prevailing wage rates in June, the Department undertook the function of investigating and ascertaining the wage rates that would generally prevail in the Covered Counties as of September 1, 2017.

15. Effective July 1, 2017 and continuing through June 30, 2018, the rate of wages to be paid to all Members of Local 126 for the performance of work under the classification of Machinist on public works projects in the Covered Counties is:

- Base Wage: \$47.56
- Foreman Wage: \$50.06
- H/W: \$7.05
- Pension: \$8.95
- Vacation: \$1.85
- Training: \$1.47

16. Therefore, as of September 1, 2017, the prevailing wage rate applicable to the performance of work under the classification of Machinist on public works projects in the Covered Counties is the rate set forth under Paragraph 15 above.

17. For this reason, the Objectors request that the August Prevailing Wage Schedule is corrected to reflect that the prevailing wage rate applicable to the performance of work under the classification of Machinist on public works projects in the Covered Counties beginning on September 1, 2017 is the rate set forth under Paragraph 15 above.

18. Further, pursuant to Section 9, as amended by HB3044, "Nothing prohibits the Department from publishing prevailing wage rates more than once per year."

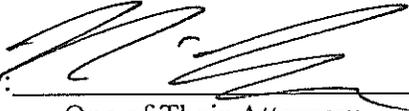
19. Therefore, in the event the August Prevailing Wage Schedule is not corrected to reflect the rate set forth in Paragraph 15 above, the Objectors respectfully request, in the alternative, that the rate set forth in Paragraph 15 is published on the Department's official web

site as the prevailing rate of wages applicable to the performance of work under the classification of Machinist on public works projects in the Covered Counties on or after October 1, 2017.

WHEREFORE, Objectors, BERNIE JIRICEK, as a Member of Local 126 of the International Association of Machinists and Aerospace Workers, and Local 126 of the International Association of Machinists and Aerospace Workers, respectfully submit their objection to the August Prevailing Wage Schedule and request a hearing on the prevailing rate of wages applicable to the performance of work under the classification of Machinist on public works projects in the Covered Counties.

Respectfully submitted,

BERNIE JIRICEK, as a Member of Local 126 of the International Association of Machinists and Aerospace Workers, and LOCAL 126 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS

By: 

One of Their Attorneys

Edward M. Hogan  
Matthew J. Cleveland  
Nicholas Hudalla  
Hogan Marren Babbo & Rose, Ltd.  
321 N. Clark Street, Suite 1301  
Chicago, IL 60654  
Phone: (312) 946-1800

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

IN THE MATTER OF: )  
)  
BERNIE JIRICEK, as a Member of Local 126 )  
of the International Association of Machinists and )  
Aerospace Workers, and LOCAL 126 OF THE )  
INTERNATIONAL ASSOCIATION OF )  
MACHINISTS AND AEROSPACE WORKERS, )  
)  
Objectors, )  
)  
v. )  
)  
JOE BEYER, Director of Labor, and the )  
ILLINOIS DEPARTMENT OF )  
LABOR, )  
)  
)  
Respondents. )

RECEIVED

SEP 07 2017

Illinois Department of Labor  
CHICAGO OFFICE

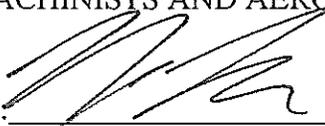
NOTICE OF FILING

To: See attached Service List.

**PLEASE TAKE NOTICE** that on September 7, 2017, I caused to be filed with the Illinois Department of Labor, Conciliation and Mediation Division, 160 N. LaSalle St., Ste. C-1300, Chicago, Illinois, the Appearance and Notice of Objection and Request for Section 9 Hearing on behalf of the Objectors, BERNIE JIRICEK, as a Member of Local 126 of the International Association of Machinists and Aerospace Workers, and LOCAL 126 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, copies of which accompany this notice and are hereby served upon you.

Respectfully submitted,

BERNIE JIRICEK, as a Member of Local 126 of  
the International Association of Machinists and  
Aerospace Workers, and LOCAL 126 OF THE  
INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS

By: 

One of Their Attorneys

Edward M. Hogan  
Matthew J. Cleveland  
Nicholas Hudalla  
Hogan Marren Babbo & Rose, Ltd.  
321 N. Clark Street, Suite 1301  
Chicago, IL 60654  
Phone: (312) 946-1800

**CERTIFICATE OF SERVICE**

I, Nicholas M. Hudalla, hereby certify that on this 7th day of September, 2017, I served the attached Appearance and Notice of Objection and Request for Section 9 Hearing upon the following individuals and/or entities at their respective addresses via hand-delivery:

Joseph Beyer  
Director  
Illinois Department of Labor  
Conciliation/Mediation Division  
160 North LaSalle Street, Suite C-1300  
Chicago, Illinois 60606

Illinois Department of Labor  
Conciliation/Mediation Division  
160 North LaSalle Street, Suite C-1300  
Chicago, Illinois 60606



---

Nicholas M. Hudalla

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I Ann Harrison, 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. 2018-H-AS09-1992 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 27 day of September, 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/](http://www.state.il.us/agency/idol/)

Bernie Jiricek and Int'l Assoc.  
of Machinists  
c/o Edward Hogan  
Hogan, Marren, Babbo & Rose Ltd.  
321 N. Clark St., Ste. 1301  
Chicago, IL 60654  
[emh@hmb.com](mailto:emh@hmb.com)

Via messenger:

Joseph Beyer  
Director  
Illinois Department of Labor  
160 N. LaSalle St., Ste. C-1300  
Chicago, IL 60601

Benno Weisberg  
Illinois Department of Labor  
General Counsel  
160 N. LaSalle St., Ste. C-1300  
Chicago, IL 60601

*Ann Harrison*