

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

IN THE MATTER OF:)
)
DAN O'CONNELL, as a member of the)
CHICAGO REGIONAL COUNCIL OF)
CARPENTERS,)
)
PETITIONER(S),) STATE FILE NO. 2018-H-PK07-1915
)
v.)
)
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 there under; and, pursuant to Respondent's Motion to Continue and for a Pre-Hearing Conference and 56 Illinois Administrative Code 120.400 (a) (1-6) all parties having been duly advised on the premises issues this order;

FINDINGS:

The Illinois Prevailing Wage Act provides with respect to a Section 9 hearing, in pertinent part:

Such hearing by a public body shall be held within 45 days after the objection is filed, and shall not be postponed or reset for a later date except upon the *consent, in writing, of all the objectors and the public body* (emphasis added).

820 ILCS 130/9.

Given the accelerated time frame anticipated in the statute, Respondent's Motion pleading conflicts on the date and time of the hearing is perfectly understandable. However, the Motion does not evidence that the Petitioners' have consented to the hearing being postponed as provided by statute. Therefore, the undersigned is without authority to grant the hearing continuance/postponement.

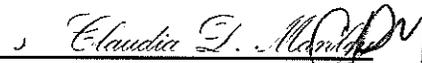
IT IS HEREBY ORDERED:

1. The Motion is granted in part and denied in part. The hearing will not be continued unless all parties consent to do so in writing in compliance with 820 ILCS 130/9. The parties may do so prior to the pre-hearing conference. This matter

is scheduled for a telephonic pre-hearing conference on **July 28, 2017 at 12:00 p.m.** Petitioner will be contacted at 312.251.9700. Respondent will be contacted at 217.544.8491. Should this be the incorrect phone number the parties are to correct the contact number via email at DOL.hearings@illinois.gov sent to the attention of the undersigned on or before July 27, 2017. The undersigned will initiate the conference call.

2. The pre-hearing conference shall be held to simplify the issues, determine necessity or desirability of amendment to documents for purposes of clarification, simplification or limitation, determine stipulations, admission of fact and of contents and authenticity of the documents, limit the number of witnesses, determine propriety of the prior mutual exchange among the parties who have prepared testimony or exhibits, discuss intervention and decide other matters as may tend to expedite the disposition of the proceedings and to assure a just conclusion thereof.

DATE: 7/25/17



Claudia D. Manley
Chief Administrative Law Judge

Claudia D. Manley
Chief Administrative Law Judge
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601
V: 312-793-1805
DOL.hearings@illinois.gov

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 final Order in Case No. 2018-H-PK-07-1915 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 25th day of July, 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