

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

IN THE MATTER OF:)
)
PATRICK GLEASON, a member of LOCAL 26,)
INTERNATIONAL BROTHERHOOD OF)
TEAMSTERS LOCAL 26, and the TEAMSTERS)
DOWNSSTATE ILLINOIS CONSTRUCTION)
INDUSTRY NEGOTIATING COMMITTEE on)
behalf of INTERNATIONAL BROTHERHOOD OF)
TEAMSTERS, LOCALS 26, 50, 371, 525, 627, 722)
and 916,)
)
PETITIONER(S),)
)
v.)
)
JOSEPH BEYER, ACTING DIRECTOR OF THE)
ILLINOIS DEPARTMENT OF LABOR, and)
THE ILLINOIS DEPARTMENT OF LABOR,)
)
RESPONDENTS.)

STATE FILE NO. 2018-H-AS09-1972

DATE OF NOTICE: 9/21/2017

CERT. MAIL/RETURN RECEIPT:
7017 1450 0000 6519 6047

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 Patrick Gleason, as member of Local 26, International Brotherhood of Teamsters Local 26, and the Teamsters Downstate Illinois Construction Industry Negotiating Committee on behalf of International Brotherhood of Teamsters, Locals 26, 50, 371, 525, 627, 722, and 916. [hereinafter, "Petitioner(s)"] written objections to the prevailing wage determinations posted by the Department on its website on August 15, 2017, rates 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 25, 2017
TIME: 10:00 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

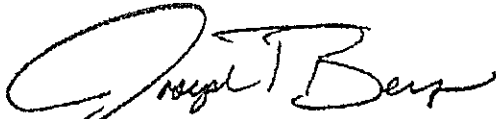
**CHIEF ADMINISTRATIVE LAW JUDGE
ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601**

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", written over a horizontal line.

Joseph Beyer
Acting Director of Labor

2018-H-AS09-1972

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

IN THE MATTER OF:

PATRICK GLEASON, a member of Local 26,)
International Brotherhood of Teamsters Local 26,)
and the Teamsters Downstate Illinois Construction)
Industry Negotiating Committee on behalf of)
International Brotherhood of Teamsters, Locals 26, 50,)
371, 525, 627, 722, and 916,)
)
Petitioners,)
)
and,)
)
JOE BEYER, Acting Director of the Illinois Department)
of Labor and the Illinois Department of Labor)
)
Respondents)

RECEIVED
SEP 14 2017
Illinois Department of Labor
CHICAGO OFFICE

WRITTEN OBJECTIONS AND REQUEST FOR SECTION 9 HEARING

Now comes Robert Cervone, as attorney for Patrick Gleason, a member of Local 26, International Brotherhood of Teamsters Local 26, and the Teamsters Downstate Illinois Construction Industry Negotiating Committee on behalf of International Brotherhood of Teamsters, Locals 26, 50, 371, 525, 627, 722, and 916, (collectively, "Petitioners"), and submits these written objections to the prevailing wage schedule and certain rates published on the Illinois Department of Labor's ("IDOL") official website to be effective September 1, 2017 as the prevailing wage rates, as well as the deletion and or omission by the IDOL of established classifications from the published prevailing rate schedule.

EXHIBIT A

The objections are based on the fact that the rates and/or classifications published by the IDOL, as described below, do not reflect the current prevailing wage rates or current established classifications for purpose of the Illinois Prevailing Wage Act (the “Act”).

Petitioners’ members perform the work in the affected classifications on public works as defined in the Act and are, therefore, affected by the prevailing wage rates established by the IDOL for the affected classifications. The IDOL has historically used the work performed by and wages paid to Petitioners’ members in the affected classifications when working on public works jobs to establishing the prevailing wage rates on public works in Illinois in the affected classification and in the affected counties.

The prevailing wage rates published by the IDOL to be effective September 1, 2017 do not reflect the current prevailing wage rates or current established classifications in the following counties for the following reasons:

1. Alexander County

The IDOL’s published rates omit the following classifications and rates:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 4	\$29.89	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 5	\$30.68	\$32.12	\$12.16	\$6.10	\$.25

2. Bond County

The IDOL’s published rates omit the following classifications and rates and should contain the following classifications and rates:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 5	\$30.68	\$32.12	\$12.16	\$6.10	\$.25

3. Clay County

The IDOL's published rates omit the following classifications and rates:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 1	\$29.01	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 2	\$29.42	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 3	\$29.64	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 4	\$29.89	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 5	\$30.68	\$32.12	\$12.16	\$6.10	\$.25

4. DeWitt County

The IDOL's published rates for Truck Driver O&C Classes 1-5 and Foreman Rates are applicable in the North region of DeWitt County, but the IDOL's publication indicates that they are applicable to "ALL."

5. Douglas County

The IDOL's published rates omit the following classifications and rates:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	All	\$34.65	\$38.54	\$12.16	\$7.50	\$.25
Truck Driver	All	\$35.17	\$38.54	\$12.16	\$7.50	\$.25
Truck Driver	All	\$35.43	\$38.54	\$12.16	\$7.50	\$.25
Truck Driver	All	\$35.77	\$38.54	\$12.16	\$7.50	\$.25
Truck Driver	All	\$36.73	\$38.54	\$12.16	\$7.50	\$.25

6. Franklin County

The IDOL's published rates omit the following classifications and rates:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 4	\$29.89	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 5	\$30.68	\$32.12	\$12.16	\$6.10	\$.25

7. Ford County

The IDOL's published rates omit the following classifications and rates for the South region of Ford County:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 1	\$29.01	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 2	\$29.42	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 3	\$29.64	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 4	\$29.89	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 5	\$30.68	\$32.12	\$12.16	\$6.10	\$.25

8. Gallatin County

The IDOL's published rates omit the following classifications and rates:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 4	\$29.89	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 5	\$30.68	\$32.12	\$12.16	\$6.10	\$.25

9. Hamilton County

The IDOL's published rates omit the following classifications and rates:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 4	\$29.89	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 5	\$30.68	\$32.12	\$12.16	\$6.10	\$.25

10. Hardin County

The IDOL's published rates omit the following classifications and rates:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 4	\$29.89	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 5	\$30.68	\$32.12	\$12.16	\$6.10	\$.25

11. Iroquois County

The IDOL's published rates omit the following classifications and rates for the Southeast region of Iroquois County:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 1	\$29.01	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 2	\$29.42	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 3	\$29.64	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 4	\$29.89	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 5	\$30.68	\$32.12	\$12.16	\$6.10	\$.25

12. Jackson County

The IDOL's published rates omit the following classifications and rates:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 4	\$29.89	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 5	\$30.68	\$32.12	\$12.16	\$6.10	\$.25

13. Livingston County

The IDOL's published rates omit the following classifications and rates:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 1	\$28.92	\$32.03	\$12.16	\$5.89	\$.25
Truck Driver	O&C 2	\$29.34	\$32.03	\$12.16	\$5.89	\$.25
Truck Driver	O&C 3	\$29.53	\$32.03	\$12.16	\$5.89	\$.25
Truck Driver	O&C 4	\$29.80	\$32.03	\$12.16	\$5.89	\$.25
Truck Driver	O&C 5	\$30.58	\$32.03	\$12.16	\$5.89	\$.25

14. Massac County

The IDOL's published rates omit the following classifications and rates:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 4	\$29.89	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 5	\$30.68	\$32.12	\$12.16	\$6.10	\$.25

15. McLean County

The IDOL's published rates omit the following classifications and rates for the South region of McLean County:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 1	\$29.01	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 2	\$29.42	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 3	\$29.64	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 4	\$29.89	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 5	\$30.68	\$32.12	\$12.16	\$6.10	\$.25

16. Morgan County

The IDOL's published rate for Truck Driver O&C Class 4 for should be \$29.89.

17. Perry County

The IDOL's published rates omit the following classifications and rates:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 4	\$29.89	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 5	\$30.68	\$32.12	\$12.16	\$6.10	\$.25

18. Pope County

The IDOL's published rates omit the following classifications and rates:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 4	\$29.89	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 5	\$30.68	\$32.12	\$12.16	\$6.10	\$.25

19. Pulaski County

The IDOL's published rates omit the following classifications and rates:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 4	\$29.89	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 5	\$30.68	\$32.12	\$12.16	\$6.10	\$.25

20. Saline County

The IDOL's published rates omit the following classifications and rates:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 4	\$29.89	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 5	\$30.68	\$32.12	\$12.16	\$6.10	\$.25

21. Union County

The IDOL's published rates omit the following classifications and rates:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 4	\$29.89	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 5	\$30.68	\$32.12	\$12.16	\$6.10	\$.25

22. Wayne County

The IDOL's published rates omit the following classifications and rates:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 1	\$29.01	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 2	\$29.42	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 3	\$29.64	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 4	\$29.89	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 5	\$30.68	\$32.12	\$12.16	\$6.10	\$.25

23. White County

The IDOL's published rates omit the following classifications and rates:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 1	\$29.01	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 2	\$29.42	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 3	\$29.64	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 4	\$29.89	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 5	\$30.68	\$32.12	\$12.16	\$6.10	\$.25

24. Williamson County

The IDOL's published rates omit the following classifications and rates:

<u>Trade Title</u>	<u>Type/Class</u>	<u>Base Wage</u>	<u>Foreman</u>	<u>H&W</u>	<u>Pen.</u>	<u>Training</u>
Truck Driver	O&C 4	\$29.89	\$32.12	\$12.16	\$6.10	\$.25
Truck Driver	O&C 5	\$30.68	\$32.12	\$12.16	\$6.10	\$.25

Based upon these written objections, Petitioners' request an investigatory hearing be held in accordance with Sections 4 and Section 9 of the Illinois Prevailing Wage Act, 820 ILCS 130/4, 9, to establish the correct the prevailing wages rates, correct the deletion of established classifications, to reestablish the classifications and to correct errors in the setting of the prevailing wage rates for the affected classifications in the identified Counties.

Respectfully submitted



Robert S. Cervone

Dated September 14, 2014

Robert S. Cervone
Ronald M. Willis
DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH
8 S. Michigan Avenue, 19th Floor
Chicago, IL 60613
312-372-1361
312-372-6599 (Fax)
rcervone@laboradvocates.com
rwillis@laboradvocates.com

CERTIFICATE OF SERVICE

I, Robert Cervone, an attorney, hereby certify that I caused a copy of WRITTEN OBJECTIONS AND REQUEST FOR SECTION 9 HEARING filed by Patrick Gleason, a member of Local 26 of the International Brotherhood of Teamsters to be served on September 14, 2014 to the below listed at their respective addresses via Personal Delivery:

Joe Beyer, Acting Director
Illinois Department of Labor
160 N. La Salle Street, Ste. C-1300
Chicago, IL 60601

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

And by UPS mail to:

Joe Beyer, Acting Director
Illinois Department of Labor
900 South Spring Street
Springfield, IL 62704



Robert Cervone

Robert S. Cervone
Ronald M. Willis
DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH
8 S. Michigan Avenue, 19th Floor
Chicago, IL 60613
312-372-1361
312-372-6599 (Fax)
RWillis@laboradvocates.com

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I _____, 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-AS09-1972 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 21 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/

PATRICK GLEASON/IBOT #26
c/o Robert S. Cervone /Ron Willis
Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich
8 S. Michigan Ave. 19th Fl
Chicago, IL 60613
RWillis@laboradvocates.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

Jan Harrison

Subscribed and Sworn to this 21 day of September 2017

Rosemary Echeverry-Vazquez
Notary Public

