

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

IN THE MATTER OF:)
)
MIDWEST WALL AND CEILING)
CONTRACTORS, NFP; AND J.P. PHILLIPS, INC.)
)
PETITIONER(S),) STATE FILE NO. 2019-H-PK09-2317
)
v.)
)
JOSEPH BEYER, DIRECTOR OF THE)
ILLINOIS DEPARTMENT OF LABOR, and)
THE ILLINOIS DEPARTMENT OF LABOR,)
)
RESPONDENTS.)

THIS MATTER COMING on to be heard under the Prevailing Wage Act ("Act" or "PWA"), 820 ILCS 130/0.01-12 and Notice of Hearing and Recommended Agreed Order; and, 56 Illinois Administrative Code 120.100-670 all parties having been duly advised in the premises issues this order;

The Illinois Prevailing Wage Act, 820 ILCS 130/9 provides the:

[D]epartment of Labor, must rule upon the written objection and make such final determination as it believes the evidence warrants, and promptly file a certified copy of its final determination with such public body, and serve a copy by personal service or registered mail on all parties to the proceedings. The final determination by the Department of Labor or a public body shall be rendered within 30 days after the conclusion of the hearing.

Pursuant to 56 Ill. Adm. Code 120.100 and 56 Ill. Adm. Code 120.650 (a) and (b):

a. When the Director is required by law to be the sole, personal acting officer, the ALJ shall, in lieu of decision and order under Section 120.640, make recommendations by way of proposal for decision. The recommendations shall be made upon consideration of the record as a whole or portion of the record as may be supported by competent, material and substantial evidence.

b. The ALJ shall forward a copy of his or her proposed findings of fact, opinions and recommendations to each party of record and each party of record shall be allowed 10 days in which to submit exceptions to the findings, opinions and recommendations of the ALJ and to present a brief in support of those exceptions. In the event no timely or proper exceptions are filed, all objections and exceptions to the ALJ's recommendation shall be deemed waived for all purposes. The Director shall review the record and issue a final Decision and Order.

IT IS HEREBY ORDERED:

1. The Act does not provide authority to the Administrative Law Judge to render the final decision under 820 ILCS 130/9. The agreed order provides this matter be *dismissed with prejudice* and has been signed accordingly.
2. The matter is referred to the Director of Labor for Final Decision and Order.

DATE: 11/8/18

/s/ Claudia D. Manley

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

IN THE MATTER OF:)	
)	
MIDWEST WALL AND CEILING)	
CONTRACTORS, NFP; and J.P. PHILLIPS,)	DOL File No.: 2019-H-PK08-2317
INC.,)	
)	Administrative Law Judge
Petitioners,)	Claudia Manley
)	
v.)	
)	
JOE BEYER, DIRECTOR OF LABOR and the)	
ILLINOIS DEPARTMENT OF LABOR,)	
)	
Respondents.)	
)	

RECOMMENDED AGREED ORDER

This matter having come before the Illinois Department of Labor as a result of a settlement reached between Petitioners, Midwest Wall and Ceiling Contractors, NFP; and J.P. Phillips, Inc. (collectively, “Petitioners”) and Respondents, Joseph Beyer and Illinois Department of Labor (“Department”) (collectively, “Respondents”) concerning the above-captioned action, and the Illinois Department of Labor having been fully advised in the premises, it is hereby ordered:

1. Respondents shall revise the 2018 prevailing wage rates for the classification of plasterer working in DuPage County as follows:

Hourly Wage	Foreman Hourly Wage	Overtime Type	Monday through Friday OT Rate	Saturday OT Rate	Sunday OT Rate	Holiday or OT Rate	Health Insurance Hourly Fringe	Pension / Retirement Hourly Fringe	Vacation Hourly Fringe	Training Hourly Fringe	Other Hourly Fringe
43.25	45.85	After 8 hours in a day	1.50	1.50	2.00	2.00	14.25	16.69	0.00	1.35	0

These revised rates shall remain in effect for the entire duration of the 2018 rate cycle and may be changed by Respondents only in connection with their recalculation process to determine the 2019 prevailing wage rates or as otherwise required pursuant to Section 9 of the Illinois Prevailing Wage Act (820 ILCS 130/9). Respondents shall make the revised rates effective and publish them on the Department’s website on or before November 5, 2018. Any active public works project on which prevailing wages have been or will be paid shall abide by the revised rates for hours worked on and after November 5, 2018.

2. Respondents shall revise the 2018 prevailing wage rates for the classification of plasterer working in Will County as follows:


Hourly Wage	Foreman Hourly Wage	Overtime Type	Monday through Friday OT Rate	Saturday OT Rate	Sunday OT Rate	Holiday or OT Rate	Health Insurance Hourly Fringe	Pension / Retirement Hourly Fringe	Vacation Hourly Fringe	Training Hourly Fringe	Other Hourly Fringe
43.25	45.85	After 8 hours in a day	1.50	1.50	2.00	2.00	14.25	16.69	0.00	1.35	0

These revised rates shall remain in effect for the entire duration of the 2018 rate cycle and may be changed by Respondents only in connection with their recalculation process to determine the 2019 prevailing wage rates. Respondents shall make the revised rates effective and publish them on the Department's website on or before October 29, 2018. Any active public works project on which prevailing wages have been or will be paid shall abide by the revised rates for hours worked on and after October 30, 2018.

3. Petitioners withdraw their challenge to the overtime rates as set forth in their Petition (¶¶ 19-21). Said overtime rates will not be changed by DOL.
4. Petitioners' Petition filed on September 14, 2018, is hereby dismissed with prejudice.

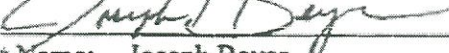
On behalf of:

**Midwest Wall and Ceiling Contractors, NFP; and
J.P. Phillips, Inc.**

By: 
 Print Name: Randolph E. Ruff
 Print Title: Attorney-in-Fact
 Date: 10/30/18

On behalf of:

**Joseph Beyer; and
Illinois Department of Labor**

By: 
 Print Name: Joseph Beyer
 Print Title: Director of Labor
 Date: 10/30/18

ENTERED:

 11-8-18
 Judge Judge's No.

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I C.Y. Jackson, a non-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 Notice of Hearing in Case No. 2019-H-PK08-2317 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 to be served via email from 100 W. Randolph Street, Chicago, Illinois on the 8th day of November, 2018 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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Jonathan Mraunac
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Respondent Attorney:

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/s/ C. Y. Jackson

C.Y. Jackson, Office Specialist