

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

IN THE MATTER OF: )

WILLIAM HABEL, as member of the INT'L. )  
BROTHERHOOD OF ELECTRICAL WORKERS, )  
LOCAL 701, )

PETITIONER(S), )

v. )

JOSEPH BEYER, DIRECTOR OF THE )  
ILLINOIS DEPARTMENT OF LABOR, and )  
THE ILLINOIS DEPARTMENT OF LABOR, )

RESPONDENTS. )

STATE FILE NO. 2019-H-PK09-2246

DATE OF NOTICE: September 28, 2018

CERT. MAIL/RETURN RECEIPT:

7017 2620 0001 0467 5624

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that Joseph Beyer, Director of the Illinois Department of Labor, and the Illinois Department of Labor [hereinafter, "Respondents"] have received from William Habel, as member of the International Brotherhood of Electrical Workers, Local 701 [hereinafter, "Petitioner(s)"] written objections to the prevailing wage determinations posted by the Department on its website on August 15, 2018, 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 9, 2018  
**TIME:** 1:00 P.M.  
**PLACE:** ILLINOIS DEPARTMENT OF LABOR  
160 NORTH LASALLE STREET, SUITE C-1300  
CHICAGO, ILLINOIS 60601

**ADMINISTRATIVE LAW JUDGE:**

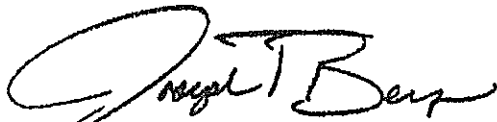
**CLAUDIA MANLEY**  
**ADMINISTRATIVE LAW JUDGE**  
**ILLINOIS DEPARTMENT OF LABOR**  
**160 NORTH LASALLE STREET, SUITE C-1300**  
**CHICAGO, ILLINOIS 60601**

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  
Director of Labor

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

IN THE MATTER OF: )  
)  
WILLIAM HABEL, as a member of the )  
INTERNATIONAL BROTHERHOOD OF )  
ELECTRICAL WORKERS LOCAL 701 )  
)  
Petitioners, )  
)  
)  
v. )  
)  
JOSEPH BEYER, DIRECTOR OF )  
THE ILLINOIS DEPARTMENT OF )  
LABOR and the ILLINOIS )  
DEPARTMENT OF LABOR, )  
)  
Respondents. )

**RECEIVED**

SEP 06 2018

Illinois Department of Labor  
CHICAGO OFFICE

**EXHIBIT A**

**IBEW LOCAL 701**  
**OBJECTION AND REQUEST FOR SECTION 9 HEARING**

Petitioner, WILLIAM HABEL, as a member of INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 701 (known collectively as the "IBEW Local 701"), by and through their attorney, JOHN J. TOOMEY, of the law firm of ARNOLD AND KADJAN, LLP, seek to formally object to the Prevailing Wage determination published by the Illinois Department of Labor ("Department") on its website on August 15, 2018, as required by Illinois HB 3044 signed into law on June 16, 2017, and request a hearing on these objections pursuant to Section 9 of the Illinois Prevailing Wage Act (820 ILCS § 130/9) for the classifications of (1) Communications Technician and (2) Electrician for DuPage County. In support, IBEW Local 701 state further:

1. WILLIAM HABEL ("Habel") is a member of the International Brotherhood of Electrical Workers and its constituent, IBEW Local 701.
2. The IBEW is a national labor organization consisting of the members of Local Electrical and Communications Unions.
3. IBEW Local 701 is a local labor organization and an affiliate of the IBEW which represents electrical and communication workers including the classifications of Communications Technician, Communication Systems Tech and Communication Electrician and Electrician in DuPage County, Illinois.
4. Section 9 of the Illinois Prevailing Wage Act states: "The Department of Labor shall during the month of June of each calendar year, investigate and ascertain the prevailing rate of wages for each county in the State." 820 ILCS § 130/9.
5. Historically, and as part of the Section 9 Wage determination process, IBEW Local 701 submitted Prevailing Wage Certification Forms to the Department in June, 2018 electronically and in an abundance of caution on paper forms as done in 2017, which reflected the identical information as the electronic submission. These materials listed the wage rates and fringe benefits paid to the following Prevailing Wage Classifications: Communications Technician, Communication Systems Tech and Communication Electrician and Electrician in DuPage County, Illinois.
6. Historically, the Department abided by its statutory obligation to ascertain the prevailing rates in the month of June, and would then post the Prevailing Wage rates for each established classification consistent with the materials provided by IBEW Local 701 described above August 15 of each year effective back to the first date of June of the submission year as amended by HB 3044.

7. In 2018 IBEW Local 701 obtained Prevailing Wage Certification Forms from the Department's official website and submitted the appropriate forms on June 21, 2018 for Communications Technician, Communication Systems Tech and Communication Electrician and Electrician electronically as required by the Department of Labor with the collective bargaining agreements effective June 4, 2018 through June 3, 2019 and also on paper.

8. On August 15, 2018, the Department posted on its website the 2018 prevailing wage determinations to be effective September 1, 2018 for the Communications Technician, Communication Systems Tech and Communication Electrician and Electrician classifications for DuPage County, Illinois.

9. The Department historically has published the prevailing wage rates with an effective date of June 1 of that corresponding year. However, that effective date has been changed to September 1, 2018 by statute.

10. The information provided by IBEW Local 701 for the 2018 prevailing wage rates for Communications Technician, Communication Systems Tech and Communication Electrician and Electrician are applicable to the time period of June 4, 2018 through June 3, 2019 and are in effect on September 1, 2018.

11. The Department's August 15 published DuPage County rates for **Communications Technician, Communication Systems Tech and Communication Electrician** are correct except the Pension figure should be \$20.39, not \$19.38 as certified. The Department's certified rate adds an additional category of "**Other Fringes**" at \$1.57 per hour which was never submitted by IBEW Local 701 and it should be removed.

12. The Department's August 15 published DuPage Cook County rates Electrician are correct except the Pension figure should be \$23.00, not \$21.78 as certified. The published rate omitted any rate for foreman, it should be \$44.50 as submitted rather than blank.

13. The Department's published rate will result in the loss of wages for IBEW Local 701 members as certain collective bargaining agreements between IBEW Local 701 and various employers provide that IBEW Local 701 members will be paid for the period according to the submitted wage and benefit package which is a higher rate than certified by the Department to be effective September 1, 2018.

15. The rates as submitted to the Department of Labor by IBEW Local 701 compared to the certified rate as listed below for DuPage County for **Communication Technicians, Communication Systems Tech and Communication Electrician** are:

DuPage	Base Wage	Foreman Wage	MFOT	OSA	OSH	H/W	Pension	Vacation	Training	Total
Certified	\$33.82	\$36.62	1.5	1.5	2	\$12.35	\$19.38	\$1.89	\$.68	\$68.12
Submitted	\$33.82	\$36.62	1.5	1.5	2	\$12.35	\$20.39	\$1.89	\$.68	\$69.13
						Difference	-\$1.01		Difference	-\$1.01

16. The rates as submitted to the Department of Labor by IBEW Local 701 compared to the certified rate as listed below for DuPage County for **Electrician** are:

DuPage	Base Wage	Foreman Wage	MFOT	OSA	OSH	H/W	Pension	Vacation	Training	Total
Certified	\$40.50	\$0	1.5	1.5	2	\$12.35	\$21.78	\$5.25	\$.75	\$80.63
Submitted	\$40.50	\$44.50	1.5	1.5	2	\$12.35	\$23.00	\$5.25	\$.75	\$81.85
	Difference	-\$44.50				Difference	-\$1.22		Difference	-\$1.22

WHEREFORE, for the reasons set forth above the Petitioner, WILLIAM HABEL, as a member of the INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 701, objects to the Prevailing Wage determination posted on the Department's official website on August 15, 2018 and respectfully request a hearing on these objections pursuant to 820 ILCS §

130/9 as these are the rates in effect since June 4, 2018 and are the rates effective on September 1, 2018 as certified for DuPage County, Illinois.

As a remedy, Petitioner seeks that the certified prevailing rates published August 15, 2018 for:

1. Communications Technician, Communication Systems Tech and Communication Electrician Pension figure be corrected to \$20.39 and the additional \$1.57 for Other Fringes be removed.
2. Electrician Pension figure be corrected to \$23.00 and the foreman rate be certified as \$44.50.

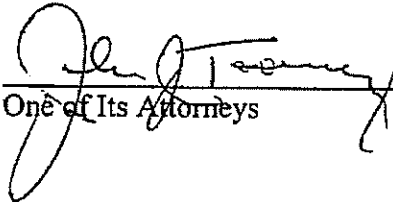
WHEREFORE, Petitioner, WILLIAM HABEL, as a member of the INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 701, prays the Illinois Department of Labor August 15, 2018 Prevailing Rate certifications be corrected.

September 6, 2018

Respectfully submitted,

WILLIAM HABEL, as a member of the  
INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS LOCAL 701,

By:

  
One of Its Attorneys

John J. Toomey  
ARNOLD AND KADJAN, LLP  
35 E. Wacker Drive, Suite 600  
Chicago, Illinois 60601  
(312) 236-0415

**CERTIFICATE OF SERVICE**

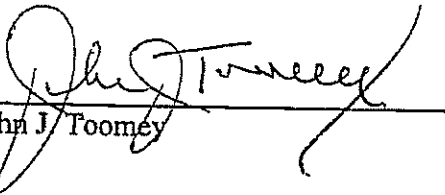
The Undersigned certifies that he caused copies of the foregoing Notice of Filing and Objections and Request for Section 9 Hearing to be served upon the following persons, via hand delivery, this 6th day of September, 2018.

Joseph Beyer  
Director of the Illinois Department of Labor  
160 N. LaSalle Street, Suite C-1300  
Chicago, Illinois 60601

Illinois Department of Labor  
c/o Joseph Beyer, Director  
160 N. LaSalle Street, Suite C-1300  
Chicago, Illinois 60601

and to the following by First Class U.S. Mail, postage prepaid to:

Illinois Department of Labor  
900 S. Spring Street  
Springfield, Illinois 62704

  
\_\_\_\_\_  
John J. Toomey

**RECEIVED**

SEP 06 2018

Illinois Department of Labor  
CHICAGO OFFICE



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

IN THE MATTER OF: )  
)  
WILLIAM HABEL, as a member of the )  
INTERNATIONAL BROTHERHOOD OF )  
ELECTRICAL WORKERS LOCAL 701 )  
)  
                    Petitioners, )  
)  
                    v. )  
)  
JOSEPH BEYER, DIRECTOR OF )  
THE ILLINOIS DEPARTMENT OF )  
LABOR and the ILLINOIS )  
DEPARTMENT OF LABOR, )  
)  
                    Respondents. )

RECEIVED

SEP 06 2018

Illinois Department of Labor  
CHICAGO OFFICE

NOTICE OF FILING

To: Joseph Beyer  
Director of the Illinois Department of Labor  
160 N. LaSalle Street, Suite C-1300  
Chicago, Illinois 60601

Illinois Department of Labor  
c/o Joseph Beyer, Director  
160 N. LaSalle Street, Suite C-1300  
Chicago, Illinois 60601

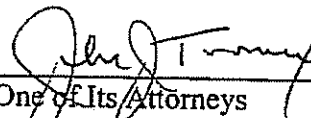
Illinois Department of Labor  
900 S. Spring Street  
Springfield, Illinois 62704

PLEASE TAKE NOTICE that on this 6th day of September, 2018, the undersigned filed the attached Objections and Request for Section 9 Hearing, a copy of which is herewith served upon you.

Respectfully submitted,

WILLIAM HABEL, as a member of the  
INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS LOCAL 701,

By:

  
\_\_\_\_\_  
One of Its Attorneys

John J. Toomey  
ARNOLD AND KADJAN, LLP  
35 E. Wacker Drive, Suite 600  
Chicago, Illinois 60601  
(312) 236-0415

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I C.V. Jackson, 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. 2019-H-PK09-2246 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 28<sup>th</sup> day of September, 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/

Wm. Habel/ IBEW, Local 701  
c/o John Toomey, Esq.  
Arnold & Kadjan LLP  
35 E. Wacker Dr., Ste. 600  
Chicago, IL 60601  
jtoomey100@hotmail.com

Via messenger:

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

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

C.V. Jackson

Subscribed and Sworn to this 26<sup>th</sup> day of Sept, 2018

Laura Kotelman  
Notary Public

