

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

IN THE MATTER OF:	)	
	)	
INTERNATIONAL UNION OF OPERATING	)	
ENGINEERS, LOCAL 318,	)	
	)	
PETITIONER(S),	)	STATE FILE NO. 2019-H-PK09-2247
	)	
v.	)	DATE OF NOTICE: <u>September 28, 2018</u>
	)	
JOSEPH BEYER, DIRECTOR OF THE	)	CERT. MAIL/RETURN RECEIPT:
ILLINOIS DEPARTMENT OF LABOR, and	)	
THE ILLINOIS DEPARTMENT OF LABOR,	)	<u>7017 2620 0001 0467 5631</u>
	)	
RESPONDENTS.	)	_____
	)	

**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 the International Union of Operating Engineers, Local #318 [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:**

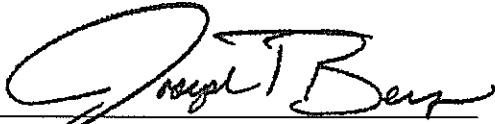
**CLAUDIA MANLEY**  
**ADMINISTRATIVE LAW JUDGE**  
**ILLINOIS DEPARTMENT OF LABOR**  
**160 NORTH LASALLE STREET, SUITE C-1300**  
**CHICAGO, ILLINOIS 60601**

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 T. 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, ILLINOIS 606011

IN THE MATTER OF:

INTERNATIONAL UNION OF OPERATING )  
ENGINEERS, LOCAL #318, )

Petitioner, )

v. )

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

Respondent. )

STATE FILE NO. 2019-H-PK09-2247

**EXHIBIT A**

**OBJECTIONS AND REQUEST FOR SECTION 9 HEARING**

Petitioner, International Union of Operating Engineers Local 318 (“Local 318”), by and through its attorney, Matthew J. Gierse, of the law firm of Hartnett Gladney Hetterman, LLC, seeks to formally object to the Prevailing Wage determination published by the Illinois Department of Labor (“the Department”) on its website on August 15, 2018, and requests a hearing on these objections pursuant to Section 9 of the Illinois Prevailing Wage Act (820 ILCS § 130/9). In support, Local 318 states as follows:

1. Local 318 is a labor organization which has and does bargain on behalf of and represents operating engineer workers in a total of 14 Illinois Counties, 8 of these counties include: Franklin, Jackson, Johnson, Pope, Saline, Union, White, and Williamson (collectively these 8 counties are hereafter referred to as “the Objected to Counties”).

2. Local 318 members perform the work mentioned in all three Operating Engineer classifications in the “All” category (which covers Building, Heavy and Highway Construction)

in the Objected to Counties, and are therefore affected by the prevailing wage rate schedule established by the Department.

3. Because the vast majority of workers performing this work in these Operating Engineer classifications have historically been covered by Local 318's collective bargaining agreements with contractors in the Objected to Counties, these collective bargaining agreements have historically set the prevailing rate for all of the Operating Engineer classifications in the Objected to Counties.

4. As of April 1, 2018, Operating Engineers who perform Class 1 work in the "All" Category and who are covered by collective bargaining agreements that Local 318 has with contractors in the Objected to Counties receive \$35.15 an hour in wages, with a total benefit package of \$25.25 an hour (\$10.10/Welfare, \$11.00/Pension, \$4.15/Apprenticeship & Training), and with a holiday overtime multiplier rate of 2.0. The Foreman performing this work in this classification receives \$36.15 an hour in wages with the same aforementioned benefit package totaling \$25.25 an hour.

5. In the Prevailing Wage schedules that the Department published on August 15, 2018, for Franklin, Jackson, Johnson, Saline, Union, White, and Williamson Counties the Department entered no Foreman Wage rate for the Operating Engineer Class 1 classification in the "All" Category.

6. In the Prevailing Wage schedules that the Department published on August 15, 2018, for Pope County the Department has set for the Operating Engineer Class 1 classification in the "All" category a wage rate of \$35.00 with a total benefit package of \$24.10 an hour (\$9.60/Welfare, \$10.75/Pension, \$3.75/Apprenticeship & Training), with a holiday overtime

multiplier rate of only 1.5. Additionally, in Pope County for the Operating Engineer Class 1 classification in the “All” category the Department set the Foreman wage rate at only \$36.00.

7. Therefore, because Local 318 has and does establish the prevailing rate of wages and benefits for workers who perform work in the Operating Engineer Class 1 classification in the “All” category, the wage rates and benefit packages set by the Department for this classification in the Objected to Counties is grossly below the prevailing wage rate set by Local 318 in its collective bargaining agreements.

8. In summary, Local 318 seeks the following:

- A. The Operating Engineer Class 1 Foreman classification for “All” in all the Objected to Counties should be set at a wage rate of \$36.15 an hour and with a total benefit package of \$25.25 an hour (\$10.10/Welfare, \$11.00/Pension, \$4.15/Apprenticeship & Training).
- B. The Operating Engineer Class 1 classification for “All” in Pope County should have a base wage rate of \$35.15 an hour and with a total benefit package of \$25.25 an hour (\$10.10/Welfare, \$11.00/Pension, \$4.15/Apprenticeship & Training) and with a Foreman wage rate of \$36.15. Additionally, the holiday overtime multiplier rate should be 2.0 instead of 1.5.

For the reasons set forth above, the Petitioner, International Union of Operating Engineers Local 318, objects to the Prevailing Wage determination published on the Department’s official website on August 15, 2018, and respectfully requests a hearing on these objections pursuant to 820 ILCS § 130/9.

Respectfully submitted,

INTERNATIONAL UNION OF  
OPERATING ENGINEERS LOCAL 318

By   
One of its attorneys

MATTHEW J. GIERSE, IL Bar #6307819  
Hartnett Gladney Hetterman, LLC  
4399 Laclede Avenue  
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Telephone: (314) 531-1054  
Facsimile: (314) 531-1131  
[mgierse@hghllc.net](mailto:mgierse@hghllc.net)

**CERTIFICATE OF SERVICE**

THE UNDERSIGNED hereby certifies that a copy of the foregoing was served via U.S.

Mail, expedited delivery, on September 7, 2018, to the following:

Illinois Department of Labor  
c/o Joe Beyer, Director  
160 N. LaSalle St., Ste. C-1300  
Chicago, IL 60601

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

and to the following by certified mail:

Mr. Joe Beyer  
Director of the Department of Labor  
Illinois Department of Labor  
900 S. Spring Street  
Springfield, IL 62704

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



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-PK09-2247 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/

IUOE, Local 318  
c/o Matthew Gierse, Esq.  
Hartnett Gladney Hetterman LLC  
4399 Laclede Ave.  
St. Louis, MO 63108  
mgierse@hghllc.net

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

