

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

IN THE MATTER OF:	)	
	)	
WILLIAM COMSTOCK, as member of SHEET	)	
METAL WORKERS LOCAL UNION NO. 1 and	)	
in his capacity as Business Manager of SHEET)	)	
METAL WORKERS LOCAL UNION NO. 1,	)	
GEORGE ANDRAE, an individual, and SHEET	)	
METAL WORKERS LOCAL NO 1, A LABOR	)	
ORGANIZATION,	)	
	)	STATE FILE NO. 2019-H-PK09-2266
PETITIONER(S),	)	
	)	
v.	)	DATE OF NOTICE: <u>10/11/2018</u>
	)	
JOSEPH BEYER, DIRECTOR OF THE	)	CERT. MAIL/RETURN RECEIPT:
ILLINOIS DEPARTMENT OF LABOR, and	)	<u>7017 2620 0001 0467 5822</u>
THE ILLINOIS DEPARTMENT OF LABOR,	)	
	)	
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 ERIC Meirhaeghe, as member of Sheet Metal Workers Local Union No. 91 and in his capacity as Business Manager of Sheet Metal Workers Local Union No. 91, [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 24, 2018  
**TIME:** 1:00 P.M.  
**PLACE:** ILLINOIS DEPARTMENT OF LABOR  
160 NORTH LASALLE STREET, SUITE C-1300  
CHICAGO, ILLINOIS 60601

**ADMINISTRATIVE LAW JUDGE:**

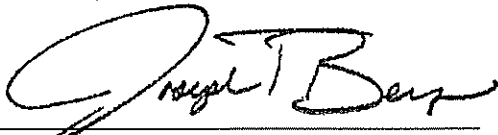
CLAUDIA MANLEY  
CHIEF ADMINISTRATIVE LAW JUDGE  
ILLINOIS DEPARTMENT OF LABOR  
160 NORTH LASALLE STREET, SUITE C-1300  
CHICAGO, ILLINOIS 60601

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 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 STREET, SUITE C1300  
CHICAGO, ILLINOIS 60601

IN THE MATTER OF: )  
)  
WILLIAM COMSTOCK, a member of )  
SHEET METAL WORKERS LOCAL UNION )  
No. 1 and in his capacity as Business )  
Manager of SHEET METAL WORKERS LOCAL )  
UNION NO. 1, GEORGE ANDRAE, an individual, )  
and SHEET METAL WORKERS LOCAL No. 1, )  
a LABOR ORGANIZATION )  
)  
PETITIONERS, )  
)  
v. )  
)  
JOSEPH BEYER, Director of the )  
ILLINOIS DEPARTMENT OF LABOR )  
and The ILLINOIS DEPARTMENT )  
OF LABOR. )  
)  
RESPONDENT. )

**EXHIBIT A**

State File No.

2019-H-PR09-2266

OBJECTION AND REQUEST FOR SECTION 9 HEARING

Petitioners, William Comstock, George Andrae and Sheet Metal Local Union No. 1, by and through their attorneys, Harvey & Stuckel, Chtd., object to the prevailing wage determination published by the Illinois Department of Labor on or about August 15, 2018, and request a hearing on those objections pursuant to Section 4 and Section 9 of the Illinois Prevailing Wage Act. 820 ILCS 130/4 and 130/9. In support of their objections, Petitioners state:

1. William Comstock is a member of Sheet Metal Workers Local Union

No. 1 and is the duly elected Business Manager of Local 1. He is a person affected by the wage determination in his individual capacity and as a representative of Sheet Metal workers in the State of Illinois.

2. Sheet Metal Workers Local Union No. 1 is a constituent subordinate body of Sheet Metal, Air, Rail, and Transportation Union, a labor organization representing individuals in the sheet metal trade, including those within the boundaries of Local No. 1 which represents sheet metal workers in Bureau, Fulton, LaSalle, Marshall, McLean, Peoria, Putnam,, Stark, Tazewell and Woodford counties in Illinois.

3. George Andrae is a member of Sheet Metal Workers Local No. 1 and a person who is employed as a Sheet Metal worker by one or more employers who perform work on public works projects.

4. Section 9 of the Illinois Prevailing Wage Act requires the Department of Labor to investigate and ascertain the prevailing rate of wages for each county in the State of Illinois during the month of June each calender year. 820 ILCS 130/9.

5. The Department of Labor conducted a survey which requested, but did not obligate, employers who performed work on public works projects in the State of Illinois to submit a statement of actual wages and benefits paid from June 1, 2017, through May 31, 2018. Employers were not requested to submit current evidence of wages paid or wages paid in June 2018 as a part of the survey response.

6. The survey form did not require an employer to identify the public works project on which it claimed hours were worked so it was not possible to verify

that the actual project was one covered by the Illinois Prevailing Wage Act. There is no evidence based on the methodology published by the Department of Labor that it examined certified payrolls kept by each public body for whom work had been performed in 2017 and 2018.

7. The Department of Labor also requested that interested employee organizations submit evidence of wages and benefits paid to Sheet Metal workers in the form of collective bargaining agreements which were in effect on June 1, 2018, and thereafter. Labor organizations were not permitted to submit evidence of hours worked and wages and benefits actually paid on public works projects.

8. The process followed by the Department of Labor insufficiently sampled public works projects, failed to examine evidence of current wages and benefits and failed to consider the evidence of wages presented through labor organizations collective bargaining agreements, including those submitted by Sheet Metal Workers Local No. 1. The result of the Department of Labor's methodology was to inaccurately state or understate wages and benefits in violation of the Department of Labor's obligation to find the current and accurate Prevailing Wage for each county in the State of Illinois. (Exhibit 1).

9. Under its methodology the Department of Labor did not consider wage and benefit rates being paid by employers on public works projects during the month of June 2018 when it determined the prevailing wage rates to be paid for public works projects to be performed under the 2018 Wage Determination.

10. Failure to consider current rates and failure to consider the effect of

labor organization agreements in determining the prevailing wage for work to be performed during 2018 and 2019 constituted violation of the Department of Labor's statutory duty under the Illinois Prevailing Wage Act. 820 ILCS 130/1 et seq.

11. The Department of Labor has failed to use reasonable and objective findings in its determination of the general prevailing hourly rate paid on Public Works projects in the counties where work is performed by members of Sheet Metal Workers Local No. 1. The failure of the Department of Labor offends the stated intention of the Prevailing Wage Act and deprives laborers, mechanics and other workers of the economic protections contemplated by the Act.

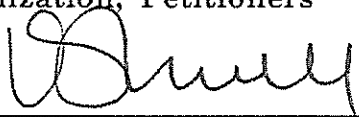
12. The effect of the Department of Labor published wages is to place employers with a Sheet Metal Workers Local No. 1 collective bargaining agreement under a competitive disadvantage when bidding on public works projects. This results in a deprivation or loss of work for Local 91 members with immediate and direct economic consequences for all Local 91 members who would otherwise be employed on public works projects and Sheet Metal Workers Local No. 91 as a labor organization.

WHEREFORE, the Petitioners request that an investigatory hearing be held in accordance with Sections 4 and 9 of the Illinois Prevailing Wage Act, 820 ILCS 130/4 and 130/9, to establish the accurate prevailing wage rates and to correct errors in the setting of the prevailing wage rates in Bureau, Fulton, LaSalle, Marshall, McLean, Peoria, Putnam,, Stark, Tazewell and Woodford Counties in the State of Illinois for the period beginning August 15, 2018, that the Department set

aside its determination published on or about August 15, 2018, and that the Department republish and enforce an accurate statement of the general prevailing hourly rate in each of the affected counties.

Respectfully Submitted,

William Comstock, as a member of Sheet Metal Local Union No. 1 and in his capacity as Business Manager of Sheet Metal Workers Local No. 1, George Andrae, an individual and Sheet Metal Workers Local No. 1, a labor organization, Petitioners

By: 

DAVID W. STUCKEL  
one of their attorneys

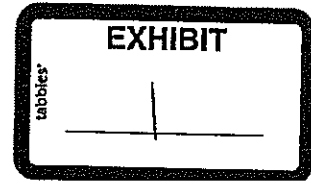
DAVID W. STUCKEL  
Harvey & Stuckel, Chtd.  
101 SW Adams Street, Suite 600  
Peoria, IL 61602  
(309) 671-4900  
[dstuckel@hslaw.us](mailto:dstuckel@hslaw.us)

2018 IDOL Published Prevailing Wage

County	Trade Title	Region	Type	Class	Base Wage	Foreman Wage	OT M-F	OT Sa	OT Su	OT Hol	H/W	Pension	Vacation	Training	Other Fringe Benefit
Bureau	SHEETMETAL WORKER	All	BLD		35.88		1.5	1.5	1.5	1.5	6.5	0	1.18	0	19.32
Fulton	SHEETMETAL WORKER	All	BLD		33.47	35.14	1.5	1.5	2	2	9.97	17.49	0	1.25	0
LaSalle	SHEETMETAL WORKER	All	BLD		35.88	37.67	1.5	1.5	2	2	9.62	18.16	0	0	1.17
Marshall	SHEETMETAL WORKER	All	BLD		36.36		1.5	1.5	2	2	9.87	18.86	0	0.86	0
McLean	SHEETMETAL WORKER	All	BLD		33.47		1.5	1.5	2	2	9.87	17.49	0	0.95	0
Peoria	SHEETMETAL WORKER	All	BLD		33.47	35.14	1.5	1.5	2	2	9.87	17.49	0	0.95	0
Putnam	SHEETMETAL WORKER	All	BLD		36.36	38.18	1.5	1.5	2	2	9.87	19.16	0	0.98	0
Stark	SHEETMETAL WORKER	All	BLD		35.88	19.58	1.5	1.5	1.5	1.5	0.79	0.18	1.21	0	24.82
Tazewell	SHEETMETAL WORKER	All	BLD		33.47	35.14	1.5	1.5	2	2	9.87	17.49	0	0.95	0
Woodford	SHEETMETAL WORKER	All	BLD		33.47		1.5	1.5	2	2	9.87	17.49	0	0.95	0

2018 Correct Prevailing Wage per Collective Bargaining Agreement

Bureau	SHEETMETAL WORKER	All	BLD		36.36	38.18	1.5	1.5	2	2	9.87	19.16	0	0.98	
Fulton	SHEETMETAL WORKER	All	BLD		33.47	35.14	1.5	1.5	2	2	9.87	17.49	0	0.95	
LaSalle	SHEETMETAL WORKER	All	BLD		36.36	38.18	1.5	1.5	2	2	9.87	19.16	0	0.98	
Marshall	SHEETMETAL WORKER	All	BLD		36.36	38.18	1.5	1.5	2	2	9.87	19.16	0	0.98	
McLean	SHEETMETAL WORKER	All	BLD		33.47	35.14	1.5	1.5	2	2	9.87	17.49	0	0.95	
Peoria	SHEETMETAL WORKER	All	BLD		33.47	35.14	1.5	1.5	2	2	9.87	17.49	0	0.95	
Putnam	SHEETMETAL WORKER	All	BLD		36.36	38.18	1.5	1.5	2	2	9.87	19.16	0	0.98	
Stark	SHEETMETAL WORKER	All	BLD		36.36	38.18	1.5	1.5	2	2	9.87	19.16	0	0.98	
Tazewell	SHEETMETAL WORKER	All	BLD		33.47	35.14	1.5	1.5	2	2	9.87	17.49	0	0.95	
Woodford	SHEETMETAL WORKER	All	BLD		33.47	35.14	1.5	1.5	2	2	9.87	17.49	0	0.95	





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 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-PK09-2266 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 1 day of October, 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/](http://www.state.il.us/agency/idol/)

Sheet Metal Workers, Local 1  
c/o David Stuckel, Esq.  
Harvey & Stuckel, Chtd.  
101 SW Adams St., Ste. 600  
Peoria, IL 61602  
<mailto:jtoomey100@hotmail.comdstuckel@hslaw.us>

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.y. Jackson

Subscribed and Sworn to this 1 day of October, 2018

[Signature]  
Notary Public

