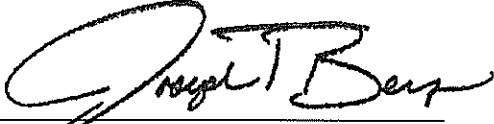


The hearing involves the written objections and hearing request filed by Petitioner(s), attached hereto and made a part hereof (Exhibit A).

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
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:)
)
INTERNATIONAL BROTHERHOOD OF)
ELECTRICAL WORKERS LOCAL 601 and)
JARRETT CLEM as member of)
INTERNATIONAL BROTHERHOOD OF)
ELECTRICAL WORKERS LOCAL 601,)
)
Petitioners,)
)
v.)
)
JOE BEYER, DIRECTOR OF)
THE ILLINOIS DEPARTMENT OF)
LABOR AND THE ILLINOIS)
DEPARTMENT OF LABOR)
)
Respondents.)

STATE FILE NO.:

2019-H-PR09-2267

OBJECTION AND REQUEST FOR SECTION 9 HEARING

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 601 and JARRETT CLEM as member of INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 601 (“Petitioners”), by and through their attorneys, Cavanagh & O’Hara LLP, seek to formally object to the prevailing wage determination published by the Illinois Department of Labor (“IDOL”) on August 15, 2018, and request a hearing on these objections pursuant to Section 9 of the Illinois Prevailing Wage Act (820 ILCS 130/9)(“IPWA”), and in support thereof states as follows:

1. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 601 is a labor organization which represents employees who work on public works projects in

various counties throughout Illinois. JARRETT CLEM is a member of INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 601.

2. Section 9 of the IPWA states: “The Department of Labor shall... investigate and ascertain the prevailing rate of wages for each county in the State.” 820 ILCS 130/9.

3. The Petitioners submitted prevailing wage survey information to the IDOL in June 2018. The material submitted to the IDOL included wage rates and fringe benefits paid to the classifications of Electrician and Electronic System Tech.

4. The regulations to the IPWA define the “prevailing hourly rate of wages” as “the hourly cash wages plus fringe benefits ... most frequently (numerically occurring), in the county in which the public works is performed, to employees engaged in public works.” 56 Ill. Adm. Code 100.22.

5. Petitioners represent workers in Illinois and have negotiated collective bargaining agreements (“CBA’s”) with various employers and/or employer organizations. The wages and fringe benefits rates in the Petitioners’ CBA’s are the most frequently numerically occurring wages and fringe benefit amounts paid to employees engaged in public works in the geographic counties covered by Petitioners. Accordingly, the Petitioners’ CBA’s have historically been considered by the IDOL during its investigation of the prevailing wage rates for the classifications of Electrician and Electronic System Tech on public projects.

6. On August 15, 2018, the IDOL published prevailing wage schedules on its website. The prevailing wage schedules contain numerous errors and omissions due to (i) errors in data/information submitted during the survey process, (ii) errors in IDOL’s investigation and review of the survey submissions and determination of the “prevailing” wage rate (that resulted in erroneously inflated and decreased wage and fringe rates), and (iii) errors related to minimizing

or, in many instances, wholly disregarding the Petitioners' submissions concerning the "prevailing" wage in the applicable geographic areas and the applicable classifications.

7. The errors related to the IDOL's minimization or disregard of the Petitioners' "prevailing" wage survey submissions stem from the systematically flawed methodology used by the IDOL. The IDOL's methodology is flawed because it did not result in the IDOL basing the posted prevailing wage rates on the most frequently numerically occurring wages and fringe benefits in each county or, if applicable, the geographic area of each county. Significantly, the end result is that many of the IDOL's posted "prevailing" wage rates are based on a *de minimis* or *insignificant* amount of reported hours rather than the most frequently occurring wages and fringe benefits paid to employees engaged in public works.

8. Petitioners have assembled a spreadsheet that identifies the known errors and omissions in the prevailing wage rates published by the IDOL on August 15, 2018. The spreadsheet is attached hereto and incorporated herein as **Exhibit A**.

9. Petitioners represent numerous individuals who perform work on public projects under the classifications defined by the IPWA and are paid at the posted prevailing wage. Therefore, the Petitioners' members are financially affected by the prevailing wage rates.

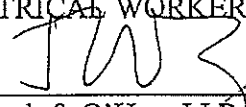
10. Therefore, Petitioners request an investigatory hearing to establish the correct prevailing wage rates for the classifications, counties, regions and types of work identified in **Exhibit A** (including but not limited to, correcting the prevailing wage rates that were published by the IDOL on August 15, 2018).

WHEREFORE, for the reasons set forth above, the Petitioners object to the prevailing wage determinations posted on the IDOL's official website on August 15, 2018, and respectfully request a hearing on these objections pursuant to 820 ILCS 130/9.

Dated: September 11, 2018

Respectfully submitted,

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL 601
and JARRETT CLAM as member of
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL 601.

By: 
Cavanagh & O'Hara LLP
John T. Long
2319 West Jefferson St.
Springfield, Illinois 62702
(217)544-1771 – Telephone
(217)544-9894 – Facsimile
johnlong@cavanagh-ohara.com

and

Additional Counsel
Cavanagh & O'Hara LLP
Jacob Blickhan
2319 West Jefferson St.
Springfield, Illinois 62702
(217)544-1771 – Telephone
(217)544-9894 – Facsimile
jacobblickhan@cavanagh-ohara.com

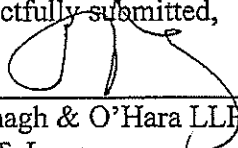
CERTIFICATE OF SERVICE

The undersigned certifies that he caused copies of the foregoing Objection and Request for Section 9 Hearing to be served on the following persons, via UPS Next Day (a private delivery service), on this 11th day of September, 2018.

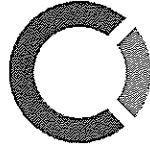
Joe Beyer
Director of the Illinois Department of Labor
160 N. LaSalle Street, Suite C-1300
Chicago, IL 60601

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

Respectfully submitted,

By: 

Cavanagh & O'Hara LLP
John T. Long
2319 West Jefferson St.
Springfield, Illinois 62702
(217)544-1771 – Telephone
(217)544-9894 – Facsimile
johnlong@cavanagh-ohara.com



Cavanagh | O'Hara LLP
ATTORNEYS AT LAW

September 11, 2018

Sent Via UPS Next Day

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

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

Re: **Objections and Request for Section 9 Hearing**

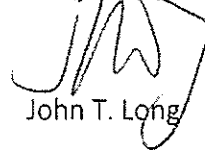
Dear Mr. Beyer,

This office represents International Brotherhood of Electrical Workers Local 601 and Jarrett Clem. Please find enclosed with this correspondence a Petition of Objections and Request for Section 9 Hearing pursuant to the Illinois Prevailing Wage Act (820 ILCS 130/9). As such, please consider the Petition enclosed hereto a written notice of objection (pursuant 820 ILCS 130/9) concerning the Illinois Department of Labor's determination of the 2018 Prevailing Wage Rates, posted August 15, 2018.

An additional copy of the Petition is also enclosed. Please returned a file-stamped or received-stamped copy to the undersigned in the self-addressed stamped envelope.

Should you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,



John T. Long

cc: **IBEW Local 601**

HARVEY & STUCKEL
ATTORNEYS AT LAW
CHARTERED
101 S.W. ADAMS STREET
SUITE 600
PEORIA, ILLINOIS 61602

OF COUNSEL
ALAN A. PRETNAR

DAVID W. STUCKEL
J. KEVIN WOLFE

R. WAYNE HARVEY
(1942-2005)

TELEPHONE (309) 671-4900
TELEFAX (309) 671-5473
www.hsllaw.us



September 11, 2018

Mr. Joseph Beyer
Director, Illinois Dept. of Labor
160 N. LaSalle St., Suite C1300
Chicago, IL 60601

RE: Sheet Metal Workers Local Union No. 1 and Sheet Metal Workers
Local Union No. 91
Our File No. 5457L

Dear Mr. Beyer:

Enclosed please find Objections and Requests for Section 9 Hearing on behalf of Sheet Metal Workers Local Union No. 1 and Sheet Metal Workers Local Union No. 91 regarding the August 15, 2018, prevailing wage determination published by the Department of Labor.

We request that a copy of the filing be returned to us with the assigned file number.

Thank you very much for your cooperation in this matter.

Very truly yours,

David W. Stuckel

DWS/hls

Enclosures

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-PK09-2267 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 28th 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/

IBEW, LOCAL 601
c/o John T. Long, Esq.
Cavanagh & O'Hara LLP
2319 W. Jefferson St.
Springfield, IL 62702
johnlong@cavanagh-ohara.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

Cy. Jackson

Subscribed and Sworn to this 26th day of Sept., 2018

Laura Kotelman
Notary Public

