

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

IN THE MATTER OF:)
)
MARTIN FLANAGAN, as MEMBER OF THE)
CONSTRUCTION AND GENERAL LABORERS')
DISTRICT COUNCIL OF CHICAGO &)
VICINITY AND THE CONSTRUCTION &)
GENERAL LABORERS' DISTRICT COUNCIL)
OF CHICAGO & VICINITY)
)
PETITIONER(S),) STATE FILE NO. 2019-H-PK09-2273
)
v.) DATE OF NOTICE: 10/1/2018
)
JOSEPH BEYER, DIRECTOR OF THE) CERT. MAIL/RETURN RECEIPT:
ILLINOIS DEPARTMENT OF LABOR, and) 7017 2620 0001 0467 6683
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 Martin Flanagan, As Member Of The Construction And General Laborers' District Council Of Chicago & Vicinity And The Construction & General Laborers' District Council Of Chicago & Vicinity, [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:

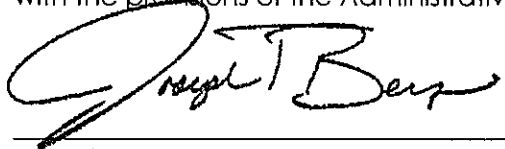
CLAUDIA MANLEY
CHIEF ADMINISTRATIVE LAW JUDGE
ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

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

From: Jon Rosenblatt <rosenblatt@grpls.com>
Sent: Friday, September 14, 2018 3:14 PM
To: DOL.Hearings
Subject: [External] Contact Info Request - Section 9 Filing

Follow Up Flag: Follow up
Flag Status: Flagged

Pursuant to my phone conversation with Blanca Hino, and in connection with my client's recent Section 9 Filing, please see my signature for all contact information (including this email address: rosenblatt@grpls.com).

If I can be of any further assistance, please let me know.

Jon

Jon Rosenblatt
G&R Public Law and Strategies
20 South Clark Street, Suite 1620
Chicago, Illinois 60603
(312) 508-5589
grpls.com

This e-mail and any attachments are confidential, may contain legal, professional or other privileged information, and are intended solely for the addressee. If you are not the intended recipient, do not use the information in this e-mail in any way, delete this e-mail and notify the sender.

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

IN THE MATTER OF:)
)
MARTIN FLANAGAN, as a member of the)
CONSTRUCTION & GENERAL LABORERS')
DISTRICT COUNCIL OF CHICAGO &)
VICINITY and the CONSTRUCTION &)
GENERAL LABORERS' DISTRICT COUNCIL)
OF CHICAGO & VICINITY,)
)
Petitioners,)
)
v.)
)
JOE BEYER, DIRECTOR OF THE ILLINOIS)
DEPARTMENT OF LABOR and the ILLINOIS)
DEPARTMENT OF LABOR,)
)
Respondents.)

STATE FILE NO. 2019-H-PK09-2273

RECEIVED

SEP 13 2018

Illinois Department of Labor
CHICAGO OFFICE

EXHIBIT A

OBJECTIONS AND REQUEST FOR SECTION 9 HEARING

Petitioners, Martin Flanagan, as a member of the Construction & General Laborers' District Council of Chicago & Vicinity, and the Construction & General Laborers' District Council of Chicago and Vicinity (collectively the "Laborers"), by undersigned counsel, submit these objections to the Prevailing Wage rate determination published by the Illinois Department of Labor ("Department") on August 15, 2018 and request a hearing pursuant to Section 9 of the Illinois Prevailing Wage Act (820 ILCS § 130/9). In support, the Laborers state as follows:

Introduction

1. Martin Flanagan ("Flanagan") is a member of the Laborers' International Union of North America ("LIUNA") and the Construction & General Laborers' District Council of Chicago & Vicinity ("LDC").

2. LIUNA is a national labor organization consisting of the members of Local Laborers' Unions.

3. The LDC is a regional labor organization and an affiliate of LIUNA, which represents Local Unions throughout the following Illinois counties: Cook, Will, DuPage, Lake, Kane, Kendall, Boone, Grundy, and McHenry. The LDC is responsible for submitting Prevailing Wage survey responses and supporting materials on behalf of LIUNA in these counties.

4. The Chicago Area Laborers-Employers Cooperation and Education Trust ("LECET") and the Laborers' District Council Labor-Management Cooperation Committee ("LMCC") are labor-management organizations formed pursuant to 29 U.S.C. §§ 401-531 and 26 U.S.C. § 501(c)(4) to improve the working relationship between LIUNA, the LDC, union members, and the construction industry by enhancing communication, identifying and expanding work opportunities, and providing LIUNA and the LDC with policy recommendations to increase competitiveness and development.

5. LECET and LMCC often work on Prevailing Wage issues on behalf of the LDC, including making inquiries and providing information to the Department.

Historical Prevailing Wage Surveys

6. 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."

7. Historically, as part of the Department's Section 9 Prevailing Wage determination process, the LDC submitted Prevailing Wage Certification Forms to the Department. These Prevailing Wage Certification Forms – which were created and supplied by the Department – listed the rates and fringe benefits to be paid pursuant to a collective bargaining agreement in

Cook, Will, DuPage, Lake, Kane, Kendall, Boone, Grundy, and McHenry counties for the following Prevailing Wage classifications: Laborer, Material Tester 1, Material Tester 2, and Asbestos Abatement – General. These forms, which also included the number of persons covered by the relevant agreement, were certified by LIUNA and each relevant contractor association.

8. Starting in or about 2016, the Department made certain modifications regarding the type of material requested during its Prevailing Wage survey, as well as the manner in which it would be accepted. Most importantly, the Department initiated an electronic Prevailing Wage survey. However, since 2016 – and throughout recent memory – the Department made no substantive changes to the methodology used to determine Prevailing Wage rates.

9. Starting in or about 2016, the LDC also began to provide the Department with additional materials and information to support its Prevailing Wage survey responses, including an “Illinois Prevailing Wage Annual Wage Submission.” Each year, this document has detailed the tens of thousands of hours that LDC members in relevant classifications and counties work on public works projects (while earning the LDC’s reported rates) during the Department’s June Prevailing Wage survey period. This document breaks down such hours and rates by worker classification, county, public works project, and contractor.

10. Historically, each year the Department abided by its statutory obligation to determine and publish Prevailing Wage rates that (given the voluminous data submitted by the LDC during each survey, which demonstrated that its reported rates clearly prevailed) were consistent with those reported by the LDC.

2018 Prevailing Wage Survey

11. Upon information and belief, in the months preceding the June 2018 Prevailing Wage survey, one or more unions enquired of the Department whether there were to be any

changes to the Prevailing Wage survey and methodology. To the Laborers' knowledge, the Department made no response to these enquiries. Nor did the Department make any public mention – on its website or anywhere else – of any changes to its methodology for determining 2018 Prevailing Wage rates.

12. On May 9, 2018, the Department notified various entities, including the LDC, that it would be conducting its annual Prevailing Wage survey in June.¹ The notification stated that the Department would provide additional instructions, but made no mention of any changes to the Department's methodology for determining Prevailing Wage rates.

13. On May 31, 2018, the Department notified various entities, including the LDC, that it would once again be conducting an internet-based Prevailing Wage survey starting on June 1, 2018, and further that it would not accept wage information in any other format. This correspondence also supplied a link for the electronic survey and noted that all survey responses would be due by June 30, 2018.

14. Unlike previous years, the Department's 2018 electronic survey did not provide a "Frequently Asked Questions" document ("FAQ") explaining the Prevailing Wage survey process for unions.

15. The Department's electronic survey and related instructions directed the unions to submit their Prevailing Wage rate information in essentially the same manner and format as 2017 and prior years. Of particular note, in addition to June 2018 wage, hour, and fringe benefit information, the survey requested that unions report the "number of workers" in a given classification and county "who performed work on" public works projects between June 1, 2017 and May 31, 2018.

¹ Given the volume of relevant materials, the Laborers do not attach all referenced and/or relevant documents. Such documents shall be provided pursuant to the requirements governing Section 9 proceedings.

16. On or about May 31, 2018, contractors also received a similar correspondence and link to the electronic survey and instructions.

17. The Department's electronic survey and related instructions directed contractors to submit their Prevailing Wage rate information in essentially the same manner and format as 2017 and prior years.

18. As with the union survey, in addition to June 2018 wage, hour, and fringe benefit information, the survey for contractors requested that they report the number of workers in a given classification and county who performed work on public works projects between June 1, 2017 and May 31, 2018.

19. Unlike the union survey, however, the Department's survey and instructions for contractors also directed contractors to report the "total hours worked by all employees" in a given classification and county on public works projects between June 1, 2017 and May 31, 2018.

20. The Department's May 31, 2018 correspondence, electronic survey links, and the related instructions made no mention of any changes to the Department's methodology for determining 2018 Prevailing Wage rates.

21. Pursuant to the Department's survey, on June 28, 2018, the LDC submitted, in the required electronic format, all of the information and material requested by the Department, including copies of Collective Bargaining Agreements (and related MOUs). As part of that Prevailing Wage survey response, the LDC also provided additional information, including the 2018 Illinois Prevailing Wage Annual Wage Submission described above, further demonstrating that the June 2018 rates it reported for the relevant classifications and counties prevailed.

22. In so doing, the LDC provided the same kind of information, in the same format, as it did in 2017 and in prior recent years, when all of the Prevailing Wage rates it reported during the Prevailing Wage survey were determined by the Department to prevail.

23. On June 28, 2018, and as part of its Prevailing Wage survey response, the LDC also sent a correspondence to the Department detailing the materials it provided pursuant to the 2018 survey and further requesting that the Department contact the LDC if it did not receive, or was unwilling to consider, them. The Department never responded to this correspondence.

24. On or about July 30, 2018, some unions received an email from the Department stating that the Department had not received that union's relevant signed collective bargaining agreement(s) and that if the union did not provide them to the Department by August 2, 2018, the Department would not consider the union's Prevailing Wage survey response. The LDC did not receive such a correspondence from the Department.

25. On August 15, 2018, the Department published its 2018 Prevailing Wage determination. As discussed below, this determination contains rates for multiple classifications and counties which do not prevail.

2018 Prevailing Wage Survey Methodology Changes

26. On August 21, 2018 – six days after the Department published its Prevailing Wage determination and 52 days after its 2018 Prevailing Wage survey ended – the Department posted a “Prevailing Wage Methodology” document (“Methodology”) on its website, which describes the Department's methodology for determining 2018 Prevailing Wage rates. Upon information and belief, this was the first time the Department made any public statement regarding its new methodology.

27. On August 22, 2018, the LDC sent a correspondence to the Department listing all of the discrepancies between the Prevailing Wage rates reported by the LDC in June 2018 and those published by the Department on August 15, 2018. Upon information and belief, many other entities, including unions, contacted the Department with similar concerns.

28. On or about August 22, 2018, the Department posted on its website a spreadsheet relating to its Methodology, which contained the responses received by the Department during its 2018 Prevailing Wage survey (“Spreadsheet”). According to the Department’s Methodology, the Spreadsheet lists: (1) all “valid” survey responses received from contractors and unions; and (2) for classifications in counties for which no “valid” contractor survey response was received, all relevant “invalid” union responses. The Spreadsheet does not indicate which party’s Prevailing Wage survey response was determined to prevail with respect to a given classification and county. Nor does it explain whether (and why) a union survey response listed on the Spreadsheet was not considered “valid” by the Department.

29. The Methodology revealed that the manner by which the Department made its 2018 Prevailing Wage determination departed dramatically from previous years without any prior notice to the public, including union survey respondents. These issues (as well as other errors evident in the Department’s published 2018 Prevailing Wage rates) are discussed below.

Survey and Methodology Infirmities

30. The Department’s Methodology reveals that its 2018 Prevailing Wage determination was primarily based upon the June 2018 rates paid by the *contractor* who reported the *most hours worked* on a public works project with respect to the relevant classification and county *over the prior year* (between June 1, 2017 and May 30, 2018).²

² The Department did not publicly note which contractor’s rate it determined to prevail in each classification and county. However, in cases where the Spreadsheet contains more than one contractor’s data for a classification and

31. In essence, in cases where *any* single contractor submitted a “valid” response which reported *any* hours on public works projects for a relevant classification and county over the previous 12 months, the Department determined that the June 2018 rates reported by the contractor prevailed. In all such instances, the June 2018 rates reported by a union for the same classification and county – regardless of the evidence submitted by the union – were never even considered by the Department.

32. This lays bare one of the major flaws of the 2018 Prevailing Wage survey. While the Department’s Prevailing Wage survey asked contractors for the “total hours worked” by relevant employees on public works projects in the previous year – the metric that essentially drove the Department’s 2018 Prevailing Wage determination – the survey did not ask unions for this information.

33. With respect to the Prevailing Wage rates subject to this objection, this meant that the June 2018 rates of a contractor who reported as little as 8 total hours of relevant work by employees on public works projects between June 1, 2017 and May 31, 2018 prevailed over the rates submitted by the LDC, all of which were supported by voluminous data.

34. Additionally, the Department’s methodology accepts such a contractor’s wage as prevailing, without even considering the number of hours, if any, actually worked by that contractor’s employees in June 2018 at that reported 2018 rate, let alone comparing that number to that of other contractors or union members.

county, one can determine which contractor’s rates were determined to prevail by identifying which of the contractors reported the most hours on public works projects in the prior year, and then confirming that the relevant 2018 Prevailing Wage rate published by the Department matches the rate reported by that contractor.

The Department's Secrecy

35. The fact that the Department never informed the public, and most importantly the unions who were submitting 2018 Prevailing Wage survey responses, that the above methodology would be used further calls the Department's 2018 Prevailing Wage survey, methodology, and determination into question.

36. Had the LDC been aware of this change in the Department's Prevailing Wage methodology, it could have provided corresponding evidence to demonstrate that there were signatory contractors (paying LDC's rates) whose employees worked more hours on public works projects for relevant classifications and counties between June 1, 2017 and May 30, 2018 than those contractors whose 2018 Prevailing Wage rates the Department determined prevailed.

37. Furthermore, if the information had been requested by the Department, the LDC could have also demonstrated that its own members in certain classifications and counties worked more such hours between June 1, 2017 and May 30, 2018 than the employees of contractors whose 2018 Prevailing Wage rates the Department determined prevailed.

38. In fact, some of the information described above was already provided to the Department in June 2017 via the LDC's 2017 Illinois Prevailing Wage Annual Wage Submission.

39. The LDC would have submitted (or re-submitted) the above information, as well as additional material, if it had been requested by the Department or if the LDC had been given any notice of the Department's dramatic changes to its 2018 Prevailing Wage methodology.

The Department's Unwillingness to Correct Errors Reported by Contractors

40. In certain cases, the Department's Prevailing Wage determination contains Prevailing Wage rates that differ from than those actually paid in June 2018 by the contractor

whose 2018 Prevailing Wage rates were determined by the Department to prevail under its 2018 Prevailing Wage methodology.

41. Following the Department's August 15, 2018 Prevailing Wage publication, the LDC reviewed the Department's Spreadsheet and learned that the rates reflected for some of the LDC's signatory contractors (whose 2018 Prevailing Wage rates were determined by the Department to prevail) contained such errors.

42. On August 24, 2018, the Department informed the LDC that any party for whom the Spreadsheet lists erroneous rates should provide corrected rates to the Department. This process for correcting erroneous rates was not generally provided to the public, via the Department's website or any other means.³

43. The LDC immediately contacted these signatory contractors and informed them of both the fact that their rates prevailed and how to correct the Spreadsheet's errors.⁴ As a result, the contractors have reported, or will soon report, the errors to the Department. However, the Department has not yet made any corrections to the Spreadsheet (and its corresponding published Prevailing Wage rates) and has given no indication of when, or even if, it plans to do so.

The Department's Erroneous Rejection of Certain LDC Survey Responses

44. The Department also refused to accept Prevailing Wage rates reported by the LDC during the 2018 survey for certain counties and classifications where no contractor had

³ In 2017, the Department's website contained a link instructing the public on how to inform the Department of the need for such technical corrections. However, that link has now been removed.

⁴ Since the Department did not inform any parties that the Department determined their rates to prevail, without the LDC, LECET, and LMCC performing the tedious work described herein, these contractors would have no idea of how crucial their corrections were to the 2018 Prevailing Wage determination process.

reported any relevant public works hours over the previous year. As a result, the relevant Prevailing Wage rates remain at the 2017 level.

45. However, pursuant to the Department's Methodology, in all such cases the rates reported in the LDC's Prevailing Wage survey responses – so long as those responses are deemed "valid" by the Department – should prevail.

46. Given the fact that in recent years the Department has accepted the same information from the LDC in the same format as submitted in 2018 – and that the Department never contacted the LDC about any issues or unreceived materials relating to the 2018 Prevailing Wage survey – it is extremely unlikely that there is anything "invalid" about the LDC's rejected survey responses.

47. Nor does the Department's rejection of these LDC submissions appear to follow any pattern. In some instances where no contractor submitted a "valid" survey response for a given classification and county, the Department deemed the Prevailing Wage rates submitted by the LDC to prevail, while in others it did not.

48. On August 28, 2018, the LDC informed the Department of this issue and requested that the Department update its published Prevailing Wage rates to reflect the rates submitted in the LDC's 2018 Prevailing Wage survey response. The LDC further requested that it be informed whether any such survey responses had been deemed "invalid" by the Department, and, if so, why. To date, the Department has not responded to these requests.

Objections

49. Incorporating the above, the Laborers' offer the following objections.⁵

- (1) In contravention of past practice, and as discussed more fully above, the Department's 2018 Prevailing Wage survey, methodology, and determination was flawed and faulty insofar as it ignored the extensive wage, hour, and fringe benefit documentation submitted to the Department in June 2018 that shows that the LDC's members and signatory contractors perform the overwhelming majority of work involving the relevant classifications on public works projects in the LDC's nine county region. The LDC's June 2018 Prevailing Wage survey response demonstrates that the rates it reported prevail in all instances.⁶ While this objection applies to the Department's entire Prevailing Wage determination posted on August 15, 2018, the Laborers presently anticipate that they will seek a hearing on this objection with respect to the following classifications: **Asbestos Abt Gen (DuPage), Asbestos Abt Gen (Grundy), and Asbestos Abt Gen (McHenry)**.
- (2) Regardless of whether the Department's 2018 Prevailing Wage methodology is deemed valid, the Department's 2018 Prevailing Wage survey and resulting determination was flawed and faulty because it gave no notice of the significant changes to the Department's methodology for determining the 2018 Prevailing Wage rates until after the 2018 Prevailing Wage survey and determination process was completed. While this objection applies to the Department's entire Prevailing Wage determination posted on August 15, 2018, the Laborers presently anticipate that they will seek a hearing on this objection with respect to the following classifications: **Asbestos Abt Gen (DuPage), Asbestos Abt Gen (Grundy), and Asbestos Abt Gen (McHenry)**.
- (3) Regardless of whether the Department's 2018 Prevailing Wage methodology and survey process is deemed valid, the Department must update its 2018 Prevailing Wage determination to encompass the corrections provided, at the Department's request, by certain signatory contractors whose rates the Department has determined prevail. This objection specifically applies to the following classifications: **Asbestos Abt Gen (Cook), Material Tester I (Cook), Material Tester II⁷ (DuPage), Laborer (Grundy), Asbestos Abt Gen (Kane), Laborer (Kendall), Laborer (Will), and Material Tester II (Will)**; and

⁵ While the Laborers object to the Department's entire Prevailing Wage survey process and methodology as it relates to any determination regarding the classifications and counties for which the Laborers provided a Prevailing Wage survey response, to simplify matters the Laborers attach hereto a spreadsheet of those classifications for which they presently anticipate they will ultimately seek a hearing. *See* Exhibit A.

⁶ The Laborers' objections are further supported by the fact that the Prevailing Wage survey responses provided by the Mid-America Regional Bargaining Association ("MARBA") support each of the LDC's June 2018 rate submissions.

⁷ The Department's August 15, 2018 Prevailing Wage determination erroneously refers to this classification as *Materials* Tester II throughout.

(4) Regardless of whether the Department's 2018 Prevailing Wage methodology and survey process is deemed valid, the Department erroneously rejected the LDC's Prevailing Wage Survey responses for certain classifications and counties in which the Department determined no contractor submitted a "valid" survey response. This objection specifically applies to the following classifications: **Material Tester I (Boone), Material Tester I (Grundy), Material Tester I (Kendall), Material Tester I (Will), Material Tester II (Boone), Material Tester II (Grundy), Material Tester II (Kane), and Material Tester II (Kendall).**

50. The Department's actions and resulting uncertainty have placed the LDC's signatory contractors at a competitive disadvantage, which further translates to economic harm and a loss of work opportunities for the LDC's contractors and members.

51. The Department's actions have violated the legal and constitutional rights of the Laborers, as well as the LDC's members and signatory contractors, including those secured under the Equal Protection and Due Process Clauses of the United States and Illinois Constitutions.

52. The Laborers request a hearing on all objections made herein.

WHEREFORE, for the reasons set forth above, Petitioners Martin Flanagan, as a member of the Construction & General Laborers' District Council of Chicago & Vicinity and the Construction & General Laborers' District Council of Chicago and Vicinity, object to the aforementioned Prevailing Wage determination published by the Department on August 15, 2018 and respectfully request a hearing on these objections pursuant to 820 ILCS § 130/9.

September 13, 2018

MARTIN FLANAGAN, as a member of the
CONSTRUCTION & GENERAL LABORERS'
DISTRICT COUNCIL OF CHICAGO &
VICINITY, and the CONSTRUCTION &
GENERAL LABORERS' DISTRICT COUNCIL
OF CHICAGO & VICINITY,

By: 
Jon Rosenblatt, Attorney for Petitioners

Jon Rosenblatt
G&R Public Law and Strategies
20 South Clark Street, Suite 1620
Chicago, Illinois 60603
(312) 508-5589

EXHIBIT A

IDOL RATES DO NOT REFLECT CONTRACTORS (PREVAILING) ACTUAL JUNE 2018 RATES

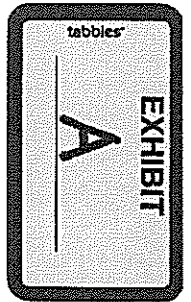
County	Trade	Organization Name	Total Hours Worked	Hourly Wage			Foreman Hourly Wage			Health Insurance Hourly Fringe			Pension / Retirement Hourly Fringe			Training Hourly Fringe		
				CORRECTED CONTRACTOR RATE	IDOL Posted	(Over) Under Posted	CORRECTED CONTRACTOR RATE	IDOL Posted	(Over) Under Posted	CORRECTED CONTRACTOR RATE	IDOL Posted	(Over) Under Posted	CORRECTED CONTRACTOR RATE	IDOL Posted	(Over) Under Posted	CORRECTED CONTRACTOR RATE	IDOL Posted	(Over) Under Posted
Cook	ASBESTOS ABT-GEN	Universal Asbestos Removal	6,602.00	42.72	42.72	-	43.72	43.72	14.90	14.90	-	12.57	12.57	-	0.72	0.68	0.04	
Cook	MATERIALS TESTER I	X Five Construction	22,622.00	37.72	37.72	-	37.72	37.72	14.90	13.77	1.13	12.57	13.70	(1.13)	0.72	0.72	-	
DuPage	MATERIALS TESTER II	K Five Construction	9,791.00	37.72	37.72	-	37.72	37.72	14.90	13.77	1.13	12.57	13.70	(1.13)	0.72	0.70	0.02	
Grundy	LABORER	D. Construction, Inc.	29,052.25	42.72	42.72	-	43.72	43.72	14.90	14.65	0.25	12.57	12.32	0.25	0.72	0.50	0.22	
Will	LABORER	D. Construction, Inc.	105,817.50	42.72	42.72	-	43.72	43.72	14.90	14.65	0.25	12.57	12.32	0.25	0.72	0.50	0.22	
Will	MATERIALS TESTER II	X Five Construction	2,448.00	37.72	37.72	-	37.72	37.72	14.90	13.77	1.13	12.57	13.70	(1.13)	0.72	0.72	-	
Kane	ASBESTOS ABT-GEN	Universal Asbestos Removal	176.00	42.72	42.72	-	43.72	43.72	13.77	14.90	(1.13)	13.70	12.57	1.13	0.72	0.68	0.04	
Kendall	LABORER	D. Construction, Inc.	54,231.70	42.72	42.72	-	43.72	43.72	13.77	13.77	-	13.70	13.20	0.50	0.72	0.50	0.22	

IDOL RATES DO NOT REFLECT LDC VALID SURVEY RESPONSE

County	Trade	Organization Name	Total Hours Worked	Hourly Wage			Foreman Hourly Wage			Health Insurance Hourly Fringe			Pension / Retirement Hourly Fringe			Training Hourly Fringe		
				LDC Rate	IDOL Posted	(Over) Under Posted	LDC Rate	IDOL Posted	(Over) Under Posted	LDC Rate	IDOL Posted	(Over) Under Posted	LDC Rate	IDOL Posted	(Over) Under Posted	LDC Rate	IDOL Posted	(Over) Under Posted
Grundy	MATERIALS TESTER I	Laborers:Local Chicago A, B	N/A	32.72	31.20	1.52	32.72	31.20	14.90	14.65	0.25	12.57	12.32	0.25	0.72	0.50	0.22	
Grundy	MATERIALS TESTER II	Laborers:Local Chicago A, B	N/A	37.72	36.20	1.52	37.72	36.20	14.90	14.65	0.25	12.57	12.32	0.25	0.72	0.50	0.22	
Will	MATERIALS TESTER I	Laborers:Local Chicago A, B	N/A	32.72	31.20	1.52	32.72	31.20	14.90	14.65	0.25	12.57	12.32	0.25	0.72	0.50	0.22	
Boone	MATERIALS TESTER I	Laborers:Local Chicago A, B	N/A	32.72	31.20	1.52	32.72	31.20	13.77	13.77	-	13.70	13.20	0.50	0.72	0.50	0.22	
Boone	MATERIALS TESTER II	Laborers:Local Chicago A, B	N/A	37.72	36.20	1.52	37.72	36.20	13.77	13.77	-	13.70	13.20	0.50	0.72	0.50	0.22	
Kane	MATERIALS TESTER II	Laborers:Local Chicago A, B	N/A	37.72	36.20	1.52	37.72	36.20	13.77	13.77	-	13.70	13.20	0.50	0.72	0.50	0.22	
Kendall	MATERIALS TESTER I	Laborers:Local Chicago A, B	N/A	32.72	31.20	1.52	32.72	31.20	13.77	13.77	-	13.70	13.20	0.50	0.72	0.50	0.22	
Kendall	MATERIALS TESTER II	Laborers:Local Chicago A, B	N/A	37.72	36.20	1.52	37.72	36.20	13.77	13.77	-	13.70	13.20	0.50	0.72	0.50	0.22	

IDOL RATES DO NOT REFLECT PREVAILING RATES AS CONTAINED IN LDC VALID SURVEY RESPONSE

County	Trade	Organization Name	Total Hours Worked	Hourly Wage			Foreman Hourly Wage			Health Insurance Hourly Fringe			Pension / Retirement Hourly Fringe			Training Hourly Fringe		
				LDC Rate	IDOL Posted	(Over) Under Posted	LDC Rate	IDOL Posted	(Over) Under Posted	LDC Rate	IDOL Posted	(Over) Under Posted	LDC Rate	IDOL Posted	(Over) Under Posted	LDC Rate	IDOL Posted	(Over) Under Posted
DuPage	ASBESTOS ABT-GEN	Gold Piece Enterprises, Inc.	64.00	42.72	41.20	1.52	43.72	43.72	14.90	13.77	1.13	12.57	13.20	(0.63)	0.72	0.50	0.22	
Grundy	ASBESTOS ABT-GER	Ideal Environmental Engineer	8.00	42.72	41.20	1.52	43.72	42.20	14.90	14.65	0.25	12.57	12.32	0.25	0.72	0.50	0.22	
McHenry	ASBESTOS ABT-GEN	Gold Piece Enterprises, Inc.	64.00	42.72	41.20	1.52	43.72	43.72	13.77	13.77	-	13.70	13.20	0.50	0.72	0.50	0.22	



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

IN THE MATTER OF:)
)
MARTIN FLANAGAN, as a member of the)
CONSTRUCTION & GENERAL LABORERS')
DISTRICT COUNCIL OF CHICAGO &)
VICINITY and the CONSTRUCTION &)
GENERAL LABORERS' DISTRICT COUNCIL)
OF CHICAGO & VICINITY,)
)
Petitioners,)
)
v.)
)
JOE BEYER, DIRECTOR OF THE ILLINOIS)
DEPARTMENT OF LABOR and the ILLINOIS)
DEPARTMENT OF LABOR,)
)
Respondents.)

STATE FILE NO. 2019-H-PK09-2273

RECEIVED

SEP 13 2018

Illinois Department of Labor
CHICAGO OFFICE

NOTICE OF FILING

TO: 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

PLEASE TAKE NOTICE that on this 13th day of September, 2018, the undersigned filed with the State of Illinois Department of Labor the attached Objections and Request for Section 9 Hearing, a copy of which is herewith served upon you.

MARTIN FLANAGAN, as a member of the
CONSTRUCTION & GENERAL LABORERS'
DISTRICT COUNCIL OF CHICAGO &
VICINITY, and the CONSTRUCTION &
GENERAL LABORERS' DISTRICT COUNCIL
OF CHICAGO & VICINITY,

By: 
Jon Rosenblatt, Attorney for Petitioners

Jon Rosenblatt
G&R Public Law and Strategies
20 South Clark Street, Suite 1620
Chicago, Illinois 60603
(312) 508-5589

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-PK09-2273 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 1st 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/

Martin Flanagan / The Construction And General Laborers'
District Council Of Chicago & Vicinity
c/o Jon Rosenblatt, Esq.
G&R Public Law and Strategies
20 South Clark Street, Suite 1620
Chicago, IL 60603
rosenblatt@grpls.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.Y. Jackson

Subscribed and Sworn to this 1 day of October, 2018

[Signature]
Notary Public

