

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

IN THE MATTER OF: )

AC Pavement Striping Company and )  
Marking Specialists Corporation, and )  
Maintenance Coatings Companies 820 )

PETITIONER(S), )

v. )

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

RESPONDENTS. )

STATE FILE NO. 2019-H-PK09-2296

DATE OF NOTICE: 10/2/2018

CERT. MAIL/RETURN RECEIPT:

7017 2620 0001 0467 5952

**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 AC Pavement Striping Company and Marking Specialists Corporation, and Maintenance Coatings Companies 820, [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, "PWA" 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 25, 2018  
**TIME:** 2:00 P.M.  
**PLACE:** ILLINOIS DEPARTMENT OF LABOR  
160 NORTH LASALLE STREET, SUITE C-1300  
CHICAGO, ILLINOIS 60601

**ADMINISTRATIVE LAW JUDGE:**

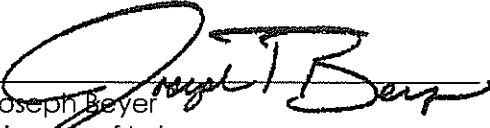
CLAUDIA MANLEY  
CHIEF ADMINISTRATIVE LAW JUDGE  
ILLINOIS DEPARTMENT OF LABOR  
160 NORTH LASALLE STREET, SUITE C-1300  
CHICAGO, ILLINOIS 60601

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.



Joseph Beyer  
Director of Labor



## EXHIBIT A

Jeffrey A. Risch  
 Direct Dial: (630) 569-0079  
 Email: [jrisch@salawus.com](mailto:jrisch@salawus.com)

September 14, 2018 2019-H-PK09-2296

Via Hand Delivery

Joe Beyer  
 Director  
 Illinois Department of Labor  
 160 N. LaSalle – 13th Floor  
 Chicago, IL 60601

Via Facsimile and Certified Mail

Tracking No. 7015173000032597150  
 Joe Beyer  
 Director  
 Illinois Department of Labor  
 900 South Spring Street  
 Springfield, IL 62704  
 Fax: (217) 782-0596

**RE: AC Pavement Striping Company's, Marking Specialists Corporation's and Maintenance Coatings Companies' 820 ILCS 130/9 Objections to the Illinois Department of Labor's August 15, 2018 Prevailing Wage Schedule and Demand for Section 9 Hearing**

Dear Director Beyer:

Our firm represents AC Pavement Striping Company (an Illinois Corporation), Marking Specialists Corporation (an Illinois Corporation) and Maintenance Coatings Companies (an Illinois Corporation) (hereinafter, individually and collectively referred to as the "Petitioner(s)"). These Illinois based businesses are members of the Traffic Safety Collective Bargaining Association ("Association"). The Association represents various contractors that perform traffic safety work on public works projects in Illinois north of I-80; specifically including the entire Counties of Cook, DuPage, Kane, Lake, McHenry and Will. The Petitioners regularly transact business and perform traffic safety work on public works projects in these counties. The Association is party to a collective bargaining agreement with a coalition of Teamsters Local Unions (Local Nos. 179, 301, 330, 673 and 731) (the "CBA"). Each Petitioner is signatory to the CBA. The underlying CBA helps establish the prevailing rate of wages and benefits for workers who perform traffic safety work on public works in the Counties of Cook, DuPage, Kane, Lake, McHenry and Will.

As it historically has done, the Department recognized the classification of Traffic Safety Worker in Cook, DuPage, Kane, Lake, McHenry and Will Counties in its August 15, 2018 Prevailing Wage Schedule and determinations because the vast majority of workers performing this work have historically been covered by collective bargaining agreements with the above-named Union Locals and Association. In particular, a majority of these workers have been directly employed by members of the Association, including, but not limited to, the Petitioners. As such, these agreements have historically set the prevailing rate for the classification of Traffic Safety Worker

Director Joe Beyer  
September 14, 2018  
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in Cook, DuPage, Kane, Lake, McHenry and Will Counties, as is the case with the current Association agreement with these Teamsters Local Unions.

This letter constitutes the Petitioners' written notice of their objections to the Illinois Department of Labor's August 15, 2018 Prevailing Wage Schedule and determinations made thereto with respect to the classification of Traffic Safety Worker. This notice is submitted and filed pursuant to 820 ILCS §§ 130/4 and 130/9.

With the foregoing in mind, the Petitioners object to the following:

Traffic Safety Workers employed by the employer-members of the Association, and particularly the Petitioners herein, perform all work associated with the installation and removal of temporary and non-temporary lane and/or related pavement or roadway markings. These workers possess a knowledge base and skill set far greater than and wholly distinct from the knowledge base and skill set possessed by any other classification of worker with regard to the installation and removal of temporary and non-temporary lane and/or related pavement or roadway markings. These workers have predominately performed this work in the Counties of Cook, DuPage, Kane, Lake, McHenry and Will under and pursuant to the prevailing collective bargaining agreement for said work (the CBA).

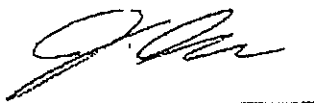
However, the Department's August 15, 2018 Prevailing Wage Schedule identified Traffic Safety Worker as:

Work associated with barricades, hoses and drums used to reduce lane usage on highway work, *the installation and removal of temporary lane markings*, and the installation and removal of temporary road signs.

This description is obviously incorrect insofar as the work performed by the Traffic Safety Worker for the Counties of Cook, DuPage, Kane, Lake, McHenry and Will encompasses all work associated with the installation of temporary *and non-temporary* (or, permanent) lane, and/or related pavement or roadway, markings.

Thank you for your attention to this matter. Please contact me if you have questions and to schedule a date for the Section 9 Administrative Hearing.

Sincerely,  
SmithAmundsen LLC



Jeffrey A. Risch

.....

**SmithAmundsen LLC**

3815 E. Main Street  
Suite A-1  
St. Charles, Illinois 60174

Phone: (630) 587-7910  
Fax: (630) 587-7960

**FACSIMILE TRANSMITTAL**

To: Illinois Department of Labor  
Attn: Director Joe Beyer

Fax: (217) 782-0596

From: Jeffrey A. Risch

Date: September 14, 2018

Re: Section 9 Objections

Pages (including cover) 3

CC:

- Urgent
- For Review
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- Please Reply
- Please Recycle

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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-PK09-2296 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 2nd 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/

AC Pavement Striping Company and  
Marking Specialists Corporation, and  
Maintenance Coatings Companies 820  
c/o Jeffrey A. Risch, Esq.  
SmithAmundsen LLC  
3815 E. Main Street, Suite A-1  
St. Charles, IL 60174  
sjrisch@salawus.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<sup>st</sup> day of Oct., 2018

Laura Kotelman  
Notary Public

