

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

IN THE MATTER OF:)
)
STEVE MAGRUDER, as MEMBER OF THE)
INTERNATIONAL BROTHERHOOD OF)
ELECTRICAL WORKERS, LOCAL 176,)
)
PETITIONER(S),)
)
v.)
)
JOSEPH BEYER, DIRECTOR OF THE)
ILLINOIS DEPARTMENT OF LABOR, and)
THE ILLINOIS DEPARTMENT OF LABOR,)
)
RESPONDENTS.)

STATE FILE NO. 2019-H-PK09-2300

DATE OF NOTICE: September 28 2018

CERT. MAIL/RETURN RECEIPT:

7017 2620 0001 01/67 6386

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 International Brotherhood of Electrical Workers, Local 176 and Steve Magruder, as member of International Brotherhood of Electrical Workers, Local 176, [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 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:

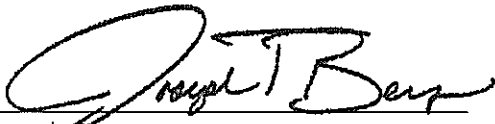
CLAUDIA MANLEY
CHIEF ADMINISTRATIVE LAW JUDGE
ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

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 Beyer", written over a horizontal line.

Joseph Beyer
Director of Labor

RECEIVED

SEP 13 2018

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

Illinois Department of Labor
CHICAGO OFFICE

IN THE MATTER OF:)
)
STEVE MAGRUDER, as a member of the)
INTERNATIONAL BROTHERHOOD OF)
ELECTRICAL WORKERS LOCAL 176)
)
Petitioners,)
)
)
v.)
)
JOSEPH BEYER, DIRECTOR OF)
THE ILLINOIS DEPARTMENT OF)
LABOR and the ILLINOIS)
DEPARTMENT OF LABOR,)
)
Respondents.)

2019-H-PR09-2300

EXHIBIT A

**IBEW LOCAL 176
OBJECTION AND REQUEST FOR SECTION 9 HEARING**

Petitioner, STEVE MAGRUDER, as a member of INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 176 (known collectively as the "IBEW Local 176"), by and through their attorney, JOHN J. TOOMEY, of the law firm of ARNOLD AND KADJAN, LLP, seek to formally object to the Prevailing Wage determination published by the Illinois Department of Labor ("Department") on its website on August 15, 2018, as required by Illinois HB 3044 signed into law on June 16, 2017, and request a hearing on these objections pursuant to Section 9 of the Illinois Prevailing Wage Act (820 ILCS § 130/9) for the classifications of (1) Communications Technician and (2) Electrician for DuPage County. In support, IBEW Local 176 state further:

1. STEVE MAGRUDER ("Magruder") is a member of the International Brotherhood of Electrical Workers and its constituent, IBEW Local 176.
2. The IBEW is a national labor organization consisting of the members of Local Electrical and Communications Unions.
3. IBEW Local 176 is a local labor organization and an affiliate of the IBEW which represents electrical and communication workers including the classifications of Communication Technician and Electrician in Bureau, Ford, Grundy, Henry, Iroquois, Kankakee, LaSalle, Putnam, Stark and Will Counties, Illinois.
4. 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." 820 ILCS § 130/9.
5. Historically, and as part of the Section 9 Wage determination process, IBEW Local 176 submitted Prevailing Wage Certification Forms to the Department on June 8, 2018 electronically and in an abundance of caution on paper forms as done in 2017, which reflected the identical information as the electronic submission. These materials listed the wage rates and fringe benefits paid to the following Prevailing Wage Classifications: Communication Technician and Electrician in Bureau, Ford, Grundy, Henry, Iroquois, Kankakee, LaSalle, Putnam, Stark and Will Counties, Illinois.
6. Historically, the Department abided by its statutory obligation to ascertain the prevailing rates in the month of June, and would then post the Prevailing Wage rates for each established classification consistent with the materials provided by IBEW Local 176 described above August 15 of each year effective back to the first date of June of the submission year as amended by HB 3044.

7. In 2018 IBEW Local 176 obtained Prevailing Wage Certification Forms from the Department's official website and submitted the appropriate forms on June 8, 2018 for Communication Technician and Electrician electronically as required by the Department of Labor with the collective bargaining agreements for the rates in effect from June 1, 2018 through May 31, 2019.

8. On August 15, 2018, the Department posted on its website the 2018 prevailing wage determinations to be effective September 1, 2018 for the Communication Technician and Electrician classifications for Bureau, Ford, Grundy, Henry, Iroquois, Kankakee, LaSalle, Putnam, Stark and Will Counties, Illinois.

9. The Department historically has published the prevailing wage rates with an effective date of June 1 of that corresponding year. However, that effective date has been changed to September 1, 2018 by statute.

10. The information provided by IBEW Local 176 for the 2018 prevailing wage rates for Communication Technician and Electrician are applicable to the time period of June 1, 2018 through May 31, 2019 and are in effect on September 1, 2018.

11. The Department's August 15 published the following rates for **Communication Technician and Electrician** in the counties listed below:

IDOL Certified															
County	Trade Title	Region	Type	Class	Wage	Wage	OT M-F	OT Sa	OT Su	OT Hol	H/W	Pension	Vacation	Training	Fringe
Bureau	ELECTRICIAN	All	BLD		40.95		1.5	1.5	2	2	15.47	17.39	3.50	1.20	0
Ford	ELECTRICIAN	N	BLD		40.95		1.5	1.5	1.5	1.5	0.00	0.00	0.00	0.00	37.56
Grundy	COMMUNICATION TECH	All	BLD		34.50		1.5	1.5	2	2	6.45	1.38	3.44	0.00	18.26
Grundy	ELECTRICIAN	All	BLD		43.50	47.42	1.5	1.5	2	2	18.97	17.44	0.00	1.20	0
Henry	ELECTRICIAN	SE	BLD		40.95		1.5	1.5	2	2	15.47	17.39	3.50	1.20	0
Iroquois	COMMUNICATION TECH	All	BLD		33.50		1.5	1.5	2	2	14.62	12.66	1.50	0.72	0
Kankakee	COMMUNICATION TECH	All	BLD		33.50		1.5	1.5	2	2	14.62	12.66	1.50	0.72	0
Kankakee	ELECTRICIAN	All	BLD		43.11	46.99	1.5	1.5	2	2	19.72	18.32	0.00	1.20	0
LaSalle	COMMUNICATION TECH	All	BLD		45.53	49.77	1.5	1.5	2	2	7.35	11.15	0.00	0.72	0
LaSalle	ELECTRICIAN	N	BLD		42.50	46.33	1.5	1.5	2	2	15.47	15.16	0.00	1.20	5.51
Putnam	COMMUNICATION TECH	All	BLD		35.00	36.50	1.5	1.5	2	2	14.92	13.41	1.50	0.72	0
Putnam	ELECTRICIAN	All	BLD		41.95	45.73	1.5	1.5	2	2	15.72	18.29	4.00	1.20	0
Will	COMMUNICATION TECH	All	BLD		34.50		1.5	1.5	2	2	14.62	12.69	1.50	0.72	0
Will	ELECTRICIAN	All	BLD		51.90	56.90	1.5	1.5	2	2	10.29	15.62	0.00	2.70	0

12. IBEW Local 176 submitted the following rates for **Communication Technician**

and **Electrician** for those counties:

Submitted by IBEW 176 June 8, 2018															
County	Trade Title	Region	Type	Class	Wage	Wage	OT M-F	OT Sa	OT Su	OT Hol	H/W	Pension	Vacation	Training	Fringe
Bureau	ELECTRICIAN	All	BLD		41.95	45.73	1.5	1.5	2	2	15.72	18.32	4.00	1.20	0.00
Ford	ELECTRICIAN	N	BLD		41.95	45.73	1.5	1.5	2	2	15.72	18.32	4.00	1.20	0.00
Grundy	COMMUNICATION TECH	All	BLD		36.00	37.50	1.5	1.5	2	2	14.92	13.41	1.50	0.72	0.00
Grundy	ELECTRICIAN	All	BLD		43.50	47.42	1.5	1.5	2	2	15.72	18.32	4.00	1.20	0.00
Henry	ELECTRICIAN	SE	BLD		41.95	45.73	1.5	1.5	2	2	15.72	18.32	4.00	1.20	0.00
Iroquois	COMMUNICATION TECH	NE	BLD		35.00	36.50	1.5	1.5	2	2	14.92	13.41	1.50	0.72	0.00
Kankakee	COMMUNICATION TECH	All	BLD		35.00	36.50	1.5	1.5	2	2	14.92	13.41	1.50	0.72	0.00
Kankakee	ELECTRICIAN	All	BLD		43.11	46.99	1.5	1.5	2	2	15.72	18.32	4.00	1.20	0.00
LaSalle	COMMUNICATION TECH	N	BLD		35.00	36.50	1.5	1.5	2	2	14.92	13.41	1.50	0.72	0.00
LaSalle	ELECTRICIAN	N	BLD		43.11	46.99	1.5	1.5	2	2	15.72	18.32	4.00	1.20	0.00
Putnam	COMMUNICATION TECH	NE	BLD		35.00	36.50	1.5	1.5	2	2	14.92	13.41	1.50	0.72	0.00
Putnam	ELECTRICIAN	NE	BLD		41.95	45.73	1.5	1.5	2	2	15.72	18.29	4.00	1.20	0.00
Will	COMMUNICATION TECH	All	BLD		36.00	37.50	1.5	1.5	2	2	14.92	13.41	1.50	0.72	0.00
Will	ELECTRICIAN	All	BLD		43.50	47.42	1.5	1.5	2	2	15.72	18.32	4.00	1.20	0.00

13. As set forth on Exhibit 1, State Certified Rates, there is no dispute with the

Department's certified rates for Bureau, Iroquois and Stark County Electrician; Ford, Henry and Stark County Communication Technician. In Putnam County the certified rates are correct for both Electrician and Communication Technician, only the Region is at issue.

14. The Department's published rate will result in the loss of wages for IBEW Local 176 members as certain collective bargaining agreements between IBEW Local 176 and various employers provide that IBEW Local 176 members will be paid for the period according to the submitted wage and benefit package which is a higher rate than certified by the Department to be effective September 1, 2018.

WHEREFORE, for the reasons set forth above the Petitioner, STEVE MAGRUDER, as a member of the INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 176, objects to the Prevailing Wage determination posted on the Department's official website on August 15, 2018 and respectfully request a hearing on these objections pursuant to 820 ILCS § 130/9 as these are the rates in effect since June 1, 2018 and are the rates effective on September 1, 2018 as certified for Bureau, Ford, Grundy, Henry, Iroquois, Kankakee, LaSalle, Putnam, Stark and Will Counties, Illinois.

EXHIBIT 1

THESE ARE THE AMOUNTS LISTED ON THE WEBSITE

County	Trade Title	Region	Type	Class	Base		Foreman		OT M-F	OT Sa	OT Su	OT Hol	H/W	Pension	Vacation	Training	Fringe	Benefit
					Wage		Wage											
Bureau	COMMUNICATION TECH	All	BLD		35.00		36.50		1.5	1.5	2	2	14.92	13.41	1.50	0.72		0
Bureau	ELECTRICIAN	All	BLD		40.95				1.5	1.5	2	2	15.47	17.39	3.50	1.20		0
Ford	COMMUNICATION TECH	N	BLD		35.00		36.50		1.5	1.5	2	2	14.92	13.41	1.50	0.72		0
Ford	ELECTRICIAN	N	BLD		40.95				1.5	1.5	1.5	1.5	0.00	0.00	0.00	0.00		37.56
Grundy	COMMUNICATION TECH	All	BLD		34.50				1.5	1.5	2	2	6.45	1.38	3.44	0.00		18.26
Grundy	ELECTRICIAN	All	BLD		43.50		47.42		1.5	1.5	2	2	18.97	17.44	0.00	1.20		0
Henry	COMMUNICATION TECH	SE	BLD		35.00		36.50		1.5	1.5	2	2	14.92	13.41	1.50	0.72		0
Henry	ELECTRICIAN	SE	BLD		40.95				1.5	1.5	2	2	15.47	17.39	3.50	1.20		0
Hoquiam	COMMUNICATION TECH	All	BLD		33.50				1.5	1.5	2	2	14.62	12.66	1.50	0.72		0
Hoquiam	ELECTRICIAN	NE	BLD		41.95		45.73		1.5	1.5	2	2	15.72	18.29	4.00	1.20		0
Kankakee	COMMUNICATION TECH	All	BLD		33.50				1.5	1.5	2	2	14.62	12.66	1.50	0.72		0
Kankakee	ELECTRICIAN	All	BLD		43.11		46.99		1.5	1.5	2	2	19.72	18.32	0.00	1.20		0
LaSalle	COMMUNICATION TECH	All	BLD		45.53		49.77		1.5	1.5	2	2	7.35	11.15	0.00	0.72		0
LaSalle	ELECTRICIAN	N	BLD		42.50		46.33		1.5	1.5	2	2	15.47	16.16	0.00	1.20		5.51
Putnam	COMMUNICATION TECH	All	BLD		35.00		36.50		1.5	1.5	2	2	14.92	13.41	1.50	0.72		0
Putnam	ELECTRICIAN	All	BLD		41.95		45.73		1.5	1.5	2	2	15.72	18.29	4.00	1.20		0
Shank	COMMUNICATION TECH	N	BLD		35.00		36.50		1.5	1.5	2	2	14.92	13.41	1.50	0.72		0
Shank	ELECTRICIAN	N	BLD		41.95		45.73		1.5	1.5	2	2	15.72	18.29	4.00	1.20		0
Will	COMMUNICATION TECH	All	BLD		34.50				1.5	1.5	2	2	14.62	12.69	1.50	0.72		0
Will	ELECTRICIAN	All	BLD		51.90		56.90		1.5	1.5	2	2	10.29	15.62	0.00	2.70		0

--- Rates not in dispute. No challenges

Region should be NE not All

Putnam Rates not in dispute only Region

As a remedy, Petitioner seeks that the certified prevailing rates published August 15, 2018 be corrected to reflect the rates submitted on June 8, 2018.

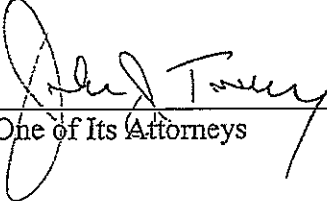
WHEREFORE, Petitioner, STEVE MAGRUDER, as a member of the INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 176, prays the Illinois Department of Labor August 15, 2018 Prevailing Rate certifications be corrected.

September 13, 2018

Respectfully submitted,

STEVE MAGRUDER, as a member of the INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 176,

By:



One of Its Attorneys

John J. Toomey
ARNOLD AND KADJAN, LLP
35 E. Wacker Drive, Suite 600
Chicago, Illinois 60601
(312) 236-0415

CERTIFICATE OF SERVICE

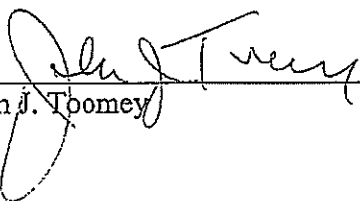
The Undersigned certifies that he caused copies of the foregoing Notice of Filing and Objections and Request for Section 9 Hearing to be served upon the following persons, via hand delivery, this 13th day of September, 2018.

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

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

and to the following by First Class U.S. Mail, postage prepaid to:

Illinois Department of Labor
900 S. Spring Street
Springfield, Illinois 62704



John J. Toomey

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

IN THE MATTER OF:)	
)	
STEVE MAGRUDER, as a member of the)	
INTERNATIONAL BROTHERHOOD OF)	
ELECTRICAL WORKERS LOCAL 176)	
)	
Petitioners,)	
)	
)	
v.)	
)	
JOSEPH BEYER, DIRECTOR OF)	
THE ILLINOIS DEPARTMENT OF)	
LABOR and the ILLINOIS)	
DEPARTMENT OF LABOR,)	
)	
Respondents.)	

RECEIVED
 SEP 13 2018
 Illinois Department of Labor
 CHICAGO OFFICE

NOTICE OF FILING

To: Joseph Beyer
 Director of the Illinois Department of Labor
 160 N. LaSalle Street, Suite C-1300
 Chicago, Illinois 60601

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

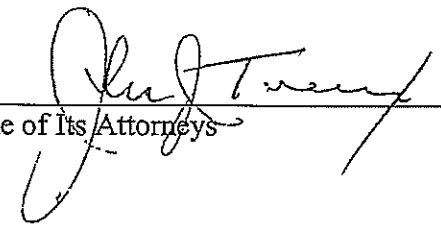
Illinois Department of Labor
 900 S. Spring Street
 Springfield, Illinois 62704

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

Respectfully submitted,

STEVE MAGRUDER, as a member of the
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL 176,

By:


One of Its Attorneys

John J. Toomey
ARNOLD AND KADJAN, LLP
35 E. Wacker Drive, Suite 600
Chicago, Illinois 60601
(312) 236-0415

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-PK09-2300 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/

Steve Magruder / IBEW, Local 176
c/o John J. Toomey, Esq.
Arnold and Kadjan, LLP
35 E. Wacker Drive, Suite 600
Chicago, IL 60601
Jtoomey100@hotmail.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. V. Jackson

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

Laura Kotelman
Notary Public

