

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

IN THE MATTER OF:)

CARPET, LINOLEUM, HARDWOOD and TILE)
LAYERS, LOCAL 1310 and SHANE HUWER as)
member of CARPET, LINOLEUM, HARDOOD)
and TILE LAYERS, LOCAL 1310 ,)
PULASKI COUNTY)

PETITIONER(S),)

v.)

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

RESPONDENTS.)

STATE FILE NO. 2019-H-PK09-2311

DATE OF NOTICE: 10/1/2018

CERT. MAIL/RETURN RECEIPT:

7017 2620 0001 0467 7123

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 Carpet, Linoleum, Hardwood and Tile Layers, Local 1310 and Shane Huwer, as member of Carpet, Linoleum, Hardwood and Tile Layers, Local 1310, Pulaski County [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:

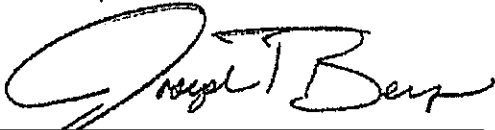
CLAUDIA MANLEY
CHIEF ADMINISTRATIVE LAW JUDGE
ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

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, sweeping initial "J".

Joseph Beyer
Director of Labor

EXHIBIT A

BEFORE THE
ILLINOIS DEPARTMENT OF LABOR
CONCILIATION AND MEDIATION DIVISION
CHICAGO, ILLINOIS

RECEIVED

SEP 14 2018

Illinois Department of Labor
CHICAGO OFFICE

In the Matter of: Pulaski County

On Behalf of: Carpet, Linoleum, Hardwood and Tile Layers Local 1310 and
Business Representative Shane Huwer,
Objectors.

2019-H-PK09-2311

OBJECTION AND REQUEST FOR HEARING

COME NOW Objectors, by and through undersigned counsel, and, pursuant to 820 ILCS 130/9 ("Section 9"), file this Objection and Request for Hearing to the prevailing wage determination posted by the Conciliation and Mediation Division for the Floor Layer occupational title in Pulaski County on or about August 15, 2018, and states as follows:

1. As part of the wage survey process, on June 21, 2018, Objectors submitted to the Division the collective bargaining agreement and wage sheet that were in effect in Pulaski County effective as of June 1, 2018 for the Floor Layer occupational title.

2. The documents submitted by Objectors establish that the prevailing wage rate for the Floor Layer occupational title in Pulaski County should be as follows: a base hourly wage rate of \$33.43; a foreman hourly wage rate of \$34.18; an hourly health insurance fringe benefit contribution of \$7.25; and an hourly apprenticeship training fringe benefit contribution of \$0.50.

3. The online survey form filled out by Objectors did not provide the option of reporting the "number of hours worked," unlike the contractors' online survey form, which expressly solicited such information.

4. Objectors have written evidence that the rates prescribed in Paragraph 2, above, are supported by a plurality of the man-hours worked in Pulaski County during the relevant time period.

5. The Division, apparently ignoring the Objectors' submissions, erroneously established the following prevailing wage rate for the Floor Layer occupational title in Pulaski County: a base hourly wage rate of \$32.33; a foreman hourly wage rate of \$0.00; an hourly health insurance fringe benefit contribution of \$7.00; and an hourly apprenticeship training fringe benefit contribution of \$0.72. The Division's other findings are correct.

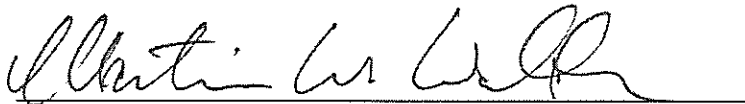
6. Pursuant to the new 2018 Prevailing Wage Methodology published by the Division, the Division's wage determination is based solely on man-hour submissions by contractors. This new methodology was not published, and Objectors were not aware of the new methodology, until after the deadline for submission of the Objectors' union survey. Accordingly, Objectors were unable to coordinate with the union's signatory contractors to submit relevant man-hours in a timely fashion.

7. In past years, the Division generally established the prevailing wage based on Wage Certification Forms submitted by labor unions. By arbitrarily changing the methodology this year without prior notice, the Division has unfairly prejudiced Objectors.

WHEREFORE, Objectors respectfully request that the Conciliation and Mediation Division consider favorably the Objection of Objectors and revise the prevailing wage rate in Pulaski County for the Floor Layer occupational title, as described herein, to reflect the prevailing practices throughout the geographic jurisdiction in question, and for such other changes as are deemed appropriate. Should the Division fail or refuse to act accordingly based on this Objection alone, Objectors hereby requests a hearing on the matter.

Respectfully submitted,

ST. LOUIS-KANSAS CITY
CARPENTERS REGIONAL COUNCIL
(Parent organization of Objector)



MARTIN W. WALTER, III. Bar No. 6311435
General Counsel
8955 E. 38th Terr.
Kansas City, MO 64129
Tel.: (816) 931-3414
Fax: (816) 931-0675
mwalter@carpdc.org

CERTIFICATE OF SERVICE

An original and two (2) copies of the foregoing were deposited in the U.S. Mail and addressed to the following address, on this 12th day of September, 2018.

Legal Department
Illinois Dept. of Labor
Conciliation and Mediation Div.
160 N. LaSalle St., C-1300
Chicago, IL 60601



BEFORE THE
ILLINOIS DEPARTMENT OF LABOR
CONCILIATION AND MEDIATION DIVISION
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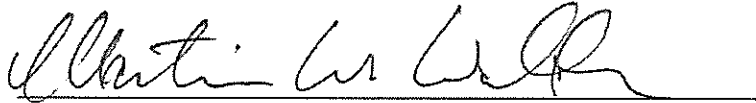
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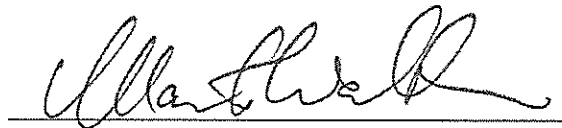
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Conciliation and Mediation Div.
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CERTIFICATE OF SERVICE

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-PK09-2311 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 1rst 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/

CLHTL, Local 1310, Pulaski County
c/o Martin Walter, Esq.
St. Louis-Kansas City Carp. Reg. Council
8955 E. 38th Terr.
Kansas City, MO 64129
MWALTER@CARPDC.ORG

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

Rosemary Echeverry-Vazquez
Notary Public

