

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

JOHN SPIROS, JR., as member of the PAINTERS)
DISTRICT COUNCIL No. 14,)

PETITIONERS,)

v.)

STATE FILE NO.: 2018-H-PK09-2244

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

RESPONDENTS.)

RECOMMENDED ORDER

THIS MATTER COMING on to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01-12 and Notice of Hearing issued there under; and, pursuant to an Agreement and Stipulation of Dismissal, 56 Illinois Administrative Code 120.100-670 all parties having been duly advised in the premises issues this order;

FINDINGS:

The Illinois Prevailing Wage Act, 820 ILCS 130/9 provides the:

[D]epartment of Labor, must rule upon the written objection and make such final determination as it believes the evidence warrants, and promptly file a certified copy of its final determination with such public body, and serve a copy by personal service or registered mail on all parties to the proceedings. The final determination by the Department of Labor or a public body shall be rendered within 30 days after the conclusion of the hearing.

Pursuant to 56 Ill. Adm. Code 120.100 and 56 Ill. Adm. Code 120.650 (a) and (b):

a. When the Director is required by law to be the sole, personal acting officer, the ALJ shall, in lieu of decision and order under Section 120.640, make recommendations by way of proposal for decision. The recommendations shall be made upon consideration of the record as a whole or portion of the record as may be supported by competent, material and substantial evidence.

b. The ALJ shall forward a copy of his or her proposed findings of fact, opinions and recommendations to each party of record and each party of record shall be allowed 10 days in which to submit exceptions to the findings, opinions and recommendations of the ALJ and to present a brief in support of those exceptions. In the event no timely or proper exceptions are filed, all objections and exceptions to the ALJ's recommendation shall be deemed waived for all purposes. The Director shall review the record and issue a final Decision and Order.

IT IS HEREBY ORDERED:

1. The **Petition(s) to Intervene** filed by the Illinois Union of Operating Engineers, Local #150 is granted leave to withdraw its Petition due to settlement between the parties.
2. By agreement of the parties (attached herein), this matter is **dismissed with prejudice**.

3. The Act does not provide authority to the Administrative Law Judge to render the final decision under 820 ILCS 130/9. The agreed order provides this matter be *dismissed with prejudice* and has been signed accordingly. The matter is referred to the Director of Labor for Final Decision and Order.

DATE: December 27, 2018

/s/ Claudia D. Manley

Claudia D. Manley
Chief Administrative Law Judge

Claudia D. Manley
Chief Administrative Law Judge
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601
V: 312-793-1805
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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 Recommended Order upon all parties to this case, or their agents appointed to receive service of process, by enclosing a copy of the Order in Case No. 2019-H-PK08-2244 and a copy of the Certificate of Service via email addressed to each party or party's agent at the respective email address shown on the Certificate of Service, having caused each to served at 160 N. LaSalle St., Ste. C-1300 Chicago, Illinois on the 27th day of December, 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/

Petitioner(s) Attorney:

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Respondent Attorney:

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Intervenor Attorney:

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Via Hand Delivery:

Joseph Beyer, Director of Labor
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601

/s/ C.Y. Jackson
C.Y. Jackson, Office Specialist