

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

IN THE MATTER OF:

Administrative District Council 1 of Illinois of)
of the International Union of Bricklayers and Allied)
Craftworkers and its Local 21)
)
)
Petitioners,)
)
and,) 2019-H-PK09-2289
) Administrative Law Judge
Joseph Beyer, Director of the Illinois Department) Claudia Manley
of Labor and the Illinois Department of Labor)
)
Respondents)
)

ORDER

This matter arises under the Illinois Prevailing Wage Act, 820 ILCS §130/01 *et. seq.* (the “Act”). This matter concerns Petitioner’s Objections to the prevailing wage rates the Illinois Department of Labor (“IDOL”) published on its official web site as prevailing wage rates effective August 15, 2018 including the failure to include a classification of Marble Finisher in the County of DeKalb.

The parties have reached a settlement on Petitioner’s Objections and have executed a Consent Decree. Pursuant to 56 Adm. Code §120.540 the Parties have requested review of the Consent Decree and for an Order disposing of this matter.

Having reviewed the Consent Decree, the undersigned finds that it is appropriate. Accordingly, **IT IS HEREBY ORDERED** that the stipulations, agreements, terms, and

conditions contained therein and attached hereto, are ACCEPTED and shall have the same force and effect as if individually and specifically set forth in the body of this Order.

Stanley Simrayh, as Member of the International Union of Operating Engineers, Local 150, AFL-CIO, Don Bissing, as Member of the International Union of Operating Engineers, Local 150, AFL-CIO and the International Union of Operating Engineers, Local 150, AFL-CIO, is granted leave to withdraw the Petition to Intervene filed herein.

IT IS FURTHER ORDERED:

1. The Petition to Intervene filed by Stanley Simrayh, as Member of the International Union of Operating Engineers, Local 150, AFL-CIO, Don Bissing, as Member of the International Union of Operating Engineers, Local 150, AFL-CIO and the International Union of Operating Engineers, Local 150, AFL-CIO is withdrawn.
2. This matter is hereby closed.

Dated this 12th day of December 2018

/s/Claudia D. Manley
Claudia Manley
Chief Administrative Law Judge

Claudia D. Manley
Chief Administrative Law Judge
Illinois Department of Labor
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Respondents)
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CONSENT DECREE

Petitioners, Administrative District Council 1 of Illinois of the International Union of Bricklayers and Allied Craftworkers, Local 1 and Joseph Breyer, Director of the Illinois Department of Labor and the Illinois Department of Labor ("IDOL"), Respondents, resolve the above referenced matter pursuant to 56 Ill. Adm. Code 120.540 as follows:

1. This matter arises under the Illinois Prevailing Wage Act ("IWPA"), as amended, 820 ILCS §130.01 *et. seq.*
2. Pursuant to section 9 of the IWPA, Petitioners timely filed objections to the prevailing wage rates the Illinois Department of Labor ("IDOL") published on its official web site as prevailing wage rates effective August 15, 2018.

3. Pursuant to Section 9 of the IPWA, Respondents scheduled a hearing on Petitioner's Objections, issued a Notice of Hearing and provided notice to the public of by posting the date, time, location, and other pertinent information regarding the Petitioner's Objections and the hearing on Petitioner's Objections on IDOL's web site.
4. On October 17, 2018, Chief Administrative Law Judge Claudia D. Manley issued an Order that, among other things, set November 2, 2018 as the date on or before which parties seeking to intervene in this matter were required to file petitions to intervene. One entity, the International Union of Operating Engineers, filed a petition to intervene in this matter, but in light of the resolution of this matter, has since withdrawn its petition to intervene. No other party filed a petition to intervene on or before November 2, 2018.
5. In the absence of any pending petition to intervene, Respondents have agreed to add the classification of Marble Finisher in the County of DeKalb County, which was previously not included in the published prevailing wage rates. The published 2018 prevailing Wage Rates for the Classification of Marble Finisher in DeKalb County will be as follows:

Base Wage	Foreman Wage	O/T M-F	O/T Sat	O/T Sun	O/T Hol	H/W	Pension	Training
\$34.65	\$47.70	1.5	1.5	2.0	2.0	\$10.65	\$16.46	\$49


6. The determination set forth in paragraph 5 above of this Consent Decree shall be posted on IDOL's web site and shall be implemented and enforced by IDOL for all persons performing work in the classification of Marble Finisher on public works in the County of DeKalb upon entry of the Order approving this Consent Decree.


7. All other Objections filed by Petitioner shall be deemed withdrawn based upon IDOL's current posting of the prevailing wage rates for those classifications in those counties that were the subject of Petitioner's Objections.
8. The Decision and Order disposing of this proceeding shall have the same force and effect as an Order made after a full hearing.
9. The parties waive:
 - a. Further procedural steps before the Administrative Law Judge.
 - b. Any right to challenge or contest the validity of this Consent Decree or the Decision and Order entered in accordance herewith.
10. The parties agree that the Consent Decree may be executed in one or more counterparts, all of which shall be considered to be one and the same document binding on all parties hereto, notwithstanding that all parties are not signatories to the same counterpart.

Dated this 10 day of December, 2018.

Illinois Department of Labor

Administrative District Council 1 of Illinois of
of the International Union of Bricklayers and
Allied Craftworkers and its Local 21

By: 

By:  RONALD M. WILLIS

Title: Chief Legal Counsel

Title: Attorney

Benno Weisberg

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I, Claudia D. Manley, an attorney, affirm, certify or on oath state, that I served notice of the attached 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-PK09-2289 and a copy of the Certificate of Service addressed to each party or party's agent via email address shown on the Certificate of Service, having caused each to be served via email from 100 W. Randolph Street, Chicago, Illinois on the 11th day of December, 2018 prior to 4:30 p.m. and placed on the Illinois Department of Labor's official website at www.state.il.us/agency/idol/

Petitioner Attorney:

Ronald Willis
Rwillis@laboradvocates.com

Respondent Attorney:

Benno Weisberg
benno.weisberg@illinois.gov

Intervenor Attorney:

Melissa Binetti
mbinetti@iiffc.org

/s/ Claudia D. Manley
Claudia D. Manley,
Chief Administrative Law Judge
Illinois Department of Labor