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

IN THE CONSOLIDATED MATTER(S) OF:))
THE MID-AMERICA REGIONAL BARGAINING ASSOCIATION, CURRAN CONTRACTING COMPANY, GENEVA CONSTRUCTION COMPANY, AND IHC CONSTRUCTION,)))))
PETITIONER(S),) STATE FILE NO. 2019-H-PK09-2316
v. JOSEPH BEYER, DIRECTOR OF THE ILLINOIS DEPARTMENT OF LABOR, and THE ILLINOIS DEPARTMENT OF LABOR, RESPONDENTS,)))))))))
AND	
PATRICK GLEASON AS MEMBER OF INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 26, TEAMSTERS JOINT COUNCIL 25, AND INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCALS 26, 50, 371, 525, 627, 722, 916, 179, 301, 325, 330, 673, 786, AND 731 PETITIONER(S), V. JOSEPH BEYER, DIRECTOR OF THE ILLINOIS DEPARTMENT OF LABOR, and THE ILLINOIS DEPARTMENT OF LABOR, RESPONDENTS.))))))) STATE FILE NO. 2019-H-PK09-2295)))))))))))
<u>ORDER</u>	

THIS MATTER COMING on to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01-12 and 56 Illinois Administrative Code 120.130, Notice of Hearing and case management/status conference and Petitioners' Motion to Sever and Consolidate and Potential Intervenors' Petition(s) to Intervene; all parties having been duly advised in the premises issues this order;

FINDINGS:

Petitioners in 2019-H-PK09-2295 and in 2019-H-PK09-2316 have filed objections to prevailing rates the Illinois Department of Labor ("IDOL") established in the Counties of Cook, DeKalb, DuPage, Grundy, Kane, Kendall, Lake, McHenry and Will for truck drivers involving all classes. Petitioners in both cases object to Respondents rates and methodology establishing said rates. Both Petitioners intend to challenge Respondents' rates and methodology.

The two cases raise common issues and questions of law and fact because the Petitioners have challenged identical rates, identical classifications in identical counties.

56 III. Adm. Code120.310 provides:

In the interest of convenient, expeditious and complete determination of matters, the Administrative Law Judge may consolidate or sever hearing proceedings involving any number or parties or issues and may join or sever parties for the complete administration of justice.

Respondents neither objected nor agreed to Petitioners Motion and took a neutral position as to the Motion to Sever and Consolidate involving these matters.

IT IS HEREBY ORDERED:

- 2019-H-PK09-2316 and 2019-H-PK09-2295 involve objections to prevailing rates Respondents have established in the Counties of Cook, DeKalb, DuPage, Grundy, Kane, Kendall, Lake, McHenry and Will for all classes of truck drivers. These issues contained in the case of 2019-H-PK09-2295 only are severed and consolidated in with the objection filed in 2019-H-PK09-2316.
- 2. The Petition to Intervene filed by Patrick Gleason as member of International Brotherhood of Teamsters, Local 25 et al. in 2019-H-PK09-2316 is withdrawn.
- 3. The Petition to Intervene by Stanley Simrayh, a 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.
- 4. The discovery order issued on or about November 1, 2018 in 2019-H-PK09-2316 (attached herein and made a part hereof) is now operative and applicable in 2019-H-PK09-2295. All previously set dates, deadlines and cut offs contained in the November 1, 2018 order shall remain the same.

DATE: <u>12/4/2018</u> /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 DOL.hearings@illinois.gov

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I <u>C.Y. Jackson</u>, a non-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. <u>2019-H-PK09-2295 and 2019-H-PK09-2316</u> 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 <u>4th</u> day of <u>December</u>, 2018 prior to 4:30 p.m. and placed on the Illinois Department of Labor's official website at <u>www.state.il.us/agency/idol/</u>

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<u>/s/ C.Y. Jackson</u>
Crystal Y. Jackson, Office Specialist
Illinois Department of Labor