

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

IN THE MATTER OF:

JEFF CAVINS AND BRIAN HUTSON AND
DENNIS GLISSON AS MEMBERS OF LOCAL 309
OF THE INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO

PETITIONER(S),

v.

MICHAEL D. KLEINIK, ACTING DIRECTOR OF
THE ILLINOIS DEPARTMENT OF LABOR, and
THE ILLINOIS DEPARTMENT OF LABOR,

RESPONDENTS.

STATE FILE NO. 2019-H-PK09-2307

ORDER

THIS MATTER COMING on to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01-12 and Notice of Hearing and the parties' Joint Motion for Entry of A Consent Decree and Intervenor's Motion to Withdraw; and, 56 Illinois Administrative Code 120.540, 20.301 and 120.320, all parties having been duly advised in the premises issues this order;

IT IS HEREBY ORDERED:

1. The Joint Motion for Entry of a Consent Decree is granted. The Consent Decree is hereby entered and is attached hereto and made a part hereof. The parties waive any further procedural steps before the undersigned.
2. This matter is closed.

DATE: May 28, 2019

/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

STATE OF ILLINOIS — DEPARTMENT OF LABOR
CONCILIATION/MEDIATION DIVISION
160 N. LASALLE ST., STE. C-1300
CHICAGO, IL 606011

IN THE MATTER OF:)
)
LOCAL 193 OF THE INTERNATIONAL)
BROTHERHOOD OF ELECTRICAL)
WORKERS, AFL-CIO et al.)
)
BROTHERHOOD OF ELECTRICAL)
)
)
Petitioners,)
)
)
v.)
)
MICHAEL D. KLEINIK, ACTING)
DIRECTOR OF THE ILLINOIS)
DEPARTMENT OF LABOR and)
THE ILLINOIS DEPARTMENT OF)
LABOR,)
)
)
Respondents.)

STATE FILE NO.: 2019-H-PK09-2306,
2307, and 2308

CONSENT DECREE

Pursuant to 56 Ill. Admin. Code 120.540, the LOCAL 193 OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO, George Dannenberber and Martin Bedolli ("Local 193"); and Local 309 of the International Brotherhood of Electrical Workers, AFL-CIO, and Jeff Calvins and Dennis Glisson ("Local 309"), and Local 649 of the International Brotherhood of Electrical Workers and Mike Shewmake and Chris Tueth ("Local 649") (collectively the "Petitioners") and Respondents Michael D. Kleinik, Acting Director of the Illinois Department of Labor and the Illinois Department of Labor (the "Department" or "IDOL") (collectively

"Respondents"), jointly agree to resolve Petitioners' Section 9 Petitions under the Illinois Prevailing Wage Act (820 ILCS § 130/4, 9) as follows:

WHEREAS, on or around September 14, 2018, Petitioners filed requests for hearing pursuant to Section 9 of the Illinois Prevailing Wage Act seeking to have certain prevailing wage rates posted by the IDOL for the electrical trade changed;

WHEREAS, on or around October 29, 2018, Chief Administrative Law Judge (ALJ) Claudia D. Manley issued an order consolidating these cases with other requests for hearing filed by down-state IBEW Locals (in total, Locals 51, 145, 146, 193, 309, 649, and 702), and also setting a deadline of November 30, 2018 for any third party to file a petition to intervene in this matter;

WHEREAS, by November 30, 2018, no party filed a petition to intervene in the matter;

WHEREAS, on April 5, 2019, the Department posted revised prevailing wage rates, which resolved or mooted many of the claims raised by Petitioners.

WHEREAS, as of the date of this Decree, Petitioners and Respondents have reached agreement on all of the rates included in Petitioners' Section 9 filings with the exception of (a) claims made by Petitioner Local 193 that additional and/or revised rates should be established for the Electronic Systems Technician trade classification for certain portions of Mason, Macoupin, and Montgomery Counties; and (b) claims made by Petitioners Local 309 and Local 649 that additional rates should be established for the Electrician and/or Electronic Systems trade classifications for certain portions of Macoupin County;¹.

¹ Petitioner IBEW, Local 309 also claims that the Department should include Local 309's collectively bargained income security benefit in the prevailing wage rate. Local 309 withdraws that objection without prejudice and

WHEREAS, Petitioners have represented to Respondents that their members along with the members of IBEW, Local 34 and IBEW, Local 146, perform the majority of work in the Electrician and/or Electronic Systems Technician trades in Mason, Montgomery, and/or Macoupin Counties, and whereas Local 34 and Local 146 have represented that they have reviewed, and have no objection to, the Department's publication of the rates and other specifications set forth herein.

NOW, it is ORDERED, ADJUDGED, and DECREED that:

- 1) In light of the above, the Department will establish and/or publish the following rates and/or specifications:

(a) With respect to the Electronic Systems Technician trade in Mason County, the Department will take the following steps:

The Department will establish the following rates for the South Region for the BUILDING type, and will publish a specification on its website defining the South Region for the Electronic Systems Technician trade as that portion of the County that includes Bath, Crane Creek, Kilbourne, Lynchburg, Mason City, and Salt Creek Townships:

County	Trade	Region	Type	Base	Fore.	OTMF	OTSa	OTSu	OTH	H&W	Pension	Vacation	Training
Mason	Electronic Systems Tech	S	BLD	\$31.60	\$33.60	1.5	1.5	2	2	\$7.05	\$8.95	\$0.00	\$0.40

The Department will convert the rates for the ALL Region for the BUILDING type to the rates for the North Region for the BUILDING type, will publish a specification on its website defining the North Region for the Electronic Systems Technician trade as the entirety of Mason County except for the portions defined as the South Region of the County for that trade, and will publish the following rates for the North Region for the BUILDING type:

County	Trade	Region	Type	Base	Fore.	OTMF	OTSa	OTSu	OTH	H&W	Pension	Vacation	Training
Mason	Electronic Systems Tech	N	BLD	\$28.25	\$30.25	1.5	1.5	2	2	\$7.35	\$12.00	\$0.00	\$0.40

reserves the right to submit information about the income security benefit in future wage surveys and to argue for inclusion of that benefit in the prevailing wage rate.

(b) With respect to the Electronic Systems Technician trade in Montgomery County, the Department will take the following steps:

The Department will establish the following rates for the Northwest Region for the BUILDING type, and will publish a specification on its website defining the Northwest Region for the Electronic Systems Technician trade as that portion of the County that includes Bois D'Arc, Harvel, and Pitman Townships:

County	Trade	Region	Type	Base	Fore.	OTMF	OTSa	OTSu	OTH	H&W	Pension	Vacation	Training
Montgomery	Electronic Systems Tech	NW	BLD	\$31.60	\$33.60	1.5	1.5	2	2	\$7.05	\$8.95	\$0.00	\$0.40

The Department will establish the following rates for the Southwest Region for the BUILDING type, and will publish a specification on its website defining the Southwest Region for the Electronic Systems Technician trade as that portion of the County that includes Butler Grove, Grisham, Hillsboro, North Litchfield, Raymond, South Litchfield, Walshville, and Zanesville Townships:

County	Trade	Region	Type	Base	Fore.	OTMF	OTSa	OTSu	OTH	H&W	Pension	Vacation	Training
Montgomery	Electronic Systems Tech	SW	BLD	\$33.52	\$35.52	1.5	1.5	2	2	\$3.65	\$9.76	\$0.00	\$0.40

The Department will publish a specification on its website defining the East Region for the Electronic Systems Technician trade as the entirety of Montgomery County except for the portions defined as the Southwest and Northwest Regions of the County for that trade. The current rates for this trade, for the above defined East Region of this County, will remain the same as the rates previously published.

(c) With respect to the Electrician and Electronic Systems Technician trades in Macoupin County, the Department will take the following steps:

(1) For the Electrician trade:

The Department will establish the following rates for the Southwest Region for the BUILDING type, and will publish a specification on its website defining the Southwest Region for the Electrician trade as that portion of the County that includes Brighton Township:

County	Trade	Region	Type	Base	Fore.	OTMF	OTSa	OTSu	OTH	H&W	Pension	Vacation	Training
--------	-------	--------	------	------	-------	------	------	------	-----	-----	---------	----------	----------

Macoupin	Electrician	SW	BLD	\$42.01	\$44.26	1.5	1.5	2	2	\$9.25	\$12.92	\$0.00	\$0.21
----------	-------------	----	-----	---------	---------	-----	-----	---	---	--------	---------	--------	--------

The Department will convert the rates for the South Region, for the ALL type to the rates for Southeast Region for the BUILDING type, will delete the current specification on its website defining the South Region for the Electrician trade, and will publish a specification on its website defining the Southeast Region for the Electrician trade as the entirety of Macoupin County except for the portions defined as the North Region and the Southwest Region of the County for that trade. The current rates for this trade, for the above defined Southeast Region of this County, will remain the same as the rates previously published for the South Region.

(2) For the Electronic Systems Technician trade:

The Department will publish the following rates for the North Region for the BUILDING type, and will publish a specification on its website defining the North Region for Electronic Systems Technician trade as that portion of the County that includes Barr, Girard, Nilwood, North Otter, North Palmyra, Scottsville, South Otter, South Palmyra, and Virden Townships:

County	Trade	Region	Type	Base	Fore.	OTMF	OTSa	OTSu	OTH	H&W	Pension	Vacation	Training
Macoupin	Electronic Systems Tech	N	BLD	\$31.60	\$33.60	1.5	1.5	2	2	\$7.05	\$8.95	\$0.00	\$0.40

The Department will establish the following rates for the Southwest Region for the BUILDING type, and will publish a specification on its website defining the Southwest Region for the Electronic Systems Technician trade as that portion of the County that includes Brighton Township:

County	Trade	Region	Type	Base	Fore.	OTMF	OTSa	OTSu	OTH	H&W	Pension	Vacation	Training
Macoupin	Electronic Systems Tech	SW	BLD	\$31.75	\$33.75	1.5	1.5	2	2	\$9.25	\$6.60	\$0.00	\$0.40

The Department will convert the rates for the South region for the BUILDING type to the rates for the Southeast Region for the BUILDING type; will publish a specification on its website defining the Southeast Region for the Electronic Systems Technician trade as the entirety of Macoupin County except for the portions defined as the North Region and the Southwest Region of the County for that trade; and will publish the following rates for the Southeast Region for the BUILDING type:

County	Trade	Region	Type	Base	Fore.	OTMF	OTSa	OTSu	OTH	H&W	Pension	Vacation	Training
Macoupin	Electronic Systems Tech	SE	BLD	\$33.52	\$35.52	1.5	1.5	2	2	\$3.65	\$9.76	\$0.00	\$0.40

- 2) The determinations set forth in this Consent Decree shall be implemented and enforced by IDOL effective upon entry of the Order approving this Consent Decree.
- 3) The Decision and Order disposing of this proceeding shall have the same force and effect as an Order made after a full hearing.
- 4) The Objections filed by Petitioners (in State File No. 2019-H-PK09-2306, -2307, and -2308) are severed from the consolidated matter, except that the claims made by Petitioner Local 649 concerning the Electric Power Lineman, Electric Power Equipment Operator, Electric Power Groundman, and Electrical Power Truck Driver classifications in the Southwest portion of Macoupin County, Illinois (in State File No. 2019-H-PK09-2308) are addressed in a separate consent decree. This Order does not affect any Objections filed by the other down-state IBEW Locals that remain part of the consolidated matter.
- 5) Petitioners and Respondents waive:
 - a. Further procedural steps before the Administrative Law Judge; and
 - b. Any right to challenge or contest the validity of this Consent Decree or the Decision and Order entered in accordance herewith.

DATED this 20th day of May, 2019

The undersigned apply for and consent to the entry of this Consent Order and Judgment this 20 day of May, 2019:

For the Petitioners:

s/ Christopher N. Grant
One of Petitioner's Attorneys
Christopher N. Grant (Ill. Bar #6277560)
1221 Locust Street, Second Floor
St. Louis, MO 63103-2364
Tel: (314) 621-2626
Fax: (314) 621-2378
cng@schuchatcw.com

For the Respondents:

s/ Benno Weisberg
One of Respondent's Attorneys
Benno Weisberg
Illinois Department of Labor
160 N. LaSalle – 13th Floor
Chicago, IL 60601
(312) 793-1966
Benno.weisberg@illinois.gov

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I Claudia 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-PK08-2307 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 28th day of May, 2019 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:

c/o Christopher Grant
cng@schuchatcw.com

Respondent Attorney:

c/o Benno Weisberg
benno.weisberg@illinois.gov

/s/ Claudia D. Manley

Claudia D. Manley, Admin. Law Judge
Illinois Department of Labor