



**STATE OF ILLINOIS**  
**160 N. LASALLE ST., STE. C-1300**  
**CHICAGO, ILLINOIS 60601**

IN THE MATTER OF: )  
 )  
OPERATIVE PLASTERERS' & CEMENT )  
MASONS INTERNATIONAL )  
ASSOCIATION, LOCAL #11, )  
 )  
PETITIONER )  
 )  
v. )  
 )  
MICHAEL D. KLEINIK, DIRECTOR OF )  
THE ILLINOIS DEPARTMENT OF )  
LABOR, and THE ILLINOIS )  
DEPARTMENT OF LABOR, )  
 )  
RESPONDENTS. )

STATE FILE NO. 2020 -H-RP08-2323

**CONSENT DECREE**

The Petitioner, Operative Plasterers and Cement Masons International Association, Local #11 ("Local 11" or "Petitioner"), and the Respondent, Michael D. Kleinik, Director of the Illinois Department of Labor and the Illinois Department of Labor ("IDOL" or "Respondent"), jointly agree to resolve Petitioner's Section 9 Petition under the Illinois Prevailing Wage Act, 820 ILCS 130/4, 9, as follows:

WHEREAS, Local 11 is a labor organization that serves as the exclusive bargaining representative for employees engaged in the Cement Mason trade throughout various Counties in Northern Illinois, including Iroquois and Kankakee Counties.

WHEREAS, Local 11 has entered into various collective bargaining agreements with employers and employer associations covering their Cement Mason employees, establishing,

inter alia, the applicable wage rates and fringe benefit contribution rates due from employers for such work.

WHEREAS, among the collective bargaining agreements entered into by Local 11 is a series of Agreements with the Kankakee Area Contractors Association, which covers all building and highway work performed by Cement Masons in Iroquois and Kankakee Counties, the most recent of which cover the periods June 1, 2016 to May 31, 2019, and June 1, 2019 to May 31, 2023 (referred to collectively herein as the “Agreements”).

WHEREAS, Article VIII of the Agreements broadly defines the scope of covered work, and includes all concrete work relating to the construction of public roads of all kinds;

WHEREAS, the prevailing wage rates certified by the Department effective July 15, 2019 only cover “building” work in Iroquois and Kankakee Counties for the Cement Mason classification; there are no rates certified for the “highway” Cement Mason classification;

WHEREAS, on or about August 1, 2019, Local 11 timely filed a request for hearing pursuant to Section 9 of the Illinois Prevailing Wage Act challenging the absence of a “highway” Cement Mason classification in Kankakee and Iroquois Counties;

WHEREAS, the Petitioner’s filing requested that Respondent change the posted prevailing wage rates by adding rates for highway projects in Kankakee and Iroquois Counties, as follows:

	<b>Kankakee County</b>	<b>Iroquois County</b>
Trade Title	Cement Mason	Cement Mason
Region	All	All
Type	Highway	Highway
Class	n/a	n/a
Base Wage	\$44.45	\$44.45
Foreman Wage	\$45.95	\$45.95
Overtime M-F	1.5	1.5
Overtime Sat.	1.5	1.5

Overtime Sun.	2	2
Overtime Holiday	2	2
Health and Welfare	\$10.85	\$10.85
Pension	\$10.69	\$10.69
Vacation	\$0.00	\$0.00
Training	\$0.50	\$0.50
Other Fringe Benefits	\$0.00	\$0.00

WHEREAS, as of the date of this Decree, Petitioner and Respondent have resolved all of the rates included in Petitioner's Section 9 filing;

WHEREAS, the Respondent has reviewed the applicable Collective Bargaining Agreement and Wage Sheets submitted by Petitioner and has no objection to posting the Petitioner's highway rates for the specified Counties and further agrees to post the new rates upon consent by the Administrative Law Judge.

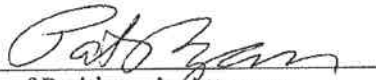
**NOW, it is ORDERED, ADJUDGED and DECREED that:**

1. The Respondent is hereby ordered to establish and post the following prevailing wage rates for the Cement Mason classification for highway work for the Counties of Iroquois and Kankakee:

	<b>Kankakee County</b>	<b>Iroquois County</b>
Trade Title	Cement Mason	Cement Mason
Region	All	All
Type	Highway	Highway
Class	n/a	n/a
Base Wage	\$44.45	\$44.45
Foreman Wage	\$45.95	\$45.95
Overtime M-F	1.5	1.5
Overtime Sat.	1.5	1.5
Overtime Sun.	2	2
Overtime Holiday	2	2
Health and Welfare	\$10.85	\$10.85
Pension	\$10.69	\$10.69
Vacation	\$0.00	\$0.00
Training	\$0.50	\$0.50
Other Fringe Benefits	\$0.00	\$0.00

The undersigned apply for and consent to the entry of this Consent Order and Judgment this 10<sup>th</sup> day of September 2019.

**For the Petitioner:**



One of Petitioner's Attorneys  
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**For the Respondent:**



One of Respondent's Attorneys  
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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 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. 2020-H-RP07-2323 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 to be served by email at 160 N. LaSalle Street, Ste. C-1300 Chicago, Illinois on the 20<sup>th</sup> day of September, 2019 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/](http://www.state.il.us/agency/idol/)

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