

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

IN THE MATTER OF:)	
)	
PLUMBERS AND PLUMBERS LOCAL 101,)	
)	
PETITIONER(S),)	STATE FILE NO. 2021-H-RP08-2329
)	
v.)	DATE OF NOTICE: <u>8/6/2020</u>
)	
MICHAEL D. KLEINIK, DIRECTOR OF THE)	CERT. MAIL/RETURN RECEIPT:
ILLINOIS DEPARTMENT OF LABOR, and)	9489 0090 0027 6192 0452 38
THE ILLINOIS DEPARTMENT OF LABOR,)	
)	
RESPONDENTS.)	9489 0090 0027 6192 0452 45
)	

NOTICE OF HEARING

PLEASE TAKE NOTICE that Michael D. Kleinik, Director of the Illinois Department of Labor, and the Illinois Department of Labor [hereinafter, "Respondents"] have received from the Plumbers and Plumbers Local 101, [hereinafter, "Petitioner(s)"] written objections to the prevailing wage determinations posted by the Department on its website on July 15, 2020, and a request for hearing on those objections pursuant to Section 9 of the Prevailing Wage Act [hereinafter, "PWA" or "Act"], 820 ILCS 130/0.01 et seq.

Pursuant to the PWA, Article 10 of the Illinois Administrative Procedure Act, 5 ILCS 100/10-5 et seq., and 56 Ill. Admin. Code 120.100 et seq., Respondents will convene a hearing on:

DATE: SEPTEMBER 9, 2020
TIME: 4:00 P.M.
PLACE: ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

ADMINISTRATIVE LAW JUDGE:

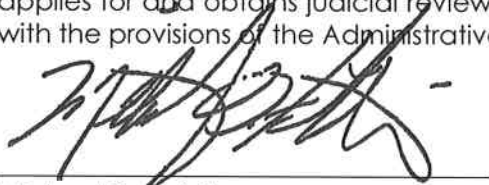
JOHN O'MEARA
ADMINISTRATIVE LAW JUDGE
ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

The hearing involves the written objections and hearing request filed by Petitioner(s), attached hereto and made a part hereof (Exhibit A).

The parties and their respective representatives must be prepared to proceed at the hearing. The parties must present all information, documents, records or witnesses necessary to substantiate their position(s) at the hearing.

Pursuant to 56 Illinois Administrative Code 120.640, the Administrative Law Judge shall issue a Decision and Order. In the event no timely or proper exceptions are filed, the findings, conclusions, recommendations and order of the administrative law judge shall automatically become the decision and order of the Director of Labor.

The proceedings are subject to judicial review in accordance with the provisions of the Administrative Review Law, 735 ILCS 5/3-101 et seq. The Director of Labor's determination on the objections is final and binding unless a party to this proceeding applies for and obtains judicial review of the final administrative decision in accordance with the provisions of the Administrative Review Law.

A handwritten signature in black ink, appearing to read "Michael D. Kleinik", written over a horizontal line.

Michael D. Kleinik
Director of Labor

SECTION 9 2021-H-RP08-2329

RICHARD SHINNERS
JOSEPH W. LARREW
GREG A. CAMPBELL
ANN G. DALTON
JANINE M. MARTIN
JAGADEESH B. MANDAVA
EMILY R. PEREZ
MARY M. LINDMARK



Hammond and Shinnery, P.C.
ATTORNEYS AT LAW

13205 Manchester Rd. • Suite 210 • St. Louis, MO 63131

P: 314-727-1015 F: 314-727-6804 TF: 1-888-727-1015

CARY HAMMOND
(1948-2013)

JANET E. YOUNG
(1953-2008)

August 4, 2020

Director Michael D. Kleinik
Illinois Department of Labor
Springfield Office
900 South Spring Street
Springfield, IL 62704
Sent via U.S. Mail, Facsimile (217-782-0596) and Email: Michael.Kleinik@illinois.gov

Dear Director Kleinik;

My office is legal counsel to Plumbers and Plumbers Local 101 ("Local 101"). This letter constitutes a Section 9 Written Objection and Request for Hearing pursuant to 820 ILCS 130/9, regarding the Wage Classification for "plumber" in the County of Monroe.

The basis for the objection is as follows:

1. On July 15, 2020, the Illinois Department of Labor ("Department") posted a prevailing wage determination for Monroe County (the "Determination") which contained the following wage rates for the classification of "plumber."

Base	\$39.95
Foreman	\$42.45
Health/Welfare	\$7.85
Pension	\$8.00
Training	\$1.00

2. The above rates are those reflected in the collective bargaining agreement negotiated for the plumber classification by Plumbers and Gasfitters Local #360 ("Local 360").

3. Local 101 and Local 360 each have jurisdiction over separate portions of Monroe County in regard to the performance of plumbing work. Specifically, Local 360 has jurisdiction over the Western portion of Monroe County, and Local 101 has jurisdiction over the Eastern portion of Monroe County.

4. Locals 101 and 360 have defined the Western portion of Monroe County as all portions of the county west of a line which begins at the point where Highway 158 enters Monroe County from St. Clair County; such line shall extend due south until it intersects with Highway 3; from that point, the line follows Highway 3 until it exits Monroe County near the town of Red Bud. The parties have defined the Eastern portion of Monroe County as all portions of Monroe County not contained in the Western portion of the county, as defined above.

5. Work performed by members of Local 101 constitutes the majority of the work in the plumbing trade performed in the Eastern portion of Monroe County.

6. The wage rates for "plumbers" contained in the Determination set forth in paragraph 1, above, are accurate for the Western portion of Monroe County, which is the jurisdiction of Local 360.

7. The wage rates for "plumbers" contained in the Determination set forth in paragraph 1, above, are not accurate for the Eastern portion of Monroe County, which is the jurisdiction of Local 101.

8. The wage rates for the "plumber" classification for the Eastern portion of Monroe County should be:

Base	\$40.55
Foreman	\$43.05
Health/Welfare	\$10.20
Pension	\$6.30
Training	\$1.25

These rates are contained in the collective bargaining agreement negotiated by Local 101.

9. Local 101 has conferred with Local 360 and Local 360 does not object to the change in the Department's Determination as set forth below.

For the above reasons, Local 101 requests the following changes to the "plumber" Determination for Monroe County:

1. Monroe County should be divided into Western and Eastern portions, as defined in paragraph 4, above.

2. The existing "plumber" Determination as set forth in paragraph 1, above, should be the determination for the Western portion of Monroe County.

3. The "plumber" wage rate negotiated in Local 101's collective bargaining agreement, as set forth in paragraph 8, above, should be the prevailing wage for the "plumber" classification in the Eastern portion of Monroe County.

If the above-requested changes are not made, Local 101 respectfully requests a hearing on this matter pursuant to 820 ILCS 130/9.

Very truly yours,

Greg A. Campbell / jcb
GREG A. CAMPBELL

GAC/jcb

EXHIBIT A

cc: Scott Deitz
Dan McKenna

STATE OF ILLINOIS)
)
)
COUNTY OF COOK)

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I Blanca Rodriguez a non-attorney, affirm, certify or on oath state, that I served notice of the attached Notice of Hearing upon all parties to this case, or their agents appointed to receive service of process, by enclosing a copy of the Notice of Hearing and Attachments in Case No. 2021-RP-08-2329- 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 Notice of Hearing or on the Certificate of Service, having caused each envelope to be served by U.S. mail certified mail return receipt requested and regular mail with postage prepaid at 100 W. Randolph Street, Chicago, Illinois on the 6th day of August, 2020 prior to 4:30 p.m.

Greg A. Campbell
Hammond & Shinnars P.C.
13205 Manchester Rd., Ste 210
St. Louis, MO 63131
gcampbell@hammondshinnars.com

Shayne Aldridge
Deputy General Counsel
Illinois Department of Labor
900 S. Spring St.
Springfield, IL 62704
Shayne.L.Aldridge@illinois.gov

HAND DELIVERED:

Michael D. Kleinik
Director of Labor
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601



Illinois Department of Labor