

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

STANLEY SIMRAYH, as member of the
INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 150 AFL-CIO, and the
INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 150 AFL-CIO,

PETITIONER(S),

v.

JANE R. FLANAGAN, ACTING DIRECTOR
of the ILLINOIS DEPARTMENT OF LABOR, and
THE ILLINOIS DEPARTMENT OF LABOR,

RESPONDENTS.

STATE FILE NO. 2023-H-RP08-2339

ORDER

THIS MATTER COMING on to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01-12 and Notice of Hearing issued there under; and, pursuant to 56 Illinois Administrative Code 120.400 all parties having been duly advised on the premises issues this order;

IT IS HEREBY ORDERED:

1. Pursuant to **56 IAC 120.400** a telephonic pre-hearing conference shall be convened telephonically on **September 16, 2022 at 10:00 a.m.** The administrative law judge will initiate the conference call. Complainant attorney Kara Principe will be phoned at **815-254-3332** Respondent Attorney Eileen Boyle-Perich will be phoned at **708-723-6399** Technology constraints require that a direct dial phone number be provided for the pre-hearing conference. If the number listed is not a direct dial number or you require additional phone lines to be added, you are to provide the phone numbers and/or the names and phone numbers of the additional participants to DOL.hearings@illinois.gov
2. The pre-hearing conference shall be held to simplify the issues, determine necessity or desirability of amendment to documents for purposes of clarification, simplification or limitation, determine stipulations, admission of fact and of contents and authenticity of the documents, limit the number of witnesses, determine propriety of the prior mutual exchange among the parties who have prepared testimony or exhibits, and decide other matters as may tend to expedite the disposition of the proceedings and to assure a just conclusion thereof.
3. Attorneys shall file appearances as soon as practicable.

DATE: August 15, 2022

By: /s/ Claudia D. Manley

Claudia D. Manley
Chief Administrative Law Judge
IDOL
160 N. LaSalle St. Ste. C-1300
Chicago IL 60601
V: 312-793-1805
P: 312-793-5257
Dol.hearings@illinois.gov

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 Karen Lewis, 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. 2023-H-RP08-2339 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 order or on the Certificate of Service, having caused each envelope to be served by U.S. Mail with postage prepaid at 100 W. Randolph Street, Chicago, Illinois on the 12th day of August, 2022 prior to 4:30 p.m.

IUOE, LOCAL 150

IIFFC

Attn: Kara Principe, Esq.

6170 Joliet Rd., Ste. 200

Countryside IL 60525

mbinetti@iiffc.org

kprincipe@iiffc.org

tward@iiffc.org

HAND DELIVERED:

Eileen Boyle-Perich

Acting General Counsel

Illinois Department of Labor

160 S. LaSalle St., Ste. C-1300

Chgo IL 60601

Eileen.BoylePerich@Illinois.gov

Jane R. Flanagan

Acting Director of Labor

Illinois Department of Labor

160 N. LaSalle St., Ste. C-1300

Chicago, IL 60601

/s/ Karen Lewis

Karen Lewis, Office Specialist, Illinois Department of Labor

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

IN THE MATTER OF:)

STANLEY SIMRAYH, as member of the)
INTERNATIONAL UNION OF OPERATING)
ENGINEERS, LOCAL 150 AFL-CIO, and the)
INTERNATIONAL UNION OF OPERATING)
ENGINEERS, LOCAL 150 AFL-CIO,)

PETITIONER(S),)

v.)

JANE R. FLANAGAN, ACTING DIRECTOR)
of the ILLINOIS DEPARTMENT OF LABOR, and)
THE ILLINOIS DEPARTMENT OF LABOR,)

RESPONDENTS.)

STATE FILE NO. 2023-H-RP08-2339

DATE OF NOTICE: August 12, 2022

CERT. MAIL/RETURN RECEIPT:

9489 0090 0027 6196 3252 13

NOTICE OF TELEPHONIC HEARING

PLEASE TAKE NOTICE that Jane R. Flanagan, Acting Director of the Illinois Department of Labor, and the Illinois Department of Labor [hereinafter, "Respondents"] have received from Stanley Simrayh, as member of the International Union of Operating Engineers, Local 150 AFL-CIO, and the International Union of Operating Engineers Local 150 AFL-CIO, [hereinafter, "Petitioner(s)"] written objections to the prevailing wage determinations effective July 15, 2022 by the Department on its website, and a request for hearing on those objections pursuant to Sections 4 and 9 of the Prevailing Wage Act [hereinafter, "IPWA" 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 23, 2022
TIME: 10:00 a.m.
COMPLAINANT ATTORNEY PHONE #: Kara Principe 815-254-3332
RESPONDENT ATTORNEY PHONE #: Eileen Boyle-Perich 708-723-6399

ADMINISTRATIVE LAW JUDGE:

**RAYMOND C. CYRUS
ADMINISTRATIVE LAW JUDGE
ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601**

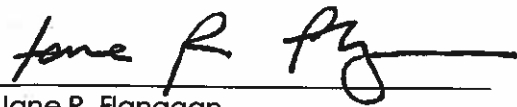
The hearing involves the written objections and hearing request filed by Petitioner(s), attached hereto and made a part hereof (Exhibit A).

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.

This hearing will be conducted **BY TELEPHONE** with the ALJ contacting you on the date and time stated above. If the phone number listed is incorrect, contact the hearings section at dol.hearings@illinois.gov as soon as possible with the corrected direct dial phone number. If additional individuals are to be contacted, the party is to provide the name and direct dial phone number of the additional individual to be included during the hearing to DOL.hearing@illinois.gov. If the phone number listed is not a direct dial phone number, please provide a **DIRECT DIAL NUMBER** to dol.hearings@illinois.gov as soon as possible. Technology constraints require you provide a **DIRECT DIAL PHONE NUMBER ONLY**. Also, technology constraints do not allow caller dial through or the ability to navigate automated operators. Non-direct dial numbers will result in the call not going through. **For those with caller identification, this call will originate from various locations throughout the country, including but not limited to San Francisco. SOME CALLS PLACED BY THE DEPARTMENT ARE BLOCKED, IF YOUR PHONE HAS PRIVACY MANAGER OR ANONYMOUS CALL BLOCKER, THE CALL MAY NOT GO THROUGH.** All calls placed by the Department are recorded.

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.



- Jane R. Flanagan
Acting Director of Labor

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

IN THE MATTER OF:)
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STANELY SIMRAYH, as a member of the)
INTERNATIONAL UNION OF OPERATING)
ENGINEERS, LOCAL 150, AFL-CIO, and the)
INTERNATIONAL UNION OF OPERATING)
ENGINEERS, LOCAL 150, AFL-CIO,)
)
Petitioners,)
v.)
)
JANE FLANAGAN, ACTING DIRECTOR OF)
THE ILLINOIS DEPARTMENT OF LABOR, and)
THE ILLINOIS DEPARTMENT OF LABOR.)
)
Respondents.)

State File No.: 2023-H-RPO8-2339

EXHIBIT A

OBJECTIONS AND REQUEST FOR HEARING UNDER SECTIONS 4 AND 9

Petitioners 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 (“Local 150”), by and through their attorneys, submit these objections to prevailing wage rates published by the Illinois Department of Labor (“Department”) on July 15, 2022 and request a hearing pursuant to Sections 4 and 9 of the Illinois Prevailing Wage Act (820 ILCS 130/4, 9).

1. The International Union of Operating Engineers, Local 150, AFL-CIO is a labor organization representing individuals performing work as Operating Engineers in Cook County and twenty-four additional counties in northern Illinois. Its principal office is located at 6200 Joliet Road, Countryside, Illinois.

2. Stanley Simrayh is a member of Local 150 and negotiates collective bargaining agreements on behalf of Local 150.

3. The Indiana, Illinois, Iowa Foundation for Fair Contracting (“III FFC”) is a labor-management organization that works with Local 150 and signatory contractors on prevailing wage issues.

4. The III FFC often submits information, questions, or concerns to the Department on issues pertaining to the Illinois Prevailing Wage Act on behalf of Local 150. It also submits prevailing wage data and supporting documents to the Department on behalf of Local 150.

5. Section 9 of the Illinois Prevailing Wage Act states: “[T]he Department of Labor shall, during the month of June of each calendar year, investigate and ascertain the prevailing rate of wages for each county in the State and shall publish the prevailing wage schedule ascertained on its official website no later than July 15 of each year.” 820 ILCS 130/9.

6. Section 9 of the Illinois Prevailing Wage Act states: “[I]f the prevailing rate of wages is based on a collective bargaining agreement, the explanation of classes on the prevailing wage schedule shall be consistent with the classification established under the collective bargaining agreement.” 820 ILCS 130/9.

7. The purpose of Petitioners’ Objection and Request is to make the explanation of classes on the prevailing wage schedule consistent with the classification established under the relevant collective bargaining agreements.

8. Local 150 is party to the Industrial, Commercial, Residential and Building Construction Agreement Between International Union of Operating Engineers, Local No. 150 and Quad City Builders Association (hereinafter referred to as “QCBA Collective Bargaining Agreement”) covering the following counties: Rock Island, Mercer and the west half of Henry and the portion of Whiteside County that includes all territory in the west portion of Whiteside County from the fifth (5th) sectional line east of Morrison, Illinois, running directly north and south.

9. The prevailing wage rates for Operating Engineer building work in the referenced counties are based on the QCBA Collective Bargaining Agreement and “shall be consistent with the classifications established under the collective bargaining agreement.” 820 ILCS 130/9 .

10. The QCBA Collective Bargaining Agreement contains the following rates for Truck Mounted Concrete Conveyor or Pumps Extending to 90' or more:

| Operating Engineer (Bld.) | |
|----------------------------------|-----------|
| Base Wage | \$38.00 |
| Foreman rate | \$40.50 |
| Overtime (OT) M-F | 1.5x Base |
| OT Sat | 1.5 |
| OT Sun | 2.0 |
| OT Holiday | 2.0 |
| Health & Welfare | \$19.80 |
| Retirement | \$13.20 |
| Vacation | \$2.00 |
| Apprenticeship | \$1.90 |

11. The QCBA Collective Bargaining Agreement contains the following rates for Crawler Crane:

| Operating Engineer (Bld.) | |
|----------------------------------|-----------|
| Base Wage | \$39.50 |
| Foreman rate | \$40.50 |
| Overtime (OT) M-F | 1.5x Base |
| OT Sat | 1.5 |
| OT Sun | 2.0 |
| OT Holiday | 2.0 |
| Health & Welfare | \$19.80 |
| Retirement | \$13.20 |
| Vacation | \$2.00 |
| Apprenticeship | \$1.90 |

12. Local 150 is party to the Heavy and Highway Agreement Between International Union of Operating Engineers, Local NO. 150 and Associated Contractors of the Quad Cities (hereinafter referred to as "ACQC Collective Bargaining Agreement") covering the following counties: Rock Island, Mercer and the west half of Henry and the portion of Whiteside County, that includes all territory in the west portion of Whiteside County from the fifth (5th) sectional line east of Morrison, Illinois, running directly north and south.

13. The prevailing wage rates for Operating Engineer highway work in the referenced counties are based on the ACQC Collective Bargaining Agreement and "shall be consistent with the classifications established under the collective bargaining agreement." 820 ILCS 130/9.

14. The ACQC Collective Bargaining Agreement contains the following rates for Crawler Crane:

| Operating Engineer (Hwy.) | |
|----------------------------------|-----------|
| Base Wage | \$39.50 |
| Foreman rate | \$40.50 |
| Overtime (OT) M-F | 1.5x Base |
| OT Sat | 1.5 |
| OT Sun | 2.0 |
| OT Holiday | 2.0 |
| Health & Welfare | \$19.80 |
| Retirement | \$13.20 |
| Vacation | \$2.00 |
| Apprenticeship | \$1.90 |

15. On July 15, 2022, the Department posted the current Prevailing Wage Rates for the counties covered in these objections. For the Counties of Rock Island, Mercer, the west half of Henry, and the portion of Whiteside that includes all territory in the west portion of Whiteside County from the fifth (5th) sectional line east of Morrison, Illinois, running directly north and south, these postings did not include rates, or descriptions for:

- a. Operating Engineer (Bld.) - Truck Mounted Concrete Conveyor or Pumps
Extending to 90' or more;
- b. Operating Engineer (Bld.) - Crawler Crane;
- c. Operating Engineer (Hwy.) - Crawler Crane.

16. Petitioners object to the omission of these classifications in those counties.

17. For the Counties of Rock Island, Mercer, the west half of Henry, and the portion of Whiteside that includes all territory in the west portion of Whiteside County from the fifth (5th) sectional line east of Morrison, Illinois, running directly north and south, Petitioners seek to establish the following prevailing wage classifications and descriptions at the rates described herein:

- a. Operating Engineer (Bld.) Class 8 - Truck Mounted Concrete Conveyor or Pumps Extending to 90' or more;
- b. Operating Engineer (Bld.) Class 9 - Crawler Crane;
- c. Operating Engineer (Hwy.) Class 9 - Crawler Crane.

18. Local signatory contractors are at a competitive disadvantage resulting from the Department's published prevailing wage rates.

For the reasons stated above, Petitioner request that the Department correct the existing Prevailing Wage Schedule to include the classifications, descriptions, and wage and benefit rates set forth herein as the prevailing wage rates for the classification and counties covered by these objections pursuant to Sections 4 and 9 of the Prevailing Wage Act (820 ILCS 130/4; 820 ILCS 130/9) , or alternatively, request a hearing on these objections pursuant to Section 9 of the Prevailing Wage Act (820 ILCS 130/9).

Respectfully submitted,

STANLEY SIMRAYH, as a Member of the International Union of Operating Engineers, Local 150, and THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 150, AFL-CIO,

By: 

One of Their Attorneys

August 9, 2022

Melissa L. Binetti (mbinetti@iiiffc.org)

Kara M. Principe (kprincipe@iiiffc.org)

Tiffany Ward (tward@iiiffc.org)

Indiana, Illinois, Iowa Foundation for Fair Contracting

6170 Joliet Road, Suite 200

Countryside, IL 60525

Phone: 815.254.3332

Fax: 815.254.3525

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 Karen Lewis, 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. 2023-H-RP08-2339 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 12th day of August, 2022 prior to 4:30 p.m.

IUOE, LOCAL 150
IIIFFC
Attn: Kara Principe, Esq.
6170 Joliet Rd., Ste. 200
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Jane R. Flanagan
Acting Director of Labor
Illinois Department of Labor
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/s/Karen Lewis
Office Specialist Illinois Department of Labor