

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

Stanley Simrayh, as a Member of the)	IDOL File No.: 2024-H-RP08-2346
International Union of Operating)	
Engineers, Local 150, AFL-CIO, and the)	
International Union of Operating)	
Engineers, Local 150, AFL-CIO,)	
)	
OBJECTOR(S),)	
v.)	
)	
Jane R. Flanagan, Director of the)	
Illinois Department of Labor, and)	
The Illinois Department of Labor,)	
)	
RESPONDENTS.)	

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to 56 IAC 120.400, a telephonic pre-hearing conference will be convened on August 29, 2023 at 9:00 a.m. An Administrative Law Judge will initiate the conference call. Objector’s attorney Kara M. Principe will be phoned at 815-342-9140. Respondent Attorney Nick Bedenk 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 will 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 must file appearances as soon as practicable.

DATE: August 18, 2023

By: /s/ Raymond Cyrus
Raymond Cyrus
Administrative Law Judge
IDOL
160 N. LaSalle St. Ste. C-1300
Chicago IL 60601
V: 312-793-1805
F: 312-793-5257
DOL.Hearings@illinois.gov

STATE OF ILLINOIS)
) ss:
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. 2024-H-RP08-2346 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 555 W. Monroe, Chicago, Illinois, 60661, on August 18, 2023, prior to 4:30 p.m.

Stanley 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
c/o Kara M. Principe, Counsel for the Foundation
Indiana, Illinois and Iowa Foundation for Fair Contracting
6170 Joliet Road, Suite 200
Countryside, Illinois 60525
Phone: 815-342-9140

kprincipe@iiffc.org

HAND DELIVERED:

Nicholas Bedenk
Associate General Counsel
Illinois Department of Labor
160 S. LaSalle St., Ste. C-1300
Chicago IL 60601

Nicholas.Bedenk@Illinois.gov

Jane R. Flanagan
Director of Labor
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601

/s/ Karen Lewis
Office Specialist, Illinois Department of Labor

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

Stanley Simrayh, as a Member of the)	
International Union of Operating)	IDOL File No.: 2024-H-RP08-2346
Engineers, Local 150, AFL-CIO, and the)	
International Union of Operating)	Date of Notice: August 18, 2023
Engineers, Local 150, AFL-CIO,)	
)	Cert. Mail/Return Receipt
OBJECTOR(S),)	
v.)	9489 0090 0027 6526 2999 00
)	
Jane R. Flanagan, Director of the)	
Illinois Department of Labor, and)	
The Illinois Department of Labor,)	
)	
RESPONDENTS.)	

NOTICE OF TELEPHONIC HEARING

PLEASE TAKE NOTICE that Jane R. Flanagan, Director of the Illinois Department of Labor, and the Illinois Department of Labor [hereinafter, “Respondents”] have received from Stanley 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, [hereinafter, “Objector(s)”] written objections to the prevailing wage determinations effective July 14, 2023, published 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, “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 21, 2023
TIME:	10:00 a.m.
Objector Attorney Phone #:	Kara M. Principe 773-661-2361
Respondent Attorney Phone #:	Nick Bedenk 708-723-6399

ADMINISTRATIVE LAW JUDGE:

Raymond Cyrus
Administrative Law Judge
Illinois Department of Labor
160 North Lasalle Street, Suite C-1300
Chicago, Illinois 60601

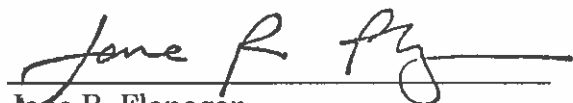
The hearing involves the written objections and hearing request filed by Objector(s), attached hereto and made a part hereof (Exhibit A).

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 will 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 will 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.hearings@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.

A handwritten signature in black ink, appearing to read "Jane R. Flanagan", written over a horizontal line.

Jane R. Flanagan
Director of Labor

STATE OF ILLINOIS)
) ss:
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. 2024-H-RP08-2346 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 555 W. Monroe St, Chicago, Illinois 60661 on August 18, 2023, prior to 4:30 p.m.

Stanley 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
c/o Kara M. Principe, Counsel for the Foundation
Indiana, Illinois and Iowa Foundation for Fair Contracting
6170 Joliet Road, Suite 200
Countryside, Illinois 60525

Phone:815-342-9140

kprincipe@iiffc.org

HAND DELIVERED:

Nicholas Bedenk
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Jane R. Flanagan
Director of Labor
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601

/s/ Karen Lewis
Office Specialist, Illinois Department of Labor

EXHIBIT A

RECEIVED

AUG 10 2023

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

IDOL - Chicago Office

IN THE MATTER OF:)
)
STANLEY 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, DIRECTOR OF)
THE ILLINOIS DEPARTMENT OF LABOR, and)
THE ILLINOIS DEPARTMENT OF LABOR.)
)
Respondents.)

State File No.: **2024-H-RP08-2346**

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, 2023 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 information, collective bargaining agreements, 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 QCBA Collective Bargaining Agreement was submitted to the Department in June as part of the prevailing wage survey.

10. 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.

11. The prevailing wage rate for Mechanic/Welder on building work is \$39.50. However, the QCBA Collective Bargaining Agreement wage rate for Mechanic/Welder is \$40.50. The fringe benefits as published by the Department are correct.

12. The QCBA Collective Bargaining Agreement contains "Post Driver" description of equipment. However, the prevailing wage published description of equipment contains "Guard Rail Post Driver."

13. 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.

14. The ACQC Collective Bargaining Agreement was submitted to the Department in June as part of the prevailing wage survey.

15. 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.

16. The prevailing wage rate for Mechanic/Welder on building work is \$39.50. However, the ACQC Collective Bargaining Agreement wage rate for Mechanic/Welder is \$40.50. The fringe benefits as published by the Department are correct.

17. The ACQC Collective Bargaining Agreement contains “Post Driver” description of equipment. However, the prevailing wage published description of equipment contains “Guard Rail Post Driver.”

18. On or about July 13, 2023, 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, Petitioner objects to the following base rates that are different than those listed in the relevant CBA:

- a. Operating Engineer (Bld.) – Mechanic-Welder (\$39.50);
- b. Operating Engineer (Hwy.) – Mechanic Welder (\$39.50);

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

20. 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 had a description different from that in the applicable QCBA or ACQC Collective Bargaining Agreement.

21. Petitioner objects to the Department posting under Operating Engineer (Hwy) and Operating Engineer (Bld) of "Guard Rail Post Driver."

22. Petitioner seeks to remove "Mechanic-Welder" from Operating Engineer (Hwy) Class I and create a new Class 10 at a rate of \$40.50 with no changes to the fringe benefit rates.

23. Petitioner seeks to remove "Mechanic-Welder" from Operating Engineer (Bld) Class I and create a new Class 10 at a rate of \$40.50 with no changes to the fringe benefit rates.

24. Petitioner seeks to change the description posted in Operating Engineer (Bld) Class I of "Guard Rail Post Driver" to "Post Driver" to be consistent with the QCBA Collective Bargaining Agreement.

25. Petitioner seeks to change the description posted in Operation Engineer (Hwy) Class I of "Guard Rail Post Driver" to "Post Driver" to be consistent with the ACQC Collective Bargaining Agreement.

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

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 Objectors' Attorneys

August 10, 2022

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Fax: 815.254.3525