

**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,)	
)	
OBJECTORS,)	
v.)	
)	
Jane R. Flanagan, Director of the)	
Illinois Department of Labor, and)	
The Illinois Department of Labor,)	
)	
RESPONDENTS.)	

ORDER

IDOL File No.: 2024-H-RP08-2346 coming on August 29, 2023 to be heard for an initial prehearing conference, before me, Raymond C. Cyrus, Administrative Law Judge, for the Illinois Department of Labor, under the Prevailing Wage Act, 820 ILCS 130/0.01 – 12 (“the Act” or “PWA”), and in accordance with Article 10 of the Illinois Administrative Procedure Act, 5 ILCS 100/10-5 – 10-70 and the procedures stated in the Department of Labor’s Rules at 56 Ill Admin Code 120.100, *et seq.*, the Notice of Hearing issued thereunder, all parties being on notice, I, issue this Order:

Objectors were represented by Attorney Kara M. Principe and Respondents were represented by Attorney Nicholas Bedenk. The parties have consented to email service in lieu of messenger or U.S. mail service.

Local 150 filed its Objections and Request for Hearing Under Sections 4 and 9 (“Objections”) of the Illinois Prevailing Wage Act on August 10, 2023 for 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.

At the August 29, 2023 prehearing conference and in writing, Objectors moved to withdraw and clarify objections made pursuant to Sections 4 and 9 of the Illinois Prevailing Wage Act [see Attachment A],

Respondents did not object to the Objectors’ motion.

IT IS ORDERED:

1. IDOL File No.: 2024-H-RP08-2346 remains set for Hearing on SEPTEMBER 21, 2023 at 9:00 A.M.
2. All petitions to intervene must comply with 56 Ill Admin Code 120.320.
3. Failure to file a petition to intervene in accordance with 56 Ill Admin Code 120.320 will result in the petition not being in compliance with this order and subsequent denial of the petition.
4. Any and all petitions to intervene must be filed by 5:00 p.m. on AUGUST 31, 2023. Any petition to intervene filed after that date and time will be deemed untimely and will unduly delay or prejudice the adjudication of rights of the original parties 56 Ill Admin Code 120.320(2).
5. For all documents produced in connection with the Hearing and in compliance with this order, no party is to assume that the Department or any other party has previously received a document. Under this Order, parties are to produce all relevant documents to me (in electronic format to DOL.Hearings@illinois.gov to my attention) and to each other even if previously produced no later than September 12, 2023 by 5:00 p.m.
6. Objectors' Motion to partially withdraw and clarify objections is granted.
7. IDOL File No.: 2024-H-RP08-2346 is set for a telephonic status conference on SEPTEMBER 12, 2023 at 9:00 A.M. at which time an update on all matters will occur, any pending motions will be handled as well as discuss settlement, issuance of third-party subpoenas, exchange of exhibits and any other relevant issues. I will initiate the call to Objector's attorney, Kara M. Principe, Esq., at 815-342-9140 and Respondent Attorney, Nicholas Bedenk, Esq. at 708-723-6399. If you have a different phone number for this conference, contact DOL.hearings@Illinois.gov on or before the close of business September 8, 2023.

DATE: August 29, 2023

/s/ Raymond C. Cyrus
Raymond C. Cyrus
Administrative law Judge
Illinois Department of Labor
160 N. LaSalle St., Ste C-1300
Chicago, IL 60601
312-793-1805
DOL.Hearings@illinois.gov

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

IN THE MATTER OF:)
)
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,)
)
Objectors,)
v.)
)
JANE FLANAGAN, DIRECTOR OF)
THE ILLINOIS DEPARTMENT OF LABOR, and)
THE ILLINOIS DEPARTMENT OF LABOR.)
)
Respondents.)

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

MOTION TO WITHDRAW AND CLARIFY OBJECTIONS

Objectors 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. Local 150 filed its Objections and Request for Hearing Under Sections 4 and 9 (“Objections”) of the Illinois Prevailing Wage Act on August 10, 2023 for 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.

2. Pursuant to a telephonic pre-hearing conference and additional information from Local 150, ALJ Raymond Cyrus requested a Motion from Local 150 to withdraw and clarify portions of its Objections.

3. Local 150 seeks to remove "Mechanic-Welder" from Operating Engineer (Hwy) Class 1 and create a new Class 10 at a rate of \$40.50 with no changes to the fringe benefit rates.

4. Local 150 seeks to remove "Mechanic-Welder" from Operating Engineer (Bld) Class 1 and create a new Class 10 at a rate of \$40.50 with no changes to the fringe benefit rates.

5. Local 150 sought to change the description posted in Operating Engineer (Bld) Class 1 of "Guard Rail Post Driver" to "Post Driver" to be consistent with the QCBA Collective Bargaining Agreement.

6. Local 150 sought to change the description posted in Operation Engineer (Hwy) Class 1 of "Guard Rail Post Driver" to "Post Driver" to be consistent with the ACQC Collective Bargaining Agreement.

7. Local 150 hereby withdraws its objection related to Operating Engineer (Bld) Class 1 of "Guard Rail Post Driver" and does not seek to change the description thereof to "Post Driver."

8. Local 150 hereby withdraws its objections related to Operating Engineer (Hwy) Class 1 of "Guard Rail Post Driver" and does not seek to change the description thereof to "Post Driver."

WHEREFORE, Objectors ask that this Motion to Withdraw and Clarify Objections made pursuant to Sections 4 and 9 of the Illinois Prevailing Wage Act be granted.

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 29, 2023

Kara M. Principe (kprincipe@iiffc.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 - 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)
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THE ILLINOIS DEPARTMENT OF LABOR, and)
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State File No.: 2024-H-RP08-2346

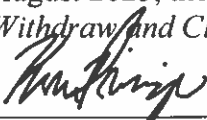
CERTIFICATE OF SERVICE

Hon. Raymond Cyrus
Administrative Law Judge
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601
DOL.Hearings@illinois.gov

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

Nicholas Bedenk
Associate General Counsel
Illinois Department of Labor
160 S. LaSalle Street, Suite C-1300
Chicago, IL 60601
Nicholas.Bedenk@illinois.gov

PLEASE TAKE NOTICE that on the 29th of August 2023, the undersigned provided the above-listed parties copies of the attached *Motion to Withdraw and Clarify Objections* by electronic delivery where noted.



Kara M. Principe

Illinois, Indiana, Iowa Foundation for Fair Contracting
6170 Joliet Road, Suite 200, Countryside, IL 60525
815-342-9140
kprincipe@iiffc.org

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 and Attachments in Case No. 2024-H-RP08-2346 and a copy of the Certificate of Service in an email 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 to be served by email on August 29, 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
kprincipe@iiiffc.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